

**Analysis and Proposal
for the Ministry of
Labor and Social Policy
in Tuzla Canton**

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I. Executive Summary

The Canton of Tuzla, in a similar way as the Federation level in Bosnia and Herzegovina, is faced with a growing financial crisis in the social welfare. This crisis is occurring, also because the GDP expenditure for this specific activity is relatively small if compared with some countries or entities of the region like, for example Croatia, Slovenia, Republika Srpska but also if compared with Macedonia and Former Republic of Yugoslavia.

Additionally, the actual system shows that, in terms of competencies, there is confusion existing between the Federal and the Cantonal level. In fact, in Tuzla Canton the social Welfare is a shared responsibility among the Federation – setting the main legal framework –, the Canton – legal framework and financing – and the Municipalities – financing of the Centers for Social Welfare –.

Furthermore, the outcome of the actual decentralized system has the consequence that where the incidence of poverty is greater the resources are scarcely for the most vulnerable. As a result, this mechanism leads to an ineffective social coverage and thus to a situation of indigence among the weak social categories.

With the aim to identify the actual state of art of the organization of the social welfare system in Tuzla Canton, the attention was primarily focused on the institutional relationship between the Canton and the Centers located at Municipal level and between the Centers themselves. Additionally, the institutional relationship was connected with the analysis of the actual legislative framework. By doing so, however, this analysis did not investigate the appropriateness of the policies.

The following chart summarizes the main policies that the different actors have to consider when implementing the welfare sector.

Policy and actors involved	Federal	Cantonal	Municipality
Legal general framework	✓		
Law on Social Welfare		✓	
Expansion of minimum services set by the upper level		✓	✓
Location of Department		✓	
Payment of Department operational costs		✓	
Payment of Department Civil Servant salaries		✓	
Location of Centers for Social Welfare (CSWs)			✓
Payment of CSWs operational costs			✓
Payment of social benefits to entitled people		✓	

II. Introduction

In Tuzla Canton the social welfare, the protection of civilian victims of war and the protection of families with children is a shared responsibility between the Federation, the Canton and Municipalities.

At Cantonal level, the Ministry of Labor and Social Policy is the institution body that deals with such issues. In terms of organizational structure, the *Department of Social Protection, Protection of Civilian War Victims and Protection of Families with Children* is in charge of the implementation of the policies set by law. At Municipal level, the contact with the local reality is made through the Centers for Social Welfare.

The findings made during the assessment visit helped the Author to design specific and tailor-made recommendations. The recommendations contained in this document aim to help to effort to reduce the trade-off between the adoption of different policies at different levels and to provide a reasonable control over the activities. Additionally, specific attention is paid in regard to the different role played by the different Institutions (Federal, Cantonal or Municipal), the competencies (once again related to the three institutional levels) and the responsibilities (the question to be answered is: who is responsible for what?).

To better understand the problematic of the social welfare in Tuzla Canton several assessment visits were organized. Those included visits to the Department at Cantonal level, to the Centers for Social Welfare, to other International Organizations (SCUK and UNICEF), to local NGO (Vive Zene) as well as the participation to the Seminar organized by the Ministry for Labor and Social Welfare in collaboration with UNICEF. I am grateful to all the people I met and for the enthusiasm and commitment they demonstrated. This report is made possible also thanks to their contribution.

III. The Institutional framework at the cantonal level

In terms of **scope**, the actual framework of Tuzla Canton is contained in the *Law on social protection, protection of civilian war victims and protection of families with children* adopted by the Cantonal Assembly in 2000.

In specific, the social welfare programme that the Canton Assembly adopted together with the Law includes a variety of activities. Among those the law determines:¹ (a) Social Welfare for citizens and their families; (b) amounts of money and other contributions, conditions; (c) establishment and operation welfare institutions and procedure for establishment of associations of disabled persons; (d) conditions, methods and procedures of obtaining welfare benefits by civilian victims of war and their families, and (e) financing and other issues relevant for achieving social welfare benefits, protection of civilian victims of war and protection of families with children.

The **beneficiaries**² of the welfare programme in the Canton are the following categories of individuals and families: (a) children without parents or guardians; (b) children neglected during

¹ Law on social protection, protection of civilian war victims and protection of families with children, September 2000, art. 1.

² Law on social protection, protection of civilian war victims and protection of families with children, September 2000, art. 3.

their upbringing; (c) children uncared-for during their upbringing; (d) children whose upbringing is hindered by family problems; (e) disabled persons and physically and mentally underdeveloped persons; (f) financially unsecured persons and persons with permanent working disability; (g) elderly persons without family care; (h) persons with expressively negative social behaviour; (i) persons exposed to abuse and domestic violence; and (j) persons and families in state of social need that, due to the special circumstances, require special type of social welfare.

The **activities** are shared due to the divided competencies between the Canton and the Municipalities.

At **Cantonal level** the Law on Ministries and other Administrative Bodies in the Tuzla-Podrinje Canton delegated to the Ministry of Labor and Social Policy³ the general competence of the welfare. The Ministry of Labor and Social Policy has competencies - by law - over the following areas:⁴

- labor relations and protection of employees, as well as the rights of the unemployed, in accordance with the law;
- protection at work;
- social protection, protection of civilian war victims and protection of families with children, in accordance with the law;
- work of humanitarian organizations;
- maintaining a registry of collective contracts concluded in the Canton;
- maintaining a registry of social protection institutions for the Canton;
- maintaining a registry of humanitarian organizations in the Canton;
- inspection in all areas under its responsibility;
- drafting laws and other regulations under its responsibility;
- performing other jobs that the law places under its responsibility.

The Ministry of Labor and Social Policy is organised in a divisional structure⁵ that includes four main branches. The first Department is the one for general protocol, expert-operational, economic and support/technical jobs. The second is the Department of Labor and Employment. The third one is the Inspectorate and the last one is the Department of Social Protection, Protection of civilian war victims and Protection of families with children.

