



Kingdom of the Netherlands

ANALYSIS OF SOCIAL PROTECTION

Aspect of Civil Society Organizations Engaged in Improving the Status of
LGBTs and LGBTs as users of social protection services

Vladan Jovanovic

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*This text was written for the purposes of the **RAINBOW Association** – Sabac. RAINBOW Association is voluntary, non-partisan, non-profit, non-governmental organization founded by LGBT people, in order to improve the quality of life of this population.*

The main objective of the RAINBOW Association is commitment to enhancing and improving the quality of life for lesbian, gay, bisexual, transgender persons and members of their families in the Republic of Serbia. Specific objectives are: commitment to the promotion and respect of human rights and freedoms of LGBT persons; commitment to improving the public health of LGBT people; commitment to poverty reduction of LGBT people; commitment to social cohesion of LGBT people; commitment to reduce violence and discrimination against LGBT people.

Vladan Jovanovic, the author of this analysis is a regional independent consultant in the field of social protection, family law, child rights, human and minority rights. Within his long-standing work, he participated in the creation of social protection system reform in Serbia, Montenegro and Bosnia and Herzegovina. He is one of the authors of the Law on Social Protection and numerous draft bylaws for the implementation of this law. Also, he was a participant in the development of the Action Plan for the implementation of the Strategy of Prevention and Protection from Discrimination, as well as the Mechanism for implementing the Action Plan into the system to promote human and minority rights in Serbia.

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I INTRODUCTORY REMARKS

The acronym LGBT has become common in communication, not only in professional circles but also the communication of citizens on the subject of different sexual orientation and gender identity. LGBT indicates the lesbian, gay, bisexual and transgender people¹.

Members of the LGBT community have been recognized as one of the vulnerable groups in the *Strategy for Prevention and Protection against Discrimination* (2013), adopted by the Government of the Republic of Serbia.

This is one of the strategic documents that exist in Serbia and aims to improve the position of vulnerable social groups, including the LGBT population. Strategies and action plans are some of the terms that are often routed in public communication. The general public sometimes has a reserve, which can be spread and get the attributes of skepticism in relation to the social groups to which they relate strategic documents.

The terms used here in the masculine grammatical gender, include both the feminine and the masculine gender.

The situation of human rights and protection from discrimination, and the availability of services to the vulnerable social groups, do not depend so much of the strategies. They depends more of ethical values that are underlying the social life and the functioning of the community. We cannot assume that it is possible to achieve a unique social consensus on all the characteristic values of a democratic society in which, among others, include: tolerance, equality and freedom of speech. Although these values look like they are easily acceptable general, they appear in a slightly different light when you want to apply it to minority social groups. For example it sounds acceptably that we should be tolerant — have an understanding and non-judgmental appreciate for the existence of different attitudes, personality traits and behavior when it does not endanger others. But if these values we want to apply to members of the LGBT population and their efforts to legalize same-sex unions, we must admit that there is great resistance. The same happens if we talk about freedom of assembly members of the LGBT population, known as the *Pride Parade*. Although the Pride Parade was held in 2014, a number of previous years in which it could not be held for security reasons, indicates the state of mind of a large number of the majority population and their reserves, and even odium against members of the LGBT community.

¹ For some time, we can also meet LGBTTIAQ acronym denoting the lesbian, gay, bisexual, transgender, intersex, asexual and queer people. However, in this text in use is acronym LGTB, due to its greater prevalence and recognition in public communication.

It must be pointed out that there does not exist the general consensus on the values in the context of all minority groups, neither in societies with long democratic tradition. And in that societies are happening discriminatory acts – both from citizens and institutions. Sometimes they are directed towards illegal migrants and asylum seekers, sometimes against Roma, or any minority group, which for some reason is in focus of public attention. The role of social institutions is to build mechanisms for the protection of human rights, prevention of and protection against discrimination. Also, the role of social institutions is to enable the use of all services to all community members, regardless of their personal characteristics.

Promotion of human rights and protection from discrimination in Serbia must be constant regardless of which political option is in power. We cannot be quite satisfied with the situation of human rights in Serbia. The reasons for dissatisfaction are and in so-called *individual cases*, when children from the Roma minority's were not allowed to enter into a restaurant, or when teenagers beat up a man on the street, because he looked like a homosexual. When we take into account these phenomena, we must first firmly say that each of these acts were discriminatory. But we have to ask- what are the values of people that have done any of these acts? In the system of values of actors of the discriminatory behavior, certainly there is no place for tolerance to diversity. When there is no tolerance, there is often a gap filled by prejudice, hatred and intolerance. They are directed towards some social groups whose members whose personal characteristics are different from the majority population - Roma, LGBT, some migrant groups and so on.

In such a constellation, the state must find ways to prevent discriminatory behavior and to fight against those who act in a discriminatory manner. The fight against discrimination must be organized, long-term and consistent. It must be handled strategically, not just reactive. In addition, the state on the level of authorities of the Republic of Serbia, as well as the organs of Province of Vojvodina and local governments – must ensure accessible all services in the areas of education, health care, social protection and others, to all citizens and with neither one obstacle to their use from members of minority groups.

The subject of this paper is a system of social protection, i.e. social protection services, from the aspect of LGBT population, as well as the accessibility of services to LGBT persons and their family members.

In this paper we analyze the social protection system in Serbia, through the presentation of the Law on Social Protection (2011) and a number of relevant by-laws whose function is to enable the application of the law – all in terms of its absorbability and its ability to respond to the needs of LGBT people and their families for social services.

II THE LEGAL FRAMEWORK

II 1. International legal framework and LGBT people

LGBT rights are proclaimed and guaranteed by numerous international documents. Here we present a brief overview of the most relevant international documents pertaining to LGBT people.

The main international instrument in the field of human rights, the ***Universal Declaration of Human Rights*** (1948) refers to members of the LGBT population.

Within the European Union there are primary and secondary sources, which are directly or indirectly related to LGBT people. *The Treaty on European Union* authorizing the EU to adopt measures to combat discrimination based, inter alia, on sexual orientation, as well as measures related to the improvement of the principle of equality. *The Charter of the European Union on Human Rights* prohibits any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. From secondary sources, in particular should be mentioned *Directive 2000/43 / EC* and *Directive 2000/78 / EC*, which prohibits direct or indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. *Resolution on homophobia in Europe*, adopted by the European Parliament in 2006, strongly condemns homophobia and discrimination based on sexual orientation in European Union member states and calls on all EU institutions and member states of the European Union and candidate countries for EU membership, to immediately stop the current processes of discrimination based on sexual orientation, promote and protect the human rights of all persons concerning their sexual orientation.

At the global level, we should mention the ***Yogyakarta principles*** (2007), which include standards that governments of member states of the United Nations should apply in the interpretation of human rights provisions in order to stop the violence, harassment and discrimination against lesbian, gay, bisexual and transgender people, as well as to ensure their full equality.

The Republic of Serbia has signed the ***Joint Declaration on ending acts of violence and related forms of human rights violations based on sexual orientation and gender identity*** (2011), which is the Human Rights Council of the United Nations, submitted by the Republic of Colombia on behalf of 85 UN member states. These 85 countries have issued special, quite accentuated statement (and some warnings for those who are ready for violence against other sexually oriented) classifying these

countries among those that respect the human rights of all individuals and minority communities.

The Status of UN member states and candidate for membership in the European Union, is obliged for Republic of Serbia to undertake to their internal law and practices international standards relating to protection against discrimination and promotion of the rights and position of the LGBT population.

II 2. Prohibition of discrimination into the Constitution and the legal standard in Serbia

The Constitution of the Republic of Serbia contains a number of provisions relating to the prohibition of discrimination. The Constitution prohibits any discrimination, direct or indirect, on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability.

Sexual orientation and *gender identity* in the Constitution are not specifically listed as personal characteristics of the prohibition of discrimination, but they are included in the formulation on *any grounds*.

The Anti-Discrimination Act (2009) defined the sexual orientation discrimination explicitly as one of the personal characteristics, what is significant progress in the protection of LGBT people. This Law as a special case of discrimination identified and discrimination based on sexual orientation. In this Law (Article 21) stipulates that sexual orientation is a private matter and that no one may be asked to publicly declare their sexual orientation and everyone has the right to express their sexual orientation, so discriminatory treatment because of such declaration is prohibited.

A number of laws, which are part of the legal system of the Republic of Serbia, contain anti-discrimination provisions with explicit reference to sexual orientation as a basis for anti-discrimination protection. In a number of anti-discrimination provisions of the law in relation to LGBT people exist formulation *prohibition of the discrimination* based on other personal characteristics.

The Law on Social Protection contains anti-discriminatory provision. It exists at the level of principles - in the section of the law where are the principles of social protection.

The Article 25 of this Law *prohibits discrimination in social protection on the basis of race, gender, age,*

nationality, social origin, sexual orientation, religion, political, trade union or other opinion, property status, culture, language, disability, nature of social exclusion or other personal characteristics.

*Unlike a number of other regulations in Serbia, the **Law on Social Protection** explicated the prohibition of discrimination in social protection based on sexual orientation, which speaks positively about the legislator's insight. However, it should be noted that in the same provisions are not explicated and gender identity as personal characteristic for the prohibition of discrimination in social protection.*

II 3. A short overview of the social protection system in Serbia

The social protection system is constituted by institutions as following: the Ministry of Labor, Employment, Veterans and Social Affairs; Secretariat of Health, Social Policy and Demography of Province of Vojvodina; bodies of local self-governments responsible for social and child protection; institutes for social protection; centers for social work; centers for foster care and adoption; Center for the protection of victims of trafficking; network of public institutions of social protection which was established in the Republic, Province of Vojvodina and local self-governments, as well as providers of social services organized in different forms in accordance with the laws.

The Ministry of Labor, Employment, Veterans and Social Affairs among other tasks specified in the Law on Ministries, carries out public administration tasks related to: social security system; system of family care; marriage; gender equality; population policy; family planning, family and children; the rights and integration of refugees and displaced persons, returnees based on readmission agreements, the Roma population and other vulnerable groups¹.

