

Public Debate 29 Nov -18 Dec 2010

LAW ON YOUTH

I. BASIC PROVISIONS

Subject of the Law

Article 1

This Law regulates the following: institutional care for young people as well as a set of measures promoting public interest in the implementation of Youth Policy within the youth sector, general interest and funding within the youth sector, principles of the social care for young people, the status and position of non-governmental organizations (NGOs) carrying out youth activities, establishment and work of Youth Council and Youth Office, and the National Youth Strategy.

Purpose of the Law

Article 2

The Purpose of the Law is to create conditions for institutional regulation and improvement of the social position of young people, as an area of general interest for the Republic of Serbia, and, in particular, the conditions for supporting young people in organizing, social acting, development and fulfilment of their potential for their own and for the benefit of the society.

Youth Policy and Youth Sector

Article 3

Youth Policy shall mean the entirety of all measures and institutional mechanisms of government bodies and organizations, and activities of other Youth Policy actors directed at the improvement and promotion of the position and status of young people.

Youth sector shall include the areas specified in the goals of the National Youth Strategy (hereinafter: the Strategy).

The Youth Policy within the youth sector shall be implemented through adoption and implementation of the Strategy and other documents in the field of Youth Policy, with participation of all Youth Policy actors, in accordance with this Law.

The Ministry responsible for youth affairs (hereinafter: the Ministry) shall participate in the development and shall monitor implementation of the Youth Policy from the paragraph 3 of this Article and supervise the implementation of this Law.

Meaning of Various Terms in this Law

Article 4

The individual terms in this Law shall have the following meanings:

- 1) **Youth or young people** shall mean persons from 15 to and including 30 years of age;
- 2) **Youth Policy actors** shall mean: the Republic of Serbia, autonomous province, local government unit, NGOs of young people, NGOs for young people, youth association, representative association of young people and other entities who are responsible, within their own purview, for the implementation of the Youth Policy;
- 3) **Youth activity (youth work)** shall mean any activity organised by, with and for young people, undertaken with the aim of improving the conditions for personal and social development of young people, in accordance with their needs and abilities, in which young people voluntarily participate;
- 4) **Non-formal education of young people within the areas of Youth Policy** shall mean any organized activity, outside the formal educational system, with the purpose to address the educational and cultural needs of young people.

Any term used in this Law is used neutrally in terms of gender.

Youth Support Principle

Article 5

Everybody, in particular Youth Policy actors, within the scope of their activities and purview, shall support social empowerment of young people in the manner defined by the Law, Strategy and other Youth Policy instruments.

Equality and Non-Discrimination Principle

Article 6

All young people shall be equal.

Any unjustified difference made between or any unequal treatment of young people, direct or indirect, on any grounds, in particular on the grounds of race, gender, nationality, religious belief, language, social background, affiliation with political, trade union or other organizations, mental or physical disability, health, physical appearance, sexual orientation, or other actual or assumed personal trait shall be prohibited.

Equal Opportunity Principle

Article 7

Young people shall be entitled to equal opportunities in all spheres of life in accordance with their own choices and abilities.

Principle of Raising Awareness on the Importance of Youth and their Social Role

Article 8

Everybody, in particular Youth Policy actors, shall encourage and support the raising of awareness on the importance of Youth Policy implementation, social empowerment for the purposes of youth well being and promotion of their interests, the need for youth participation in peer training and in decision-making processes regarding issues of relevance to young people.

Active Youth Participation Principle

Article 9

Everybody, in particular Youth Policy actors, shall involve young people in decision-making processes, in particular with regard to decisions of importance to young people.

II. ASSOCIATIONS IMPLEMENTING YOUTH ACTIVITIES

Associations of Young People and for Young People

Article 10

For the purposes of carrying out youth activities with the aim of improving conditions for personal and social development of young people according to their needs and abilities, NGOs implementing youth activities shall be established as NGOs of young people and NGOs for young people, in accordance with the Law governing association, unless otherwise is declared with this Law.

NGO of young people shall mean any NGO with legal personality, whose membership and managing bodies have no less than two-thirds (2/3) of young people, whose goals and field of work are focused on well being of young people, in accordance with this Law, and which is established and operating in accordance with the Law governing freedom of association.

Informal organization of young people shall mean any organization of young people without legal personality which comprises young people and whose aims and field of work are focused on well being of young people, in accordance with this Law, and the Law governing the freedom of association.

