



4 European Union Kosovo

POSITION PAPER ON THE SPECIFIC GRANT FOR SOCIAL SERVICES



May 2020





The Position paper on the Specific Grant for Social and Family Services has been drafted by the Thematic Group for Child Protection in frame of the Coalition of the NGOs for Child Protection KOMF, in cooperation with the Ombudsperson Institution and the Association of Kosovo Municipalities.

This document contains the proposal and the reasoning for the establishment and the inclusion of this Grant within the new Law on Local Government Finance. This position paper shall be introduced and be of assistance to the Ministry of Finance and Transfers, which is the main actor in the process of drafting of the Law on Local Government Finance.

The joint position of KOMF, the Ombudsperson Institution and the Association of Kosovo Municipalities, will also be available to all partners, institutions and other stakeholders.



This Position Paper has been prepared through the financial support of the European Union. Its content is the sole responsibility of the Coalition of NGO-s for Child Protection KOMF and does not necessarily reflect the views of the European Union.

The Position Paper on the Law on Social and Family Services has been drafted in frame of the project "Joint Action for Decentralization", financed by the European Union, managed by the European Union Office in Kosovo and implemented by KOMF in partnership with SOS Fshatrat e Fëmijëve Kosovë, Organizata për Fëmijët pa Kujdes Prindëror OFAP and Social Action and Innovation Center KMOP.



Introduction

In 2019, The Government of the Republic of Kosovo has adopted the Concept Document on Local Government Finance, which opened the path for the establishment of the Specific Grant for Social Services.

The Coalition of NGOs for Child Protection in Kosovo – KOMF, has sent its recommendations in frame of the public consultations for the Concept Document on the Law on Local Government Finance. KOMF has proposed the establishment of a Specific Grant for Social Services for the purpose of ensuring a sustainable and fair financing of social services in Kosovo. In order to ensure a sustainable and fair financing for social services in Kosovo, KOMF has recommended that the Specific Grant for Social Services must be of a closed type. This is a more adequate alternative because it ensures a minimum financing for the provision of social services. Despite the requests of civil society for the Specific Grant to be of a closed type, according to the approved Concept Document, the Specific Grant for Social Services will be a Grant with an open-type system since it has been considered as a more adequate alternative for ensuring the minimum provision of social services.

The approval of the Concept Document on the Local Government Finance is a very important step forward towards the solution of the problem of ensuring a sustainable financing of social services. Based on the approved Concept Document, a new Law on Local Government Finance has been drafted during 2019 which envisages the establishment

of the Specific Grant for Social Services. This Draft law underwent the public consultations process, however due to the fall of the Government and the dissolving of the Kosovo Assembly, the Draft law remained not approved by the Kosovo Government and the Assembly.

KOMF during the last five years in a continuous manner has strongly advocated toward decision makers for the establishment of the Specific Grant for Social Services, as a solution to the problem of the financing of social services. More precisely, KOMF in the last five years has addressed the recommendations for the solution to the problem of the financing of social services by establishing a Specific Grant for Social Services, to the Prime Minister, Ministry of Finance, Ministry of Labor and Social Welfare, Assembly Committees, municipalities, etc. This issue has also been addressed through the publications of Budgetary Analyses for the Financing of Social Services (2014 – 2018), as well as researches, such as the Child Protection Index (2016 - 2018).



KOMF remains committed to further contribute in the finalization of this process, with the purpose to ensure a sustainable financing of social services.

Financing of Social Services in Municipalities

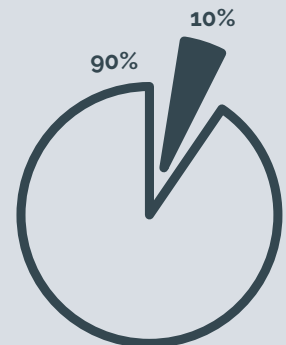
1 General Grant

2 Specific Grants

The applicable Law on Local Government Finance regulates transfers in municipalities through three main grants: the General Grant, and the two Specific Grants – dedicated for the pre-university education and primary healthcare. The General Grant is intended to provide to the municipalities a basic source, enabling them to carry out their functions adequately, by supplementing these sources with their own source revenues, which in essence are very limited. The Law provides the possibility of reviewing the formulas on regular basis, initially two years after the adoption of the Law, and then every third year after the first review.

