

LAW

ON DIASPORA AND SERBS IN THE REGION

I. GENERAL PROVISIONS

Subject matter of the law

Article 1

This Law shall govern the manner of maintaining, strengthening and realising the ties of diaspora and Serbs in the region with the home country; competences and mutual relations of the Republic of Serbia authorities in performing tasks in the field of relations with diaspora and Serbs in the region; establishment and competences of the Assembly of diaspora and Serbs in the region; forming the Budget Fund for diaspora and Serbs in the region; forming the Council for relations with Serbs in the region and the Council for diaspora; records of diaspora organisations and organisations of Serbs in the region; and granting national awards in the field of relations between the home country and diaspora as well as between the home country and Serbs in the region.

Definitions of terms

Article 2

As referred to in this Law:

- 1) the term “diaspora” shall include:
 - citizens of the Republic of Serbia living abroad;
 - members of the Serbian people – emigrants from the territory of the Republic of Serbia and from the region and their descendants;
- 2) the term “Serbs in the region” shall mean the members of the Serbian people living in the Republic of Slovenia, Republic of Croatia, Bosnia and Herzegovina, Montenegro, Republic of Macedonia, Romania, Republic of Albania and Republic of Hungary;
- 3) the term “home country” shall mean the Republic of Serbia.

Gender equality

Article 3

All the terms used in this Law in the masculine gender shall include the same terms in the female gender.

II. MAINTAINING, STRENGTHENING AND REALISING THE TIES BETWEEN THE HOME COUNTRY AND DIASPORA AS WELL AS BETWEEN THE HOME COUNTRY AND SERBS IN THE REGION

Maintaining, strengthening and realising the ties between the home country and diaspora as well as between the home country and Serbs in the region

Article 4

Maintaining, strengthening and realising the ties between the home country and diaspora as well as between the home country and Serbs in the region shall be carried out through:

- 1) improving the position of the members of diaspora and Serbs in the region and protecting their rights and interests by concluding bilateral and multilateral international agreements, in line with the highest international standards;
- 2) using, learning and fostering the Serbian language and Cyrillic script, preserving and fostering Serbian cultural, ethnic, linguistic and religious identity;
- 3) promoting economic cooperation between the home country and diaspora as well as between the home country and Serbs in the region;
- 4) providing conditions for the functioning of the Assembly of diaspora and Serbs in the region and of its councils, of the Council for relations with Serbs in the region, of the Budget Fund for diaspora and Serbs in the region, and Council for diaspora;
- 5) granting national awards for special contribution to maintaining and strengthening the ties between the home country and diaspora, or between the home country and Serbs in the region, as well as for special contribution to promoting Serbia in the world and upholding its interests.

The Republic of Serbia may undertake actions in order to realise ties with emigrants from the territory of the Republic of Serbia and their descendents not covered by Article 2 of this Law as well, provided there is mutual awareness of the need to maintain traditional relations and historical ties.

Funds for maintaining and strengthening the ties between the home country and diaspora as well as between the home country and Serbs in the region

Article 5

The funds for maintaining and strengthening the ties between the home country and diaspora as well as between the home country and Serbs in the region shall be provided for in the Budget of the Republic of Serbia.

Co-financing projects

Article 6

For the purposes of implementing the activities referred to in Article 4, points 2) and 3) of this Law, the Ministry competent for diaspora shall launch a competition for co-financing projects that are to contribute with their quality to maintaining and strengthening the ties between the home country and diaspora as well as between the home country and Serbs in the region.

The application to take part in the competition should contain: general data on the applicant, the project contents, participants, goals, target groups, beneficiaries, justification, timeframe for implementation, country of implementation, co-financing partners' presentations, and preliminary estimation of costs to be incurred in implementation.

A document on the legal status of the applicant shall be enclosed to the application for participation in the competition.

More details on terms and conditions and the procedure for awarding funds for co-financing the projects shall be laid down by the Minister competent for diaspora.

Report on project implementation

Article 7

The recipients of the funds referred to in Article 6 of this Law shall submit a report to the Ministry competent for diaspora on the implementation of the projects for which they are using the funds from the Budget of the Republic of Serbia within 30 days of the day of project implementation.

