











POLICY PAPER

# Development of social services at the local level in Bosnia and Herzegovina

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### 1. Introduction and Relevance

The Social protection in Bosnia and Herzegovina is the responsibility of the entities. The state of Bosnia and Herzegovina and its joint authorities have not substantial powers in the field of social protection. Thus, at the state level the organizational capacities for the immediate implementation of social protection policies for the beneficiaries are not developed. There is no single strategic framework for the development of social protection and there are no common policy in this area. The partial documents that had been adopted at the state level have more declarative character than they are binding on the subjects of social protection at the local level. The Ministry of Civil Affairs at the state level has the coordination role and the mandate to coordinate the implementation of international regulations in this area including reporting to international institutions about the state of beneficiaries, their rights and allocations. The Ministry for Human Rights and Refugees has jurisdiction in monitoring the implementation of human rights and the respect of human rights in Bosnia and Herzegovina through the implementation of international instruments in all areas of social policy.

The entities have their own social protection systems in accordance with their needs, resources and strategic commitments. They are completely independent and there is no obligation of mutual harmonization of measures and procedures in the process of exercising beneficiairy rights and providing them social protection. Unlike that the Repablic of Srpska has a unique management system throughout its territory, the level of the Federation of BiH is responsible for establishing the foundation of social protection and the Cantons governing direct implementation mechanisms. Due to this fact, we can talk about the existence of two separate systems of social protection in BiH, which are in many ways both similar and different. Brcko District as a separate administrative unit has special regulations in this area, although it has the size and importance as the local community but in the area of creation and implementation of policies acts as an entity.

Based on the facts that social protection is in the jurisdiction of entities, cantons and according to that several laws are adopted and consequently a significant number of social protection definition exists. However, esentially the laws about social protection in BiH define this term very similar. Mainly, all of these laws have taken a definition of the concept of social protection from the previous Law on Social Protection of the Socialist Republic of Bosnia and Herzegovina from the eighties last century. What is common to all the legal definitions of social protection is that they are defined as a set of cause-consequence relationships between elements of social system activity resources to the citizens who are in a special need caused by a variety of social problems and social risks. The authors engaged in social protection in Bosnia and Herzegovina define it as "an organized, regulated by law and guaranteed from public funds funded system to provide material support and services to people who are in need of social assistance to the prevalence of risk and enabling them for independent life and work" (Gavrilovic , A., 2005:339).

The responsability of implementation of social protection in BiH is divided between higher (entities, cantons) and lower government authorities (local governments). Most of the responsibility lies with the local government units (cities, municipalities) which for that purpose established Centers for social work on its territories. At the level of the Republic of Srpska management system of social, family and child protection is under the juristiction of the Ministry of Health and Social Welfare, at Federation BiH level the juristiction is under the Ministry of Labour and Social Policy and at the level of the Brcko district, Department of Health and other services is resposible for social protection. The responsibility for the financing of social protection measures is divided between the entities, cantons and municipalities. Act of 2012 define that Republika of Srpska for the first time has taken a significant share of responsibility for the provision of funds to the realization of the beneficiairy rights on its entire territory. The level of BiH does not have jurisdiction in the financing of social services. BiH institutions provide funds only for social services intended for asylum seekers and foreign nationals, victims of trafficking, who find themselves on the territory of Bosnia and Herzegovina.





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All the laws on social protection in BiH similarly define the state of social need, type of beneficiairy, organizational structure and measures to be provided to beneficiaires who are in the of the system of the social protection. The law defines the priority beneficiary groups (children, the elderly and persons with disabilities) and the specific situation of social needs that qualify them as potential beneficiaries of social protection systems (poverty, disability, family status, juvenile delinquency, risky behavior, domestic violence, human trafficking, substance abuse, etc.). In accordance with this law, the types of interventions are defined for the citizens who are in social need. The laws set aside those interventions that are considered basic and they provision are required in the entire area covered by law as fundamental rights. In accordance with the specific social problems, law allow the local community to define other interventions to meet the new needs of beneficiairies (extended rights).

