



Decentralization of Social Services in Kosovo – Policy Challenges and Recommendations*

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Introduction

This Policy Brief aims to provide a brief overview of the current decentralization of social services in Kosovo. The authors address the challenges of the current phase and provide policy and practice recommendations to make the decentralization process fully operational to the benefit of the most vulnerable groups in the population.

Background: EU context of decentralization

Decentralization has been a fundamental feature of the state-building process in Kosovo. It was already stipulated in the Comprehensive Proposal for the Kosovo Status Settlement in 2007 in order to strengthen good governance, i.e. the effectiveness and efficiency of public services throughout Kosovo (Annex III, p. 22). The Proposal called for an enhanced and sustainable system of local self-government, with centrally legislated minimum quality and quantity standards in the provision of public services, including minimum qualifications of personnel and accreditation of public service providers. Subsequently, the Constitution of the Republic of Kosovo of 2008 provided a “high degree of local self-governance” (p. 46).

The Stabilization and Association Agreement (SAA) signed in 2015 between the European Union and Kosovo to take steps to realise Kosovo’s European perspective obliges Kosovo to harmonize its legislation with EU standards – specifically “on labour, health, safety at work and equal opportunities for women and men, for persons with disabilities and for persons belonging to minorities

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and other vulnerable groups to the EU acquis, taking as a reference the level of protection existing in the EU” (Article 106). The agreement also determines the need for decentralization and proper functioning of state institutions for the benefit of the population (Article 120). In the 2018 enlargement strategy for the Western Balkans, the European Union again encouraged Kosovo to implement its SAA and to advance on its European path (p. 2 & 7), which also implies the decentralization of the social protection system to the municipal level.

Decentralization has been considered as a way to guarantee social protection for all vulnerable groups in Kosovo and as a way to avoid potential tensions, in particular with ethnic minorities. Kosovo responded by passing the Law on Local Self Government (LLSG, 2008) and the Law on Social and Family Services (LSFS, 2005), which form the legal basis for the social service delivery in the country.

Decentralization of social services

Once the legal framework was in place, the 2009 Memorandum of Understanding (MoU) signed between three Ministries (Labour and Social Welfare / MLSW, Finance, Local Government Administration) and individual municipalities officially made municipalities fully responsible for social services delivery, using the budget transferred from the MLSW. Social services, according to the law, include care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centres, recruitment, payment of salaries and training of social welfare professionals (LLSG, 2008, Article 17.1k).

However, in order for decentralization to be effective, it still needs to take place at several levels, such as the legal, fiscal, and infrastructural levels. The various laws clearly addressed the legal level. However, the fiscal level was only partially addressed as the funding transfer for social services became a small part of the general grant the MLSW issues to the municipalities for the various social benefits schemes. Furthermore, infrastructure has not been assessed whether it meets the needs of decentralized services. These uneven legal, fiscal and infrastructural developments have led to uneven service provision, resulting in negative consequences for the vulnerable populations.

At the same time, at various degrees, different municipalities have through memorandums of understanding or informal channels depended on non-governmental organizations to provide social services locally. However, as it will be further discussed below, the sustainability of these out-sourcing practices and/or collaborations is often challenged by their project-based nature, and the eventual reduction or withdrawal of international donor funds.

The Ministry in its supervisory function

If a municipality continually fails to meet the minimum standards, the Ministry will intervene

The MLSW maintains the responsibility for the overall organization and quality of social and family services provision in Kosovo. Therefore, it is still responsible, among other things, for developing new policies, for preparing strategic plans and quality standards, as well as for ensuring their implementation. The Ministry is also directly responsible for the service delivery, if a municipality continually fails to meet the minimum standards (LFSS, 2005, Articles 2.2/2.7). Furthermore, the Ministry oversees the licensing of locally-based NGOs and sets minimum standards to ensure the quality of their social service delivery.

Despite the decentralization of social services in Kosovo, a number of social services providers remain under the direct administration and supervision of the MLSW, namely the House of Elderly Persons in Pristina and the Special Institute of Shtime/Štimlje that care for the elderly, and provide services such as health care, mental care and dental care. Besides these two institutions managed by the MLSW, all other services provided to the elderly and people with disabilities have been decentralized in the beginning of 2016.

