



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

L A W

No. 9355, date 10.03.2005

ON SOCIAL ASSISTANCE AND SERVICES

Pursuant to Article 78, 83, point 1, of the Constitution, upon the proposal of the Council of Ministers, the Assembly of the Republic of Albania

DECIDED:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

The purpose of this law is:

1. To determine the social assistance and services for individuals and social groups in need who are unable to provide for their basic life necessities, develop their personal skills and abilities, and preserve their integrity, due to limited economic, physical, psychological and social circumstances.
2. To mitigate poverty and social exclusion for individuals and families, as well as to create possibilities for their integration through the establishment of a system of interventions and services for the improvement of their living conditions.

ARTICLE 2

This law shall regulate the funding arrangements and the provision of social assistance and services in Albania.

ARTICLE 3

The basic principles underpinning the functioning of the social assistance and services scheme are the following:

- a) Respect for and guaranteeing of the values and personality of the individual;
- b) Universality;
- c) equal opportunities;

- c) Eligibility to entitlement;
- d) partnership;
- dh) transparency and impartiality;
- e) decentralization;
- ë) independence, social integration and participation in the community life;
- f) non-discrimination;
- g) subsidiarity.

ARTICLE 4

In the meaning of this law:

1. "Economic assistance" is the support, in cash and in kind, to individuals with special status and to families in need.
2. "Disability benefit" is a monthly payment in Lek, granted to persons with disabilities, under the definition of this law.
3. "A person with disability (PAK)" is an individual who has become disabled due to physical, sensory, intellectual, psychic-mental impairments, either congenital or developed in the course of life as a result of accidents and temporary or permanent diseases, which are not related to employment.
4. "Work invalid" is an individual who has been declared as such by decision of the Medical Commission on Determining Disability at Work (KMCAP), who shall benefit from Law No. 7889, dated 14.12.1994 "On the status of the invalid," as amended.
5. "Social services" are the whole range of services provided to individuals or groups in need who, with their own resources, are unable to meet their life needs in order to preserve, develop, and rehabilitate individual abilities for fulfilling emergency or chronic needs.
6. "Local government unit" is the municipality/the commune, where the eligible persons under this law have the right to seek supplementary material or, and monetary means, which they fully or partially lack, as well as social services.
7. "Social administrator" is the civil servant of the local government body, who shall administer the delivery of economic assistance and the provision of social services to the individuals in need.
8. "Family" is a group of individuals, linked in conjugal relations, as well as the parent-child relationship, the relationship among the family members and the guardianship relationship among persons living under the same roof.
9. "Foster care family" is an alternative family according to the definition of Article 266, Law No. 9062, and dated 08.05.2003.
10. "Head of family" is the person in this order: father, mother, the eldest member of the family in the active age group (18-65 years), the youngest member in the age-group over 65 years, and the guardian when all the family members are under 18 years.
11. "Poor family" is a family lacking material and/or monetary means, or which generates insufficient means from an economic activity, other programs of social protection, and from its capital.
12. "Agricultural family" is a family that has in its ownership arable land, irrespective of the location of the family or the land.

13. "Family income" is the income of all the family members, deriving from all sources, including revenues from remittances from persons living and working abroad. It does not include payments received by family members with mental, physical disabilities, paraplegics or tetraplegics, the invalidity benefits, under the Statute of Work Invalids, and the payments for children born as triplets or more.
14. "Orphan" is a parentless child up to the age of 25 years, under the definition of the status of the orphan.
15. "Community social services" are all sorts of social, public and non-public services delivered on a local level, in the territory under the jurisdiction of the municipality/commune.
16. "An elderly person" is a person who has reached retirement age under the legislation in force.
17. "Place of residence" is the place where the family or the person resides usually or most of the time, due to their work or permanent service, the location of their assets or for personal interests.
18. "Location" is the place where one lives for a certain period of time for reasons of work, study, medical treatment, rest, compulsory military service or to serve a prison sentence, or for similar reasons.
19. "Living resources" are all the monetary means or payments in kind, which make living possible.
20. "Economic activity" is every kind of activity in the form of employment, self-employment, work done without pay for a self-employed family member, and every kind of similar activity that brings in revenues for individuals and their families.
21. "Capital" is any kind of property/asset that may generate income.
22. "Deliberate action" is any action that aims at avoiding paid work, training for employment and employment opportunities, medical treatment in the cases of drug addicts or excessive alcohol users, failure to use capital when it is possible to make a living, failure to declare the real income and any other action that promotes the separation of families living under the same roof for purposes of benefiting from economic assistance.