NGO for young people shall mean a registered NGO in which young people present less than two-thirds of membership and managing bodies, whose aims and field of work are focused on well being of young people, in accordance with the Law, and which is established and operating in accordance with the Law governing freedom of association.

Youth Federations

Article 11

The NGOs of young people and NGOs for young people may, for the purposes of pursuing common goals and interests, as well as joint action in the field of Youth Policy, form youth federations.

The provisions of the Law governing the freedom of association shall apply, *mutatis mutandis*, to the establishment and work of youth associations.

Representative Associations of Young People

Article 12

NGOs of young people, NGOs for young people and youth associations may, for the purposes of pursuing common goals and interests, as well as joint action in the field of Youth Policy, form representative associations of young people.

Representative associations of young people may be established in accordance with the Law governing the freedom of association and in line with the requirements specified in this Law.

A representative association of young people shall mean an association with legal personality, which has no less than two-thirds of young people in its managing bodies, and meets the following requirements:

- comprises no less than 70 members;
- members have seats in the territory of no less than 1/3 of local self-government units distributed in 2/3 of districts in the Republic of Serbia;
- members have a total of no less than 2000 individual members, of whom no less than 70% are young people.

The membership in the representative association of young people shall be voluntary.

Work and Activities of Representative Associations of Young People

Article 13

The representative association of young people shall:

- 1) encourage involvement of young people in the social life of the community and their information;
- 2) represent and advocate for the interests of its members towards the government bodies and international organisations;
- 3) propose representatives for the National Youth Council.

Representative associations of young people shall be directly involved in the process of development and implementation of the Strategy and other documents in the areas of Youth Policy.

Maintaining Records

Article 14

The Ministry shall maintain records of NGOs stated in Articles 10-12 of this Law.

The contents and manner of maintaining records from paragraph 1 of this Article shall be specified by the Minister responsible for youth affairs (hereinafter: Minister).

III. YOUTH COUNCIL, OFFICE AND AGENCY

National Youth Council

Article 15

For the purposes of harmonizing activities related to the implementation of Youth Policy, the Government shall form a National Youth Council (hereinafter: the National Council) and determine its structure, number of members, competence and other issues of importance for its work.

The National Council shall have no more than 21 members, as follows: representative of the Ministry, other ministries dealing with young people within their portfolios, provincial secretariat responsible for youth affairs, prominent experts in this field, representatives of representative associations of young people, NGOs of young people, NGOs for young people and their associations, and representatives of local youth offices.

Young people shall represent no less than 1/3 of the National Council membership, and shall come from the NGOs pursuing youth activities from Articles 10-12.

The National Council members shall be proposed by the Ministry and elected by the Government.

Provincial Youth Councils and Local Government Youth Councils

Article 16

For the purposes of harmonizing activities related to the implementation of Youth Policy, in the territory of the autonomous province or local self-government unit, the competent body of the autonomous province, or local self-government unit may establish a provincial, city or municipal youth council.

Youth Office

Article 17

For the purposes of providing conditions for active involvement of young people in the life and activities of the social community, empowerment of young people, providing support to the organization of various youth activities, learning and creative expression of young people's needs, the assembly of a local self-government

unit may, within the scope of its authority, needs and capacity, establish a Youth Office.

The Youth Office shall be funded from the budget of the local self-government unit, and other sources in accordance with the Law.

The activities from paragraph 1 of this Article shall be implemented on the basis of local youth action plans, to be adopted within the framework of the Strategy.

The Ministry shall monitor and direct the implementation of the Strategy at the local level. The abovementioned activities shall also be performed outside the seat of the Ministry at the regional level.

Institutions in the Youth Sector

Article 18

The institutions in the youth sector may be established, in accordance with the Law governing public services, by the Republic of Serbia, autonomous province and local self-government unit. The operating funds shall be provided in the budget of the founder, in accordance with the Law.

Agency for Youth

Article 19

An agency shall be established for the purposes of implementing the European Union youth programmes and other programmes referring to young people, in accordance with the separate Law.