The additional tasks identified in the Rulebook (art. 8) of the Department of Social Protection, Protection of Civilian War Victims and Protection of Families with Children specifies furthermore that the Department:

³ Since the adoption of the Law in 1998, the Ministry of Labor, Social Policy and Refugees was divided with the 2000 reform into two new Ministers: the Ministry of Labor and Social Policy and the Ministry of Displaced Persons, Refugees and Returnees.

⁴ Law on changes and amendments to the Law on ministries and other administration bodies of the Tuzla-Podrinje Canton, art. 15

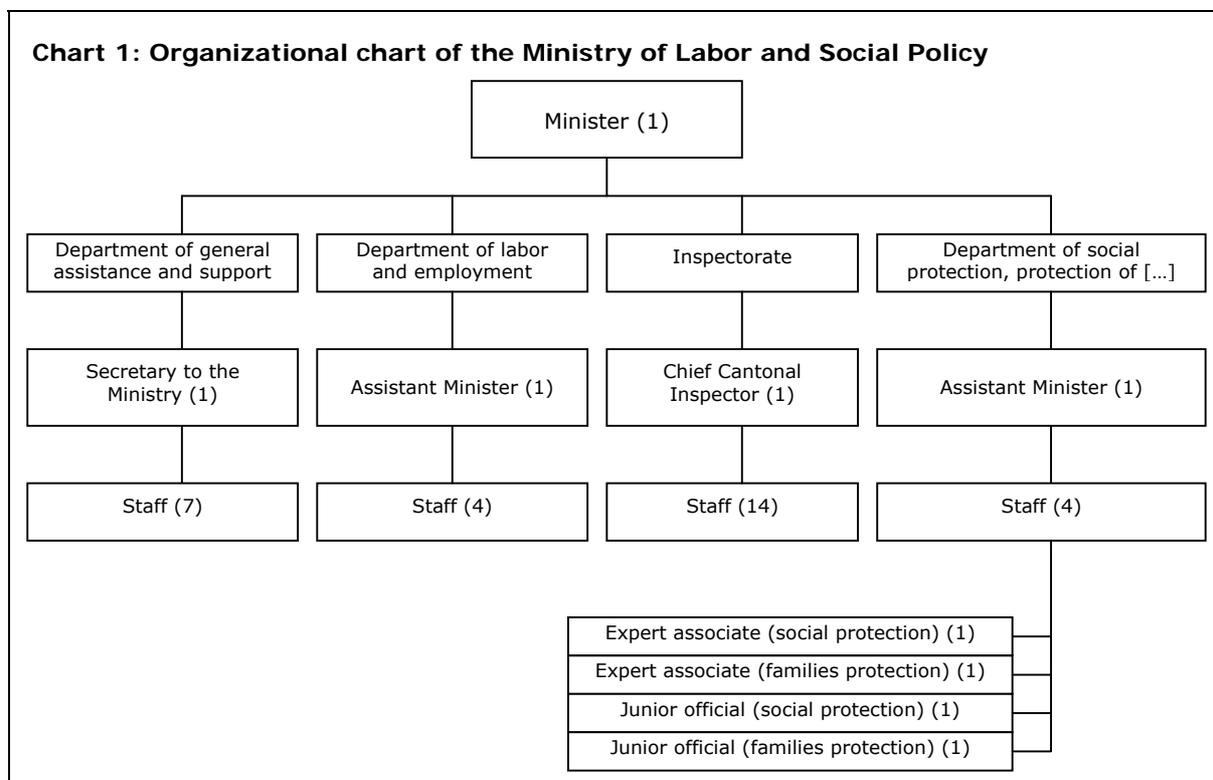
⁵ Rulebook on Internal Organization of the Ministry of Labor and Social Policy, May 2001, art. 3.

... performs the jobs within the scope of the Ministry in the area of social protection, protection of civilian war victims, protection of families with children, that are related to the following in particular:

- monitoring and studying the situation in the area of social protection, family protection, protection of civilian war victims, protection of families with children and humanitarian operations, and giving proposals for taking the appropriate measures;
- developing analysis, information and reports in the areas treated by the Department;
- preparing laws and other regulations in the area of social protecting, family protection, protection of civilian war victims, protection of families with children and humanitarian operations;
- performs other jobs within the competence of the Ministry that are treated by the Department.

Five people are currently employed in the Ministry of Labor and Social Policy and this is in line with the number of positions forecasted in the Rulebook of the Ministry.

In detail, the five employee positions are the following:⁶ the Assistant Minister, the Expert Associate for the jobs of social protection, protection of civilian war victims and persons with disabilities, the Expert Associate for the jobs of protection of families with children, the Junior Independent Administration Officer for general jobs of social protection and protection of civilian war victims and the Junior Independent Administration Officer for general jobs of protection of families with children, registration of humanitarian organisations and registration of institution.



⁶ Details are contained in Annex 4 and are based on the Rulebook on internal organization of the Ministry of Labor and Social Policy.

In terms of management, according to the Rulebook, the **Assistant Minister** has general competencies for leading of the Unit. The Assistant Minister is in charge of the creation of the annual and quarterly work plan, of instruction issuing and of the harmonisation of the work within the Unit. The person in charge of this position has managerial competencies for the implementation of laws and regulations and an active role for the development of proposals to the Minister.

Both the **Expert Associate** for social protection and the one for protection of families with children have similar competencies. They are under the supervision of the Assistant Minister. Starting from a monitoring scrutiny of the activity of the Centres for Social Work, they are asked to prepare appropriate measures and propose suggestions to make the entire structure more functional. They are also responsible for the collection of reliable data in the specific area of competence but also for the development of analysis and reports.

Finally, the **Junior Administration Officer** for social protection and the one for protection of families are responsible for the conduction of simpler administrative matters in their respective area of competence. The competence for keeping track of analytical information (like the creation and update of registry of social protection institution in Tuzla Canton or the creation of reports on a regular basis) is under their duty.