Centres for Social Work as social agents

With the decentralization of social services in Kosovo, the Municipal Directorates for Health and Social Welfare became the main authority responsible for ensuring social protection and welfare of their fellow citizens to a standard specified by the Ministry. The Directorates deliver family and social services in their territory through the activities of the Centres for Social Work that are the primary bodies of municipal authorities mandated to deliver social services like family counselling, consultation on social protection issues, and referral to other relevant services (if they exist locally). By law, each municipality should establish and maintain a Centre for Social Work staffed by appropriately trained and qualified professionals and social service officers (LSFS, 2005, Article 7.1).

There are 40 Centres for Social Work (CSW), one in each of the 38 municipalities with two additional branches in Pristina.

Apart from determining and assigning social benefits, which is a key time-consuming responsibility, the CSWs are responsible for engaging in the following activities:

- provide social care and counselling to children who are without parental care, children with disabilities, children who are suffering as a consequence of family conflicts, or other social problems that render them in need;

- maintain a register of children in need, and arrange regular visits to the families;
- protect the rights of minors in conflict with the law through the CSW's department of Guardianship Authority in accordance with the provisions of the Juvenile Justice Code;
- protect the rights of family members and children through the CSW's Custodian Body in accordance with the provision of the Family Law;
- receive reports from law enforcement authorities, and participate in court hearings in review of petitions for protection orders for victims of domestic violence;
- conduct a professional assessment of any individual or family who refer themselves for assistance or who by other means come to the attention as needing social or family services.

Decentralization of social services confronted the municipalities with new responsibilities

The direct services to beneficiaries that CSWs provide include counselling, family visits, assigning and monitoring guardianship, etc. Furthermore, CSWs arrange for community-based services, day care centres or residential care by partnering with national institutions or NGOs, based on memorandums of understanding or in ad-hoc collaboration. In terms of social service standards and social service provision by CSW officials, each CSW official (case manager) responsible for providing services to children, for example, can provide services for a maximum of two abused children at a time. In addition, each CSW official (case manager) can provide services for a maximum of 10 children without care, while each CSW official (case manager) can provide services for a maximum of six children in conflict with the law. As most CSWs have a small number of case managers at their disposal, there is often the concern about human resources being understaffed and overworked, which has direct implications for the quality of services provided for the different categories in need.

Underreporting of persons in need

There is not a clearly defined number of persons in need of social protection in Kosovo

Most CSWs provide services to nearly 50 categories of persons in need. Each Centre for Social Work maintains a register of families and the children in need who are resident in its territory and who lack family or other community support, as well as those who face various difficulties. There is not a clearly defined number of persons in need of social protection. For example, with respect to disability, according to a report on the performance of the Kosovar municipalities no detailed records exist on the number of people with disabilities (Ministry of Local Government Administration, 2017). Estimates are usually drawn from the number of people who receive the individual or family disability benefit.

The beneficiaries of social services are persons in need of social protection, who are defined by law as (LFSS, Article 1.3):

1. children without parental care
2. children with antisocial behaviour
3. juvenile delinquency
4. disordered family relationships
5. advanced age
6. physical illness or disability
7. mental disability
8. mental illness
9. vulnerability to exploitation or abuse
10. domestic violence
11. human trafficking
12. addiction to alcohol or drugs
13. natural or contrived disaster or emergency
14. or other cause that renders them in need

In general, the number of persons in need of social services should be higher due to many cases, in certain categories, remaining unreported. For example, if physical disability is reported in an attempt to receive health and care benefits, according to Kosovo's Women's Network the incidences of domestic violence remain underreported due to cultural beliefs. At the same time, services available for persons who have suffered domestic violence and for perpetrators of violence are still inadequate, which serves as a further deterrent of their coming forward to the institutions.

Despite the lack of official data, international documents such as the European Union Parliament Resolution B7-0004/2014 on the integration process of Kosovo into the EU, have referred to and expressed concern about "... high rates of child poverty and mortality, the low level of cover afforded by Kosovo's social protection system and the high amount of out-of-pocket expenditure on healthcare, exposing vulnerable families to chronic poverty" (§38).