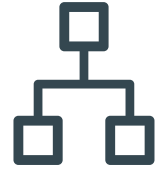
Social services are exclusively a competence of the municipalities and based on the Law on Local Government Finance (LLGF), these services are financed by the municipalities, that is, from two sources of financing: General Grant and Municipal Own Source Revenues (MOSR). The General Grant is intended to ensure for the municipalities a basic source, thus enabling them to carry out all their functions adequately by supplementing them with MOSR, which in essence are very limited. The General Grant is a closed-type Grant with 10% of projected revenues which are collected at the central level during one calendar year, whereas to the allocation per capita, several additional parameters have been added, which first and foremost help the municipalities with their ethnic and territorial diversity.

General Grant



It is exactly here that the problem for social services starts, because there is no guarantee that the allocation will be sufficient to cover the minimum financing of social services. This occurs since from this point on, there is no mechanism that would separate allocations for social services only, because currently the allocated amounts are used as a budget for all departments for their operational and capital expenditures.

In absence to ensure a sustainable mechanism for the financing of social services, this issue has become a critically existential problem for the well-being of the Centers for Social Work (CSWs) and the non-governmental organizations offering social services.



According to KOMF Monitoring Report on the Decentralization of Social Services, the total financing from the General Grant in 2019, for all CSWs and for all expenditure categories was



about 6 million Euros

This included the cost for salaries of the CSW staff and other operational expenses

This monitoring report shows that municipalities cover only the monthly salaries and the administrative expenses for social services. In general, municipalities do not allocate any budget for CSWs for the provision of social services, based on the needs of the citizens in municipalities. On the other hand, municipalities have not established a sustainable contracting scheme for the purchase of social services from the non-governmental sector. The support for municipalities is done on ad hoc basis and it varies according to the municipalities.



In order not to leave this municipal function at the mercy of the municipal level (having in mind the financing over the last years), the suggestion is to find a sustainable financing solution within the Law on Local Government Finance, that is, through the establishment of the Specific Grant for Social Services.

Proposal

Aiming to ensure a sustainable and fair financing of social services in Kosovo, KOMF proposes the following:



Establishment of the Specific Grant for Social Services in frame of the Law on Local Government Finance. This grant, similarly to the grants on education and health, should be a specific grant for social services. The Specific Grant for Social Services must contain clear criteria in order to ensure a fair division and adequate financing of social services. In order to ensure welfare and provision of contemporary services, it is recommended that LLGF should take into consideration one of the two alternatives proposed by KOMF:

Alternative I:

A Specific Grant for Social Services of a closed type, considered to be a more adequate alternative because it ensures a secured minimum financing of provision of social services.

Alternative II:

A Specific Grant for Social Services of an open type. It is worth to emphasize that the second alternative does not guarantee an extensive financial security, if compared to the first alternative.

The value of the Specific Grant for Social Services must be defined by taking into consideration several factors/criteria in the territory of a respective municipality, such as:



number of centers for social work, number of residential centers, shelters and the number of daycare centers (according to the standards set by the central level), number of social workers in proportion to the number of inhabitants and to the number of cases, number of children according to their age-groups and of vulnerable adults or those at risk; number of victims of domestic violence, trafficking and abuse, number of persons with special needs, number of persons over 65 years of age and the number of families that are in social assistance, in proportion to the size of the municipal territory.¹

¹ Draft law on Local Government Finance, <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40711>