The Provincial Department of Health, Social Policy and Demography in Province of Vojvodina performs the provincial administration in the field of social protection, protection of families and children,

¹ Until the adoption of the Law on the Ministry (Official Gazette of RS, number 44/2014) within this ministry was the Gender Equality Directorate, which was engaged in professional activities and public administration tasks related to: Situation Analysis and proposing measures in the field of promotion of gender equality; preparation and implementation of the National Strategy for improving the position of women and promote gender equality; drafting laws and other regulations in this area; cooperation with other state bodies, autonomous regions and organs of local self-government in this area; international cooperation; coordinating the work and the provision of professional, administrative and technical support to the Council for Gender Equality; improving the position of women and promote gender equality and equal opportunities policies; integration of gender equality in all areas of state institutions; implementation of the recommendations of the UN Committee on the Elimination of Discrimination against Women, as well as other duties prescribed by law. The Government of the Republic of Serbia adopted the Decision on the establishment of the Coordinating Body for Gender Equality, on 30 October 2014, and the Deputy Prime Minister chairs this body. Coordinating body is mandated to "consider all issues and coordinates the work of state administration in relation to gender equality in Serbia".

pregnant women, mothers on maternity leave, single parents with children, youth and old age, family legal protection and guardianship and others. Also, this authority shall perform executive, professional and developmental activities of the provincial administration and supervise the implementation of regulations. In areas of its scope it shall monitor, supervise and assist the institutions, funds and public services founded by the AP Vojvodina and cooperate with organizations and associations of citizens, and determine whether the conditions for the start of work of social protection institutions for accommodation of beneficiaries and the Provincial Institute for social protection.

Local self-governments (municipalities, cities and the City of Belgrade) are responsible for quality and efficient exercise of its both origin and delegated jurisdiction. Local self-governments deliver development programs, among which may be plans in the field of social protection. In the area of social protection, local self-governments: establish institutions in the field of social protection; monitor and ensure their proper functioning; give permission to start the work of social welfare institutions established by other legal and natural persons; determine conditions for the provision of social services; establish norms and standards for the performance of activities of institutions whose founders; adopt regulations on rights to social protection. Local self-governments are responsible for funding or provision of a number of social services.

Institutes of social protection exist as a Republican Institute in Belgrade and the Provincial Institute for Social Protection in Novi Sad. Institute of Social Protection is essential institutions for the promotion and development of the overall social protection system, aligned with the needs of citizens and contemporary theoretical principles and requirements of European standards. Institute of Social Protection develop and establish a database relevant to the field of social protection, provides analytical and research foundation of social phenomena, determine the effects of the measures implemented in the field of social protection and decision-making provides a rationale for conducting policy. Also, the Institute has the role of continuous monitoring of the quality of work and the development of social protection systems, as well as the provision of technical support providers and other stakeholders (e.g. local self-governments) in establishing an efficient model of social protection aimed at reducing social exclusion of vulnerable groups. In addition, the Institute is coordinating work on the design and development of minimum quality standards of social services, developing models supervision support to professionals in the field and manage the system for accreditation of training programs aimed at raising the competence of professionals engaged in social protection.

Center for Social Work is institutions which occur realization of rights, apply measures, rendering of services and perform other tasks in the field of social protection. In the exercise of public power center carries out activities, which are mainly determined by the Law on Social Protection, Family Law and other laws and regulations. The founder of any center for social work is local self-government. Center can be established for two or more municipalities or, provided that each municipality has a

separate organizational unit- department. In Serbia, there is a network of 140 centers for social work, in which are 173 departments¹.

Center for Foster Care and Adoption is service provider, whose activity are regulated by the *Law on Social Protection, Family Law* and regulations adopted to implement them. According to the *Law on Social Protection*, Center for Foster Care and Adoption: 1) perform the preparation, evaluation and training of future foster parents and adoptive parents; 2) provides support to foster parents or families who provide foster care services; 3) reports center for social work on the its work and functioning of the families who provide foster care services and propose measures to eliminate any possible failure; 4) perform other duties in accordance with the law and other regulations.

Center for Protection of Victims of Trafficking in Belgrade was founded in order to improve the protection of victims of trafficking². Protection of victims of trafficking, which is realized functioning of the institution, separated support to victims of trafficking of sanctioning the crime, but also establishes a functional connection between the social welfare system, the Ministry of Internal Affairs and the judicial. Activities of the Centre for the protection of victims of trafficking involves both identifying and determining the status of victims of trafficking, as well as the overall coordination of the activities of all stakeholders at national and local level, and carrying out activities related to the protection of the rights and interests of victims of trafficking. This facility has two operating units of organizational: the Department for coordination of protection of victims of human trafficking and Shelter for victims of human trafficking.

Providers of social protection services are social care institutions and organizations in other forms in accordance with the law. In the system of social protection in function are following institutions for children and youth³: 1) the institution for children without parental care (11); Institute for Children and Youth (3); Homes for Children and Youth with Disabilities (6). In addition to these in the system are and social institutions that have established by local self-governments and other providers of social protection services (associations, private entrepreneurs, etc.). The statutory phrase “other service providers protection” leaves room for organizing legal entities, with the aim of providing social protection services.

1 On the territory of Kosovo, due to the specific conditions of life and changes after 1999 is reduced availability in exercising their measures and social cares services, provided over centers for social protection within the system of the Republic of Serbia.

2 This center was established after the adoption of the Regulation on the network of social protection, “Official Gazette of RS”, No. 16/12, from 07. 03. 2012, by the Decision of the Government of the Republic of Serbia, dated April 13, 2012. Center began its work on July 2, 2012.

3 Source: Ministry of Labor, Employment and Social Policy (2013).

III LAW ON SOCIAL PROTECTION

III 1. The most important characteristics of the system of law in field of social protection

The social protection system in Serbia set by *Law on Social Protection*¹ is significantly different than the previous law arranged it.

In fact, it is about a modern legal text, both in terms of structure, content, and at the ideas and paradigm of social protection represented. Social protection in this regulation is pluralized and diversified, both at the level of social services, and in terms of the providers of these services. This law set out the objectives of social protection: reach or maintain a minimum financial security and independence of individuals and families in meeting basic needs; ensure availability of services and rights to social protection; create equal opportunities for independent living and encourage social inclusion; preserve and improve family relationships, and improve family, gender and intergenerational solidarity; prevent abuse, neglect or exploitation, or eliminate their consequences.

The stated objectives of social protection are achieved by providing material support to an individual or family who has a need for it, as well as providing social protection services. Social protection, both through financial support and the provision of social services, prevents the formation of the consequences of social exclusion and removes the effects of social exclusion. The delivering social care services can help the users to get involved in social activities, as well as their work or activities contribute improving the welfare of their own and their families. Social services also help users to connect with people in their environment, but also affect the development of a supportive environment for support and assistance to the user in his environment. Services contribute to the integration of users or help the user to develop those behaviors that improve its relations with other people, help in solving life's difficulties and enable the acceptance of positive social values and norms.

This Law provides mechanisms to expand aid to the poor, through higher amounts of transfers and increase the number of users, especially among multi-member households and households in which all members are unable to work. The Law also includes strategic objectives relating to the reform of social services, and regulates rights, types of services, facilities and service providers, user groups, mechanisms for quality control, competence in establishing and financing. The changes were particularly large in the institutional and regulatory sphere- the introduction of the Chamber of Social Protection, licensing, professional workers and service providers, introducing the public procurement serv-

¹ "Official Gazette of RS", No. 24/2011

ice, reformulation function control, expert supervision and inspection. Also provided are earmarked transfers from the Budget of the Republic of Serbia for financing services in the community under the jurisdiction of local self-governments: (a) services provided under this Law funded local governments in less developed areas; (b) services in the municipalities on whose territory the institution for residential care in transformation, including the costs of the transformation of the institution; (c) innovative services and social care services that are of special importance for the Republic of Serbia.

Social protection users. According to this Law, the user of rights or social protection services is an individual or family who face obstacles in meeting the needs, which is why it does not achieve or maintain the quality of life or that there are not enough resources to meet their basic needs, and can not they accomplish their work, income from property or from other sources. The users are divided by age: children or minors; adult up to 26 years of age, i.e. youth – when they were due to family and other life circumstances, endanger the health, safety and development, or if it is certain that without the support of the social protection system can not reach an optimum level of development. Also, users of social protection are adult from age 26 to age 65; as well as adults older than 65 years — when their well-being, security and productive lives in society threatened by risks due to age, disability, illness, family and other life circumstances.

User groups in the Law on Social Protection are defined according to the characteristics of users that are relevant for material benefits or social protection services.

In such the features of the Law, does not belong to sexual orientation and gender identity, with the result that as beneficiaries of social protection are not explicated LGBT people, both in the age of the child or youth, as well as age adults and older persons.

However, LGBT people can certainly be the beneficiaries of social protection if they meet any of the requirements prescribed by Law for the use of the right to material support or social protection services.

In this article we will see how belonging to the LGBT population refers to the status of the users of social protection services.

Social protection services. According to the *Law on social protection*, social protection services are activities providing support and assistance to individuals and families to improve or maintain the quality of life, eliminate or reduce the risk of adverse life circumstances, as well as creating opportunities to live independently in society by providing social protection services the user can help to engage in social activities, as well as their work or activities contribute to improving the welfare of their own and

their families. Social protection services also help users to connect with people in their environment, but also affect the development of a supportive environment for support and assistance to the user in his environment.

Services contribute to the integration of users or help the user to develop those behaviors that improve its relations with other people, help in solving life's difficulties and enable the acceptance of positive social values and norms.

The role of the center for social work is to assess the person's independence, its ability to achieve well-being, in accordance with the age, or the age and circumstances of life. Centre for social work should recognize the difficulties that a person has in performing daily life activities and managing their life in accordance with that assessment guides the user to use certain services of social protection.

The assessment performed by experts of the center for social work together with the user and with the participation of important people from the surrounding users, and with the participation of experts outside the center for social work, if necessary.

The complementarities of social protection services. Social protection services are systematized so that they are complementary- that allow meet the needs of a target group, as well as a single-user. There is a possibility of providing more than one service, which complement each other in the effects of exercise. All services can be organized and provided occasional, temporary and permanent, in accordance with the needs and best interests.

Elements of social protection services. If we want to be able to understand the social protection services, it should be noted elements they need to have. Each social protection service, in terms of the *Law on Social Protection* and the *Bylaw on conditions and standards for the provision of social protection services*, must have the **specification** in which it is stated target group of the service, what is the purpose of the service and activities that are should be implemented. Specification means more specific definition of each service. The target group determines the range of potential service users. The purpose of the service speaks what is to be achieved by providing services for users, so activities provide information about what to do to meet the needs of specific user groups, or to a specific user group. Also, the social protection services are regulated by the **structural** and **functional standards**. By structural standards there are determined infrastructural conditions (in terms of location, facilities and equipment), as well as organizational and staffing requirements for the provision of services. Functional standards determined value, quantitative and qualitative dimensions of professional practices in the context of providing services.