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The interventions of the social protection to citizens in need are implemented through three types of action: financial benefits: (financial assistance, assistance for care of another person, one-time financial assistance), benefits in kind: (humanitarian packages, vouchers for clothing, providing living space) and social services (placement in an institution, day care, help and care at home, counseling, etc.). The law defines that the system intervention to beneficiaries are mainly provided through the rights gained. The concept of rights in social protection constitutes a legal form of applying the intervention of social protection systems. The Administrative Procedure Act (which is also identical in both entities) arrange procedures and applying for the beneficiaries in the process of using the right is the appeal process which includes the possibility of applying for the rights and beneficiary complaints towords decision made by the Center for Social Work.

In BiH, there is no specific legislation related to the provision of social services, but the whole system of social protection interventions (cash benefits, benefits in kind, the provision of services) are defined within the unified law on social protection. The meaning of social services are defined as all interventions that support beneficiairies with social needs which are not cash benefits or benefits in kind (other direct material resources). The Social protection services that are defined as basic rights of the law on social protection in BiH are: accommodation in a social care, care in foster care (foster placement), help and care at home, day care, counseling and social work services. By-laws (regulations and guidelines) developed detailed conditions and procedures for exercising those rights. Also, regulations have defined entities and the conditions under which they can provide this service and it involves having minimum standards for necessary facilities, equipment and engagement of the professional staff.

As noted above, local governments have the legal possibility, but not the obligation, in accordance with the needs of its citizens to define other social services that are verified by the municipal decisions on extended rights. Law on Social Protection of the Republic of Srpska has defined six possible social protection services that appear on the local level: personal assistance for persons with disabilities, supported housing, sheltered housing, assistance in the management of adult persons after leaving institutions or foster care, services of public kitchen, help in education of children with disabilities and hotline services. Further development of these legal services is not conditioned which indicates a lack of minimum standards that would regulate requirements for providing these services.

The social protection services must be provided through the institutions of social protection. The laws on social protection in BiH foresee the establishment of a large number of institutions of social protection which should ensure the provision of specific services designed for specific beneficiaries such are: homes for children and youth without parental care, homes for children and youth with disabilities, homes for persons with disabilities, homes for the elderly, day care centers for children and young users of social protection systems, day care centers for adult users of social protection systems, help center and home care, the center for social rehabilitation of persons with disabilities, gerontology center, center for education of children and youth, shelter, counseling and others.





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The founders of the institutions are generally entities and cantons, although they may also be established by local governments. The laws on social welfare stipulates that the provision of social services, in addition to the public sector, can be provided by non-governmental organizations, religious communities and the private sector (mixed system of social protection). The Law on Social Protection in the Republic of Srpska enabled the provision of consulting services as independent activity that allows the development of entrepreneurial activities in this area.

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The service providers are professionals who are defined by the laws on social protection and these are: social workers, psychologists, therapists, sociologists, educators and professionals of related disciplines. Also, social service providers are other professionals such as speech therapists, nurses, caregivers, educators and others. The requirement conditions for provision of social services are set quite wide. The main requirement is to posses adequate evidence (diploma, certificate) on completion of education and a certificate of general health capacity. The law stipulates to pass the professional exam after completion of internship and only for newly employed people. The procedure and program of taking professional exams is regulated by special regulations. The suplementary trainings are left to the discretion of the employee and its employer understanding. The laws on social protection in BiH have not foreseen procedures of accreditation and certification requirements of the program and work of professionals in the field of service provision.