CHAPTER II

BENEFICIARIES OF SOCIAL ASSISTANCE AND SERVICE

ARTICLE 5

The beneficiaries of economic assistance shall be:

1. Families without income or with insufficient income;
2. Unemployed orphans over 25 years, who are not living in institutions or under foster care;
3. Parents with more than two children born simultaneously, who belong to families in need.

ARTICLE 6

Beneficiaries of social services shall be children, youths up to the age of 25, the elderly, persons with disabilities, women, girls in need, and all other vulnerable groups likely to fall into the category of groups in need.

ARTICLE 7

Beneficiaries of the disability payment shall be:

1. Blind persons, with total or partial loss of eyesight, born so or who have acquired it, who have been declared incapable of working by decision of the Medical Commission on Determining Blindness (KMPV).
2. Paraplegics and tetraplegics, declared as such by decision of the Commission on Determining Disability at Work (KMCAAP), who have developed such a condition irrespective of its cause or age.
3. Disabled persons, declared as unable to work by decision of the Medical Commission on Determining Disability at Work.
4. Persons who have been declared work invalids by decision of the Medical Commission on Determining Disability at Work (KMCAAP) shall benefit a monthly supplement over the invalidity payment under the status of work invalid.

ARTICLE 8

The beneficiaries laid down in point 1, 2, 3 of Article 7 of this law, who by decision of the special commissions are defined as persons who need care, are also entitled to a paid carer.

ARTICLE 9

The following persons shall not benefit from this law:

1. Albanian citizens living abroad as emigrants, with the exception of those persons and their families who have been appointed to work in our diplomatic missions and for international organizations.
2. Asylum seekers who have not yet been granted asylum.
3. Albanian citizens, foreign citizens, or persons without citizenship, who are in need of emergency assistance as a result of natural disasters or wars.

CHAPTER III

TYPES OF BENEFITS FROM ECONOMIC ASSISTANCE AND SOCIAL SERVICES

ARTICLE 10

Economic assistance shall be given in the form of monthly instalments in Lek, or in the form of monthly assistance in kind for the categories specified in Article 5 of this law.

The monthly amount of economic assistance shall be determined by decision of the Council of Ministers.

ARTICLE 11

1. The disability benefit shall be given in the form of a monthly instalment in Lek. The amount of payment for these individuals and for their carers shall be determined by decision of the Council of Ministers.
2. The beneficiaries laid down in Article 7 of this law, classified by decision of the Medical Commissions on Disabilities as belonging in the second disability category, shall no longer be entitled to disability benefits upon their employment.

ARTICLE 12

According to their nature, social services shall be divided into:

- a) Social care services;
- b) Socio-medical care services.

ARTICLE 13

1. Social care services comprise services delivered to individuals, families or groups in need, to communities, as specified in Article 6 of this law, for meeting their basic living needs.

2. Socio-medical care services are delivered by specialized personnel in residential re-integration and rehabilitation centres, in day centres or at home, for individuals who are incapable of living a normal life due to temporary or permanent deteriorations of their physical, psychic, mental, or sensory state.

ARTICLE 14

According to the form of organization and functioning, social care services are divided into:

- a) Residential care services;
- b) Community care services.

ARTICLE 15

1. Residential care services are delivered to individuals for whom it is impossible to provide home care. Placing them at social care centres shall be done with their consent or with the consent of their legal representatives following the assessment of their social, economic, and medical condition.
2. Community care services are provided at daily centres, individual homes, or foster care families, according to the specific needs of beneficiary groups.

ARTICLE 16

Based on the funding method, social care services are divided into public and private services.

ARTICLE 17

1. Public social services include the social care services provided to groups in need in residential institutions, day centres and people's homes. These services are funded by the state budget and the independent budget of the local government units. The municipalities/communes shall administer all social services provided to individuals who are inhabitants of that city or commune. The region [qarku] shall administer the services when they are provided to individuals residing in several local units in that region.
2. Private social services include privately funded social care services delivered in residential centres, at day centres or at home.