Grouping of social protection services. When take into account the legal typology of social services¹, we see that social protection services are grouped as follows: **assessment and planning services** – assessment of the condition, needs, strengths and risk profile of service user and other important people in his/her environment; assessment guardians, foster parents and adoptive parents; creation of an individual or family plan to provide services and legal protection measures and other assessments and plans; **daily services in the community** - day care center; home assistance; drop-in center and other services that support the user stays in the family and the immediate environment; **supportive services for independent living** – supported housing; personal assistance; training for independent living and other support necessary for active participation of users in the company; **advisory-therapeutic and socio-educational services**; and **residential services**- placement in family of relatives, foster families or other family both for children/adults and the elderly; residential placement; shelters and other types of placement.

The system of social protection services is open system.

Each service group is made up of enumerating the specific services that it includes, but is also open to the enumeration of new services that will, it is reasonable to assume, eventually emerge. This system sets the service as an open system, which has potential of absorption the new services.

Daily services in the community are a group of services that are organized in a way that they can be used on a daily basis. This group of services includes day care, home assistance, personal escort to the child, drop-in and other services with aim to support the user stays in the family and the immediate environment. Thanks to these services, the user remains in its natural environment, and they can contribute that user does not relocate to residential institution. These services can be designed for different user groups.

Supportive services for independent living are a group of services which includes supported housing, personal assistance, training for independent living and other support necessary for active participation of users in the company. People with disabilities often use these services, even though they are intended and to other user groups. The aim of these services is to enable independence and active participation in society.

Advisory-therapeutic and socio-educational services. This group of services makes a large number

¹ See Article 40 of Law on Social Protection.

of different services that are aimed at developing certain skills that are necessary for everyday life and other activities. Here can be services as following: intensive support services to families in crisis; counseling; support for parents, foster parents and adoptive parents; family support services that take care of their disabled members; services that strengthen family and partner relationships and influence the reunification of the family; counseling and support in cases of violence; mediation and family therapy; hotline services; activation of hard-to-employ groups of users; various educational programs and services and other advisory services. Services from these groups were not standardized at the time of preparation of this text, and they are not subject to the *By-law on conditions and standards for the provision of social protection services*.

To provide advisory-therapeutic and socio-educational services organization-service provider is not required to have a license, but license is required for professional who deliver a service – it is a specialized license.

Residential services include services that are applied when its necessary temporarily, for a shorter or longer period, service user be displaced from his/her family or the environment, to provide him/her adequate conditions for life and development. This group of services includes foster care; residential placement, placement in a shelter, small residential communities and other types of placement.

Law on Social Protection stipulates that assessment and planning provides center for social work within its public authority. Upon the completion of the assessment and individual plan of services, center for social work is referral mechanism to refer client to use the appropriate service.

So, assessment and planning is solely in authority of center for social work, in order to decide what services the client needs and what measures in accordance with law should be undertaken.

However, when a client comes from center for social work to a service provider, there should be made detailed assessment and individual plan to use a specific service. The service provider is now working assessing and planning specifically in the function of providing those services that service user needs (e.g. day care center, personal assistance, home assistance etc.).

Additionally, the *Law on Social Protection* also recognizes the **services of urgent intervention**¹. These services may be provided to ensure client's safety in situations his/her danger of life and health, within 24 hours a day. Center for social work provides services of urgent intervention in partnership with other relevant authorities and services.

Services of urgent intervention are specified in the Law on social protection. Their provision is aimed at protecting the security of users, in situations that threaten the life, health and development of the user. For services of urgent intervention cooperation between center for social work with other agencies and services it's necessary.

Important factors in providing these services may be the civil society organizations dealing with the protection and promotion status of LGBT people and these services can refer to LGBT's in situations where their safety is endangered, as well as their life and health.

The role of municipalities and cities. If we bear in mind the importance of community based services, which are in the *Law on Social Protection* recognized as important, then it was necessary for local authorities to take responsibility to provide these services. The role of municipalities and cities, i.e. local self-governments, is very important in providing services in the community. The role of these actors in the development of community-based services of social protection refers to various groups of activities, such as the initiation of planning, partnership and innovation. According to the *Law on Local Self-governments* municipalities and cities brings development programs, including the development of social protection, and in the field of social protection local authorities establish institutions, undertakes monitoring and ensure their functioning, issues regulations in field of social protection etc.

Municipalities and cities are important social actors in the provision of social protection services.

A large number of services are in their jurisdiction, meaning that those services must be provided by local authorities.

¹ See Article 56 of Law on Social Protection.

The development of community based services is directed towards increasing capacity of social protection systems to enable service users both to stay in their environment and their integration in an environment where they live. In jurisdiction of municipalities and cities (local self-governments) are the following areas of social protection:

1. daily care services in the community;
2. support services for independent living, except supported housing for people with disabilities;
3. supported housing for people with disabilities in municipalities whose level of development is determined above the national average, in accordance with the regulations on classification of local self-governments;
4. advisory-therapeutic and socio-educational services;
5. other social protection services according to the needs of each local self-government;
6. one-off assistance and other forms of assistance;
7. working programs of institutions founded by local self-governments;
8. programs of improving social protection in the local self-government unit;
9. innovative services.

The responsibility for providing daily care services in the community actually means that the organs of local self-government are required to provide funds for the provision of services.

Municipalities have to create ambience for authorized service providers to provide services.

Earmarked transfers. Through the earmarked transfers, in accordance with the *Law on Social Protection* and the law governing the financing of local self-governments, from the budget of the Republic of Serbia can be financed: 1) **social protection services which, under the Law on Social Protection, are financed by local self-governments** – in local self-government units whose level of development is determined as below the national average; 2) **social protection services in local self-governments on whose territory is the residential institution in transformation**, including the costs of the transformation of these institutions; 3) **innovative services** and social protection services with special importance for the Republic of Serbia. Earmarked transfers can be interpreted as a regulatory mechanism that aims to provide community based services to clients in the local self-government where there is a need for a particular service, but a local self-government does not have the capacity to provide them,

or there are special reasons for improving social protection with budget support from the central level.

Through earmarked transfers was installed financial support to local authorities from the central level, with aim to establish and improve social protection services in the community.

Even after more than three years there has not been made the Regulation on earmarked transfers, what derogate concept of earmarked transfers stipulated in the Law on Social Protection.

Public procurement of social protection services. The competent authority, in accordance with the *Law on Social Protection*, provides services within their jurisdiction through: 1) establishment of social protection institutions, or 2) through the procurement of services.

Through public procurement have to be provided social protection services as following: daily services in the community, support services for independent living, advisory-therapeutic and socio-educational services, and institutional placement services – all in situations when these services can not provide or can not provide in the required scope by social protection institutions owned by the state or local self-government authorities. From regime of public procurement services are exempted assessment and planning (in authority of center for social work) as well as services of urgent intervention; services provided by the institution for the education of children and youth and the Institute for Social Protection within its the public authority as well as foster care.

Services in the community that the local self-government cannot provide or cannot provide in sufficient quantity through the established institutions of social protection have to be provided through public procurement.

The Law on Social Protection refers to the provision of necessary services, primarily services in the community, through the competitiveness of organizations who wish to apply as a provider of social services.

Public contract for providing community based social protection services should be concluded between the competent body of local self-government and authorized organization – service provider. Public procurement services in the field of social protection are in line with one of the important principles of the reform of the system of social protection – pluralization of services and service providers. This principle is defined and promoted in order to increase the quality of services. At its base standing rule that through competition can lead to better quality. In its core is that over the competition, organizations that provide services have to become better, with the modern culture of business, with better management, more professional staff, clearer procedures etc. Users of social protection services, through public procurement of services have greater assurance that the provider will meet the minimum standards of service quality. Only service provider, who has complied with all the terms of the contract, can expect to continue to gain the ability to conduct its business. In addition, the contract concludes with the termination condition, and the provider must at all times be aware that if violate its contractual obligations, may be out of contract, i.e. without a job.

The mechanisms that involve the system of public procurement of services (open competition, contracting, monitoring, evaluation, reporting, and conditional termination of a contract extension), significantly protect service users and ensure his compliance with the quality standards of service.

*The public procurement system of social protection is not begun to live.
Many local governments avoid providing services through public procurement.*

Providers of social protection services. Service providers (organizations) can be different: public institutions, civil society organizations- associations and entrepreneurs. When we have the opportunity to various organizations are providers of social services, the regulatory system needs to be expanded to the field in which to regulate matters relating to criteria to be met by an organization to be a provider of social protection service.

In connection with the provision of social protection services, special attention should be paid to the system of licensing service providers (organization), which will specifically be discussed in a separate section of this text.

IV BY-LAWS FOR IMPLEMENTATION OF THE LAW ON SOCIAL PROTECTION

By-laws are important normative-legal corpus in the social protection system. *The Law on Social Protection* is designed so that it can be applied at full capacity only with numerous bylaws. At the time of this analysis, and after nearly four years since the enactment of this Law, there are not taken all the bylaws needed. Here we present a few of the most relevant bay-laws, namely: *Rule book on the organization, norms and standards of the center for social work* (2008); *Rule book on professional activities in social protection* (2011); *Rule book on minimum standards for the provision of social protection services* (2013); *Rule book on licensing organization of social protection* (2013) and the *Rule book on licensing of professional workers in social protection* (2013).

An important rulebook that was passed before the entry into force of the *Law on Social Protection* is the *Rulebook on the organization, norms and standards of the center for social work*. It is, among other things, further detail the operations center for social work within the public authority. Also, this rulebook is a new, modern and professionally grounded regulates a number of important issues for the functioning of the center for social work: standards and organization of the center for social work in the exercise of its public authority, the norms of human resources, content and manner of keeping records and documentation of professional work.

By the Rulebook on the professional activities in social protection are determined professional jobs in social protection, as well as detailed conditions and standards for their performance. Professional activities in social protection are grouped according to function, the nature of work processes and outcomes that arise in the provision of social services. Professional activities of social protection are basic professional jobs; specialized professional services; supervisory jobs; lawyer activities; operations planning and development. Other professional activities in social protection are jobs of educators; jobs and occupational therapists; doctors; other professional activities that involve direct work with the service users.

Rulebook on minimum standards for the provision of social protection services is designed on the way that the minimum standards are applicable, achievable and measurable to all providers of social protection services (in the public, private and NGO sector). Minimum standards identify the minimum demands to achieve the quality of social protection services. This regulation defines the detailed conditions and minimum standards for the provision of social protection services, unless special regulation governing the detailed conditions and standards of certain social care services not otherwise regulated. This ordinance specifically prescribe the requirements and minimum standards for the provision and realization: daily services in the community- a day care, home care; support services for

independent living – supported housing; as well as residential placement services. Through this rulebook are structured both common and specific minimum standards. Common minimum structural and functional standards are requirements that must be met regardless of the user groups to which the service is intended, unless the specific regulation governing the detailed conditions and standards of certain social care services not otherwise regulated. Specific minimum structural and functional standards are specific requirements that must be met within a specific group or a specific service provider, according to the needs and diversity of user groups.