In Bosnia and Herzegovina several strategic documents have been prepared in relation to the social protection for different beneficiary groups such as persons with disabilities, children without parental care, persons with mental health problems, victims of trafficking, victims of domestic violence and others. These documents are made at the entity level and at the state level. The existing following strategic documents are: " Disability Policy of BiH", "Strategy to improve the social status of people with disabilities in RS", "Strategy for the equalization of opportunities for persons with disabilities FBiH", "Action Plan for Children in BiH", "The policy of children protection without parental care and families at risk of separation," Strategy of social protection of children without parental care in the RS"," Strategy against domestic violence", "Strategy to combat juvenile delinquency" and others. The Government of the Republic of Srpska in 2008 adopted a strategic information "Status and prospects of development of social protection systems" which was the basis for drafting the new Law on Social Protection which was adopted in March 2012. This document defined the strategic guidelines of the social protection system until 2013. Among the priority tasks the requirements for increasing the quality of services provided to beneficiairies are emphasised in the institutional and non-institutional model of social protection. The Law of 2012 set that aim as the legal definition of the social protection system in the Republic of Srpska for the future. The Federal Government of BiH has launched an initiative for the separation of the existing integral law on four specific special laws to better regulate the system work in the field of social protection. Currently these laws are in parliamentary procedure and in the meantime the initiatives has been launched for creating a special law on foster care. As in the Republic of Srpska these laws would be based on the need of finding mechanisms to improve the quality of social care services where unavoidable mechanisms of accreditation and certification are.







## 2. Situation analysis of social protection

The researchers of social protection consider the Social Protection Systems in Bosnia and Herzegovina underdeveloped and that can not meet the challenges of social problems that citizens face. Milosav Milosavljevic (2002), believes that the existing social protection system in BiH is based on "the philosophy and practice of helping". His thought is supported by the fact that the social protection system in BiH is dominated by financial and material support, and that preventive actions are neglected, thus further passivating the position of the beneficiary system. The current problems in the functioning of the social protection system in the entities are very similar and are characterized by an increased number of users, the lack of funds for the realization of beneficiary rights, underdeveloped resources system, the lack of strategic policies, insufficient number of skilled workers in social care institutions, general marginalization of the importance of social protection in government institutions and similar.

There are many problems now affecting the functioning and efficiency of the social protection system in BiH. First of all, these problems stem from the lack of sufficient interest of public for the commitments to increase the quality of the social protection system. Also, the social welfare system has not managed to make clear the boundaries of its activities and social importance of their actions, so it often becomes a "victim" of solving problems in other systems.

In the past it has been noticed a significant increase in the number of beneficiaries rights depending on the law on social protection. After the new law is enacted on social protection in the Republic of Srpska, this number increased up to 15%. The largest increase was recorded in the exercise of the right to cash benefits which confirmed that the systems remain still insensitive for beneficiaires receiving social service.

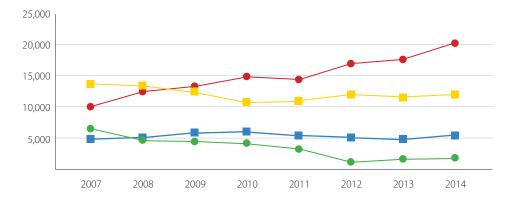


Figure 1: The number of rights beneficiaries of the Law on Social Protection in the Republic of Srpska for the period 2007-2014

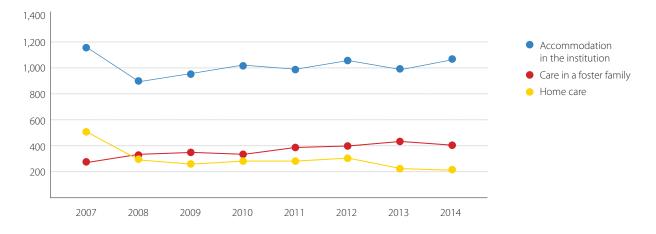
Financial assistance

- Allowance for assistance and care of another person
- Health Insurance
- One-time financial assistance

Source: Ministry of Health and Social Welfare - "Bulletin of the social, family and child protection 2014