ARTICLE 18

1. The Ministry of Labour and Social Affairs shall license the public and private legal persons providing social care services. The licensing criteria and procedures shall be defined in a decision of the Council of Ministers.
2. The public social services that are funded by the central or local budget shall be procured by the local government units from private providers under the legislation in force on public procurement.

3. The local government bodies shall enter into contracts with private legal persons who have been awarded contracts for the services they provide in the territory under their jurisdiction.
4. The Ministry of Labour and Social Affairs shall draft the standards of social service and shall monitor their implementation. The standards of social care services shall be approved by decision of the Council of Ministers.

CHAPTER IV

ELIGIBILITY CRITERIA AND PROCEDURES FOR PROVISION OF ECONOMIC ASSISTANCE AND SOCIAL SERVICES

ARTICLE 19

Families in need may be eligible for full or partial economic assistance.

1. The families that do not generate income from the following activities may be eligible for full economic assistance:
 - a) an economic activity;
 - b) programs of social assistance and services or some other system of social protection;
 - c) own capital;
 - ç) Immigrant family members.
2. A claimant family may be eligible for partial economic assistance when it generates insufficient income from:
 - a) its land;
 - b) livestock, poultry, beehives, vineyards and gardening;
 - c) pensions and other forms of income.
3. The assessment in the coefficient of revenues, laid down in letters "a" and "b" of point 2 of this article, for the purposes of calculating full or partial economic assistance benefits, shall be defined in a decision of the Council of Ministers.

ARTICLE 20

1. The economic assistance and disability payment is allocated once a month by decision of the council of the local government unit.
2. The application for receipt of economic assistance shall be submitted in writing by the head of the family and signed by all its adult members. The applicants shall submit the necessary documentation to the Social Administrator in the local government unit. The criteria and procedures for qualifying for economic assistance shall be determined by decision of the Council of Ministers.
3. The application and the documentation for qualifying for disability payments shall be submitted to the Social Administrator in the local government units. The criteria for benefiting disability payments shall be determined by decision of the Council of Ministers.
4. The application and documentation for benefiting social care services shall be submitted to the Social Administrator of the local government unit. The criteria for

admission to social care institutions and for community-based services shall be determined by decision of the Council of Ministers.

ARTICLE 21

The municipal or communal council has the right to adopt special criteria for granting economic assistance and for providing care services through the use of local funds for families with many members or for poor families.

ARTICLE 22

Persons in need of social care services shall be admitted to public residential institutions free of charge in those cases when their families do not generate any income. Expenses related to them shall be covered by the state budget.

ARTICLE 23

1. Persons in need of social care services, who generate personal income, shall be admitted to social care public institutions against payment of a fee, relative to their monthly income or the income of other individuals responsible for them. The amount of contribution shall be determined by decision of the Council of Ministers.
2. Under Article 7 of this law, the disability allowance is not included in the calculation of the personal income of the persons placed in public social care institutions.
3. The recipients of social care services, who are placed in care institutions, shall be given an allowance in Lek for their personal expenses. This allowance shall be defined by decision of the Council of Ministers.

ARTICLE 24

The quotas of social care expenses in public residential institutions and community institutions shall be approved by the Ministry of Labour and Social Affairs. The quotas of expenses in the private institutions may not be lower than those of public institutions. Service standards in the public and non-public social care institutions shall be adopted by decree of the Council of Ministers.

ARTICLE 25

An applicant, who is refused eligibility for economic assistance, disability payments or social services by decision of the council of the local government unit, has the right of appeal to the court.

CHAPTER V

MANAGEMENT AND ADMINISTRATION OF SOCIAL ASSISTANCE AND SERVICES SCHEME

ARTICLE 26

1. The State Social Service is a public institution under the jurisdiction of the Ministry of Labour and Social Affairs.
2. The statute of the State Social Service shall be approved by decree of the Council of Ministers.
3. The State Social Service shall be administered and managed by the Administrative Council which is the highest decision making body.
4. The functions and membership of the Administrative Council shall be determined by decree of the Council of Ministers.
5. The State Social Service is responsible for the implementation of the policies of the Ministry of Labour and Social Affairs in the area of social assistance and social care services for:
 - a) Planning and controlling the use of the state budget funds for economic assistance, disability payments and social care services;
 - b) Drafting the standards of services and proposing measures for new services;
 - c) Identifying the specific documents that the applicants and recipients of social services should submit under this law.

