

Basic Principles of the System of Social Services and Assistance

Dr. Zhaklina Peto, PhD
University of Tirana, Albania

Dr. Genta Bungo, PhD
University of Tirana, Albania

MLI. Altina Xhoxhaj
University of Tirana, Albania

Abstract

This paper deals with some basic principles as the key components for the establishment and functioning of the system of social protection and assistance.

The paper analyzes the principles of universality, equality of possibilities, the right to benefit, partnership, transparency and impartiality, decentralization, independence, social integration and participation in the community life, non-discriminating and subventioning character of this system. Furthermore, the paper is based on a detailed analysis of the aforementioned principles, tending to point out the impact of each of them on this system, with reference to the supervision of distribution of the minimal assistance in favor of the benefiting subjects.

Organization, functioning, administration and control over the social services and public assistance have been based on some crucial principles established by law.

Principle of Universality¹

The principle of Universality is a principle that is applied by the State for the establishment, functioning and supervision of the basic systems of public assistances. The basic systems of public assistance are the mechanisms employed by the state for the organization, distribution and supervision of the minimal level assistances offered to the categories of subjects that suffer social difficulties. Subjects that suffer social difficulties will be considered those subjects that have become disable of work due to invalidity, the individuals with mental and physical disabilities, families in need, children in need etc. The basic system of public assistance aims to provide a benefiting level through which the benefiting subject could be able to afford the living needs.

The public assistance is distributed to respective subjects in reliance on the principle of “universal justice.” The principle of “universal justice” is also applied in order to

¹ Article 3/1, Chapter I “General provisions”

define the legal criteria for the benefiting subjects. This implies that the only benefiting subjects from these systems are those that fulfill the legal criteria.

By applying the principle of universality and “universal justice,” the state offers to the subjects that suffer social difficulties the possibility to be protected and assisted by the basic systems of public assistances. The assisting systems provide to the subjects in need considerable benefits from the scheme of social protection and assistance.

Relying on the principle of universality, the state succeeds in applying the law on the social protection and assistance, giving the material and economic assistance in the whole territory of the country. Moreover, on the basis of this principle, it's realized the control over the functioning of the basic system in the whole country.

The basic system of public assistance should be extended in every extremity of Albania, up to the outermost mountainous and field regions. The spreading of this system in all the territory of Albania aims at offering services to all the subjects in need who fulfill the legal criteria (according to respective needs).

The basic system of public assistance is a secure instrument for all the subjects who found themselves in a difficult economic and social situation.

The existence of such system does not imply that the subjects should give up their responsibility for the future (being employed) but, when finding a job is quite impossible, the state remains the guarantor of the continuation of public assistance by means of the basic system.

The basic universal system is considered as an alternative solution to the system of social insurances.

A universal spreading of the basic system of public assistance, as well as the guaranteeing of social justice, would enable:

The prevention of negative social phenomena.

The possibility of the basic public assistance to respond to the individuals' needs up to a certain and reasonable level.

The supervision of the way how the public assistances are distributed to the citizens in need.

The basic system of public assistance is implemented according to two ways:

1. Through the functioning of the existing system for the distribution of social and health assistance.
2. The substitution of one system for a new, modern and efficient one.

The principle of universality ensures social and economic assistance to those citizens who have the legal rights to get it.

Taking into consideration the principle of universality while applying the law on social protection would imply:

The establishment of a universal service system.

Universal service system means the creation of all the legal, economic and institutional conditions that come to the aid of all residential individuals in the country, who face a social difficult situation because of being suddenly unemployed, difficult financial situation, permanent disability.

The service system is an essential component as it is directly related to the individuals' benefit and their integration.

Benefit and integration are the main reasons that make the individuals sensitive towards its malfunctioning. A developed, realistic and comprehensive universal service system (spread all over the country) results to be much more productive as compared to a system that does not reflect the reality and, above all, is excluding.

Implementation of the principle of universality while applying these services in the real life intends to:

- *Have effects on all the citizens*

This implies that the system must include all the citizens with permanent residency in Albania.

- *Apply the legal criteria*

This implies that the criteria and rules foreseen by the law should be equally applied for all the individuals who are in need of these services.