Rulebook on licensing organization of social protection regulate specific conditions for the issuance of licenses, license form and manner of issuance and renewal, suspension or revocation of the license to social protection organizations, register of licenses issued to providers of social protection services and other issues of importance to the licensing organization social protection.

Rulebook on the licensing of professional workers in social protection prescribes detailed conditions for issuing licenses, license form and manner of issuance and renewal of licenses, suspension or revocation of licenses to professional workers. The provisions of this rulebook shall apply to professional workers specified in the Law on Social Protection engaged in social protection. According to the provisions of this rulebook the license shall be issued to professional workers to perform: basic professional tasks of social protection; specialized professional tasks of social protection; supervisory duties; and lawyer activities.

V LICENSING ORGANIZATIONS - PROVIDERS OF SOCIAL PROTECTION SERVICES

Social protection is regulated by the *Law on Social Protection* is based on the following major characteristics:

- social protection is significantly based on social protection services;
- a procedures in the centers for social work primarily are assessment the needs of the clients for specific social protection service;
- social protection services are provided in the authorized organizations (service providers), which can be social protection institutions, and organizations that are registered in other forms, i.e. as associations (NGOs), businesses organizations (companies), entrepreneurs, other institutions or public service.

When there is a *plurality of providers of social protection services*, which can provide various social services there are necessary to be established mechanisms for the maintenance and improvement of quality systems and mechanisms that enable the functioning of such a system and these are:

- standards of social protection services;
- licensing of organizations that provide a social protection services;
- licensing of professionals who provide services; and
- accreditation of training programs and programs for providing social protection services.

To be able to apply these mechanisms, we need appropriate authorities or bodies, which are responsible for implementing and controlling the implementation of standards, licensing of providers, licensing professional workers etc. These authorities and bodies are:

- inspection;
- The Republic Institute for Social Protection;
- Committee on Accreditation Program;
- Chamber of Social Protection.

V 1. Licensing

Licensing is a relatively new term in the field of social protection in Serbia. It appeared in the last few years, during systemic changes to the reform of social protection. On the license was discussed before the adoption of the *Law on Social Protection* but the full meaning licensing is obtained in implementation of this law.

The authorized provider of social protection services, according to the Law on Social Protection, means the licensed organization.

Owning a license is a formal requirement for the provision of social protection services for which the provision license is prescribed.

Licenses a social protection organization includes all organizations regardless of the form of organization: civil society organizations, social welfare institutions and other institutions, companies, entrepreneurs.

Centers for social work is not obliged to be licensed for activities within their public authority.

Orderliness of the social protection system in Serbia partly depends on the licensing system. Organizations are licensed to provide certain social protection services, to gain status as an authorized service provider. As part of providing social protection services through public procurement, only licensed organizations may conclude services contract with the competent authorities (central government or provincial) as well as with local self-government units.

Licensing is a process in which examines whether social protection institutions, i.e. the provider of social protection services (organization), as well as the professional worker, meets the criteria and standards for the provision of services in the field of social protection.

The license is an official document confirming that the organization or professional worker meets established criteria and standards for the provision of certain services in the field of social protection.

The accreditation of programs is one of the parts of the system of quality in social protection. There is an obligation to acquire certain skills for a particular job, and if professional worker want get the license he/she must have completed the appropriate accredited training program. Professional worker must collect a certain number of points to update the license, and the points are collected and

completing through certain accredited training programs. So accreditation is functionally associated with licensing, at first with the licensing of professional workers.

V 2. Licensing organizations - service providers

The license is issued to an organization of social protection for a period of six years. This is the full duration of the license. The law stipulates that in some cases the license can be issued for a shorter period. Then we are talking about a limited license. The legislature had in mind a situation in which a particular community there is a need for the provision of certain services of social protection, but in spite of the need, there is no organization that meets all criteria for the issuance of a six-year license.

The right to a license for a period of six years to provision of social protection services, has the organization: which is registered in accordance with the law; that meets the standards for the provision of services concerning the location, space, equipment, organization, number and expertise of staff, assessment, planning and activities to provide specific social services; and that have at least two years experience of providing social protection services. An organization that does not meet all of these conditions can get a limited license. A limited license is issued with a validity period of up to five years and may be issued only once.

The license is issued for the provision of services day care, home assistance, drop in, small residential communities, shelters, respite housing, supported housing, personal assistance, personal escort for the child, placement in family of relatives, foster family and institutional placement.

The organization can be licensed for the provision of one or more of social protection services.

License is not required organization that provides a service from a group of advisory-therapeutic and socio-educational services.

V 3. How to license the organization

If organization wants to have a license for the provision of certain services, it must fulfill the prescribed conditions. The fulfillment of these conditions organization proving by document attached to the application for a license.

The right to a license for the provision of social protection services has an organization¹:

1. which is registered in accordance with the law;
2. that meets the standards for the provision of services concerning the location, space, equipment, organization, number and expertise of staff, assessment, planning and activities to provide specific social services;
3. which has at least two years experience of providing social services.

Evidence of compliance with the conditions and standards for the issuance of licenses. *Rulebook on licensing organization of social protection* prescribes detailed conditions for licensing organizations in relation to the provisions of Article 179 of the *Law on Social Protection*. According to Article 4 of this Rulebook, the organization of social protection, along with the application for a license, shall submit evidence of fulfillment, including:

- 1. proof that it is registered in accordance with the law** - the organization submit a document on registration in the appropriate register of the Agency for Business Registers, or at any other competent authority;
- 2. proof that it meets the standards for provision of services** concerning the location, space, equipment, organization, number and expertise of staff, assessment, planning and activities to provide specific social services;
- 3. proof that organization has at least two years experience** - organization attach decision of the competent authority or other relevant evidence (of the project providing services, contractual provision of services under the contract concluded with the competent authority of local governments, donor organizations, etc.).

Evidence that the organization meets the standards for the provision of services concerning the location, space, equipment, organization, number and expertise of staff, assessment, planning and activities to provide specific social services. Article 5 of the *Rulebook on licensing organization of social protection*, regulated precise evidence of compliance with standards for the provision of social protection services. The evidence is required primarily as a list of evidence.

¹ See Article 179 of Law on Social Protection.

As proof that it meets the standards for the provision of services concerning the location, space, equipment, organization, number and expertise of staff, assessment, planning and activities to provide specific social services, social protection organizations submitted¹:

- 1. Basic program of the organization** contains information prescribed by the regulations that regulate the standards of social services. The basic program of the organization is a document that defines the user group, to which the service is intended, program activities in providing service and information about basic personnel.
- 2. Study on the fulfillment of conditions for start of work and provision of social protection services.** Study on the fulfillment of conditions for the start of work and provision of social protection services is a document annexed when organization applying for a license. It proves that organization meets the requirements for the provision of services. Study involves a certain amount of evidence (documents) to collect or create. The purpose of the study is to describe the capacity of organizations to provide social protection services on adequate way and to meet the needs of users.

Study contains certain elements or evidence to be collected. As evidence the service provider shall submit the following documents:

Sketch of the space where the service is provided, which shows the organization of space². The sketch of the space is required to obtain to provide services: day care, institutional placement, supported housing, but not for the service of home care, personal escort the child and personal assistance.

Evidence of fulfillment conditions in terms of space and equipment, in accordance with special regulations, with respect to services for which the license is requested, what include following evidence³:

(a) Certificate of energy performance of the building, which can be issued by an authorized organization, in accordance with the law that regulates planning and construction. This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

(b) Sanitary approval of the competent authority, in accordance with the law governing sanitary supervision. This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

(c) The consent of the competent ministry on Fire Protection Plan, in accordance with the law governing fire protection. This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

¹ Article 5 Paragraph 1 Rulebook on licensing organization of social protection.

² Article 5, paragraph 1, item 2) Subparagraph (1) of Rulebook on licensing organization of social protection.

³ Article 5, paragraph 1, item 2) Subparagraph (2) of Rulebook on licensing organization of social protection.

(d) *The contract for the delivery of electricity.* This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

(e) *Evidence of the connection to water and sewage systems.* This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

(f) *Decision on fulfillment of conditions in the field of health and safety at work in accordance with the law governing health and safety at work.* This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing but not for the service of home care, personal escort the child and personal assistance.

(g) *Evidence that the conditions are provided for the disposal of toxic and other substances, in accordance with the relevant regulations.* This evidence needs to be obtained if a license is requested to provide services day care, institutional placement and supported housing, but not for the service of home care, personal escort the child and personal assistance.

Evidence on the basis of the right to use the facility for the period for which the license is issuing¹ what can be: deed, contract, a decision on inheritance or notarized lease agreement concluded in the shortest time period for which the license is issuing. All providers of social protection services should submit this evidence.

Act on the organization of work² is an act that guarantees that the organization of work should provide a structured but flexible way of providing services. This document refers to the working time, ways of communication and decision-making in the organization providing the service, the implementation of program activities etc. All providers of social protection services should submit this evidence. Also, the service provider shall submit evidence on the way of involvement of staff in providing services (photocopies of the employment contract or other contract of work engagement in accordance with the regulations).

Confirmation³ that against director or the legal representative of the organization is without a criminal record, and that he/she has not been convicted of a criminal offense from the group of crimes against life and body, against the rights and freedoms of man and citizen, against labor rights, against honor and reputation, against sexual freedom, marriage and family, against official duties, as well as against the constitutional order and security of the Republic of Serbia. All providers of social protection services should submit this evidence.

Confirmation that the director or the legal representative of the organization is not under the ban of

1 Article 5, paragraph 1, item 2) Subparagraph (3) of Rulebook on licensing organization of social protection.

2 Article 5, paragraph 1, item 2) Subparagraph (4) of Rulebook on licensing organization of social protection.

3 Article 5, paragraph 1, item 2) Subparagraph (5) and (6) of Rulebook on licensing organization of social protection.

professional activity, which is the subject of licensing. All providers of social protection services should submit this evidence.

Description of activities¹ and the manner of their provision to specific user groups and, if relevant, data on the age of the users, the method of grouping users according to age, interests, behaviors, as well as other characteristics of users to whom the service is provided. This document may be an excerpt from the basic program of the organization. All providers of social protection services should submit this evidence.

Proof for the provision of health services² or certain activities in the field of health services, shall be submitted if it is relevant.

Procedure on ways of ensuring the rights of service users³ in accordance with the needs and the characteristics of service user groups, particularly in the selection of program activities, is a document that should develop the service provider before applying for a license. The procedure should describe the ways, which ensures the participation of service users in deciding on the content of the activities etc. All providers of social protection services should submit this evidence.