Source: Ministry of Health and Social Welfare - " Bulletin of the social , family and child protection 2014

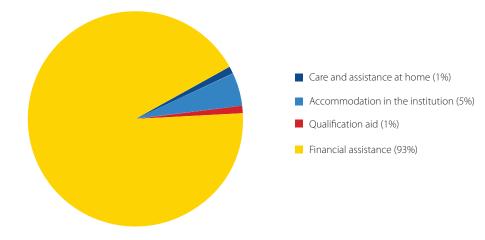


Figure 3: Share of individual rights compare to the total used number in the FBiH for 2014

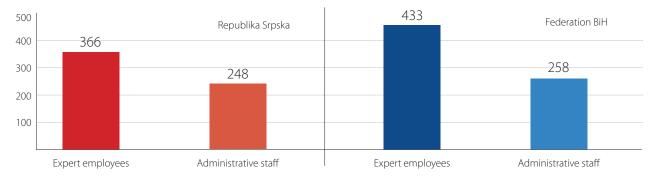
Source: Bulletin of Social Welfare, 2014, the Statistical Office of the FBiH

Centers for social work are the central institutions for organization and functioning of the social protection system at the local level. Their capacities are very weak: a small number of professional workers, technically unequipped, do not practice field work, burneded by the demands of other systems, have a disproportionate number of employed technical staff, burneded by the administration, under pressure from the increased demands of beneficiaires, have limited resources, are heavily influenced by personal solutions at the level of managers, etc. The insufficient knowledge of the process of monitoring and evaluation impossible centers to carry out one of the most important functions: the coordination and control of social service providers at the local level. The cooperation they have with partners (NGOs, private sector) is sporadic and based on the formal distribution of tasks, which is conditioned by the need to cover the lack of resources of the public system. Centers for social work ensure standardisation for their partners in order to improve the quality of social services but retain on the individual attempts (the introduction of ISO standards in the Center for Social Work in Banja Luka), which indicates that there is no consistent policy of Quality of management at the system level.





#### Figure 4: Structure of employees in the Center for social work in 2014



Source: Ministry of Health and Social Welfare - "Bulletin of the social, family and child protection in 2014 and the Bulletin of the Statistical Office of the FBiH.

In BiH there is no professional institution that would deal with the development component of the social protection system. Therefore, there is no professional institutions that deals with the improvement and standardization of providing social welfare services. Although the Law on Social Protection in the Republic of Srpska predicted the existence of the Department of Social Welfare to deal with these matters, its establishment had not yet occurred.

An important incentive for the development of social services in the past came from the activities of NGOs and beneficiaries associations that, through projects, introduced new social services at the community level. However, the sustainability of the project was not guaranteed. In the most cases, the newly established social services delivery stopped once the project ended. The agreements between the Centres for Social Work and associations have had no significant effect on the provision of sustainability of these services. The reasons for this fail is the lack of interest of local governments and the marginalization of the social needs of the population in need. In addition, at the local level there are not strategic documents for development of social protection. There is hardly a community in BiH, which has a strategy for the development of social services at the local level. Centres for Social Work do not have sufficient capacity or knowledge to conduct research on user needs and therfore, do not consider the creation of strategic plans at local level. On the financial metters, financing the social services takes small resources. About three-quarters of the total funds earmarked for social protection is spent for direct financial compensation and only ¼ towards supporting social services are underdeveloped and they used only 6% of the total funds earmarked for financing social protection.

