

## Youth Policy Papers

Comparative Study of Youth Policies and Legislation in States Party to the European Cultural Convention of the Council of Europe

# European Steering Committee for Intergovernmental co-operation in Youth field (CDEJ)

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## Introduction

This study looks at the youth policies and legislation of States party to the European Cultural Convention of the Council of Europe. It has been compiled by the Council of Europe's Youth Directorate on the basis of information received from the governments of the States concerned. An initial study was carried out on the basis of information received by the Directorate by 1 March 1995. This second study contains revisions based on information submitted by the States at the Directorate's request and includes any changes to the original document.

The following States have submitted changes: Albania, Armenia, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Principality of Monaco, Portugal, Russia, Slovakia, Slovenia, Spain and the United Kingdom.

During a discussion in March 1998, last-minute information was provided by Albania, the French-speaking community of Belgium, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, the Netherlands, Norway, Poland, Russia, Switzerland and Ukraine.

The study sets out to take stock of policies and legislation in the youth field in different countries in Europe.

The information is presented in each case under 8 headings:

1. Bodies responsible for co-ordinating government policy in youth affairs;
2. Government policy, current and planned, in the youth sector;
3. Parliamentary committees on youth;
4. Constitutional and legislative provisions relating to youth affairs;
5. Laws relating specifically to young people;
6. Associative life of young people;
7. International co-operation in the youth field;
8. Criteria and arrangements for recognising and funding youth organisations and projects.

This study is of obvious interest to countries of Central and Eastern Europe, many of which are in the process of drafting new legislation and policies in this area. Given their tradition of youth work, albeit on a different ideological basis, these countries may also serve as an example in the light of the differences characterising them.

In this respect, it will be noted that these countries have made considerable efforts to set up institutional and legislative structures as well as coherent policies dealing with youth affairs.

## **1. Government body responsible for youth affairs**

The first question to be examined concerns the body responsible for co-ordinating youth policy in each country. For this purpose, countries can be divided into three groups.

### **First group**

Countries with a ministry, a special committee or a state secretary with responsibility for youth affairs and the implementation of national policy in the youth sector. This particular scenario is rarely encountered in the countries of Europe included in the study. Such structures exist in France, Luxembourg, Russia, Malta and Ireland.

Some countries, such as Germany, have a particular system: on the one hand the voluntary and statutory support agencies stand for society's commitment and on the other public support for young people is provided by Youth Offices. In many fields of youth work voluntary support agencies provide most services and facilities. They are autonomous and they set the content and goals of their work for themselves within the framework of country's legal system.

### **Second group**

This group comprises those countries that do not have a particular ministry with responsibility for youth matters, which consequently come under a ministry whose purview includes matters not always directly linked to youth affairs (generally speaking either the ministry of culture and social affairs or the ministry of education). Normal government practice is to set up special youth departments within these ministries.

This is the case in the French-speaking community of Belgium, Estonia, Latvia, Italy and Croatia.

In some countries such as Spain and Portugal special Institutes for Youth have been established in order to co-ordinate different youth projects on a national level as well as international co-operation and research projects in the youth field.

### **Third group**

This group comprises those countries that have neither a special ministry with responsibility for youth affairs nor a department dealing with them within a ministry. Questions relating to young people are handled by different ministries according to the particular youth aspect involved. This is the case in Poland and Switzerland.

## **2. Government policy in the youth sector**

The second question to be addressed in the study deals with the national youth policies conducted by different member states. The content of such policies varies from one country to another as a function of national customs, government priorities and the nature of the problems encountered in the respective countries.

Coherent overall policies have been introduced in some countries, such as Croatia, Lithuania, Malta and Germany, whereas in others the governments have not made the implementation of youth policy an objective.

## **3. Parliamentary Committee on Youth**

In the course of this study consideration was given to the parliamentary aspects involved. An attempt has been made to establish whether youth concerns are dealt with in a separate committee or whether they are dealt with by different committees according to the nature of the issue involved. It emerges from the study that member states' parliaments can be divided into two groups: those that have established separate committees or sub-committees on youth and those that have not.