Supervising the use of funds for their intended purpose

Article 8

The Ministry competent for diaspora shall supervise the use of funds for their intended purpose by the beneficiaries referred to in Article 6 of this Law and, if it should find that the funds are not used in accordance with their intended purpose, it shall undertake actions as laid down by the law.

III. COMPETENCE IN THE FIELD OF RELATIONS BETWEEN THE HOME COUNTRY AND DIASPORA AS WELL AS BETWEEN THE HOME COUNTRY AND SERBS IN THE REGION

Defining and implementing the home country's policies towards diaspora and towards Serbs in the region

Article 9

The Government shall define the policies of the home country towards diaspora as well as towards Serbs in the region to be implemented by the Ministry competent for diaspora as well as by other public administration authorities, within their scope of work as defined by the law.

Cooperation principle

Article 10

State authorities shall cooperate mutually in performing tasks in the field of relations between the mother country and diaspora as well as between the home country and Serbs in the region for which they are competent.

This cooperation shall take place by mutual reporting and coordination of the activities in the manner laid down by the law.

Ministry competent for diaspora

Article 11

The Ministry competent for diaspora in the field of relations with diaspora and Serbs in the region shall perform the following tasks:

- 1) propose to the Government to issue acts and undertake actions that define the Government's policy towards diaspora and Serbs in the region and, with regard to that, prepare documents, information and analyses in the field of relations towards diaspora and Serbs in the region;
- 2) monitor the implementation of the Strategy for maintaining and strengthening the relations between the home country and diaspora or between the home country and Serbs in the region;
- 3) monitor the situation in the field of relations between the home country and diaspora as well as between the home country and Serbs in the region, identify and study the consequences of the state of affairs identified and undertake actions or propose to the Government issuing of regulations and undertaking of actions that the Government is authorised for;

- 4) keep records of organisations and alliances of organisations in diaspora as well as records of organisations and alliances of organisations of Serbs in the region;
- 5) see to providing the conditions for founding and operation of cultural and information centres in the foreign countries where diaspora lives, in cooperation with the Ministry competent for culture and the Ministry competent for foreign affairs;
- 6) grant national awards for special contribution to maintaining and strengthening the home country and diaspora, or home country and Serbs in the region as well as for special contribution to promoting Serbia in the world and upholding its interests;
- 7) perform also other tasks as specified by the law.

Strategy for maintaining and strengthening relations between home country and diaspora as well as between home country and Serbs in the region

Article 12

The Strategy for maintaining and strengthening relations between the home country and diaspora as well as between the home country and Serbs in the region (hereinafter: the Strategy) shall identify the state of affairs in the field of relations between the home country and diaspora as well as between the home country and Serbs in the region, and the actions to be undertaken for its development.

The decision on defining the Strategy shall be made by the Government.

Day of diaspora and Serbs in the region

Article 13

The Day of diaspora and Serbs in the region has been established and it shall be marked on 28 June, on St. Vitus' day (Vidovdan).

IV. ORGANISATIONS IN DIASPORA AND ORGANISATIONS OF SERBS IN THE REGION

Term

Article 14

Organisations in diaspora, or organisations of Serbs in the region, for the purposes of this Law, shall mean voluntary forms of association of members of diaspora, or Serbs in the region, aiming

to promote Serbia and uphold state interests of Serbia and preserve and foster Serbian cultural, religious and ethnic identity as well as to realise cultural, educational, scientific, humanitarian or sports cooperation with the home country, with a nonprofit purpose, in accordance with the regulations of the foreign country where diaspora or Serbs in the region live.

Assembly of diaspora and Serbs in the region

Article 15

The Assembly of diaspora and Serbs in the region (hereinafter: the Assembly) shall be the highest representative body of diaspora and Serbs in the region.

Competences of the Assembly

Article 16

The Assembly shall identify problems of diaspora and Serbs in the region, propose actions for overcoming such problems, provide guidelines for preparing the Strategy, elect the Councils of diaspora and Serbs in the region, supervise their work and decide on termination of office of their members.

The Assembly shall issue the rules of procedure for its activities that shall govern the general terms and conditions, the manner and procedure for decision making in the Assembly.