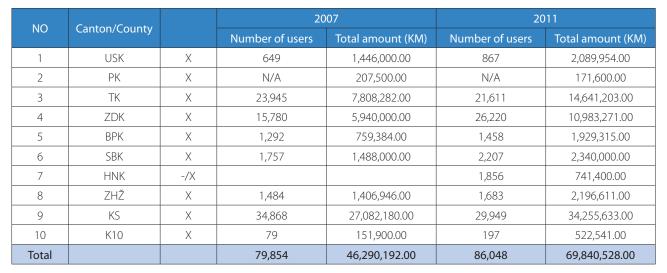
#### Table 1: Level of financing rights in the Republic of Srpska in 2014

RIGHTS	КМ	%
Financial assistance	7,911,531.77	18%
Appendix to help and care of other person	23,252,780.48	53%
Support for the equalization of opportunities of children and youth with disabilities	511,511.47	1%
Placement in the social protection institution	7,836,646.46	18%
Foster family care	2,004,301.49	4%
Help in the house	299,745.33	1%
Day care	321,813.00	1%
One-term financial assisance	1,598,733.20	4%
Advisory services	0.00	0%
TOTAL	43,737,063.20	100%

Source: Ministry of Health and Social Welfare - " Bulletin of the social, family and child protection 2014.







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#### Table 2: Number of beneficiairies and cash allocation benefits in FBiH

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Source : IBHI, Budget cash benefits for social protection in BiH

The possibilities of providing social services out of public system have been the most used by private homes for elderly care. Namely, lately, in BiH was open the large number of the private homes for the elderly. In order to do this job, it is enough to fulfill minimum standards related to facilities and personnel, which are usually set at the beginning of work of the Home. The owners of this homes do not have any further obligations regarding the licensing, which represents a big shortcoming in maintaining the quality of the service that is provided. The initiative to rise the quality of services in these institutions is solely left with the owner. Unfortunately, there is no organized professional assistance to the private sector in this field in BiH.

Certifications of fulfilment of minimum standards for providing this type of services implies a bureaucratic procedure that does not foresee professional verification of procedures and quality of services. The procedure is usually conducted in line with the Book of rules on conditions for setting up social care institutions in a way that the interested party (public institution, private sector or NGO) raise a request to the commission whose task is to establish whether the facility fulfills minimum standard conditions related to the equipment and facility. It also has to establish whether the owner hired foresee qualified staff and sufficient number of employees required for the activities that the institution will deal with. The commission is formed by appropriate ministries at the entity and cantonal level. Following the conducted procedure, an order on fulfilment of conditions for opening of such institution is being issued. The issued order is the part of the overall evidence that the owner submit to the court when he registers the institutions of social care. Monitoring the work of Institutions for social care is conducted by administrative, inspectional and professional oversight and if irregularities are reported. Although the legislation dealing with social care foresee professional supervision, that supervision is rarely implemented and it is mainly comes down to whether to conditions for work of the institutions are fulfilled. This means that they lack professional support which is pre condition for quality assurance.

When it comes to the situation related to services in social protection care system in BiH, the following problems can be underscored:

- » Non-existence of defined standards related to social protection services. This particularly pertains to services that are defined by municipal decisions on extended rights.
- » Non-existence of procedures for licensing social service providers.





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» Non-existence of organizational resources for implementation of a constant process of licensing of social service providers.

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- » Non-existence of legal obligation according to which the local self-government units have to adopt annual decision on extended rights.
- » Lack of specific social protection services, which would respond to citizens in need.
- » Non-existing of strategic plans for development of social protection services at local level.
- » Lack of research of citizens' needs for social services at local level.
- » Lack of sensibility of decision makers at the local level for need to develop social protection services at local level.
- » Lack of information on the part of the social protection benefits on the rights stemming from the low.
- » Under developed unique methodology for identification of social protection beneficiaries.
- » Weak professional resources of non-governmental and private sector for development of providing social protection service to citizens.
- » Poorly developed exchange of experiences and knowledge between local communities in the field of social protection.
- » Non-existence of prevention concepts which would empower citizens and prevent them from becoming social protection beneficiaries.
- » Non-existence of professional institutions that would provide support to social protection providers.
- » Lack of knowledge and skills on the part of professional staff hired in the social protection institutions especially when it comes to social services implementation.
- » Insufficient usage of existing resources of NGO sector and volunteers in providing social protection services.
- » Increased number of social protection beneficiaries to whom providing the social protection services is the most adequate form of social protection support (old persons, persons with disabilities).