Description of the procedure and methodology of assessment of needs and developing individual service plans⁴, including the review process and ways of reacting to changes in the situation and service user's needs. All providers of social protection services should submit this evidence.

Procedures and criteria for admission and completion of service define how to start using the service and how to end with service, as well as criteria for admission and completion of service. All providers of social protection services should submit this evidence.

The procedure on how to protect personal data on service users⁵ shall be adopted in accordance with the law regulating the protection of personal data. With this procedure the service provider defines a way of realizing the protection of personal data; purpose of collecting personal data of service users; ways of storing and using the data (how the data is stored, for which purpose data may be used etc.); way of exchanging data with other service providers for the same service user; to ensure the user's consent to the storage and use of his/her data; control mechanisms in treatment as well as in cases of violations of law for the protection of personal encouraged; and other issues that are important to certain groups of service users with respect to their ability to express opinions and decision-making.

1 Article 5, paragraph 1, item 2) Subparagraph (7) of Rulebook on licensing organization of social protection.

2 Article 5, paragraph 1, item 2) Subparagraph (8) of Rulebook on licensing organization of social protection.

3 Article 5, paragraph 1, item 2) Subparagraph (9) of Rulebook on licensing organization of social protection.

4 Article 5, paragraph 1, item 2) Subparagraph (10) and (11) of Rulebook on licensing organization of social protection.

5 Article 5, paragraph 1, item 2) Subparagraph (12) of Rulebook on licensing organization of social protection.

The provider of social protection services collect information from service users and other persons of interest to the user and is obliged that data processing is done on the basis of the consent of the person or under the Law¹. All providers of social protection services should submit this evidence.

The procedure dealing with complaints of service users² should regulate the procedure of how service users can express a complaint about the work of employees and contracted individuals who participate in the provision of services, as well as treatment service providers by complaints filed. All providers of social protection services should submit this evidence.

Procedure on special measures to ensure the safety of service users³ applies to users who are affected by dementia, mental illness, mental disability or behavioral disabilities or other problems of behavior management. This evidence shall be filed if it is relevant with regard to the service to be provided.

The document on ways of cooperation with other agencies, in providing the service⁴ can be agreement on partnership, protocol etc. . Service provider is required to have a document on cooperation with “other agencies”, prior to applying for license. “Other agencies” are those public services such as centers for social work, health facilities etc., as well as other organizations (NGOs, etc.). All providers of social protection services should submit this evidence.

Training plan of employees⁵ or persons engaged shall be adopted in accordance with the needs of the service user group. Plan should be consistent with the purpose of service; the needs of service users groups; minimum quality standards and regulations on the licensing of professional workers in social protection. All providers of social protection services should submit this evidence.

The decision about the criteria on forming costs of services⁶, contracting and billing of additional costs and fees for special services that are available to service users, shall be adopted if it is relevant for the certain service.

Evidence that the organization provides social services for at least two years. About this fact organization attaches relevant decision of the competent authority or other relevant evidence. Other relevant evidence may be agreement on the project or other document, which shows that the organization had experience in providing services in the framework of the project. If organization doesn't have at least two years experience in providing social services, it can get a limited license.

1 See the Law on the Protection of Personal Data “Official Gazette of RS”, no. 97/2008, 104/2009 - other law, 68/2012 - Decision of Constitutional Court no.107/2012, Article 8

2 Article 5, paragraph 1, item 2) Subparagraph (13) of Rulebook on licensing organization of social protection.

3 Article 5, paragraph 1, item 2) Subparagraph (14) of Rulebook on licensing organization of social protection.

4 Article 5, paragraph 1, item 2) Subparagraph (15) of Rulebook on licensing organization of social protection.

5 Article 5, paragraph 1, item 2) Subparagraph (16) of Rulebook on licensing organization of social protection.

6 Article 5, paragraph 1, item 2) Subparagraph (17) of Rulebook on licensing organization of social protection.

Approval for the reporting to the ministry authorized for social protection. Organization with the application for license shall submit a written statement that agrees to regularly report to the ministry responsible for social protection, at least annually and more frequently if required.

V 4. The license application

The organization submits a request to the ministry responsible for social protection, in the prescribed form by mail or electronically. When applying social protection organizations shall submit evidence of fulfillment of prescribed conditions and standards for the provision of certain services that requested the license. Before submitting a request, an organization needs to obtain all the necessary evidence specified in the *Rulebook on licensing organization of social protection*, for a specific service.

After the request submitted to the competent authority licensing process begins. It is the administrative procedure applied by the ministry responsible for social protection, as the authority responsible for licensing organizations. Upon receipt of a proper application inspectors at first carry out review the enclosed documentation to determine whether it meets the requirements of the license. Just consider the attached documentation is not sufficient to issue the license. Inspectors of social protection will go to the field visit to the organization submitted the request.

Since it is determined completely factual situation, i.e. all the facts and circumstances necessary for decision-making, the minister responsible for social protection issues the decision. The minister's decision is final in the administrative procedure and it cannot be appealed. If the organization is not satisfied with this decision, it may initiate submit an administrative claim to the Administrative Court.

V 5. Updating, suspension and revocation of licenses

Maintaining the quality of the organizations that provide social protection services can be achieved by rules on the *renewal, suspension and revocation of licenses*. Since service providers are required to constantly maintain quality of service, and if you do not, they are faced with penalties:

- license will not be renewed after expiry of the period for which it was issued;
- license will be suspended;
- license will be revoked.

Norms on the renewal of the license obliges organizations to be subjected to regular periodic review. Every six years, the organization is required to file an application for license renewal. An organization that wants to get license renewed on period of the following six years, must meet the same requirements that apply for the first license issued.

If inspection of social protection or other competent inspection, during the period for which the license is issued find that the organization does not provide services for which it is licensed in accordance with the law, established standards and conditions – the inspector is obliged to note it. Based on the inspector's minutes ministry in charge of social protection can initiate proceedings for the suspension of the license. If the organization, within the period stipulated in the decision on suspension of a license, not rectified, the authority responsible for issuing licenses shall take a decision on revoking the license.

VI CIVIL SOCIETY ORGANZATIONS ENGAGED IN IMPROVING THE STATUS OF LGBTs AND LGBTs AS USERS OF SOCIAL PROTECTIONSERVICES

It is undisputed that LGBT persons and their family members may be beneficiaries of any social services, if needs service. So, the entire social protection services are available to LGBT people and their families.

It may be questioned whether some social protection services can be profiled for LGBT persons as a user group, given the specificity arising from sexual orientation or gender identity? For example, placement to the shelter, counseling or support by SOS phone, can be designed so that it refers to LGBT people in crisis situations. LGBT persons may have the need for programs that are designed for them with regard to their needs and circumstances in which they find themselves. Also, assessment and planning services provided by the center for social work- is social protection services whose provision need professionals in sensitized and with specific additional knowledge and skills when their clients are LGBT people and members of their families.

Below in this paper we will first take a look at the practice and attempts to improve the use of services and social protection programs for LGBT people and their families.

VI 1. Attempts to improve the use of services and social protection programs for LGBTs

According to the analysis written by Aleksandar Prica, which was carried out in accordance with 789 questionnaires before and after the accreditation of the training *Guidelines for working with sexual minorities in the social protection*: “In our society, lesbian, gay, bisexual and transgender (LGBT) people living mostly invisible, and are faced with many problems that are a direct result of their social stigmatization. Because of fear of further stigmatization, they often do not address to the institutions through which they could protect their rights. Research shows that even LGBTs address to institution with aim to protect some right or use service, their often experience is further discrimination.”¹

VI 1. a) Assessment and Planning Services in Centre for Social Work

These were the reasons for the design and implementation “Training for employees in the centers for social work to provide quality services to LGBT people and their families”². The main objective of the training was to improve the capacity of professionals in the centers for social work and indirectly, improve the quality, efficiency and effectiveness of the assessment process and planning services provided to vulnerable populations, with special reference to LGBT people and their families.

By targeting professional workers in the centers for social work, this training points the importance of centers for social work in the social protection system and its role (we primarily think with reference to LGBT persons and their family members) in delivering social protection services, as well as measures to protect the rights and interests of clients³. Also, the concept of training indicates that the authors were aware of prejudices of professional workers from centers for social work as barriers to adequate professional work with LGBT people and their families.

Considering the role of centers for social work in the social protection system, there are two key moments for the availability of social protection services and other measures of protection and support for LGBT people and their families.

¹ “Recommendations for a adequate response of the social protection system to the needs of LGBT people and their families”, Association Rainbow, author Aleksandar Prica, May 2014

² The Council of Europe and the British Embassy financed “Training for employees in the centers for social work to provide quality services to LGBT people and their families”. The Office for Human and Minority Rights of the Government of the Republic of Serbia proposed implementation this training in partnership with the Association Rainbow.

³ According to the author of the document “Recommendations for a adequate response of the social protection system to the needs of LGBT people and their families”, in the period from 19 September 2013 to 25 April 2014, held 35 training sessions in 13 cities. Training covered a total of 738 employees from 146 CSW. In addition to these, the four pilot training sessions that were held in 2011, he participated in another 51 trainees.

1) At first, experts in centers for social work must be trained (at the level of values, professional knowledge and skills) to recognize specific forms of domestic violence to which they are exposed LGBT persons (physical punishment, verbal abuse and the psychological, social restrictions, forced closure and others). Ignoring the problems of LGBT people, and in addition the existence of mistrust these people in institutions, including centers for social work – consequently has avoiding addressing to these institutions for fear of further stigmatization.

2) In addition, experts in centers for social work must be able to LGBT persons and their family members allow the use of other services in the community, through information, empowerment and referral in order providers, as well as services in the areas of health care, education, and protection measures in the field of civil, family and criminal law.

From the analysis of “Recommendations for a adequate response of the social protection system to the needs of LGBT people and their families”, follows that training was a good initial step to sensitize professionals in the centers for social work and improve their professional knowledge in relation to LGBT people. This first step has the capacity to improve the quality of assessment and planning in the centers for social work and increase the accessibility of other services and measures to LGBTs.

Taking into account the evaluation and conclusions of this training, it have to be pointed as following:

1) It is necessary to implement this training program periodically, so that the participants are new hires experts from the centers for social work;

2) It is necessary to develop new, improved and specialized training programs, which would target professionals who have already completed “Training for employees in the centers for social work to provide quality services to LGBT people and their families”.

The reasons for this approach can be found in the fact that one training is certainly not sufficient for sustainable and irreversible changes in the attitudes of professionals in the centers for social work toward LGBT people, as well as the fact that there are certainly many other fields of work with LGBT people who are not known to professionals in the centers social work, because they were not subject of their formal education nor other trainings. Also, it is indisputable that a change of attitudes and prejudices is not event but a long-lasting process – that requires continuous and well-planned work.