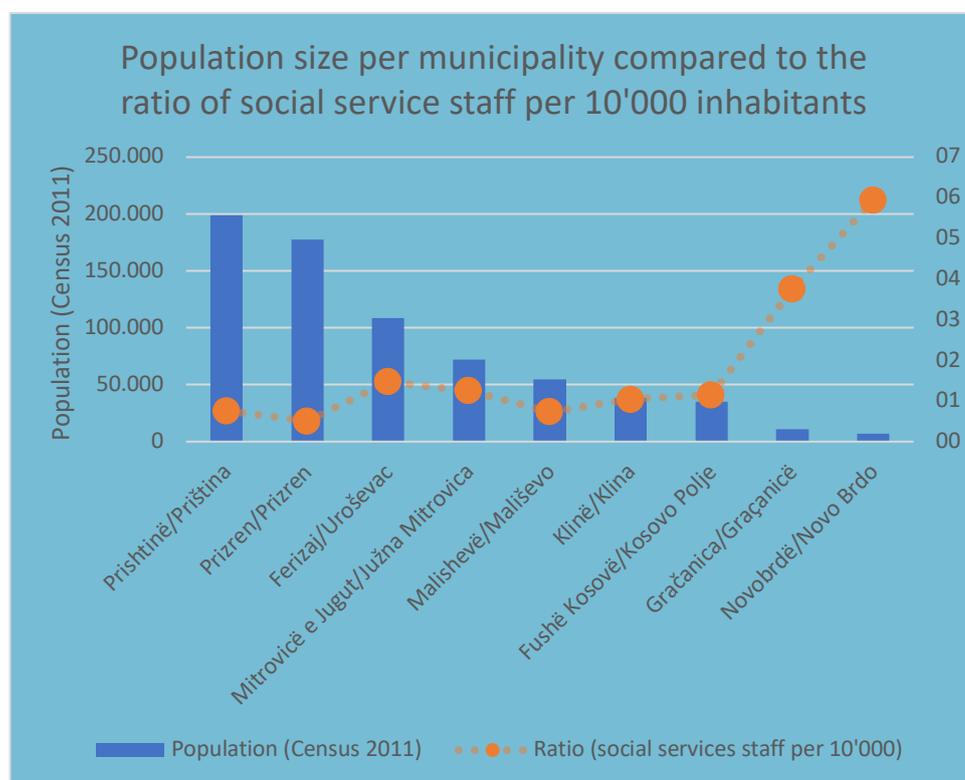
Challenges for the Centres for Social Work

In order to determine the status quo, all CSWs were contacted to obtain information on the number of social services staff, number of beneficiaries, most frequent beneficiaries, main challenges, as well as existing partnerships. A balanced sample of 10 municipalities were further interviewed regarding social services mapping.

The process of decentralization has not been fully finalized – especially in terms of financing social services

The report findings indicate decentralization has still been a challenge for CSWs as this process has not been fully finalized and the CSWs have not been fully incorporated into the municipal structures. Many municipalities do not yet consider CSWs as institutions of their own, which leads to a lack of adequate funding, staffing, and facilities. Furthermore, despite the newly assigned responsibilities, a specific budget for social services from the Ministry to the municipal government does not exist yet.

Most CSWs reported the lack of a specific budget for social services in the CSW budget and a lack of other sources of income such as from private or non-governmental donors. This lack of adequate funding has influenced the quantity and quality of services CSWs have been able to provide.