Professional as well as administrative and technical tasks for the Assembly shall be performed by the Ministry competent for diaspora.

Composition of the Assembly

Article 17

The Assembly shall be composed of 45 delegates of diaspora and Serbs in the region (hereinafter: the delegates).

The Prime Minister, Ministers competent for diaspora, foreign affairs, internal affairs, finances, economy, education, culture, labour and social policy, youth, sport and religion, one representative each of Serbian Orthodox Church, Serbian Academy of Sciences and Arts, Serbian Chamber of Commerce and Industry, Standing Conference of Towns and Municipalities, and Public Broadcaster – Radio Television of Serbia, shall participate in the activities of the Assembly.

The President of the Republic, as an honorary guest, may also attend the sittings of the Assembly.

Delegates

Article 18

Delegates shall be persons respected in the community where they live, willing to perform the tasks of maintaining and strengthening relations between the home country and diaspora as well as between the home country and Serbs in the region, and elected for the countries or parts of country where a significant number of members of diaspora, or Serbs in the region, reside, as follows:

- four delegates of diaspora for the United States of America and Federal Republic of Germany, each;
- three delegates of diaspora for the Republic of Austria, Swiss Confederation, and Australia and New Zealand, each;
- two delegates of diaspora for Canada, the French Republic, Kingdom of Sweden, and United Kingdom of Great Britain and Northern Ireland, each;
- one delegate of diaspora for countries of Central and South America;
- one delegate of diaspora for the Kingdom of Belgium, Kingdom of the Netherlands, and Grand Duchy of Luxemburg;
- one delegate of diaspora for the Kingdom of Denmark;
- one delegate of diaspora for the Republic of Italy;
- one delegate of diaspora for the Kingdom of Norway, Republic of Finland, and Republic of Iceland;
- one delegate of diaspora for the Russian Federation, Ukraine, and Republic of Belarus;
- one delegate of diaspora for the Republic of Poland, Czech Republic, Slovak Republic, Republic of Latvia, Republic of Estonia, and Republic of Lithuania;
- one delegate of diaspora for the Kingdom of Spain and Republic of Portugal;
- one delegate of diaspora for the Republic of Greece, Republic of Bulgaria, and Republic of Cyprus;
- one delegate of diaspora for the Republic of Turkey, Middle East countries, United Arab Emirates, and State of Kuwait;
- one delegate of diaspora for the People's Republic of China and countries of Asia without Russian Federation;
- one delegate of diaspora for the Republic of South Africa, and other countries of Africa;

□ one delegate of Serbs in the region for the Republic of Hungary, Romania, Republic of Slovenia, Republic of Croatia, Bosnia and Herzegovina, Montenegro, Republic of Macedonia, and Republic of Albania, each.

The term of office of the delegates shall last for four years.

More details on conditions and the manner of electing delegates as well as cases of termination of office prior to expiry of the time period of four years shall be agreed and defined by the organisations referred to in Article 14 of this Law that operate in the territory of the country or part of the country for which the election of the specified number of delegates referred to in paragraph 1 of this Article is carried out.

The home country will not interfere in the procedure and conditions for electing delegates in the Assembly.

The decision on the delegate elected shall be communicated to the Ministry competent for diaspora at the latest 30 days before the day that is defined by the Law for holding the sittings of the Assembly.

Constituting the Assembly

Article 19

The delegates' mandates shall be defined at the first sitting of the Assembly.

The Assembly shall be constituted by verifying the mandates of two thirds of the delegates.

The delegate most senior in years shall preside over the Assembly until the President is elected.

President and Vice-Presidents of the Assembly

Article 20

By majority of votes of all delegates the Assembly shall elect the President and two Vice-Presidents.

The President of the Assembly shall represent the Assembly, convene its sittings, preside over them, and performs other tasks specified by the rules of procedure.

Decision making in the Assembly

Article 21

The Assembly shall decide by majority of votes at the sitting where majority of delegates are present.

Session of the Assembly

Article 22

As a rule, the Assembly shall convene for regular session on the Day of Diaspora.