During the field visit to the *Department of social protection, protection of civilian war victims and protection of families with children*, the Civil Servants described their duties and responsibilities within the Department, the relationship between Department and Centres for Social work and the environment conditions of work.

In general terms, the main competencies of the Civil Servants working in the Department are related to the general supervision of the Social Welfare and, this, with different extent according to the specific individual, is in line with the accuracy of the job description. More specifically, the activities performed by the Civil Servants can be divided into three main areas: (a) the activity of monitoring of the Centres both in terms of legal advisory help and controlling tool, (b) the provision of information and support to the Minister, and (c) the acceptance or refusal (as a first grade appeal court) against decision made in the Centres for Social Work.⁷

Chart 2: Budget allocation for the Ministry of Labor and Social Policy

	Total Amount (M. Km)	Ministry for Labour and social welfare
2001 Plan	201.0	11.7
Corrected Plan 09/25/2001	184.0	09.7
Corrected Plan 12/28/2001	180.8	09.8
2001 Realization	167.3	10.4
2002 Plan	196.0	14.2

Source: *Official Gazette, Tuzla Canton*

⁷ In 2001, a total number of about 300 appeals against Centers' decisions arrived, as a first level, at the Department. Last year, around 70% of the cases were rejected but only one case appealed to the next level (the Court). Mainly, the appeals are against the medical decisions made by the Medical Commission. Finally, around 80% of the cases received an answer within 30 days (time allowed by the law for the answer).

At **first** stage, the Civil Servants recognise the need to improve collection of **reliable data** of the beneficiaries of the social scheme from the Centres for Social Work. Generally speaking, the list provided from the Centres to the Department includes only the total number of the people beneficiaries of one or more social helps and the total amount of money needed. Additionally, it might occur that some of the figures provided from the Centres are not updated or are not adhesive to the reality. As an example, although the time passes the number of beneficiaries under the scheme of child protection seems not to vary (even if some of them might become in the meantime adult). Finally, on the other hand, with such a poor information from the Centres, it cannot be excluded that the numbers of beneficiaries might present a difference between the real number of beneficiaries and the figures presented to the Department.

Recommendation (1) Provide new directives (if needed) or in alternative keep the existing ones in order to respect the legal implication of article 49,⁸ which clearly specifies that "institutions are obliged to, in the way prescribed, keep proper records on beneficiaries and provided services, reporting regularly whereof to the Ministry". The final goal of the Department is to achieve to have a clear picture, updated on a regular monthly basis, of the beneficiaries, divided into the different categories recognised by the law. The list of the beneficiaries should include the minimum information to identify the single beneficiary. Additionally, the monthly update should contain the list of the people that left the scheme (e.g. person died, left the Municipality, the Canton or the Federation, does not meet anymore the legal requirements, etc) and the new ones that were included.

The **second** important aspect that emerged during the visit to the Ministry and the meeting with the Civil Servants working for the Department is related to **control** over the Centres and the possibility to check and cross-check the beneficiaries of the services. It was reported that, at least at the time of the visit,⁹ the position of the Cantonal Inspector¹⁰ for the area of social protection, protection of civilian war victims and protection of families with children was not filled. In fact, in terms of organisational division, the Cantonal Inspector is not included within the Department of social protection, protection of civilian war victims and protection of families with children but is comprised in the Inspectorate Department. His/her main duties are related to the inspection¹¹ of the area of social protection, protection of civilian war victims and protection of families with children, on the basis and within the limits of authority determined by the law. The Inspector also has the authority to elaborate administrative (but also other) measures to line up the work of the social protection institutions within the legal framework. Finally, the Inspector participates in making of analysis, reports and written conclusions on the current situation in the area of competence of the Centres and the Department.

⁸ Law on social welfare, protection of civilians victims of war and protection of families with children, 2000, art. 49.

⁹ Visits took place on several occasions during the month of August 2002.

¹⁰ The exact title of the position is Cantonal Inspector for the area of social protection, protection of civilian war victims and protection of families with children.

¹¹ Rulebook on internal organization of the ministry of labor and social policy, May 2001, paragraph 3.4

Comment (a) A Cantonal Inspector might play an important role in terms of controlling and monitoring of the work of the Centres and the Ministry. However, considering also the total number of beneficiaries, which is around 7'000 according to the interviewed Civil Servants, it will be difficult for the Inspector to have a concrete incidence over the system if the reporting mechanism will not be strengthened, independently from the establishment of the Inspector position.

Recommendation (2) The appointment of a Cantonal Inspector would provide the Department and, thus, the Minister, an important instrument to control the correctness and the fulfilment of the legal requirements of the Centres. If economic constrain might affect the appointment of the Inspector it might be considered to delegate, at least partially, the competencies over this area to an already existing expert Inspector. In fact, 14 Civil Servants are currently working in the Inspectorate Department. This measure should strengthen the measure suggested in the previous recommendation.

The **third** relevant aspect is directly related with the **financial** sustainability of the social welfare. This includes both the direct payment of the entitlements to the beneficiaries and the payment to centres, pensions, hospitals, accommodations and other related institutions.

In fact, an analysis of the benefits payment made by the Canton to the people accepted under the social scheme highlights some severe financial constrains. It has been reported that in the year 2002, so far, the entitlements that have been effectively paid are those of the months of January, February and March. On the other hand, as a term of comparison, for the year 2001, only the months between January and August have been effectively paid. It must be additionally mentioned that, during the year 2002, some entitlements have been increased with the consequence that the gap between the due amount and the effective budget augmented.¹²

Additionally, on the other hand, the total debts of Tuzla Canton in favour of the third institution, within the period comprised between January 2001 and May 2002, is around 730'000 Km. The details are included in Chart 3. This situation has direct implications, other than the most obvious financial one. For instance, it has been reported that the CSWs start to register difficulties to send people in need in those Institutions where Tuzla Canton has pending payment to settle. On the other hand, it has been mentioned that some CSWs have been sued in Court by some beneficiaries. Those beneficiaries decided to appeal to Court because of the missed payment of the entitlement.