V 1. b) Experience in cooperation with the centers for social work on concrete cases

According to the document “Recommendations for a adequate response of the social protection system to the needs of LGBT people and their families”, just after the first 15 experts completed the training, appeared for the first case in which the Association Rainbow invited to cooperate with the center for social work in western Serbia on solving the problems of LGBTs and their families. One case concerned a gay person, at the age of 17 years, who is, after the discovery of his sexual orientation, suffered months of parental pressure to change and tried to commit suicide. At the initiative of the center for social work and the proposal of CSW’s psychologists, there was started with counseling with the young person and his parents, where participated and representative of the *Association Rainbow*. After the agreements of professional workers center for social work and the *Association Rainbow*, continued with counseling work and cooperation with school that attend that young gay person and his sister, with the aim of preventing potential discrimination and oppression school from staff and other students.

Cooperation in dealing with LGBT people, between the centers for social work and the *Association Rainbow*, intensified after the implementation of training for employees with aim to provide quality services to LGBT people and their families. This indicates the tracing of good practice.

Practice and experience of cooperation between centers for social work and Rainbow Association, can be empirically resource for the institutionalization partnerships, as well as for the standardization of instruments in relation to the assessment, planning, reporting, initiating referral, monitoring, evaluation, mutual support and other issues in protection of LGBT people within social protection system.

VI 2. Partnership of civil society organizations and organizations of social protection

The partnership with the center for social work. Partnership between organizations involved in the provision of social protection services enables a holistic approach to working with the service users. In the constellation consisting of civil society organizations dealing with LGBT individuals and centers for social work, it is advisable to develop and formalize partnership, because partnership enable functional connection and synergy in working on improving the status of LGBT persons as service users in

social protection¹.

Formal partnership consists of one or more civil society organizations dealing with LGBT people, on the one hand, and one or more centers for social work - but it should be defined that all these organizations in network have the same goal and working together to solve problems and improve the status of LGBT persons as users of social protection services.

Partnership with providers of social protection services. In addition to partnerships with centers for social work, within the provision of social services to LGBT people and organizations that provide social protection services have an important role. Formalized partnerships between civil society organizations dealing with LGBT individuals and organizations that provide services, which can be addressed LGBT persons – also contributes to the institutionalization of cooperation and improving the availability and quality of social protection to LGBT people. This refers to organizations that provide counseling services, therapy services, shelters and others.

The partnership with the institutes for social protection. According to the *Law on Social Protection*, institutes for social protection, among other things, performs the following tasks²:

- explore social issues and problems, operation and effects of social protection, prepares analyzes and reports in the field of social protection and propose measures to improve social protection;
- developing a quality system of social protection, coordinating the development of service standards and propose to the competent ministry improvement of existing and introduction of new standards.

So, Institute for Social Protection in Belgrade and the Provincial Institute for Social Protection in Novi Sad are the institutions in the system of social protection that are designed, among other things, to develop and improve social protection. This opens up space for the design and standardization of new services and programs in a social protection system, tailored to LGBT people and their families. This obliged civil society organizations dealing with LGBT persons to initiate cooperation with these institutes. Also, the possibility of cooperation with the institutes for social protection is an opportunity for standardization of instruments of cooperation.³

1 For more see the section VI.4."Services and social protection programs for LGBT people".

2 See Article 164 of Law on Social Protection.

3 For more see the section VI.4."Services and social protection programs for LGBT people".

VI 3. Cross sector services

Social protection is legally and methodologically determined, both as a scientific discipline, as well as activity concretized in the rights in the field of social protection – material benefits and social services. If we look at social protection at the level of service, it is easy to recognize it is interdisciplinary. This can be seen and in the structure of professional workers in the centers for social work, and other social institutions, as well as the methodology of professional social work. In these organizations, employees and other persons engaged in the professional social work are social workers, psychologists, lawyers, etc. Through social protection we meet the convergence of scientific fields and pervasion disciplines and professions, none of which individually cannot do social work.

From the methodology of professional social work stems that jobs in the centers of social work and other social welfare organizations cannot work well enough when it is strictly bounded with formal professions of staff who perform them. This also means that the full capacity of social work and social protection comes to the fore only in the form of interdisciplinary work and permeation of knowledge and skills. Furthermore, social services cut across the sphere relatively new professions and skills, for example: mediation, various schools and directions of psychotherapy, group as well as individual peer counseling etc.

Human needs are holistic and know no strict boundaries between disciplines and professions. If we look at social services as a response to human needs, then they must be holistic and involve more than one profession. Users of social services, here with focus on LGBT and their family members – have needs that must be met by providing a service or group of services that cross the boundaries of individual professions and sectors.

Law on Social Protection defines of cross-sector services. According to Article 58 of this Law “Depending on the needs of users, social services may be provided at the same time combined with the services that provide educational, health and other institutions (hereinafter referred to as inter-sector services). The harmonized provision of these services should be according the protocols on cooperation”.

As it follows from the analysis of the *Law on Social Protection*, the system of social protection is “open”, and it is possible to generate new services, which can be standardized. This indicates the responsiveness and flexibility of the system of social services. In addition, the flexibility comes from program of activities that can be created and implemented by the provider of some social protection services. They can be designed to meet needs of specifics user group. *Law on Social Protection* provides the ability to create specific, combined and integrated social and health services for LGBT people and their family members. It is evident need for the integration of these services.

It is an undeniable need for creating and providing inter-sectorial services, i.e. combined services that provide educational, health and other institutions.

These services must be standardized.

The standardization of inter-sector services implies involvement sectors (social protection, health care, education).

The interested civil society organizations dealing with LGBT persons in cooperation with the Republic Institute for Social Protection, must take the initiative to standardize these services. Also, from the same address must come to an initiative for the adoption protocols. These protocols must be made by the ministers in the relevant ministries.

VI 4. Services and social protection programs for LGBTs

Exchange of information between the centers for social work and associations that are dealing with LGBT people; assessment, planning, referral and evaluation. System of social protection in Serbia is organized on way that the center for social work is only organ that exercise of public authority in order to decide that one person could be user of some social protection service. It stems from the legal norms according to which: “The procedure for using the services from this Law that provides Republic of Serbia, autonomous province or local self-government, implementing a center for social work, ex officio or at the request of the client”¹. Under this Law, centers for social work decide on the use of social services and refers client to authorized provider of specific social protection services². Law regulates this role of center for social work.

If use of social protection services is paid by public budget of Republic of Serbia, autonomous province or local self-government units, center for social work is the only referral authority. It is a different situation when a user or relative or a third party pays the full costs of social protection services. In this case it is not necessary center for social work to make decision on right on service, it is possible directly contracting services between the service user and provider.

In addition, the service user or his/her legal representative can directly select a service and provider

¹ See Article 68 paragraph 1 of Law on Social Protection.

² See Article 69 and 70 of Law on Social Protection.

and conclude service contract. However, service user or his/her legal representative cannot directly choose provider and use institutional placement of the child; institutional placement of adult under guardianship; placement child or minor a correctional institution and placement child in foster family¹. The above-mentioned services are used exclusively on the basis of the decision of the center for social work, or a court decision- regardless of sources of payment for using service.

There is a room to establish cooperation between center for social work and other organizations including civil society organizations to exchange information that are important to refer service users to service providers. This cooperation can be established by regulation or specific instrument of cooperation (contract, agreement, memorandum, etc.). Also, state regulations enabling this kind of partnership. According those regulations, inter-sector committee issues opinions on the needs of children with disabilities for additional support, including support in area of social protection. When this opinion got center for social work it assesses whether it is necessary to refer the child to use specific social protection service (e.g. personal escort of a child, day care etc.).

It is quite possible and there are no legal obstacles to the establishment of partnership on the basis of contracts or agreements between the center for social work and civil society organizations that are concerned with LGBT people. This partnership may be aimed at facilitating the referral LGBT persons and their family members to use some social protection services. The content of such partnership may be that civil society organizations submits to the center for social work its assessment of needs of LGBT person for some service and recommends refer to the use service. Such an act of civil society does not have the character of instructions, all but an initial act to initiate proceedings by center for social work. This approach uses the fact that the civil societies organizations are better connected with LGBT individuals and LGBT`s have more confidence in the staff of civil society organizations than in the center for social work. This provides better information and preparations for LGBT`s entry in the system. Also, the knowledge that civil society has about LGBT, his/her family and other environment are often more substantial and better than the knowledge of center for social work.

The act of civil society organizations, regardless of whether it is in the form of a pattern with standardized content which was agreed in partnership between center for social work with civil society organizations, which identifies the needs of LGBT for a particular service or a measure of support – has the character of initiative addressed to the center for social work to start the process of needs assessment and referral of LGBT to use social protection service.

¹ See Article 77 and 78 of Law on Social Protection.

Cooperation between center for social work and civil society organization when they are working on a particular case, do not end with referral. Center for social work can and should enable civil society organization on whose initiative the user is directed to the use of service to gain feedback- both about the service as well as on the outcome. Also, the center for social work can refer clients to a civil society organization that deals with the rights of LGBT people and their families, as a service provider.

The mechanism of monitoring, evaluation and technical support. Within the framework of cooperation between the centers for social work and civil society organizations dealing with LGBT people, it is necessary to establish a functional system of monitoring, evaluation and technical support in dealing with the sexual minorities and their families. Establishing of that cooperation enables the exchange of information necessary to further joint activities in support of service users, improve services and other forms of support to users, as well as the standardization of procedures in dealing with LGBT people.

Development and standardization instruments for initiating the needs assessment of LGBT`s and referral to use social protection services, development and standardization of reporting instruments and feedback about working with LGBT`s, as well as the development of mechanisms for monitoring, evaluation and professional support, establishes a functional referral system and promotes partnership between centers for social work and these civil society organizations.

Standardization of partnership instruments. For the purposes of information exchange between the center for social work and civil society organizations dealing with LGBT people, can be used internally standardized patterns, created by civil society organizations (as initiator) and the center for social work. Such standardization of content information and reporting can be seen as an operational and transitional solution that is necessary to regulate the cooperation agreement civil society organizations dealing with LGBT people, centers for social work and service providers that provide services to LGBTs.

In addition, it is possible, in cooperation with the Republic Institute for Social Protection in Belgrade and the Provincial Institute for Social Protection in Novi Sad – to initiate activities for the standardization of instruments of cooperation between the centers for social work, providers of social protection services and civil society organizations dealing with LGBT people.