The Assembly shall convene for extraordinary session upon the request of at least 1/3 of the delegates or upon the request of the Ministry competent for diaspora, with the agenda defined in advance.

Councils of the Assembly

Article 23

In order to consider issues in specific areas of importance for maintaining and strengthening the relations between the home country and diaspora, the Assembly shall establish councils of diaspora as standing working bodies, as follows:

- 1) Economic council of diaspora;
- 2) Council for status issues of diaspora;
- 3) Council for cultural, educational, scientific and sport cooperation.

The members of standing working bodies shall be delegates, and in addition, they may also be experts from the various fields whom the delegates propose.

The number of members of a standing working body shall be defined by the Assembly by the decision on establishing the standing working body.

Economic council of diaspora

Article 24

The Economic council of diaspora shall represent the interests of diaspora and propose to the Assembly the actions to:

- 1) create conditions for including the members of diaspora into the economic system and business activities of the Republic of Serbia as well as for the return of members of diaspora into the Republic of Serbia;
- 2) create conditions and favourable environment for investment programs and projects of organisations in diaspora and individuals from diaspora;
- 3) develop and promote cooperation with the local self-government units and regional chambers of commerce and industry.

Council for status issues of diaspora

Article 25

The Council for status issues of diaspora shall represent the interests of diaspora and propose actions to:

- 1) improve the position of and protect individual and collective rights of diaspora members;
- 2) create conditions for including diaspora members into the social and political life of the Republic of Serbia or for return of the members of diaspora into the Republic of Serbia;
- 3) improve conditions for exercising the electoral rights of the citizens of the Republic of Serbia living abroad;
- 4) give initiatives for passing regulations that relate to military service issues and other personal and property rights.

Council for cultural, educational, scientific and sport cooperation

Article 26

Council for cultural, educational, scientific and sport cooperation shall represent the interests of diaspora and propose actions to:

- 1) create and promote cultural, scientific, educational ties and ties in the field of sport in relations between the home country and diaspora;
- 2) include members of diaspora and their organisations into the cultural and scientific life of the home country.

V. COUNCIL FOR RELATIONS WITH SERBS IN THE REGION

Council for relations with Serbs in the region

Article 27

The Council for relations with Serbs in the region (hereinafter: the Council) shall be a body of the Republic of Serbia that performs specific activities and tasks in the field of cooperation, protection of interest and promotion of relations between the Republic of Serbia and Serbs in the region.

Competences of the Council

Article 28

The Council shall see to the cooperation, protection of interest and improving the relations of the Republic of Serbia with Serbs in the region by:

- 1) looking into the issues in all areas of importance for maintaining and strengthening relations between the home country and Serbs in the region;
- 2) proposing to the competent authorities the actions to promote economic cooperation of the Republic of Serbia with Serbs in the region;
- 3) considering the issues and proposing solutions for returning of Serbs into the places of their former residence that they left as refugees in the period of dissolution of the SFRY, and proposing actions aimed at protecting their rights for the purpose of sustainable return;
- 4) considering possibilities to create conditions and favourable environment for investment programs and projects of organisations of Serbs in the region;
- 5) developing and promoting cooperation with the local self-government units and regional chambers of commerce and industry in the Republic of Serbia and in the region;
- 6) considering issues related to the use, learning, preserving and fostering of the Serbian language and religious identity of Serbs in the countries in the region;
- 7) considering the issues of Serbs in the region being informed of the developments in the Republic of Serbia and the citizens of the Republic of Serbia being informed of the position and activities of Serbs in the region;
- 8) considering ways to improve the position and protect individual and collective rights of Serbs in the region;
- 9) considering ways to include Serbs in the region into the social and political life of the Republic of Serbia;
- 10) considering ways to improve conditions for exercising electoral right of the Republic of Serbia citizens living in the region;
- 11) considering initiatives to pass legislation of importance for Serbs in the region;
- 12) influencing the creation and promotion of cultural, scientific, educational ties and ties in the field of sport in the relations of the Republic of Serbia with Serbs in the region;
- 13) organising projects aiming to include Serbs in the region and their organisations into the scientific and cultural life of the Republic of Serbia;
- 14) informing Council for diaspora of the projects that are priority ones and of special importance for Serbs in the region;
- 15) performing other activities of importance for the interests of Serbs in the region.