Recommendation (3) The Canton should consider the creation of a budget fund allocated for social care similar to the one of health care. As a temporary measure, apart to strengthen the control over expenditure, it is to allocate extra income funds. As an alternative, the Cantonal Government should consider the reallocation of funds from the Cantonal budget.

¹² Once again, it is necessary to underline the importance of costs-benefits analysis when adopting new legal means with financial implication. This practice, adopted by all the western countries, allows the Legislator to evaluate the consequences of a new law or a change to an existing one and, thus, ensure the sustainability of the policies.

Recommendation (4) The accountability methodology must be reviewed and harmonised. It is essential, that the administration (both at Cantonal and Local level) shifts from cash registration to accrual system. This will give the Public Administration insight into the costs and which is the trend of the public expenditure. If the financial situation is not already updated, each CSWs must report to the *Department of social protection, protection of civilian victims of war and protection of families with children* the total amount of obligations toward the third Institutions within the shortest time feasible.

Recommendation (5) Introduction of a capping mechanism to the monetary social benefits could be a permanent (or temporary) measure, when a beneficiary is, by law, entitled to more than one benefit. This study of feasibility could be made by the Department, thanks to the analytic report of the different typologies of beneficiary made by the CSWs.

Chart 3: Debts (in Km) to Institutions for the period from 1 January 2001 to 31 May 2002

Institutional Name	Debt from 2001	Debt from 2002	Total debt
Home of Pensioners	8.500,00	141.944,83	150.444,83
Our Home Travnik	0,00	16.884,50	16.884,50
Office Pazarić	0,00	42.785,00	42.785,00
Home for Children without Parents	112.800,00	107.084,00	219.884,00
Drin Fojnica	20.336,00	76.187,87	96.523,87
Center for Blind and Impaired Sighted Children	12.278,40	33.927,40	46.205,80
Home for Protection of the Old Sarajevo	0,00	5.584,10	5.584,10
Jakes Modrica	1.876,80	12.612,20	14.489,00
Bakovici Fojnica	29.008,03	43.064,47	72.072,50
Psychiatrist Hospital Sarajevo	0,00	2.440,00	2.440,00
Center for Rehabilitation of Hearing and Speaking Abilities	150,00	759,00	909,00
Home for Social Care of People Sarajevo	0,00	27.723,42	27.723,42
Office for the Upbringing of Male Children Sarajevo	0,00	5.257,00	5.257,00
Home for the Old Gradačac	1.279,75	12.344,00	13.623,00
Association of Citizens for the Socially Endangered	0,00	0,00	0,00
Rainbow Gradačac	0,00	19.400,00	19.400,00
TOTAL	186.228,98	547.997,79	734.226,02

IV. The Institutional framework at local level

The **policies** of welfare, at **local level**, are performed within the municipality by creating the Centres for Social Work (CSW). Each of those CSW is a multifunctional welfare institution that provides conditions aiming to prevent and react to emergency in social need situations and to enable individuals and families to undertake measures for overcoming unfavourable social conditions, striving to normal development and progress in life.¹³ However, this situation was introduced in early 2002 by the Cantonal assembly of Tuzla, when the Parliament adopted the *Law on changes and amendments to the law on social protection, protection of civilian war victims and protection of families with children* (LCAsowe) in April. Prior to this new municipal competence, the CSW were organised by the Cantonal Government. This larger change brought the CSW to suffer

¹³ Law on social protection, protection of civilian war victims and protection of families with children, art. 51.

financial constrains for the operational daily activities. In fact, prior to the adoption of the LCAsowe, the Canton was covering the operational as well as salaries and wages costs. But with the law-change, Municipalities had to face a situation where they had to cover the CSW costs without having forecasted any money in the budget allocation. This situation should be normalised within next year, when with the adoption of the new budget Municipalities will have the chance to include appropriate funds for the Centre of their competence.

Comment (b) Although the financial situation is in some cases severe I do not think that a new change in this policy is necessary. At least, not yet. The new Law was adopted during this year and without a transition period. This is regrettable and caused problems. However, the fact that CSW policy is decided by the Local Authorities this should ensure a better identification of the real needs, even if peculiar financial constrains might have distorted the best-practice solution.

Recommendation (6) The Cantonal Assembly, when adopting a new law or deciding on changes to an actual Law, should postpone the entry into force of the Law till the 1st of January of the following year or, at least, make a provision for the period of transition.

Recommendation (7) The Cantonal Government could consider the transfer of some money to those Municipalities that were the most affected by the adoption of the LCAsowe by the Cantonal Assembly, both as a one single lump-sum transfer and/or as regular money participation to some costs.

In terms of **competencies** the **CWS** perform a great variety of tasks varying from prevention to intervention. In specific the following activities are CWS duties:¹⁴

- (a) makes the first-instance decisions on the requests for the right under social protection, protection of civilian war victims, protection of families with children and other rights, in accordance with the law;
- (b) discovers, monitors and studies the problems and developments in the area of social, child and family protection;
- (c) provides direct services and forms of social protection, protection of civilian war victims and protection of families with children, removes the consequences of a state of social need and the detected problems of the beneficiaries;
- (d) programs and plans implementation and development of social protection in the territory of the municipality;
- (e) implements activities related to provision of assistance to the persons exposed to domestic violence and abuse, in accordance with law;
- (f) co-operates with the responsible institutions in disclosing, identifying and professionally treating the alcohol and intoxicating drug addicts, in accordance with law;
- (g) carries out advisor and counseling work;

¹⁴ Law on social protection, protection of civilian war victims and protection of families with children, art. 53 letter c.