ARTICLE 27

1. The Ministry of Labour and Social Affairs is the responsible authority for drafting policies, legislation, planning the funds for economic assistance, disability payments and social services, for setting the norms and standards of services, as well as for monitoring their implementation at both central and local institutional levels, and in the public and private sectors.
2. The minister of Labour and Social Affairs shall set up the Economic Assistance and Disability Payment Inspectorate which shall monitor the activity of the structures and institutions under its jurisdiction and the sections of economic assistance in the municipalities or communes and the implementation of legislation by them, as well as approve the documents set forth in Article 26, point 5, letter "c" of this law.
3. The procedures of the work of this Inspectorate shall be determined by decision of the Council of Ministers.
4. In order to assess and monitor the policy implementation, the attainment of the standards of economic assistance and care services, the Ministry of Labour and Social Affairs shall collect information, statistics and reports from the local government units. The content, the periodicity and the statistical indices shall be determined by decision of the Council of Ministers.

ARTICLE 28

The Ministry of Labour and Social Affairs shall draft and submit to the Ministry of Finance its requests for funds from the state budget for economic assistance, disability benefits and social care services.

ARTICLE 29

The municipal/communal council has the responsibility to:

1. Approve the fund and the number of families eligible for economic assistance.
2. Approve the fund for disability benefits.
3. Approve the fund for social care services.
4. Draft the plan for the development of social care services based on local resources, needs and priorities.
5. Approve and support the development of care services on the basis of local priority needs' assessment.
6. Takes decisions on individuals, families and the types of services to be provided on the basis of:
 - a) an assessment of the needs of individuals and families made by the Social Administrator;
 - b) the financial possibilities for the provision of these services.
7. Decide in compliance with the legislation in force, the eligibility and amount of economic assistance per family as well as on the provision of special benefits provided for by the law.
8. Authorize local government units to contract licensed providers of private services in cases when these social services are not provided by public providers.
9. Support poor families with economic assistance or other forms of immediate assistance.
10. Approve programs for conditioning economic assistance on community work and services. The criteria for conditioning economic assistance on community work and services shall be defined by decision of the Council of Ministers.
11. Approve the institutional structures under its dependence, which will be engaged in the delivery of economic assistance, disability benefits and the provision of social care services in its jurisdiction.
12. Approve cooperation programs with the Non Profit Organizations, religious institutions and representatives of civil society in compliance with the national and regional social assistance and care services plan.

ARTICLE 30

Relevant structures shall be established in regions and municipalities/ communes to administer the social assistance and services' scheme. The duties and responsibilities of these structures shall be defined by decision of the Council of Ministers in compliance with this law.

ARTICLE 31

The Social Administrators in municipalities/communes have the duty:

- a) To identify the families in need of economic assistance, the disabled persons, and the needs of the people for social care services;
- b) To verify the social and economic situation of the families in need before they enter into the scheme and twice a year the socio-economic situation of all the families receiving economic assistance;
- c) To propose to the municipal/communal council the families in need which are eligible for economic assistance;
- ç) to assist in the preparation of the documentation for those persons applying for economic assistance, disability benefits, and social care services;
- d) To participate in the process of drafting this draft decision for families eligible for economic assistance, the list of disabled persons and persons that will benefit social care services;
- dh) to calculate the amount of economic assistance and to propose it for approval to the section of economic assistance and social care services in the municipality/commune;
- e) To draft the application for the assistance package and the disability allowance fund every two months for the local government unit;
- ë) to cooperate in the drafting of local and regional plans to support persons in need;
- f) To assess the needs of individuals or families applying for social services in conformity with the national and local priorities and the financial possibilities for covering such services and to prepare the documentation for approval by the municipal/communal council;
- g) To collect and prepare information and statistics and to maintain the beneficiaries' registry, to monitor the expenses for economic assistance, disability benefits and social services' payments of the persons in need of such services;
- gj) to collect information on the public and private service networks operating in the territory of the municipality/commune.

CHAPTER VI

FUNDING OF SOCIAL ASSISTANCE AND CARE SERVICES

ARTICLE 32

The state shall provide social care services and other forms of support for people in need according to the possibilities of the state budget.