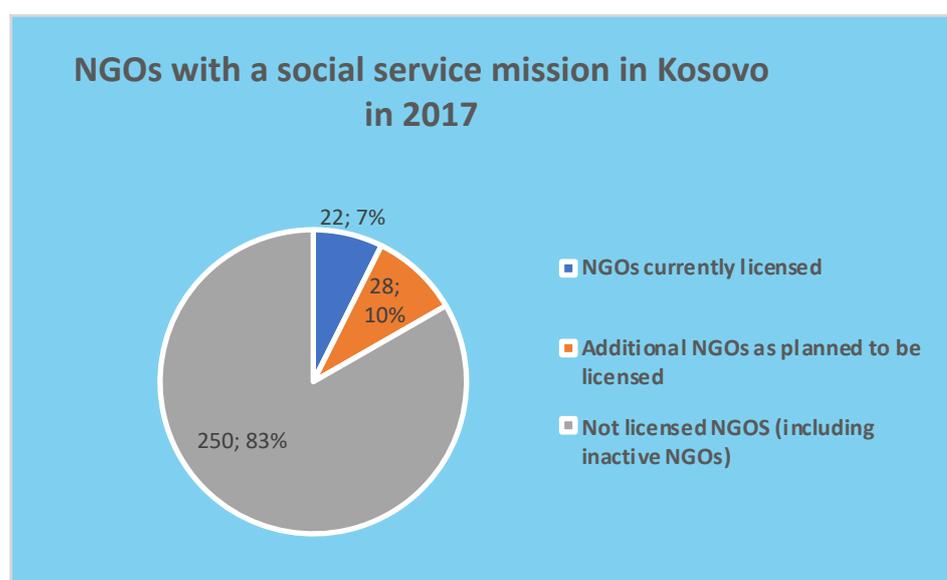


The report found that among municipalities of similar size, the number of social services staff is markedly different and therefore the number of beneficiaries per social services staff varies considerably, which is often higher than what the minimum standards prescribe. The graph illustrates the ratio between the population of a municipality and the number of social service staff available. Larger municipalities generally tend to employ fewer social services staff per population size, but some larger municipalities such as Ferizaj/Uroševac have a better ratio. Nonetheless, Ferizaj/Uroševac reports lack of appropriate and diversified financial resources, which it compensates by maintaining many co-operations with NGOs.

The CSWs identified cooperation challenges with other service providers: for assisting beneficiaries properly, CSWs need to cooperate with non-governmental service providers. However, there is an uneven distribution of NGOs in Kosovo. Furthermore, no comparable database exists between services provided by CSWs and NGOs. Cooperations are often based on informal arrangements without clear channels, and thus are unsustainable.

Challenges for NGOs providing social services

Currently, 22 non-governmental organizations are licensed for providing social and family services at the central and local level (e.g. shelters for victims of domestic violence and human trafficking, day care and support centres for children with disabilities, family-based care services for children without parental care, etc.). Compared to these 22 licensed NGOs, there are 300 NGOs registered with a social welfare mission, some of which are inactive due to lack of funding.



The MLSW plans to provide 50 NGOs with licenses for social service provision, as they estimate that these NGOs fulfil the quality standards and also would cover the current needs. There are also around 10 active NGOs who advocate for rather than directly provide social services to beneficiaries.

Most NGOs present in Kosovo provide project-based services and activities, partially funded by international donors. NGO representatives stated that these international funds have been diminishing. In 2016, projects of 20 NGOs were supported by the MLSW. There is a limited number of NGOs that can support the CSWs and beneficiaries in sheltering, long-term support and emergency support services – which is what the CSWs need the most. As their activities are based on project-funding, most NGOs are financially not sustainable, and this puts their operation at risk. Numerous NGOs rely on international donors, but when their projects reach an end, the services can no longer be provided and staff cannot be extended or retained. NGO representatives report a lack of awareness and planning at the local level on the importance of investing in social services in general and in sustaining non-state service providers.

Policy and practice recommendations

Legally, decentralization has been achieved, but funding and infrastructure are lagging as not all municipalities are assigning sufficient funding to CSWs or do not ask about their particular needs. This highlights the need for a specific formula. In fact, one policy recommendation suggested by the interviewed stakeholders is to develop a specific grant financial formula on social services as opposed to the currently used general grant formula stipulating the amount transferred from the MLSW to the municipalities. In this general grant transfer, the unspecified proportion for social services usually gets sidelined. Therefore, the project aims for developing such a financial formula in 2018 – with the objective of introducing it in the amendments of the Law on Local Government Finances. The following selected policy and practice recommendations are based on the report's results.

Selected recommendations to the Ministry

- Develop a specific financial formula on social services, based on specific parameters.
- Strengthen mechanisms of monitoring the quality of social services, budget preparations, and training of service providers at the CSW level.
- Increase and diversify NGO licensing to make them eligible for public funding and enhance their sustainability.

Selected recommendations to CSWs

- Prioritize services as per identified needs for vulnerable priority groups such as victims of abuse.
- Consult with municipalities regarding budget planning and financial needs.
- Cooperate with municipalities, other CSWs and NGOs in planning and providing social services.

Selected recommendations to NGOs

- Identify mechanisms to generate funds, such as partnership with CSWs for joint applications to public funding grants.
- Cooperate with municipalities, CSWs and other NGOs in planning and providing social services.

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