- (h) performs the tasks and has the authorities of the guardian, as specified by the Family Law, other laws and regulations;
- (i) maintains the prescribed records, gathers documentation on the social protection beneficiaries, forms and services of social protection, beneficiaries of the civilian war victims and protection of families with children;
- (j) professionally develops and upgrades the network of social partners institution (governmental and non-governmental);
- (k) develops and promotes alternative, institutional and non-institutional forms of social protection, forms of self-assistance, neighborly assistance and other forms of active attitude of the citizens in preventing, remedying and rehabilitating life problems of their co-citizens, particularly the persons exposed to domestic violence and abuse, old persons without family care, people without property who are unfit to work, disable persons and persons disturbed in physical and mental development, neglected children or children without parental care, and persons exhibiting socially unacceptable conduct;
- (l) initiates and supports organization of various social, pedagogical, psychological, legal and other counseling centres;
- (m) co-operates with citizens, local communities, legal persons, associations of citizens, judiciary and other bodies and institutions that may contribute to improvement of quality of social work and social protection;
- (n) performs all other tasks in the area of social protection, protection of civilian war victims and protection of families with children for the displaced persons and refugees entrusted to it;
- (o) initiates with the Ministry a supervision in the area of social work by hiring the persons who are educated supervisors, for the purpose of continuous professional development and promotion of social work; and
- (p) performs other jobs and tasks, in accordance with law, and decision of the Municipal Council based on law.

The actual situation shows that in Tuzla Canton each Municipality has a CSW. This field structure, linked with a presence in each municipal local authority, brings the total number of CSW to 13 Centres (see chart 3 for a complete list) and the total number of employees sums around 130 people. In Tuzla Canton, in addition to the CSWs, there are other institutions whose primary activity is related to children care. Those services are located in Gradanica – Daily Centre for Care of Children with Special Needs –, Lukavac – Children’s Village of Peace – and Tuzla – Home for Children without Parents –.

Recommendation (8) With the entry into force of the LCAsowe article 16 paragraph 4, Municipalities are authorised to have a CSW in common. The adoption of this measure should guarantee better coverage of different kind of expertise within small CSW and slightly reduce operational costs.

Chart 4: Structure of employees in Centers for Social Welfare (CSW) divided by Municipality

Employment structure	Banovići	Gračanica	Gradačac	Kalesija	Teočak	Kladanj	Lukavac	Srebrenik	Tuzla	Sapna	Živinice	Čelić	Doboj Istok	Total
Social Worker (University)	-	-	-	1	-	1	1	2	-	-	1	-	-	6
Social Worker (College)	1	3	2	1	-	1	4	2	7	-	2	-	1	24
Pedagogue psychologist	-	-	3	-	-	-	-	-	1	-	-	-	-	4
Pedagogue	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Psychologist	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sociologist	-	-	-	-	-	-	1	-	1	-	-	-	-	2
Lawyer (University)	-	1	1	-	-	-	1	-	-	-	-	-	1	4
Lawyer (College)	-	-	1	-	-	1	2	1	2	-	1	-	-	8
Special Teacher	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trainer	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total number of experts	1	4	8	2	-	3	9	5	11	-	4	-	2	49
Economist (University)	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Economist (College)	-	-	-	-	-	-	1	-	1	1	1	-	-	4
Administration Staff	3	2	1	2	2	5	2	4	5	1	3	1	3	34
Management Staff	1	1	1	1	1	1	1	1	1	1	1	1	1	13
Other	2	1	5	3	1	1	2	1	6	-	2	3	-	27
Total number of employees	7	8	16	8	4	10	15	11	24	3	11	5	6	128

For a more comprehensive and better understanding of the complexity of the social policy network in Tuzla Canton, during the assessment visit of the social welfare in Tuzla Canton, two of the CSWs were visited.¹⁵ The areas of interest for the assessment visit involved (a) the main activities performed by the Centres, (b) the number of citizens covered by the Centres and the typology of the beneficiaries and (c) the institutional relationship between the Centres and the Canton, and more specifically, between the Ministry of Labor and Social Policy.

In both Centres criticism was expressed about legal changes made by the Cantonal Assembly during this year [2002] to the *Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children*. About this specific aspect, which was highlighted by the Civil Servants working in the CSWs, regarding the methodology of law making and related effects of adoption of a new law,¹⁶ a specific recommendation has already been suggested at point "recommendation 3". However, as an additional suggestion, the systematic introduction of costs-benefits analysis when adopting a new legal framework would provide better knowledge to the Legislator.

As a consequence, the adoption of a new policy, on such a short notice, led to several severe financial situations for the Municipalities. The cause of this financial situation is mainly due to the impossibility of the Municipality to cover totally the costs decided with the adoption of the law by the Cantonal Assembly of Tuzla. In fact, it must be recognised that redefinition of budget allocation during the year is not always an easy task to achieve. This brought some Centres to operate with limited infrastructure. During the assessment visit, for example, it was reported that one Centre was without a telephone line facility and, in another one, the heating equipment was missing.

During the assessment visit, several additional findings were reported. Those findings are both related with structural problems (long term problems) and specific ones (originated after the adoption of the amendments to the existing Law). Hereinafter those additional findings, related with the assessment visit, are concisely enumerated:

- (a) The Civil Servants, working for the Centres, have their level of wages decided by the Local Authority where they are employed. The decision made at Municipal level, can determinate some differences in the amount of salaries of employees between one Centre and another;
- (b) After the adoption of the new Law the wages to the Civil Servants (employed in the CSWs) are paid directly by the Local Authorities. In some cases, the Civil Servants received only partial compensation (the payment schedule is months behind) for their work due to the financial situation in the Municipalities;
- (c) The number of technical employees (with specific expertise for social problems in sociology, psychology or pedagogy), in average, is less than 50% of the total number of employees in the Centres;
- (d) It was reported that some Centres have logistical deficiencies. For example, in one Centre the phone-line was disconnected and in one other the heating system was missing;
- (e) In the Centres, but the same situation is in the Department at Cantonal level, the availability and the use of IT is marginal, if not totally absent.

¹⁵ The visit was paid on Thursday August 15, 2002 and the two centers visited were Tuzla and Zivinice.

¹⁶ This recommendation is also valid in case of adoption of amendments to an existing legal document.