Composition of the Council

Article 29

The members of the Council shall be:

- President of the Republic of Serbia;
- President of the National Assembly of the Republic of Serbia;
- Prime Minister;
- Minister competent for foreign affairs;
- Minister competent for diaspora;
- Minister competent for education;
- Minister competent for culture;
- Minister competent for religions;
- Minister competent for finances;
- President of Executive Council of Autonomous Province of Vojvodina;
- Serbian Orthodox Church representative.

Secretary of the Council

Article 30

The Council shall have the Secretary who takes part in the activities of the Council with no decision making rights.

The Secretary of the Council shall see to the implementation of conclusions and other acts of the Council and perform other tasks as specified by the rules of procedure and other general acts of the Council.

The Secretary of the Council shall be appointed by the Council, upon the proposal of the President of the Republic.

Professional and administrative-technical tasks as required by the Council

Article 31

Professional and administrative-technical tasks as required by the Council shall be performed by the Ministry competent for diaspora, Ministry competent for foreign affairs, and diplomatic and consular representative offices of the Republic of Serbia in those countries.

Method of operation of the Council

Article 32

The Council's meeting shall be convened by the President of the Republic.

The proposal of the agenda shall be specified by the President of the Republic after obtaining opinions of the other members of the Council.

The Council meeting shall be chaired by the President of the Republic, and in the President's absence, the Prime Minister.

The Council meetings shall be held as needed, and at least once in three months.

The Council meetings may be attended by heads of other state authorities and institutions and other persons who are not members of the Council.

Rules of procedure of the Council

Article 33

The Council shall issue the rules of procedure that more closely regulate the matters of importance for the activities of the Council.

VI. BUDGET FUND FOR DIASPORA AND SERBS IN THE REGION

Establishment and objectives of the Budget Fund for diaspora and Serbs in the region

Article 34

The Republic of Serbia shall establish the Budget Fund for diaspora and Serbs in the region in order to achieve the following objectives:

1) use, learning, preserving and fostering of the Serbian language and Cyrillic script, by preserving and fostering Serbian cultural, ethnical, linguistic and religious identity through:

- (1) support to all forms of educational activities abroad;
- (2) providing textbooks and other teaching materials;
- (3) providing compensation for learning the Serbian language and Cyrillic script ;

2) preventing assimilation by fostering closer ties with the home country, raising awareness of the origins, maintaining and fostering Serbian cultural, ethnic and religious identity through:

(1) support to projects whose quality contributes to strengthening the ties between the home country and diaspora;

(2) support to most important events in the field of amateur culture and arts, and events of original folklore, folk arts and folk crafts;

3) promoting spreading of information by way of:

(1) electronic media (television and radio broadcasts and other audio-visual material in the Serbian language and Cyrillic script; internet – web portals, e-mail discussions, electronic mail, forums and blogs), in accordance with international law;

(2) organising traditional conferences and events;

(3) distributing publications that contain information on national identity, characteristics, social values, culture, history, economy, brands, important campaigns and initiatives coming from the Republic of Serbia, and so on;

4) development of mutually beneficial relations between the foreign country where members of diaspora live and the home country, through presenting and promoting the cultural heritage and cultural activities and enhancing the reputation of the Republic of Serbia;

5) development of economic relations of diaspora and Serbs in the region with the home country based on mutuality and solidarity.

Time period for which Budget Fund is established and management thereof

Article 35

The Budget Fund for diaspora and Serbs in the region shall be established for an indefinite period of time and it shall be managed by the Ministry competent for diaspora.

Funding sources

Article 36

Funding sources for the Budget Fund for diaspora and Serbs in the region shall be:

- 1) appropriations provided in the Budget for the current year;
- 2) donations;
- 3) other sources.

Payments from the Budget Fund for diaspora and Serbs in the region shall be made up to the level of the funds available in the Budget Fund for diaspora and Serbs in the region, and the obligations shall be undertaken within the limits of realistically planned revenues of the Budget Fund for diaspora and Serbs in the region.