Reasoning

- Despite the introduction of the decentralization of social services from the 1st of January 2009, municipalities undertook only a few concrete actions for allocation of budget intended for social services in their municipalities. Municipalities have not created a sustainable contracting scheme for the purchase of social services from the non-governmental sector. The support from the municipalities remains on ad hoc basis and varies according to the municipalities. The lack of a specific grant for social services in municipalities does not ensure provision of minimum quality services for the protection of the citizens and therefore it impedes the protection and the realization of their rights. This makes it impossible for the municipalities to fulfill their mandate and obligations, as stipulated in the applicable legislation. If this form of financing continues, the situation may become worse to the extent that it may turn the centers for social work into non-functional institutions, which due to lack of finances will not be in a position to offer social services. In order for this function not to be left at the mercy of the municipalities (having in mind the financing over the last years), it is recommended to come up with a sustainable financing solution within the Law on Local Government Finance.
- According to the Monitoring Report on the Decentralization of Social Services conducted by KOMF, the lack of budget decentralization for social services has led to a very serious situation in relation to the provision of these services. Currently, the costing of services has not been calculated (financial standards), financing formula for social services has not been drafted and still there is no plan for a sustainable financing of social services by the MLSW and the municipalities.
- The latest data at disposal from the Kosovo institutions show a high level of involvement of children at work, where 10.7% of children in Kosovo are involved at work, while 6.8% of children work in hazardous conditions. 61.4% of children up to the age of 14 have suffered from psychological and physical violence. Children with disabilities do not fully enjoy their rights in the area of education, healthcare and social welfare. About 1.200 children are without parental care, placed in kinship care, foster care, or residential care.
- The financing of social services in Kosovo remains a topic that is criticized in international reports and over the last years, this was also reflected in the EU Country Report. When it comes to the financial support, the report emphasizes that Kosovo has to ensure that municipalities have sufficient resources for the provision of social services according to their competencies, and at the same time the budget allocation should be done, in order to have an effective decentralization. It is recommended that the solution is found by defining the budget for social services within the Law on Local Government Finance.

KOMF proposals are in compliance with the legal provisions of the applicable legislation:

01

The Constitution of the Republic of Kosovo, in Article 50, has envisaged the children's rights, and among others the fact that they enjoy the right for protection and necessary care for their wellbeing, as well as the fact that all actions concerning children, undertaken by public or private authorities, shall be in the best interest of the children.

02

The Family Law No. 2004/32, in Article 2, stipulates that the Family is the natural and fundamental nucleus of society and enjoys the right to protection. Further, Article 5 defines that children without parental care, children with disabilities, as well as parents who are not capable to create necessary living conditions for themselves and their children, are under special financial and social support.

03

The Law No. 02/L-17 on Social and Family Services stipulates that in circumstances where there is no family support or where this is insufficient to ensure the welfare of an individual, the State has the duty to provide to those people social and family services. Article 6, paragraph 6.1 of the Law on Social and Family Services, stipulates that each municipality, through its relevant Directorate, is responsible for ensuring the provision of Social and Family Services within its territory, in accordance to the standards specified by the Ministry of Labor and Social Welfare.

04

The Law No. 03/L-040 on Local Self Government, in Chapter III, Article 16 stipulates that Municipalities shall exercise own, delegated and enhanced competencies in accordance with the law. Article 17 stipulates that Municipalities shall have full and exclusive powers, concerning the local interest, while respecting the standards set forth in the applicable legislation in the following areas: Promotion and protection of human rights; Provision of family services and other social welfare services such as care for the vulnerable, foster care and child care.



The Coalition of NGOs for Child Protection – KOMF, has been established in 2011 and consists of 31 local and international nongovernmental organizations which work in the area of children protection.

Member organizations of KOMF are: Asociacioni për Trajtime Sociale, Hulumtime dhe Avokim – ASTRA, Aksioni për Nëna dhe Fëmijë, Balkan Sunflowers Kosova, Childproof/CIPOF, Education Comes First – ECF, Iniciativa 6, Organizata Rinore Akti – Ora, Organizata për Fëmijët pa Kujdes Prindëror – OFAP, OPFAKKOS, Programi për të Drejtat Civile – CRP/K, PL4Y International, Qendra për Arsim e Kosovës – KEC, Qendra e Kujdesit Ditor PEMA, Qendra për Mbrojtjen e Viktimave dhe Parandalimin e Trafikimit të qenieve njerëzore – MVPT, Qendra për Studime të Avancuara – FIT, Qendra Kosovare për Rehabilitimin e të Mbijetuarve të Torturës – QKRMT, Save the Children, SOS Fshatrat e Fëmijëve Kosovë, Shpresa dhe Shtëpi për Fëmijët Kosovë – SDSF, Shoqata e të Drejtave të Pacientëve në Kosovë – PRAK Kosova, Shoqata e Paraplegjikëve dhe e Paralizës së Fëmijëve të Kosovës – HANDIKOS, Terre des hommes, The Ideas Partnership, VoRAE, World Vision, Public Organization for Local Initiatives and Supports – POLIS, Network of Peace Movement – NOPM, Qendra Sociale – Edukative SOS Kopshti, Nevo Koncepti, Qendra Labyrinth and Rjeti i Edukatorëve Bashkëmoshatarë (PEN).



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