- (f) It was recognised that there is a lack of co-ordination and control between one Centre and the other (horizontal co-ordination) and between them and the Canton (vertical co-ordination). Furthermore, the exchange of data for specific categories of beneficiaries is weak. One clear example is the following. Under some circumstances, people claim social benefits in a Municipality where they have established a temporary domicile. This means that they could claim the same social benefits in the Municipality where their permanent domicile is registered (problem of beneficiaries having a double domicile – temporary and permanent);
- (g) In the Centres a systematic filing system that includes track of medical diagnosis, provision of services (both monetary and technical) is not adopted;
- (h) The cash payment is made in the majority of the cases directly by the Centres. This means that the Centre sends a note to the Department at Cantonal level and the latter informs the Treasury. The payment of the amount is then made with the transfer of the sum from the Treasury to the Centres. Finally the Centres transfer the cash benefit to the person entitled.¹⁷

Recommendation (9) It might be considered at Cantonal level to forecast (and insert in the Law) some minimum standards related with amounts of wages for employees of CSWs. Additionally, it should be left to municipalities to decide whether to accept the minimum amount prescribed in the law or add some more benefit packages and, thus, increase the standard for the Civil Servants. This would be a similar applicable principle like the one inserted with article 43.¹⁸

Recommendation (10) Enforce in all CSW use of the model of filing system prepared in collaboration between the Minister, the Centres and Save the Children UK. By the end of the year, each beneficiary of tangible or intangible benefit from the Centres should have a personal folder. Adopt appropriate measures foreseen by the law (Lsowe, article 49) in order to enforce control. In the meantime each Centre should compile a list of beneficiaries (primarily the list of monetary beneficiaries) and should inform the Ministry of Labor and Social Policy about the changes occurred on a monthly base.

¹⁷ It has to additionally be remarked that those transfers occur when a sufficient amount of money is existing. This can cause *that the financial transfer to different municipalities is made in different period. Same category of beneficiaries made in the past some complains to CSWs arguing that the neighbouring Center was more efficient because transferred the sum quicker.*

¹⁸ Article 43 of the Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children is the following:

Municipal regulation can expand range of beneficiaries and social welfare rights defined by this Law, in accordance with social welfare development programmes and specific circumstances in Municipality.

Municipal decision shall define expanded range of beneficiaries and social welfare rights as well as the way of provision of social welfare resources from paragraph 1 of this article.

Recommendation (11) Where temporary domicile is used as a legal means to claim benefits of the social welfare system in one Centre, a close co-ordination between this Centre and the one where the claimant has its permanent domicile must be ensured (this should avoid double payment). The NGO Save the Children UK (SCUK) made a similar experience. As partners, SCUK, local NGOs and the Government, regarding the problem of children without parental care, made an analysis of the situation. SCUK made a database of all foster children and found out that the total number of people under this social scheme was around 500 with some 30 duplication.

Recommendation (12) The payment of the beneficiary should be made directly from the Treasury. This could save up to 1.5% of the total amount transferred. It should also reduce the potential chance of misuse of benefits.

Recommendation (13) Introduction of IT solution, such as creation of online IT network between Centres and the Canton, will help to solve the scarce information sharing.¹⁹ Second, the data exchange should minimise the attempt of beneficiaries to abuse the system. Additionally, with a central verification system, also related to domicile issues (temporary or permanent) should be overcome. Further more, the adoption of a single model should allow the Department at Cantonal level to elaborate statistics and policies to the Centres. Finally, it must be mentioned that, due to the introduction of IT equipment, one or more training sessions should be scheduled for the Civil Servants.

Recommendation (14) If both the recommendations, of introducing IT Network and the transfer of the competence to the Treasury for the payment of the benefits, are going to be accepted and implemented a staffing structure review should be done.

V. Additional recommendation

In a Federal system one of the basic aims of the upper-level (in this case the Canton) is to ensure some minimum standards that must be met by the sub-level (in specific, the Municipalities). Now, it can be noticed in several occasions that the financial strength of the Municipalities affects effective service delivery. This, on one hand, partially derives from the nature of a Federal system. However, on the other hand, in the other Federal States (like Switzerland, for example) specific mechanism of horizontal and vertical solidarity exists.²⁰

¹⁹ The correct identification of proper hardware and software is critical to ensure a successful IT investment. UNDP and the Finnish Government did projects related with development of software in this specific field in Prijedor and Travnik. It might be worth to see if this software meets requirements for the IT network in Tuzla Canton. Additionally, it is important to mention that World Bank has conditional credits (SOSAC 1 and 2) and Technical Assistance Project (SOTAC – Social Technical Assistance Project).

²⁰ As an example, financial average strength of the Municipalities, financial strength of the single Municipality, average income of the Municipalities and average income in the specific Municipality could be some of the indicators taken into account in a horizontal and vertical solidarity mechanism.

Recommendation (15) For the implementation of measures proposed in this analysis – but also for the suggestions proposed in other occasions (like the two days seminar organised by the Ministry of Labor and Social Policy of Tuzla Canton and UNICEF in August) – the creation of a Working Group should be considered. This Group should include representatives of the Ministry of Labor for Social Policy, of the Centres for Social Welfare, of the NGO sector in Tuzla Canton and of the International Community.

Annex 1

Analysed Laws and Regulation for the Assessment

Laws:

- Law on Ministries and other administrative bodies in the Tuzla-Podrinje Canton, December 29, 1994
- Law on Changes and Amendments to the Law on ministries and other administrative bodies in the Tuzla-Podrinje Canton, January 28, 1998
- Law on Changes and Amendments to the Law on ministries and other administrative bodies in the Tuzla-Podrinje Canton, February, 1998
- Law on social welfare, protection of civilian victims of war and protection of families with children (Lsowe), September 6, 2000
- Law on changes and amendments to the law on social protection, protection of civilian war victims and protection of families with children (LCAsowe), April 3, 2002

Books of Procedure:

- Rulebook on Internal Organization of the Ministry of Labor and Social Policy, May 2001

Reports:

- A World Bank Country Study, Bosnia and Herzegovina – From Aid Dependency to Fiscal Self-Reliance
- Vive Zene, Various material related with the NGO activities
- The Reference Group (NGO sector Tuzla), Annual Report (year 2001)
- The Reference Group (NGO sector Tuzla), Application form (period 2002-2003)
- Save the Children UK, Fostering Programme in Tuzla

Annex 2

List of meetings and people

Ms. Mičić Spomenka, Minister for Labor and Social Policy, Tuzla Canton – 19 July, 14 August , 26 August and 27 August 2002.