Outreach. The concept of outreach means, “reach someone, get someone out there, outside of something”. In the context of social work refers to the achievement of someone who is outside the

institutional framework - even on the margins of society. Unique meaning of the term “outreach” has not been determined, but in addition to the above may encounter synonyms such as “street social work”, “mobile teams” and “work on the streets”. This is a set of continuous activity-based on volunteerism in involvement of the users, providing a set of services in the field conditions, or to identify a better insight into the needs, strengths, difficulties and risks in relation to the user, in order to meet needs that are not met other services, increase the availability of other necessary services to the user, as well as to reduce the risk- the direct reaching users browsing in time and in places where users can find. Outreach is adequate and in situations that are critical for the user as well as to control and harm reduction. Outreach improves the division of responsibilities of the institutions of social and health care, and other stakeholders (service providers) and the clients. In this way the user’s needs meet support, builds up his/her self-esteem and the empower to participate in community based social.

Outreach generally refers to the work that takes place in the community, on the street – with a population of people who abuse psychoactive substances, persons who are at risk of HIV infection and sexually transmitted diseases, children who are involved in the life or work on the street, young people in conflict with the law, commercial sex workers and men who have sex with other men, homeless and others.

Depending on the community in which it is implemented, the resources that are available, primarily due to the perception of experts who contribute to the development of social protection systems, creating institutions of social protection and affect the introduction of new approaches and define their meaning – outreach can be represented as (1) methods of social work; (2) social protection service, intended for a specific population; (3) program, which consists of specific activities designed with a specific purpose.

Outreach without regard to whether it is seen as a method, service or program – when it comes to LGBT people has its place and the social protection system in order to increase the availability of these individuals use social protection services. In practice outreach in this sense is more used by civil society organizations than the centers for social work. Civil society organizations are closer to the users, more connected with the users or are with more chances to achieve better contact with the users, their work is more flexible and relieved of administrative procedures. These capacities of civil society organizations have used when it comes to individuals, groups of users, including LGBT people. This would mean that partnerships between civil society organizations dealing with LGBT individuals and centers for social work, develop civil society organizations as a resource to use outreach, and promote role of field workers as staff of civil society organizations.

Furthermore, outreach should be recognized clearly in the social protection system and standard-

ized — either as a method, service or program, and field workers should find its place among staff participating in social work.

According to the *Rulebook on professional work in social protection*¹ — jobs of assistants are performed by persons with acquired second, third and fourth level of education, who are engaged in direct work with users in a social protection institution as well as in other providers of social protection services, and who have acquired a certificate of successful completion of accredited training of a program to work what include careers, housekeepers (geronto domacice) and working instructors. Because of the fact that the field workers are very often people who are not professional workers in terms of the social protection system in Serbia, i.e. they are not social workers, psychologists, counselors, special educators and others² — so they as engaged persons conducting outreach can be defined as assistants, i.e. field assistants.

Outreach should be recognized clearly in the social protection system and standardized — either as a method, service or program.

Field assistants engaged as persons performing outreach should be defined as assistants in terms of the Rulebook of professional work in social protection.

Civil society organizations dealing with LGBT persons, in cooperation with the Institute of Social Protection should initiate the standardization of outreach and identification of field workers as assistants in social protection.

Counseling. Counseling is one of the advisory-therapeutic services provided as an aid to individuals and families who are in crisis, in order to improve family relationships, overcoming crisis situations and to gain skills for independent and productive lives in society.

According to the *Rulebook of professional work in social protection*³, basic professional work of social protection, depending on the characteristics and needs of user groups include, among others — **advisory guidance**. The basic professional social work is performed by professional workers: social worker, psychologist, pedagogies, andragogies, special pedagogies and special educator and rehabilitator who: 1) have completed basic vocational studies, basic studies and studies of second degree of social work, psychology, pedagogy, adult education, special education or special pedagogy; 2) have gained a certificate of successful completion of accredited training program of work on the main professional work, or to work with a specific user group (victims of violence , persons with disabilities, elderly); 3) have a license to perform basic professional work in social protection⁴.

1 See Article 22 of the Rulebook of professional work in the social protection (“Official Gazette of RS”, no. 1/2012 and 42/2013)

2 See Article 136 of Law on Social Protection.

3 See Article 4 of this rulebook.

4 See Article 5 of this rulebook.

According to the *Rulebook of professional work in social protection*¹, specialized work in social protection includes **individual and group counseling** and different therapeutic approaches of relevance for social protection, mediation, and other programs that require specialized knowledge and skills. The same rulebook stipulates that specialized work in social protection, depending on the characteristics and needs of user groups perform professional workers who have completed basic academic studies and second degree social work, psychology, pedagogy, special pedagogy etc., which have gained special knowledge and skills and a license to perform specific specialized work.

Counseling as social protection services is a specialized work in social protection, which means structured interactive learning process and guiding the service user by using the cognitive, affective, behavioral or systemic intervention so that he gained self-understanding and self-determination in order to making service user's independently informed decisions to overcome the difficulties in personal, family and social functioning².

Advisory guidance is the process in which a professional worker implementing activities helping service user and his/her family to make informed decisions regarding the overcoming of difficulties in meeting basic needs, eliminating the consequences of social exclusion and empowerment for independent and productive lives in society. Advisory guidance may be in the form of telephone and online counseling, which includes the activities of the advisory guidance and information for social protection that is implemented using telecommunication technologies in the IT environment, and telephone, internet portals, Skype, etc.³

According to the *Rulebook of professional work* in social protection, advisory guidance and counseling have been established as a professional social work. These tasks can be performed only by professional workers defined by the *Law on Social Protection* and the *Rulebook of professional work* in social protection. In this way the counseling, including advisory guidance, set very formally in terms of conditions for performing these tasks.

According to the experiences of civil society organizations dealing with LGBT people, to work with these people there is a need for performing operations of **peer educator as an advisor**⁴, due to a lack of trust towards the established experts in the social protection system, and in other hand due to already established trust the other person of a different sexual orientation.

1 See Article 6 of this rulebook.

2 Definition of counseling is from a working version of the *Rulebook on minimum standards for the provision of advisory-therapeutic and socio-educational services in social protection*, form authors Vera Despotovic Stanarevic and Vladan Jovanovic.

3 Definition of advisory guidance is from a working version of the *Rulebook on minimum standards for the provision of advisory-therapeutic and socio-educational services in social protection*, form authors Vera Despotovic Stanarevic and Vladan Jovanovic.

4 Peer educator is peer educator in accordance with his/her personal characteristics that connect him/her with the service user. Peer educator can be one LGBT to another LGBT person, a former sex worker to other sex workers etc.

If we take into account the relevant regulations applicable, then the *peer educators as an advisor*, has to be formally educated and skilled professional workers in basic or specialized work in social protection. The problem is that people in practice perform tasks *peer educators as an advisor*, as volunteer's not professional workers in terms of regulations in social protection.

In order to be recognized function of peer advisor as a volunteer in work with LGBT people, there are two possible ways:

1) In principle, it is possible to initiate the procedure for amending the regulations on professional works in social protection with aim for peer advisor to be recognized as a non-professional worker. This way is harder and has a small capacity to be successful, because it implies fundamental changes in the architecture and essence of professional work in social protection.

2) It is possible that peer advisor as a volunteer or peer educator in the social protection be identified as an assistant in terms of Rulebook on professional work in social protection. People who in reality perform these tasks much easier will be eligible for assistants and their absorption into the system is more realistic and with greater capacity for success. Therefore, it is necessary that civil society organizations that deal with LGBT people initiate amendments of the Rulebook on professional work in social protection.

Programs for work with LGBT people and their families. The system of social protection, as it is derived from the analysis of social protection services, is open and has absorptive capacity to accept new services, and existing services are designed and for service users with different characteristics and needs. It is possible to expand social protection services and create new services that match needs of LGBT people and their families.

There is a more space for improvement in the group of advisory-therapeutic and socio-educational services- particularly in the socio-educational services. The socio-educational services are provided as a way to help individuals and families who are in crisis, in order to improve family relationships, overcoming crisis situations and to gain skills for independent and productive lives in society¹.

These services are not further defined in the *Law on Social Protection*, nor in the rulebook that regulates minimum standards of a social protection services. Socio-educational services consist of a series

¹ See Article 46 Paragraph 1 of Law on Social Protection.

of programmatic activities that can be created with respect to each user group, including LGBT people and their families.

The nature of socio-educational services is such that it is possible to develop new program activities (programs) to work with clients, including LGBT people and their families.

The introduction of these programs in the system of social protection is not addressed only to the standardization of new services; it is already possible through a system of accreditation training programs as well as without verification of their content in the form of standardization or accreditation. The system of accreditation, according to applicable regulations is focused only on the accreditation of training programs for persons engaged in the social protection system, and not on the accreditation of programs that focus on specific work with service users. This means that it is possible in the framework of the training of staff in the social protection system to create a part of program that relates to specific activities with service users. In this case, the created program should be addressed to the Institute for Social Protection in order to obtain accreditation. According to Article 201 of the *Law on the Social Protection* "Registration of training programs for accreditation shall be submitted to the Institute for Social Protection, which examines whether the application is complete and accurate. All submitted complete and accurate application for accreditation, together with supporting documentation, Republic Institute for Social Protection Committee submitted for accreditation. Accreditation Board considers the received applications, perform technical assessment of the program, make a list of programs that meet the accreditation standards and submit it together with the expert opinion of the minister responsible for social protection for reaching the decision on accreditation. The manner of implementation of the accreditation procedure prescribed by the Minister for Social Protection."

In addition, it is possible to create program or multiple programs on work with users, in our case LGBT persons and their family members, and apply them- and that this program should not be verified by an authority in the system of social protection. This stems from the fact that the system of licensing requires, inter alia, developing program activities¹ that will be carried in the delivering services to specific user group. What is important here again to emphasize is that the provision of advisory-therapeutic and socio-educational services – does not require a license from organization (service provider). This also means that an organization that provides socio-educational services no opportunity to verify their program activities, since they can be verified only in the framework of licensing organizations.

We can debate about whether this solution is good or not, but what is for sure is there is a blank space in the quality system of social protection, which also allows greater flexibility and creativity for organizations that provide socio- educational services.

¹ For details see the section V.3."How license the organization".

Civil society organizations working with LGBT people and their families can develop programs to work with these clients, which correspond to their specific needs. The purpose of these programs in relation to people of different sexual orientation and gender identity and their families is to provide assistance and support in order to preserve the family and partner relationships, acceptance of family members who are LGBT persons, prevention of violence and discrimination within the family, help LGBT people to realize greater degree of independence and self-confidence, to improve the quality of life and integrate into the community.

Civil society organizations can, as a kind of socio-educational services, develop programs of work with LGBT people and their families that meet needs of service users.