IV. GENERAL INTEREST IN THE YOUTH SECTOR

Youth Sector as a General Interest

Article 20

The general interest in the youth sector shall be as follows:

1) providing conditions for the development and improvement of youth activities through encouraging young people to actively participate in social processes;

2) social empowerment of young people, in particular through fostering of and support to volunteering, youth activities and organizing young people;

3) encouraging NGOs of young people, NGOs for young people, youth associations and representative associations of young people to participate in the implementation of youth activities and objectives and activities from the Strategy;

4) building capacity of youth NGOs through various trainings;

5) comprehensive information of young people on issues of importance for the youth and issuing publications of national importance;

6) promoting and encouraging young people to spend active and quality free time, fostering healthy and safe lifestyles, organizing trainings, seminars and events of

importance for the employment, self-employment and skills improvement of young people, as well as for addressing the needs of young people in the field of culture;

7) support of young talents through rewards, scholarships, and skills improvement of school and university students;

8) encouraging youth activities towards the development of Youth Policy within the youth sector at the local level through the support of establishment and implementation of programmes of the local youth offices addressing the general interest;

9) implementation and promotion of international cooperation in the field of Youth Policy within the youth sector;

10) career guidance and counselling for young people;

11) organization of trainings, seminars, conferences, and events in the field of Youth Policy within the youth sector aimed at achieving Strategy objectives;

12) conducting research on the position and needs of young people in the Republic of Serbia;

13) fostering non-formal youth education in the area of Youth Policy within the youth sector.

For achieving the general interest from paragraph 1, sub-paragraph 7 of this Article, the funds shall be provided in the budget of the Republic of Serbia within the budget fund established for such purposes, in accordance with the regulations.

For achieving the general interest from paragraph 1 of this Article, the funds shall be provided in the budget of the Republic of Serbia.

Funding and Co-Funding of Programmes and Projects in the Youth Sector

Article 21

The general interest from Article 20 of this Law shall be achieved through funding and co-funding of programmes and projects implemented by programme and project holders, as follows:

1) NGOs of young people, NGOs for young people, youth associations and representative associations of young people;

2) local self-governments;

3) institutions, science and research institutes, and other legal entities.

The general interest from Article 20, sub-paragraph 7 of this Law shall be achieved through funding of school and university students in accordance with the requirements of this Law and the Act on establishing the budget fund from Article 20, paragraph 3 of this Law.

The holder of the programme and the project aimed at achieving the general interest may not apply for funding of the same activities to another level of government in the Republic of Serbia.

Conditions for Programme and Project Funding, Co-Funding and Implementation

Article 22

The holders of programmes and projects from Article 21, sub-paragraph 1 and 3 of this Law must be registered in the territory of the Republic of Serbia in accordance with the Law.

The holders of programmes and projects from Article 21, sub-paragraph 2 must, as a part of their programme, also have activities and committed funds for the establishment and/or work of local youth offices.

The persons from Article 21, paragraph 2 of this Law must be citizens of the Republic of Serbia or have a refugee status, and they must have permanent residence, or domicile-if refugees, in the Republic of Serbia, and must meet other requirements stipulated in the Act on establishing the budget fund from Article 20, paragraph 3 of this Law.

The funding or co-funding of programmes and project from Article 20 of this Law shall be carried out on the basis of a public call for proposals or in accordance with the regulations governing public procurement, according to the adopted budget execution plan of the Ministry.

For the evaluation of programmes and projects, the Minister shall form a special commission, which shall conduct expert review, and evaluation of submitted proposals, on the basis of this Law, conditions and criteria stated in the public call for proposals and provide the recommendation to the Minister for the purposes of identifying the programmes and projects to be funded or co-funded.

The Ministry shall publish the list of approved programmes and projects on its official website.

Article 23

The Ministry shall conclude an agreement on the implementation of the programme or project aimed at achieving the general interest from Article 20 of this Law with the holder of the programme or project that was granted.

If the programme or project holder does not respond to the invitation to conclude the agreement within 15 (fifteen) days from the day the invitation was received, it shall be deemed that the programme/project holder had withdrawn the programme or project proposal.

The holder of the approved programme or project shall provide, upon the request of the Ministry and at least one per year, the report on implementation of the program or project and expenditure of funds.

The Minister may suspend further funding of the programme or project of the programme and project holder who does not submit the report within the specified period of time.

The holder of the approved programme or project shall be obligated to keep the records or documents referring to the implementation of such programme or project in accordance with the Law.

Article 24

The Minister shall regulate the criteria, manner and procedure for the approval of programmes and awarding funds, appearance and content of the application form and supporting documentation to be submitted with the project or programme proposal, content and appearance of the reports on implementation of the

programme/project, manner and procedure of control of the implementation of approved programmes or projects, programme or project visibility.