Very few countries have set up special parliamentary committees to deal with youth affairs. Those which have include Bulgaria, Croatia and Portugal.

Such affairs are more usually dealt with by existing committees such as the parliamentary committee on education, sport and/or culture.

## **4. Constitutional and legislative provisions relating to youth affairs**

The existence or otherwise of constitutional and legislative provisions relating to youth affairs in the different countries included in the study was felt to be a further subject of interest.

Concerning, firstly, constitutional provisions it emerges that the constitutions of most countries provide a definition of the age of majority as coinciding with the enjoyment of active voting rights (the ability to vote in elections) but differing sometimes from the age at which passive voting rights are granted (the ability to stand in elections). A high proportion of the constitutions of the countries studied contain provisions dealing with the special protection afforded by the state to minors, orphans etc. Such

provisions are often based on international texts (such as those of the United Nations, the Council of Europe etc) dealing with human rights and the rights of the child.

Legislative provisions applicable to young people are to be found in laws, procedural or substantive legal codes relating to civil, criminal and family law and the law of succession etc.

## **5. Laws dealing specifically with young people**

It is worthwhile ascertaining to what extent there are laws catering specifically for young people in the different countries. It would appear that not all countries have such laws, and where they do exist they may cover areas that vary from one country to another.

In some countries there are specific laws concerning young people. Ukraine has adopted in 1993 a law on assisting the social condition and development of youth. The authorities of the French-speaking community of Belgium have set out to draft detailed regulations relating to young people, and more particularly to the recognition of representative youth bodies. In Italy, no specific legislation has been adopted at national level, but half the regions have adopted youth-related laws in those areas under their direct responsibility. Legislation in Iceland includes two laws dealing specifically with young people: the law on youth policies, which serves to define government aid granted to youth organisations and which also deals with their establishment, and the law on youth activities. Estonia, which is currently preparing new legislation, is considering a bill on youth organisations which will define relations between them and the state.

## **6. Associative life of young people**

In all countries there are large numbers of youth organisations established on different political, ideological and religious grounds. They are usually represented by a National Youth Council. There are countries, however, where no such council exists. In other countries several bodies exist to co-ordinate the activities of the different youth organisations; in Albania, for instance, there are two.

## **7. International co-operation in the youth field**

The pace of European integration shifted into a higher gear in the wake of the events of 1989 and international co-operation in the youth sector has taken on added importance.

This co-operation is carried out primarily in the context of the programmes of international organisations such as the Council of Europe, the European Union, the Nordic Council, the UN, UNESCO and others. These programmes aim at fostering youth mobility, encouraging intercultural understanding and youth participation. Furthermore, a considerable number of youth organisations run important international activities through the offices of bodies such as CENYC, the Youth Forum etc, that co-ordinate the activities of youth movements.

Within the limits of their own responsibility, national authorities co-ordinate and encourage international youth co-operation, for instance by concluding bilateral and multilateral agreements in the areas of culture and youth. They also fund a certain level of international youth activities in various fields, such as international youth exchanges, cultural events abroad etc. By way of example one might mention the French-speaking community of Belgium, where the General Commission for International Relations co-ordinates international co-operation in the youth sector. This item also includes information concerning participation of representatives of youth organisations and nationals in different activities organised by the Youth Directorate of the Council of Europe: study sessions, training courses and language courses.

## **8. Criteria for the recognition and funding of youth associations, initiatives etc**

Procedure for the recognition and funding of youth associations, initiatives etc varies widely from one country to another. Some countries, such as Hungary or Italy have no hard and fast rules governing such recognition and funding.

Other countries lay down very strict rules. The regulations adopted by the authorities of the French-speaking community of Belgium, for example, embrace a very wide range of criteria. Denmark and the Netherlands have also stipulated effective criteria for the recognition of an organisation's representativeness and for its funding. A youth organisation's representativeness is the first consideration for governments. Some countries, such as Denmark, stipulate a minimum membership for the recognition of an organisation (1000 members).

Generally speaking, the criteria for the recognition and funding of youth associations are very often based on the nature and lawfulness of the association, its aims and working methods, etc.