Ms. Zečević Jasna, Reference Group Co-ordinator and Director of Vive Zene NGO – 25 July 2002.

Mr. Osmanovic Rizah, Department of social protection, protection of civilian war victims and protection of families with children – 14 August 2002.

Ms. Župčević Majda, Department of social protection, protection of civilian war victims and protection of families with children – 14 August 2002.

Ms. Ganić Fahrjia, Department of social protection, protection of civilian war victims and protection of families with children – 14 August 2002.

Ms. Lučić Erna, Deputy Director, Živinice CSW, 15 August 2002.

Ms. Mehinović Azra, Social Worker, Živinice CSW, 15 August 2002.

Mr. Aljić Suljo, Social Worker, Živinice CSW, 15 August 2002.

Mr. Sejdinović Nuraga, Tuzla CSW Director – 15 August 2002.

Ms. Pudar Angela, Save the Children UK, Sarajevo – 22 August 2002.

Ms. Ribar Erna, UNICEF, Sarajevo – 23 August 2002.

Mr. Zečević Asim, Assistant of Minister, Federal Ministry for Social Affairs, Displaced persons and refugees - 26 August and 27 August 2002.

Participation to the conference "Program plan of action for children in the Federation of Bosnia and Herzegovina for the period 2002-2010-on the territory of Tuzla Canton, Seminar 26-27 August 2002- Lake Modrac Motel "Senad od Bosne" Tuzla "

Annex 3

Summary of the main Social and Child Protection Programmes in BiH

Social Assistance Cash Benefits:

- A permanent cash benefit provided to those included in "vulnerable social groups" such as the elderly, persons with disabilities, orphans, etc., with no other source of income, no family support network and incapability to work. *In principle this is a monthly payment, but in reality many areas are only able to pay this a few times a year, if at all.* The amount of assistance is determined by the Entity legislation in RS (based on family size and income) and cantonal legislation in the Federation (though, to date, only four cantons have their legislation in place).
- One-time cash benefits provided on an as-needed basis to those who are in a desperate situation as determined by the local social service.
- Allowance for assistance and care provided by another person.
- Allowance for training of children and youth.
- Accommodation in a social protection institution or in another family.
- Assistance with health insurance contributions and utility bills of some social assistance beneficiaries (by direct payment to the service provider and done mainly in RS and Sarajevo).

Social Services:

In general, the system is mandated to respond to social issues in the community and exceptional situations as they arise. Specific services provided include:

- Monitoring and mediation in divorce and custody.
- Placement in institutional care.
- Counseling for juvenile delinquents and monitoring of compliance with court orders.
- Family counseling.
- Interventions in substance abuse cases.
- Support to families with individuals who have difficulties in development.
- Referral to special schools.
- Individual support and monitoring of those with difficulties in development including categorization process, etc.
- In some places, there are also shelters available for survivors of family violence and support groups for partners of children with difficulties.

Child Protection:

- Child allowances.
- Maternity leave.
- Support for unemployed mothers.
- Equipment for the new born and pre-school education.
- Preventive health protection for children up to 10 years in RS.
- One meal during primary school; tuition and scholarships for pupils in the Federation.
- Additional benefits such as nutritional support for a child under six months, school meals and vacation leisure activities.

Source: WorldBank and Laws in BiH

Annex 4

The Systematisation of Work posts in the Department of Social Protection, Protection of civilian war victims and Protection of families with children.

Title	Assistant Minister	Expert Associate for the jobs of social protection, protection of civilian war victims and persons with disabilities	Expert Associate for the jobs of protection of families with children	Junior independent Official for general jobs of social protection and protection of civilian war victims	Junior independent Official for general jobs of protection of families with children, registration of humanitarian organisations and registration of institutions
Number of Employee	1	1	1	1	1
Job Complexity	The most complex jobs	The most complex jobs	The most complex jobs	Complex jobs	Complex Jobs
Requirements	<ul style="list-style-type: none"> ▪ University degree, VII/1 level ▪ Social Worker, Lawyer, Economist ▪ Professional exam completed ▪ At least 5 years of working experience 	<ul style="list-style-type: none"> ▪ University degree, VII/1 level ▪ Social worker, Lawyer ▪ Professional exam completed ▪ At least 3 years of working experience 	<ul style="list-style-type: none"> ▪ University degree, VII/1level ▪ Lawyer, Social Worker ▪ Professional exam completed ▪ At least 3 years of working experience 	<ul style="list-style-type: none"> ▪ University degree, VI/1 level ▪ Social Worker, Lawyer Economist ▪ Professional exam completed ▪ At least 2 years of working experience 	<ul style="list-style-type: none"> ▪ University degree, VI/1 ▪ Lawyer ▪ Professional exam Completed ▪ At least 2 years of working experience
Tasks	<p>Assistant minister in the area of social protection, protection of civilian war victims and protection of families with children directly manages the basic organizational unit, and in connection with this, performs the following jobs that are related to:</p> <ul style="list-style-type: none"> • determining the proposal of the jobs from the scope of work of the organizational unit he is managing for annual and quarterly work plans, issuing instructions and harmonizing the work within the organizational unit; • develops concepts and thesis for passing laws, other regulations and general enactments from the scope of work of the organizational unit; • creates drafts of instructions and other implementation documents within the scope of the 	<ul style="list-style-type: none"> - monitors implementation of policies and laws, other regulations and general acts from the area of social protection, protection of civilian war victims and persons with disabilities; - conducts the procedure and prepares solutions on whether the conditions are met or not for establishment of an institution; - on the basis of data gathered or data supplied by the centers for social work and other institutions of social protection, other bodies and legal persons, determines the situation in the area of social protection, protection of civilian war victims and persons with disabilities and consequences of the identified situation, and proposes measures for resolving the identified problems, or take immediate measures for resolving the identified problems under his responsibility; - indicates to the responsible inspector and institution at the observed 	<ul style="list-style-type: none"> - monitors implementation of policies, laws, other regulations and general acts from the area of protection of the families with children and family relations; - on the basis of data gathered or data supplied by the centres for social work and other institutions of social protection, other bodies and legal persons, determines the situation in the area of protection of families with children and family relations and consequences of the identified situation, and proposes measures for resolving the identified problems, or take immediate measures for resolving the identified problems under his responsibility; - indicates to the responsible inspector and institution at the observed shortcomings and illegalities in adoption of the administrative acts deciding on administrative matters, and on omissions in the expert work; - develops analysis, reports, information 	<ul style="list-style-type: none"> - conducts the administrative procedure on simpler administrative matters, in the first instance (shortened questioning procedure) in the area of social protection and protection of civilian war victims, when the Ministry is responsible; - develops individual acts that are related to issuing approval, consents, registrations and other acts in the area of social protection and protection of civilian war victims, as foreseen by laws and other regulations; - develops analytical informative and other materials using the 	<ul style="list-style-type: none"> - conducts the administrative procedure on simpler administrative matters, in the first instance (shortened questioning procedure) in the area of child protection and humanitarian activities, when the Ministry is responsible; - keeps the registry of social protection institution for the Tuzla Canton; - keeps the registry of humanitarian organizations; - develops individual acts that are related to issuing approval, consents, registrations and other acts in the