- *Have effects in the whole territory.*

The system of services, social care and economic assistance should have effects in the whole territory of Albania. In every extremity of the country, all the benefiting individuals or supervisors at any level, must be committed not to abuse with the fund of social care and economic assistance. This would serve to the consolidation of the fund for social care and economic assistance.

The consolidated fund is a guarantee for the continuation of services, care, economic assistance and different benefits offered to the individuals in need.

Bigger the fund of social services, easier to be faced with the increasing number of individuals who suffer difficult social or economic situations.

Also, a consolidated fund is a guarantee in order to afford the continuation of services offered to the individuals in need, in case of difficult situations resulting from natural phenomena, wars etc. Through the implementation of the principle of universality, the individuals have been created the possibility to:

Prevent the negative social phenomena.

Realize the fulfillment of the individuals' needs up to a certain basic level.

The application of the principle of universality does not impede the increasing of the individuals' responsibility for their future.

The foundation of the principle of universality lies on the application of the individuals' universal justice by the state, in order to fulfill their needs for care and services up to a certain basic level.

Besides services and cares gained by the state, the individuals in need have the right to enjoy benefits from the private subjects as well.

Equality of possibilities.²

In a developing society, which is based on the individuals' rights, the principle of giving equal chances and possibilities, and the application of social justice on the entire society bear special values. The principle of equal protection offered to the individuals who suffer a certain social condition is of crucial importance. The application of such principle aims at achieving equal possibilities for all the individuals in need, as the result of aggravated economic or social conditions.

The principle of equality of possibilities means that all the individuals in social needs should have the same chances and possibilities.

Providing the same possibilities means: the application of equal rules and criteria for being part of the scheme of social care and assistance.

For example, a disabled individual may benefit from the scheme of social care and assistance after having met the following rules and criteria:

The completion of all the necessary documentation required by the law.

The medical record given by the medical commission describing the patient's abilities.

Referring to the above-mentioned example, it could be understood that: the principle of equality is an expression of the tendency to guarantee to the individuals in need the same legal rules and criteria.

The application of the same rules and criteria is not extended over the measure of service and benefit. This is due to the fact that for a certain category of individuals in need the rules and criteria for benefiting from the scheme of social care and assistance are the same, but the measure of service and benefit may vary from one individual to another.

² Article 3/2, Chapter I "General provisions"

The differences in the measure of services or benefit have been based on different criteria. These criteria are as follows:

Health condition;

Family situation;

Current status;

Age;

The application of the same legal rules and criteria does not exclude the possibility to benefit from the differentiated assistances. The rigorous application of the principle of equality is a very important obligation of institutions dealing with the organization and supervision of the social care and assistance.

It should be emphasized that the application of the same rules, as well as the avoidance of subjective reasoning, does not exclude the differentiation of assistances.

The principle of the right to benefit³

The goal of the law on social services and assistance is to offer economic aid and social services to the individuals or families that are in difficult economic situations resulting from the lack of economic activity, or an illness that has become these individuals partly or completely disable.

The right to benefit from this law belongs to any individual who has difficulties and meets one of the aforementioned criteria.

The application of the principle of benefit is a very important instrument for individuals who are in a difficult social – economic situation. The principle of benefit offers to the individuals who are in difficult social situations not only the help to overcome these situations, but also the possibility to be integrated in society. In order to fulfill to the largest possible extent the individuals' needs of social and economic nature, the state applies even the combination of assistances. Through this combination, the subjects in need will benefit from several systems such as the system of social insurances, the system of health insurances and the system of social assistance and protection. Let's refer to one example in order to better understand the combination of assistances:

Example

Subject A is a paraplegic invalid.

Subject A has the status of permanent invalid (first group).

Subject A benefits the pension of invalidity from the scheme of social insurances.

Subject A benefits for free the home health service offered by health institutions, reimbursement of medicines.

³ Article 3/3, Chapter I "General provisions"

These are benefits from the scheme of health insurances.

Subject A benefits a payment for economic assistance from the scheme of social services.

In spite of the fact that the subject A benefits from the three above – mentioned laws, there is no legal obstacle for him/her to benefit from the material assistances that might be offered by the state, or different private subjects (voluntary organizations, private subjects etc.)

