

North Macedonia strengthens disability rights with a new Law on Social Protection

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Description

In May 2019, North Macedonia adopted a new Law on Social Protection. The new law enhances disability rights. It abolishes means-testing for all disability benefits, does not include disability benefits in the income used for assessing means-tested benefits, and introduces social services such as respite care or personal assistance.

In November 2017, North Macedonia amended its 2009 Law on Social Protection. This was the result of a long overdue process of reform aimed inter alia at improving the social protection of people with disabilities. This first step removed the conditionality and means-testing associated with various disability rights. In May 2019, the country adopted a new Law on Social Protection. The new law continues in the same vein: it maintains non-conditionality, creates further financial rights and integrates these with the social services on offer.

The financial rights which still exist under the new law and which are available to people with disabilities (together with other beneficiaries) include: personal assistance and care, salary compensation for shorter working hours (due to care for a disabled child) and a permanent allowance (previously a financial allowance for single parents with a child with a disability).

Under the old Social Protection Law, people with disabilities were entitled to a number of financial rights. Some of these rights were category-based (blindness benefit, deafness benefit), and others means-tested (permanent financial assistance). One of the most important changes brought about by the new law is the disentanglement of various disability benefits from the category-based and means-tested benefits and the creation of a single disability allowance. This new benefit, apart from covering all previous categories of beneficiaries with disabilities, extends the coverage to persons with moderate and severe intellectual disability. The placing of this right outside the group of category-based and means-tested procedures is an important step towards universal disability rights. The new

disability allowance incorporates two previously existing disability allowances – the Blindness and Mobility allowance, and the Deafness allowance.

As a result of the new Law, people with disabilities who live on a low income can also receive the guaranteed minimum assistance (GMA; [see ESPN Flash Report 2018/65]), with an increased equivalence scale: the presence of one person with disabilities in a household increases the “equivalent size” of the household by 0.5 of the GMA base amount; this increase is 0.7 if there are two persons with disabilities in the household and 0.9 if there are three. It is important to emphasise that the disability allowance is not included in the income taken into account in the means-testing procedure for GMA eligibility.

Equally important are legislative changes related to social services for people with disabilities. The law introduces personal assistance, home assistance and care services.

Personal assistance is provided up to 80 hours a month, and the potential beneficiaries are persons with severe and profound physical disability and those who are completely blind. Home assistance and care is also provided up to 80 hours a month, and potential beneficiaries include: persons with a profound disability, persons with combined disabilities, completely blind persons, the elderly and others who need help and care at home. Both services can be combined with one of the two financial disability benefits: the disability allowance or the personal assistance and care allowance.

Other social services introduced by the new law include:

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- rehabilitation and reintegration of persons with social and/or health problems; and
- respite care for family members taking care of dependent family members, i.e. old persons, persons with disabilities and other sick and frail persons who cannot independently perform the basic activities of everyday life.

The new law enhances the rights of people with disabilities by: 1) eliminating means-testing for all disability benefits; 2) not taking account of the value of disability benefits in applications for means - tested benefits; and 3) improving the links between financial rights and social services for people with disabilities. Moreover, it simplifies the system, which is an improvement for people with disabilities (who do not need to apply separately for different rights associated with different eligibility criteria), as well as simplifying the administration.

Outlook and commentary

Ex-ante evidence-based research showed that many of the financial rights available from the social protection system are overlapping, non-integrated and category-based (Gerovska-Mitev, 2018). Aggregation of the beneficiary databases of previously existing category-based disability benefits into a single dataset (39,583 persons with disabilities) revealed a significant overlap between beneficiaries of category-related rights: almost 60% of the 10,045 Mobility, Blindness and Deafness beneficiaries were also receiving either a Personal Care Allowance (PCA), Permanent Financial Assistance (PFA) or both. There was also duplication between the Personal Care Allowance and Permanent Financial Assistance, with 44% of PFA beneficiaries with some form of disability (4,739 individuals) also receiving the PCA benefit (Carraro, 2018). To avoid duplication of rights, misuse of rights as well as different application procedures for the same beneficiaries, the "social reform" package proposal

(Ruzin, Gerovska, Bornarova and Bogoevska, 2018 and Carraro, 2018) suggested merging all category-related disability benefits into one disability benefit. This proposal was not entirely followed in the new law, as the personal care allowance was not merged into the newly created disability benefit.

During the public debate on the proposed new law held in the Parliament (March 2018), a number of NGOs indicated their perceptions of the achievements and shortcomings of the newly stipulated disability rights. According to the national disability and non-profit organisation "Republic Centre for Support of Persons with Intellectual Disability – PORAKA", the new law brings several positive changes, among which: the introduction of a legal definition of persons with disabilities, the inclusion of municipalities as providers of social services, as well as a higher equivalence scale for persons with disabilities within the right to GMA. They criticised the law for not recognising persons with a mild intellectual disability as potential beneficiaries for the newly stipulated disability allowance.

The "National Union of persons with physical disabilities – Mobility" (2018) objected to the fact that the disability allowance could not be combined with the civilian or military disability compensation nor with the Personal Care Allowance.

The newly adopted Law on Social Protection is a step forward in the strengthening of the social protection rights of people with disabilities and their family members. Remaining shortcomings that need to be addressed with amendments to this law include: 1) creation of a single electronic registry of disability assessments, to be set up jointly by the Ministry of Health and the Ministry of Labour and Social Policy; 2) creation of a single body in charge of disability assessments, which would then be available in one unique database (based on the disability assessment, the level of

benefit can vary in line with the capabilities of people with disabilities); and 3) integration of the Personal Care Allowance into the Disability Allowance, with an increased level for the (integrated) Disability Allowance.

Estimates of the costs of the new law did not include an assessment of the impact of disability benefits on costs. They foresee that the current budget spent on disability benefits will remain the same. However, given the non-means-tested character of the disability allowance, overall disability spending is likely to increase.

Further reading

Carraro, L. (2018), "Analysis of MIS data to assess the effect of the reform on current beneficiaries", prepared for the Ministry of Labour and Social Policy of the Republic of North Macedonia (unpublished).

Gerovska Mitev, M. (2018), "Report on the rights to financial assistance from social protection, with proposals for introducing a Guaranteed minimum income", prepared for the Ministry of Labour and Social Policy of the Republic of North Macedonia (unpublished).

National Union of persons with physical disability – Mobility (2018) "Reaction on the new Law on Social protection".

Ruzin, N., Gerovska Mitev, M., Bornarova, S. and Bogoevska, N. (2018) "Reform Proposal for the System of Social and Child Protection", prepared for the Ministry of Labour and Social Policy of the Republic of North Macedonia (unpublished). nimum income scheme in Italy, ESPN Flash Report 2018/1.

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