Needs and Interests of Young People in the Youth Sector in the Autonomous Province

Article 25

The needs and interests of young people in the youth sector in the autonomous province, which are in line with the interests, needs and capacities of the autonomous province, and the number and structure of the population, economic power and spatial and human capacities in the youth sector, shall be:

- 1) providing conditions for the participation of young people in the development and implementation of the provincial youth action plan;
- 2) encouraging young people to actively participate in social processes through promotion and support of youth activities in the territory of the autonomous province;
- 3) encouraging NGOs of young people, NGOs for young people, and youth associations to participate in the implementation of the Youth Policy including capacity building of youth NGOs in the territory of the autonomous province;
- 4) organization of trainings, seminars, conferences and events in the area of Youth Policy of special interest for the autonomous province.

The funds for addressing the needs and interests of young people from paragraph 1 of this Article shall be provided in the autonomous province budget.

The autonomous province shall specify the requirements, criteria and manner and procedure for awarding funds from the autonomous province budget, and/or approval of projects addressing the needs and interests of the citizens in the area of Youth Policy in the territory of the autonomous province, and the manner of publication of information on the programmes and projects proposed for funding, approved programmes and projects and implementation of approved programmes and projects.

Needs and Interests of Young People in the Area of Youth Policy in Local Self-Government Units

Article 26

The needs and interests of young people in the youth sector in local self-government unit, which are in line with the interests, needs and capacities of the local government, and the number and structure of the population, economic power and spatial and human capacities in the youth sector, shall be:

- 1) encouraging young people to actively participate in social processes through promotion and support of youth activities in the territory of the local self-government unit;
- 2) encouraging NGOs of young people, NGOs for young people, and youth associations to participate in the implementation of the Youth Policy including capacity building of youth NGOs in the territory of the local self-government unit;
- 3) creating conditions for the establishment and work of the local Youth Office;

4) activities of institutions for young people through which the general interest in the field of Youth Policy is addressed, and which have been founded by the local self-government;

6) creating conditions for young people to spend active and quality free time, practicing sports, nurturing healthy and safe lifestyles, implementation of youth and volunteering activities, organisation of trainings, seminars, conferences and events of importance for the employment and skills improvement of young people, as well as for addressing the needs of young people in the field of culture, and

7) supporting activities and projects fostering sustainable development and environmental protection.

The funds for addressing the needs and interests of young people from paragraph 1 of this Article shall be provided in the budget of the local self-government unit.

Local self-government units shall specify the requirements, criteria and manner and procedure for awarding funds of the local self-government unit, and/or approval of projects addressing the needs and interests of the citizens in the area of Youth Policy in the territory of the local self-government unit, and the manner of publication of information on the programmes and projects proposed for funding, approved programmes and projects and implementation of approved programmes and projects.

V. NATIONAL YOUTH STRATEGY

Article 27

The Strategy shall mean the document approved by the Government, which specifies in particular: active participation of young people in the social life, enabling young people for exercising the right to equal opportunities, youth information, encouragement and validation of extraordinary achievements of young people, fostering and development of formal and non-formal education, encouragement and incentives for employment and self-employment of young people and youth entrepreneurship, improvement of youth safety, sustainable development and healthy environment, protection and improvement of youth health and other activities and areas of importance for young people.

Article 28

The Strategy shall be adopted by the Government, upon the proposal of the Ministry, for a period of six years.

Young people and Youth Policy actors shall participate in the development and implementation of the Strategy.

Funds for Strategy Implementation

Article 29

The funds for Strategy implementation shall be provided in the budget of the Republic of Serbia, as well as in the budget of the autonomous province and local self-government units, and from other sources, in accordance with the Law.

In accordance with the Strategy, the autonomous province, and the local self-government units shall develop action plans for Strategy implementation in its territory, and provide the funds for the implementation of such plans in their budgets.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 30

The Government shall make a decision specifying the structure, number of members, competences and other issues of importance for the work of the National Council within six months of the date this Law comes into effect, upon the proposal of the Ministry.

Article 31

The Minister shall adopt the act from Article 14 within six months of the date this Law comes into effect.

Article 32

The Minister shall adopt the act from Article 24 within six months of the date this Law comes into effect.

Article 33

The Fund for Young Talents, established by the Decision on the Establishment of the Fund for Young Talents of the Republic of Serbia (“Official Gazette of the Republic of Serbia”, vol. 71/2008 and 44/2009), shall continue working, in accordance with this Law.

Article 34

This Law shall come into effect on the eight day of its publication in the „Official Gazette of the Republic of Serbia“.