Material assistances may be wheelchair, blind reading, writing machines etc.

Any individual, who falls into the range of subjects of this law, has the right to benefit from it.

The main benefits that could be mentioned are as follows:

- Economic assistances.

The economic assistance is benefited from all those subjects who don't earn incomes from the economic activity or immovable property (land, agricultural land)

- Legal aid.

All the subjects of law on social services and assistance benefit legal aid.

Legal aid is offered by;

The state,

Different voluntary, non-governmental organizations.

Payments for individuals with physical disabilities

Individuals with physical disabilities as a result of illness or workplace invalidity benefit payment from the fund of social services.

Benefit of the most necessary aid.

The group of auxiliary benefits includes those material benefits that are indispensable for the integration of individuals in society. These benefits are offered for the category of persons with partly or completely physical disability.

More concretely, for the category of paraplegics, tetraplegics, blind people etc.

The group of auxiliary benefits includes also the giving for free of wheelchairs, specific blind reading machines etc.

Help and assistance in social care centers.

Social care centers offer services for those categories of individuals who do not have a family environment, do not have the possibility to live independently (asylums) etc.

Partnership⁴

The organization of the system of social protection and assistance is based upon the close cooperation among the following subjects:

- The state as the financier of the scheme of social protection and assistance.
- The state institutions that makes possible the services for the individuals in need.
- Assisting voluntary organizations.
- Voluntary private subjects.

The cooperation among the four aforementioned categories aims at improving the system of services and assistances offered to the subjects in need. The productive cooperation among the above-mentioned subjects tends to supervise and improve some important gaps in the scheme of social services and assistance.

The accurate categorization of the subjects in need.

On the basis of information possessed by the institutions of social assistance as regards the number of subjects in need, the state tries to draft the budget for the benefits in favor of these subjects.

Moreover, even the voluntary subjects and organizations, based on the information of social institutes, as well as on their own information, draft the economic and material assistance to be offered to the subjects in need.

The application of the benefiting criteria

The criteria to benefit the social services and assistance have been determined by law.

The criteria to benefit the social services and assistance should be applied accurately and on equal basis, relying on the principle “All are equal.”

In order to properly apply the criteria to benefit the social services and assistance, the social institutions and voluntary organizations and subjects that offer assistances should take into account the respective legal norms.

Determining the amount of benefit.

The benefit is the monthly payment benefited by the subjects in need who fulfill the legal criteria. Based on the law for assistance and social protection, this payment is considered a basic level payment. The basic level payment fails to meet adequately the needs of subjects in need.

⁴ Article 3/4, Chapter I “General provisions”

This is the reason which stipulates the cooperation between state, social institutions, subjects and voluntary organizations. The combination of economic assistance (payment), which is provided by the state budget, with economic or material assistance offered by subjects and voluntary organizations complements the framework of assistance for subjects in need.

Combination of assistance as needed

Combination of assistance means economic benefit and material benefit.

Not all subjects in need should receive a combination of assistance. In order to determine correctly which category of subjects should benefit combinations of assistance is needed the cooperation between state, subjects and voluntary organizations.

The cooperation of these subjects tries to achieve a qualitative and productive social service in providing assistance.

Through a combination of assistance based on a qualitative social service it is intended to:

Met on average level the needs of vulnerable subjects in need,

Reach an increase of the level of life,

Enable the integration of subjects,

Reach the efficacy of assistance scheme and social protection.

Cooperation between the state, social institutions, subjects and voluntary organizations, expect a necessity toward subjects in need, is a necessity for the well-functioning of the assistance and social protection scheme.

Through the cooperation it is achieved to control:

The number of subjects benefiting from the assistance and social protection scheme;

Measure of benefit in general and on any particular subjects,

The type of benefit,

The application of criteria,

The productivity of the scheme

Based on what stressed above we can say that the principle of partnership between the state, social assistance institutions, subjects and voluntary organizations, is a necessity to achieve the purpose of law for assistance and social protection.

Transparency and impartiality⁵

The application of the principle of transparency and impartiality, in implementing the law on assistance and social protection, makes the law more efficient in the implementation of individual rights to information.

Each subject of the assistance and social services scheme, but also any other individual who is not subject to this scheme, is entitled to receive the necessary information at social institutions which organize assistance and social service.