The number of social protection beneficiaries is going down compare to number of beneficiairies who only receive financial support. The reasons for this should be sought in the aforementioned weaknesses and problems of the system. Despite the fact that the existing legislation enables development of social services at local level as well as the good practice of development of new services through projects, their sustainability is still questionable.

The processes of European integration of BiH oblige the need to harmonize national legislation with the EU values. The documents signed and ratified by Bosnia and Herzegovina (European Social Charter, the strategy of social cohesion, etc.) imposes the obligation of BiH institutions to harmonize national legislation, organizational systems and procedures in the field of social protection. The application of the open method of coordination in social protection implies a strengthening of the system of social services through the mutual exchange of good practices and positive experiences. Bosnia and Herzegovina is only at the beginning of this process and its institutions have a lot to do in improving the social protection system and its harmonization with the practices of EU countries. So far, there have been done a lot in BiH on piloting new social protection services. However, at the system level a lot of solutions need to be done to become good practices and be an integral part of the system solutions. In this regard, it is necessary to work on sensibilisation and raising awareness of social protection actors in order to promote the concept of social services as a model of total reform of social protection systems in BiH.





# 3. Recommendation of policy directions

In terms of economic and social crisis, when a significant number of people coming to the risks of poverty and social exclusion, and when public funds and public institutions of social protection can not provide sufficient resources to respond to the growing social needs of citizens, social services represent a good alternative and possible social protection system. With its actions they can compensate the missing resources in the system. Beside that, services are more humane, more quickly and efficiently respond to the immediate needs of citizens when they are in material deprivation and social exclusion. Social Services, in relation to cash benefits, have the capacity of activation as a precondition to permanently release users from the state dependence on aid. The resources of non-governmental organizations, beneficiary associations and the private sector in Bosnia-Herzegovina are not used enough. Their greater involvement in coordination of public institutions system allows better and more effective social protection of its citizens. It is therefore necessary to improve the existing systems of social protection in BiH and that the concept of social services took precedence over the financial and material support and thus ensure better social protection.

The development of policies to improve the quality of social services could go in two directions:

- 1. The reform of legislation and the development of strategic documents at the level of entities and cantons.
- 2. Improving the provision of social services at the local level

The Social protection systems in BiH should undergo legal reform in order to promote social services which would ultimately lead to raising the quality of social service providers. In addition, it will be established standardisation procedures and strengthen the quality control system. For this purpose, the licencing process for service providers must be introduced in order to enable among them healthy competition which would have a positive impact on the overall quality of social protection. Also, it is necessary to strengthen the institutional and technical capacity of the system for managing development policy in the field of social protection. A prerequisition of any activity in this field is the development of strategic documents that will determine the courses of action of the system of social protection towards affirmation of social services. The strategy should foresee the adoption of the special law on social services. For this type of activity is necessary to have a high degree of sensitivity of relevant ministries and full commitment and willingness of the institution to carry out reforms. Given the current state and the current policy of the government competency in BiH, at the moment it is difficult to expect support for these activities. The current interest of the government is directed towards maintaining the social security system (pension and disability system and health insurance system) and systems of social protection is at the second plan.