ARTICLE 33

The funding of economic assistance, disability benefits, and social services shall be covered by the state budget and the budgets of the local government units.

ARTICLE 34

The sources of funding of social assistance and of disability benefits shall consist of:

- a) The funds of the central state budget;
- b) The funds from local taxes and tariffs.

ARTICLE 35

The Ministry of Labour and Social Affairs shall plan the funds for the economic assistance package and for disability benefits in compliance with the assessment of the requests received by the local government units. The transfer of the funds shall be done once every two months to the municipality or commune.

The criteria and indicators used for planning the economic assistance package shall be proposed by the Minister of Labour and Social Affairs and approved by decision of the Council of Ministers.

ARTICLE 36

The Ministry of Labour and Social Affairs shall delegate once every four months the fund of economic assistance package fund to the municipality/commune that condition granting of economic assistance on community works and social care services.

The unused funds of economic assistance resulting from the good management of the assistance package after the approval by the MLSA shall remain at the local government unit. Such funds shall be used to support programs of community work and social services in the course of the year.

ARTICLE 37

The funding sources for social care services provided by the public and non-public institutions at regional and municipal/communal levels, in residential and daily centres, at home, or in the community mobile service centres shall consist of:

- a) funds delegated by the central state budget;
- b) funds generated from local taxes and tariffs;
- c) revenues from properties and other activities of the municipality/ commune;
- ç) contributions of the beneficiaries of social care services defined in Article 23 of this law;
- d) donations, sponsorships, and funding from other organizations, natural or legal persons or other persons not included in letters "a," "b," "c," "d" of this Article.

ARTICLE 38

State budget funds earmarked for the funding of social care services shall be delegated by the MoLSA to the municipality/commune at the beginning of the year in compliance with the needs assessment and the possibilities of the state budget. The calculation of the fund and the allocation methodology shall be done by the Ministry of Labour and Social Affairs in cooperation with the Ministry of Finance and shall be approved by decision of the Council of Ministers.

ARTICLE 39

In order to support new social care services and develop social policies, The Ministry of Labour and Social Affairs shall establish the Social Fund which will consist of:

- a) part of the funds earmarked for social care services;
- b) extra-budgetary funds from organizations, natural or juridical persons or other individuals;
- c) other revenues acquired through direct implementation of bilateral or multilateral agreements that the Republic of Albania enters into with other countries;
- ç) revenues from own resources and assets in the possession of the MoLSA.

The rules on the use of the Social Fund shall be defined in a decision of the Council of Ministers.

ARTICLE 40

The auditing of the use of assistance funds, disability benefits and social care services shall be done by specialized auditing bodies in compliance with the Law "On internal audit and financial control."

CHAPTER VII

ARTICLE 41

Sanctions

Any violation of this law and the bylaws in its implementation shall be considered administrative contravention pursuant to Law no.7697, dated 7.4.1993, "On administrative contraventions."

ARTICLE 42

Provisional Articles

1. The Ministry of Labour and Social Affairs shall draft the program of transfer of social care institutions under the competence of local government.
2. The Ministry of Labour and Social Affairs shall draft and follow up the procedures for the transfer of social services and their institutions under the dependence of local government starting from 2005 until 2007.
3. The Ministry of Labour and Social Affairs shall take all the necessary measures for the transfer of the funds of all institutions that will be placed under the competence of local government.
4. The Minister of Labour and Social Affairs shall set up the Inspectorate of Economic Assistance, Disability Benefits and Social Services within 2006.
5. The regions [Qarqet], the municipalities, or the communes are responsible for setting up and completing within 2006 the structures for the administration of the economic assistance scheme, the disability benefits and social services as the need may be.

ARTICLE 43

The Council of Minister is responsible for issuing the bylaws pursuant to Articles 10, 11, 18, 19, 20, 23, 26, 27, 29, 30, 35, 38 and 39 of this law.

ARTICLE 44

Law no. 7710, dated 18.5.1993 "On social assistance and care," as amended, the decisions of the Council of Ministers pursuant to it, and Article 2 of Law no.8626, dated 22.6.2000 "On the status of the paraplegics and tetraplegics" shall be abrogated.

ARTICLE 45

This law shall enter into force 15 days following its publication in the Official Gazette.

SPEAKER

SERVET PËLLUMBI