Information that the interested subject may require, may be regarding problems dealing with:

The institution where social protection is organized

The subjects that benefit from assistance and social protection

The financing of the assistance and social services scheme

Way of using the fund

Functioning of assistance and social services scheme

The type of benefits offered by this scheme

Procedures to be followed to become the beneficiary of this scheme

Criteria to be fulfilled to benefit from this scheme

Measure of the profit

Number of subjects and volunteer organizations that provide social assistance

Information about the type of assistance that offer the subjects and voluntary organizations

The information regarding the above problems should be simple, understandable, accurate and impartial as it should be also given to all interested parties requesting it.⁶

Central or local social institutions should show seriousness and detailed transparency in relation to the above problems for which may be required the information. False or distorted information given intentionally except penalizing the person who gives it can cause chaos and discontent in the community. Seriousness on applying the principle of transparency and impartiality by social institutions enables the implementation of one of the fundamental rights of the individual: *The right to information*. Not only that.

Through the principle of transparency and impartiality it is realized the participation of the community in decision making and control of activities of social institutions.

⁵ Article 3/5 Title I "General dispositions"

⁶ The information for each interested subject should be given based on legal procedures defined in law "On public information"

Based on the received information any subject can offer new ideas, which can be considered productive from the experts. Through these ideas, the individual (community) can become the initiator of legal amendments. Legal amendments may be effective in some directions. Among the most important we can mention:

The way of law enforcement in practice

The operation of assistance and social protection scheme

In facilitating the procedures to be followed to become beneficiaries of the scheme of assistance and social protection

Increasing the amount of benefit

Through the principle of transparency there are accomplished two main purposes:

Enforcement of the law on individual rights, which is realized through community participation in decision making

Improving the law on social assistance and protection, based on the ideas of individuals

Decentralization⁷

The realization of assistance and social services in terms of subjects in need is organized through joint function of local and central government.

Above we have pointed out that local government plays an important role in the organization and functioning of social assistance and protection system.

The identification of local families and individuals in need, people with disabilities is realized through local government. Not only that, but also through local government funds it is financed even a part of the assistance, care and social services. One of the main priorities of the state, to improve and apply the scheme of “Law on assistance and social protection” is to concentrate the organization of assistance and social services at the local government.

The concentration of the organization of assistance and social services at local government means:

Transfer of residential institutions, which provide assistance, protection and social care under the responsibility of local government. The administration of institutions of assistance and social protection from local government attempts to achieve a better service in terms of subjects in need.

Since local government is organized near the community, community opinion for the operation of assistance and social services scheme will penetrate more easily.

⁷ Article 3/6 Chapter I “General dispositions”

As per above, we can say that the number of members who would want to engage in social service contribution can grow. The increase of the number of members in social service contribution will create opportunities for:

Increasing the amount of benefit

Increasing the number of services

Spread of services throughout the country

Improving the quality of service

Transfer of social services from the dependence of the central government to the local government will be implemented gradually. This transfer will be gradual in order not to create confusion to recipients of services. This is a very important task which is accomplished through decentralization and reduction of the beneficiary subjects of the assistance and social services scheme.

Increasing the number of subjects that benefit from the assistance and social services scheme is a negative phenomenon. The more beneficial we have the less chance we will have to raise the level of meeting the requirements in terms of subjects and families in need.

It is not normal that the subjects in need stay in silence, and make no effort to emerge from the situation in which they are, or not to make efforts to integrate into society.

To eliminate this negative phenomenon the local government bodies undertake new programs and policies which will be considered as alternatives to the subjects and families in need.

Thus through the principle of decentralization it is attempted to reach an organized scheme of assistance and social services as more productive, near the community and the less abusive. The organization of community service closer to the community means better service for subjects and families in need and it will serve better to this community.

Independence, social integration and participation in the community life.⁸

Every citizen is responsible for his life and his family. The right of each citizen is to live their lives as they wish, and take independent decisions about it.

But we must not forget that the independence of any individual in his lifestyle or his family should be accomplished within the norms established by society.