The another course of action is more certain. It is in relation to the improvement of the current situation through the use of existing legislation and existing capacities. In addition to developing the strategic documents for social services and legislative reform to achieve the objective of strengthening the concept of social services in the social protection systems in BiH, it is necessary to strengthen the practice of providing social services at the local level. The existing legislation consider to strengthen the accountability of local institutions for the introduction of social services based on the real needs of citizens which is a good precondition for the success of this model. The concept of extended rights, which exist in all jurisdictions of social protection in BiH, is not enough and efficiently used. The optional determination to adopt the Decision of the expanded rights should be interpreted as a mandatory activity of municipal assemblies. The reasons for this are the facts that the existing basic rights and services do not cover the diversity and extended needs of citizens who find themselves in need. The needs of citizens are beyond the measures that are defined by legal determinations and therofore it is essential to plann the development of social services at the local level and in accordance with specific beneficiary needs that are identified in the immediate environment. Decision of the expanded rights would be based on the research conducted among citizens in their living communities as well as the monitoring of the state of social vulnerability through official statements of different institutions. Also, the decision should come from the process of harmonization of all stakeholders (Centre for Social Work, local authorities, beneficiaries, NGOs, interest groups) about priorities and willingness to respond to the needs of citizens.







The process of introducing additional (extended) services of social protection depends solely on the sensitivity and the good will of local authorities suggesting that the target groups are the local authority representatives who have jurisdiction to decide on the executive and legislative authorities (Mayor, President of the Assembly, Head of the Department of Social activities, councilor of the Assembly). Also, the direction of sensibility should be directed towards the active non-governmental organizations and beneficiary associations, in order to enable participation of beneficiaries in setting priorities and designing services in accordance with their actual needs. The methods that might be used rely on the active participation of all stakeholders (local government institutions, Centres for social work, NGO, relevant ministries) in identifying needs and defining the priorities of social services in the local community. The participation can be achieved at general level (finance, organization) and technical issues (standardization procedures, research needs).

In the advocacy campaign for the strengthening the social services at the local level, special attention should be paid to Centres for social work as a key professional institutions of the system in charge and who are responsible for the research needs and defining the method of working with beneficiairies.

#### Advocacy topics:

- » Development of local action plans for the improving the social welfare services.
- » Development and adoption of the annual decision on the extended rights.

The advocacy campaign will focus on above topics in order to raise awareness of the local public and local executive authorities of the need to plan and organize social services that meet the specific needs of beneficiaries in the targeted municipalities. The campaign aims to reach the strategic documents that would give directions for the development of social protection with special emphasis on the development of resources and organizational forms in the provision of social services. The process of advocacy will be directed to: the development of competencies of professional workers in the Centres for social work to conduct analytical and research activities, development and adoption of documents of the competent authorities of the local executive.





# 5. Conclusion

The social protection in BiH is based on the dominant concept of cash benefits. The social protection services are poorly developed. The Laws defined basic rights that can not respond to the growing needs of citizens, particularly those needs that are specific and conditioned by the current situation in some local communities. The current project practice of introduction of new services in the social protection systems do not lead to the desired results. The sustainability of the new service is questionable after the end of project support. The legislators in BiH predicted the possibility of introducing new services in the social protection systems through the concept of the extended rights which should reflect the specific needs of citizens in the particular municipality. The municipalities have the option to define new services (extended rights), to verify them and to adopt the Decision of the expanded rights. Unfortunately, these legal definitions are not used enough, which led to inactive development of social welfare services and consequently the quality of social protection in some local communities are law. The reasons for the slow development of social services can be found in the lack of planning social development in local communities, a lack of professional staff in the local Centers for social work, poor financing of social protection systems in municipal budgets, inactivity local beneficiary associations and social service providers and poor sensibility of local actors of social protection. The invision of the advocacy campaigns aims at strengthening the social protection to raise the importance of social services at the local level with special emphasis on the recognition of extended rights in social protection. Thus, puts the development of more efficient model of social protection as priority which would be based on the real needs of the population. This goal can be achived if advocacy campaign is directed towards the development of local action plans of social protection with an emphasis on the development of social services, and if the decision on extended rights of social protection is drafted and adopted at the local level. The campaign should be directed to the executive and legislative power in local governments, CSOs and Centres for social work. Also, it is necessary that the campaign target relevant ministries in order to further sensibilise executive power at national and cantonal level to open the future legislative reforms and strategic issues in the field of social services at the level of entities and cantons.

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