Shelter for LGBT people. According to the *Rulebook on minimum standards for the provision of social protection services*¹ placement in shelters the longest lasting up to six months, inter alia, the following user groups: children, youth and adult victims of domestic violence, abuse or neglect; children and youth who are in vagrancy, unaccompanied and in different crisis situations that need temporary housing needs assessment for the purpose of referring to the use of other services; adults and the elderly in emergency situations, the homeless and beggars.

Accordingly, LGBT persons may be users of the placement in shelter, or it is possible to establish a shelter for LGBT persons for their temporary placement when they are forced to leave their family homes. Rulebook on minimum standards has a normative-absorption capacity for recognition a shelters intended for LGBT people. In order to improve this service and become it more accessible to LGBT people, it is not necessary to make amendments to the regulations on national level.

What is needed is that the civil society organizations that are interested in it, are licensed to provide service – placement in shelter with a LGBTs in crisis situations as a user group.

¹ See Article 46 of this rulebook.

Also, it is necessary that this service with the specified user group is identified in the decisions on social protection services made by local self-governments, as well as to provide funding these shelters in cooperation with the local authorities.

It could be appropriate to advocate opening shelters for LGBT people on an inter-community level – i.e. for the needs of two or more units of local self-government. It will certainly be a challenge for the civil society organizations that deal with LGBT people, but it is a way to accept service in crisis situations makes available to LGBT people.

VII CONCLUSIONS AND RECOMMENDATIONS

In this final part of the analysis we present the conclusions and recommendations related to improving the social protection system in relation to LGBT people and their families.

The conclusions and recommendations from this analysis, yet exists in the text, but here we group them and give a summary with the aim of better transparency and increase the potential for their use.

The prohibition of discrimination, users and social welfare services

- The Status of UN member states and candidate for membership in the European Union, is obliged for Republic of Serbia to undertake to their internal law and practices international standards relating to protection against discrimination and promotion of the rights and position of the LGBT population.
- The *Law on Social Protection* explicated the prohibition of discrimination in social protection based on sexual orientation, which speaks positively about the legislator's insight. However, it should be noted that in the same provisions are not explicated and gender identity as personal characteristic for the prohibition of discrimination in social protection.
- User groups in the *Law on Social Protection* are defined according to the characteristics of users that are relevant for material benefits or social protection services. In such the features of the Law, does not belong to sexual orientation and gender identity, with the result that as beneficiaries of social protection are not explicated LGBT people, both in the age of the child or youth, as well as age adults and older persons. However, LGBT people can certainly be the beneficiaries of social protection if they meet any of the requirements prescribed by Law for the use of the right to material support or social protection services.
- The role of the center for social work is to assess the person's independence, its ability to achieve well-being, in accordance with the age, or the age and circumstances of life. Centre for social work should recognize the difficulties that a person has in performing daily life activities and managing their life in accordance with that assessment guides the user to use certain services of social protection. The assessment performed by experts of the center for social work together with the user

and with the participation of important people from the surrounding users, and with the participation of experts outside the center for social work, if necessary.

- The system of social protection services is open system. Each service group is made up of enumerating the specific services that it includes, but is also open to the enumeration of new services that will, it is reasonable to assume, eventually emerge. This system sets the service as an open system, which has potential of absorption the new services.
- *Law on Social Protection* stipulates that assessment and planning provides center for social work within its public authority. Upon the completion of the assessment and individual plan of services, center for social work is referral mechanism to refer client to use the appropriate service. So, assessment and planning is solely in authority of center for social work, in order to decide what services the client needs and what measures in accordance with law should be undertaken. However, when a client comes from center for social work to a service provider, there should be made detailed assessment and individual plan to use a specific service. The service provider is now working assessing and planning specifically in the function of providing those services that service user needs (e.g. day care center, personal assistance, home assistance etc.).
- Services of urgent intervention are specified in the Law on social protection. Their provision is aimed at protecting the security of users, in situations that threaten the life, health and development of the user. For services of urgent intervention its necessary cooperation between center for social work with other agencies and services. Important factors in providing these services may be the civil society organizations dealing with the protection and promotion status of LGBT people and these services can refer to LGBTs in situations where their safety is endangered, as well as their life and health.
- To provide advisory-therapeutic and socio-educational services organization-service provider is not required to have a license, but license is required for professional who deliver a service- it is a specialized license.

Providing social protection services

- Municipalities and cities are important social actors in the provision of social protection services. A large number of services are in their jurisdiction, meaning that those services must provided by local authorities.

- The responsibility for providing daily care services in the community actually means that the organs of local self-government are required to provide funds for the provision of services. Municipalities have to create ambience for authorized service providers to provide services.
- Through earmarked transfers was installed financial support to local authorities from the central level, with aim to establish and improve social protection services in the community. Even after more than three years has not been made the Regulation on earmarked transfers, what derogate concept of earmarked transfers stipulated in the *Law on Social Protection*.
- Services in the community that the local self-government cannot provide or cannot provide in sufficient quantity through the established institutions of social protection have to be provided through public procurement. *The Law on Social Protection* refers to the provision of necessary services, primarily services in the community, through the competitiveness of organizations who wish to apply as a provider of social services.
- The mechanisms that involve the system of public procurement of services (open competition, contracting, monitoring, evaluation, reporting, and conditional termination of a contract extension), significantly protect service users and ensure his compliance with the quality standards of service. The public procurement system of social protection is not begin to live. Many local governments avoid providing services through public procurement.

Licensing organizations – providers of social protection services

- The authorized provider of social protection services, according to the *Law on Social Protection*, means the licensed organization. Owning a license is a formal requirement for the provision of social protection services for which the provision license is prescribed. Licenses a social protection organization includes all organizations regardless of the form of organization: civil society organizations, social welfare institutions and other institutions, companies, entrepreneurs. Centers for social work are not obliged to be licensed for activities within their public authority.
- The license is issued for the provision of services day care, home assistance, drop in, small residential communities, shelters, respite housing, supported housing, personal assistance, personal escort the child, placement in family of relatives, foster family and institutional placement. The organization can be licensed for the provision of one or more of social protection services. License is not required organization that provides a service from a group of advisory-therapeutic and scio-educational services.

Civil society organizations engaged in improving the status of LGBT`s and LGBT`s as users of social protection services

- LGBT persons and their family members may be beneficiaries of any social services, if needs service. So, the entire social protection services are available to LGBT people and their families.
- It is necessary to implement this training program periodically, so that the participants are new hires experts from the centers for social work.
- It is necessary to develop new, improved and specialized training programs, which would target professionals who have already completed “Training for employees in the centers for social work to provide quality services to LGBT people and their families”.
- Practice and experience of cooperation between centers for social work and *Rainbow Association*, can be empirically resource for the institutionalization partnerships, as well as for the standardization of instruments in relation to the assessment, planning, reporting, initiating referral, monitoring, evaluation, mutual support and other issues in protection of LGBT people within social protection system.
- Formal partnership consists of one or more civil society organizations dealing with LGBT people, on the one hand, and one or more centers for social work- but it should be defined that all these organizations in network have the same goal and working together to solve problems and improve the status of LGBT persons as users of social protection services.
- It is an undeniable need for creating and providing inter-sectorial services, i.e. combined services that provide educational, health and other institutions. These services must be standardized. The standardization of inter-sectorial services imply involvement sectors (social protection, health care, education). The interested civil society organizations dealing with LGBT persons in cooperation with the Republic Institute for Social Protection, must take the initiative to standardize these services. Also, from the same address must come to an initiative for the adoption protocols. These protocols must be made by the ministers in the relevant ministries.
- The act of civil society organizations, regardless of whether it is in the form of a pattern with standardized content which was agreed in partnership between center for social work with civil society organizations, which identifies the needs of LGBT for a particular service or a measure of support- has the character of initiative addressed to the center for social work to start the process of needs

assessment and referral LGBT to use social protection service.

- Development and standardization instruments for initiating the needs assessment of LGBT's and referral to use social protection services, development and standardization of reporting instruments and feedback about working with LGBT's, as well as the development of mechanisms for monitoring, evaluation and professional support, establishes a functional referral system and promotes partnership between centers for social work and these civil society organizations.
- Outreach should be recognized clearly in the social protection system and standardized- either as a method, service or program. Field assistants engaged as persons performing outreach should be defined as assistants in terms of the Rulebook of professional work in social protection. Civil society organizations dealing with LGBT persons, in cooperation with the Institute of Social Protection should initiate the standardization of outreach and identification of field workers as assistants in social protection.
- According to the experiences of civil society organizations dealing with LGBT people, to work with these people there is a need for performing operations of **peer educator as an advisor**, due to a lack of trust towards the established experts in the social protection system, and in other hand due to already established trust the other person of a different sexual orientation. If we take into account the relevant regulations applicable, then the peer educators as an advisor, has to be formally educated and skilled professional workers in basic or specialized work in social protection. The problem is that people in practice perform tasks peer educators as an advisor, as volunteer's not professional workers in terms of regulations in social protection. In order to be recognized function of peer advisor as a volunteer in work with LGBT people, there are two possible ways:
 1. In principle, it is possible to initiate the procedure for amending the regulations on professional works in social protection with aim a peer advisor to be recognized as a non-professional worker. This way is harder and has a small capacity to be successful, because it implies fundamental changes in the architecture and essence of professional work in social protection.
 2. It is possible that peer advisor as a volunteer or peer educator in the social protection be identified as an assistant in terms of Rulebook on professional work in social protection. People who in reality perform these tasks much easier will be eligible for a assistants and their absorption into the system is more realistic and with greater capacity for success. Therefore, it is necessary that civil society organizations that deal with LGBT people initiate amendments of the Rulebook on professional work in social protection.
- Civil society organizations can, as a kind of socio-educational services, develop programs of work

with LGBT people and their families, that meet needs of service users.

- LGBT persons may be users of the placement in shelter, or it is possible to establish a shelter for LGBT persons for their temporary placement when they are forced to leave their family homes. Rulebook on minimum standards has a normative-absorption capacity for recognition a shelters intended for LGBT people. In order to improve this service and become it more accessible to LGBT people, it is not necessary to make amendments to the regulations on national level. What is needed is that the civil society organizations that are interested in it, are licensed to provide service – placement in shelter with a LGBTs in crisis situations as a user group. Also, it is necessary that this service with the specified user group is identified in the decisions on social protection services made by local self-governments, as well as to provide funding these shelters in cooperation with the local authorities. It could be appropriate to advocate opening shelters for LGBT people on an inter-community level- i.e. for the needs of two or more units of local self-government. It will certainly be a challenge for the civil society organizations that deal with LGBT people, but it is a way to accept service in crisis situations makes available to LGBT people.

IMPRESSUM

ANALYSIS OF SOCIAL PROTECTION

Aspect of Civil Society Organizations Engaged in Improving the Status of
LGBTs and LGBTs as users of social protection services

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