If the citizens and their families find it difficult to live according to social norms for reasons that do not depend on them, then they turn for help to the state. The state

⁸ Article 3/7 Chapter I "General dispositions"

based on assistance programs and social care, the citizens and families in need are encouraged to:

Make decisions about their living within the norms of society

Express their opinion on the functioning of the assistance, care and social services

Have the possibility to be helped to maintain or gain their independence again

Have the right to appeal if they observe violations or discrimination

A very important task of the state for any person or family in need is to maintain the position of citizens in society.

Maintaining the position of citizens in society is achieved through programs and social assistance policies, which aim the inclusion of subjects and families in need in daily life activities such as in work, in school attendance, care for them and relatives, involvement in community activities.

Non-discrimination⁹

Non-discrimination of citizens is one of the basic principles of human rights.

Non-discrimination in obtaining assistance and social protection means: “Equality”, “Non-discrimination” to all citizens in need at all stages of gaining assistance. When we say equality in all stages of gaining assistance, we mean the implementation of procedures and same criteria for all subjects and families in need under the law.

The right to obtain assistance and social protection is a right sanctioned in the Constitution. The right to benefit from assistance and social protection is entitled to all subjects and families in need regardless of gender, religion, age, background, disabilities, etc. The implementation of the principle of nondiscrimination entitles each individual in need to benefit the same social assistance or services to live like all other citizens.

The fight against discrimination in the field of social protection is achieved through finding and implementing effective policies undertaken by the Ministry of Labor and Social Issues in cooperation with local government.

Implementing effective policies against discrimination will help to prevent and combat discrimination of citizens to benefit from social services.

Institutions that organize and provide assistance, care and social services have a duty to respect the rights, thoughts and ideas of beneficiaries from the planning of services to their realization.

⁹ Article 3/8 Chapter I “General disposition”

Subventioning character¹⁰

The whole system of giving assistance, protection and social care is realized by the state. The state is the main source where the primary financing of assistance, care and social protection system is based. The fund which is allocated for the assistance, support and social protection is planned based on data coming from local government bodies. Payments that subjects and families in need benefit are provided by the state budget.

In addition to payments in respect of subjects or families in need, the state finances economic assistance program, disability payments and public social services.

Besides the state, the assistance, care and social security scheme is financed also from local government. Local government funds are realized from the collection of local taxes and tariffs.

The good work of local government in planning the needs, collecting local taxes and tariffs and good management of the whole assistance create opportunities for the realization of the fund overbalance of assistance, care and social services.

The fund overbalance will serve to support programs that are applied to engage subjects in work or to increase the number of services for the benefit of subjects, families in need. In addition to income planned from the state budget and income generated from local government, there are various donors that finance the assistance and social service scheme who through joint projects with government or in cooperation with other donors, subjects and voluntary organizations provide assistance and care in terms of categories in need.

So we can summarize that the sources of financing for the scheme of social service care assistance are:

Income from state budget;

Income from local government;

Income from funds of mutual projects between government and donors;

Beneficiary contributions, donations, sponsorships;

Other financings from organizations, persons, legal persons or individuals;

¹⁰ Article 3/9 Chapter I "General disposition"

Bibliography

1. Constitution of the Republic of Albania, promulgated by Decree of the President of the Republic No.2260, dated 28.11.1998
2. European Convention on Human Rights, ratified by law nr.8137, dated 31.07.1996
3. Law No. 7961 dated 12.07.1995 "Labour Code" amended.
4. Law 8153, dated 31.10.1996. "On the status of orphans" amended.
5. Law No. 7710 dated 18.05.1993 "On social assistance and care" amended.
6. "Social Security Law" Prof Igor Tomesh 1997
7. "European Welfare States Comparative Perspectives" Mel Cousins 2007. Published by SAGE Publications
8. "Fiscal Crisis of the State" (1973) O'Connor, J New York: St.Martin's Press.
9. Rimlinger, G (1971), "Welfare Policy and Industrialization in Europe, America and Russia" New York. Jon Wiley
10. Labor Law. Prof. Dr Kudret Cela 2010. Published by "Ilar"
11. "Strategy of the welfare in Albania" dated 09.02.2005
12. Decision no. 632, dt. 18.09.2003 "On promoting the employment of unemployed women" amended
13. Decision No. 223, date 10.04.1998 "On implementation of the law on the status of orphans" amended