	<p>organizational unit;</p> <ul style="list-style-type: none"> provides for legal, timely and expert performance of jobs in the organizational unit; develops the answers to the questions of the representatives from the bodies and legal persons in the area of work of the organizational unit and develops proposals of the reports on work of the Ministry in the area of work of the organizational unit; performs the most complex jobs that are related to the situation and developments, particularly in application of the policy of implementation of laws and other regulations from the scope of work of the organizational unit; conjoin and direct the work of the organizational unit; provides to the employees the necessary expert assistance in work, and assigns them jobs as required; takes care on developing and participates in development of preliminary drafts and draft laws and other regulations in the area of work of the organizational unit; is held accountable for the work discipline within the organizational unit and takes measures for starting the procedure against those who violate the work discipline; <p>approves, in justified cases, time off (during the work day) to the administration officers and employees in the organizational unit;</p> <ul style="list-style-type: none"> does other jobs entrusted to him by the law or other regulations, and jobs assigned to him by the Minister. 	<p>shortcomings and illegalities in adoption of the administrative acts deciding on administrative matters, and on omissions in the expert work;</p> <ul style="list-style-type: none"> develops analysis, reports, information and other expert materials in the area of social protection, protection of civilian war victims and persons with disabilities, on the basis of suitable data, for the needs of the Ministry and informing the responsible bodies on the situation and problems in those areas (template reports, regular or periodic information, etc.), with proposal of measures for improvement of such state; participates in developing preliminary drafts and drafts of laws and other regulations in the area of social protection, protection of civilian war victims and persons with disabilities, and issues expert opinion on preliminary drafts and drafts of regulations if those are developed by some other body; conducts the administrative proceedings and makes decisions on administrative matters in second instance, on the issues related to social protection, protection of civilian war victims and persons with disabilities, and performs the auditing of the first-instance resolutions when this is decided; establishes, develops, maintains and keeps records from his scope of work; cooperates with social protection institutions, other bodies and legal persons, on issues under the responsibility of his job; informs the public on the situation in the area of social protection, protection of civilian war victims and protection of persons with disabilities, upon approval by the Minister; <p>performs other jobs from the scope of work of the department, as ordered by the Assistant Minister.</p>	<p>and other expert materials in the area of social protection, protection of families with children, on the basis of suitable data, for the needs of the Ministry and informing the responsible bodies on the situation and problems in those areas (template reports, regular or periodic information, etc.), with proposal of measures for improvement of such state;</p> <ul style="list-style-type: none"> participates in developing preliminary drafts and drafts of laws and other regulations in the area of protection of families with children and family relations, and gives expert opinion on preliminary drafts and drafts regulations if those are developed by some other body; conducts the administrative proceedings and makes decisions on administrative matters in second instance, on the issues related to protection of families with children and family relations, and performs the auditing of the first-instance resolutions when this is decided; establishes, develops, maintains and keeps records from his scope of work; cooperates with social protection institutions, other bodies and legal persons, on issues under the responsibility of his job; monitors the work and coordinates the work of humanitarian organizations involved with provision of assistance (different forms) to the families with children and socially vulnerable categories of population, and develops the required information on the work of the humanitarian organizations informs the public on the situation in the area of protection of families with children and family relations, upon approval by the Minister; performs other jobs from the scope of work of the department, as ordered by the Assistant Minister. 	<p>prescribed methodology in the area of social protection and protection of civilian war victims (template reports, regular and periodical information, etc.);</p> <ul style="list-style-type: none"> processes simple programs in the area of social protection and protection of civilian war victims for automatic data processing; keeps the prescribed records; performs other jobs as ordered by the Assistant Minister 	<p>area of child protection and humanitarian activities, as foreseen by laws and other regulations;</p> <ul style="list-style-type: none"> develops analytical informative and other materials using the prescribed methodology in the area of child protection and humanitarian activities (template reports, regular and periodical information, etc.); processes simple programs in the area of child protection and humanitarian activities for automatic data processing; keeps the prescribed records; performs other jobs as ordered by the Assistant Minister
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Source: The Rulebook on the Internal Organisation of the of the ministry of Labor and Social Policy, May 2001

Annex 5

NGOs in Tuzla Canton

Reference Group Tuzla

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