At the end of the current year any unused funds from the account of Budget Fund for diaspora and Serbs in the region shall carry forward to the following year.

Rights of members of diaspora to learn the Serbian language and Cyrillic script

Article 37

Members of diaspora may exercise their right to compensation for learning the Serbian language and Cyrillic script in the home country.

The Ministry competent for diaspora shall announce a Public Call for awarding the compensation for learning the Serbian language and Cyrillic script in the home country (hereinafter: the Public Call) on the web page of that Ministry.

The number of beneficiaries and amount of the compensation to be awarded during the calendar year for learning the Serbian language and Cyrillic script shall be determined by the Ministry competent for diaspora, in accordance with available funds for such purpose in the Budget Fund for diaspora and Serbs in the region.

The criteria and the procedure for awarding the compensation for learning the Serbian language and Cyrillic script shall be laid down by the Minister competent for diaspora.

VII. COUNCIL FOR DIASPORA

Establishing the Council for diaspora

Article 38

By way of its decision the Government shall establish the Council for diaspora for the purposes of looking into specific issues, providing proposals, opinions and expert reasoning related to defining

and implementing policy towards diaspora as well as providing opinions and proposing activities to be funded as priorities from the Budget Fund for diaspora and Serbs in the region.

Composition of the Council for diaspora

Article 39

The Council for diaspora shall be made up of the representatives of Ministries competent for education, science, culture, religions, finances, economy and regional development, foreign affairs, internal affairs, defence and diaspora.

VIII. RECORDS OF ORGANISATIONS IN DIASPORA AND ORGANISATIONS OF SERBS IN THE REGION

Records of organisations in diaspora and organisations of Serbs in the region

Article 40

Records of organisations in diaspora as well as records of organisations of Serbs in the region shall be kept by the Ministry competent for diaspora.

The application for registration in the records of organisations in diaspora as well as records of organisations of Serbs in the region shall contain the particulars on: the name and head office of the organisation, names of founders, fields of activities, purposes of organisation, type of activities, representation and presentation of the organisation.

In addition to the application for registration referred to in paragraph 2 of this Article, the proof that the organisation in diaspora or organisation of Serbs in the region has been registered in accordance with the regulations of the foreign country where diaspora live, or in accordance with the regulations of the country based on which the organisations of Serbs in the region function, shall also be submitted.

The content and manner of record keeping referred to in paragraph 1 of this Article shall be laid down by the Minister competent for diaspora.

Alliances of organisations in diaspora and organisations of Serbs in the region

Article 41

For the purposes of achieving common goals and interest, as well as joint action and development and promotion of relations between the home country and diaspora as well as between the home country and Serbs in the region, organisations in diaspora as well as organisations of Serbs in the region may form alliances by way of mutual agreements.

Alliances shall be registered in the records kept by the Ministry competent for diaspora, in the manner specified by the act referred to Article 40, paragraph 4 of this Law.

IX. NATIONAL AWARDS

Types of national awards

Article 42

The Ministry competent for diaspora shall grant national awards for extraordinary contribution, results and merit in realising cooperation and strengthening the ties between the home country and diaspora as well as between the home country and Serbs in the region.

National awards shall be:

- 1) Award “Majka Srbija” (Mother Serbia);
- 2) Award “Slobodan Jovanović” – for the field of politics;
- 3) Award “Mihajlo Pupin” – for the field of information and communication technologies;
- 4) Award “Nikola Tesla” – for the field of science and inventions;
- 5) Award “Dositej Obradović” – for the field of education;
- 6) Award “Vuk Karadžić” – for the field of fostering the Serbian language and Cyrillic script;
- 7) Award “Miloš Crnjanski” – for the field of literature.

The Ministry competent for diaspora may grant certificates of merit and special mentions.

Conditions and procedure for granting national awards in the field of relations between the home country and diaspora as well as between the home country and Serbs in the region shall be laid down by the Minister competent for diaspora.

X. SUPERVISION

Supervision of implementation of the Law

Article 43

The Ministry competent for diaspora shall supervise the implementation of this Law.

XI. FINAL PROVISIONS

Issuing implementing regulations for this Law

Article 44

The Minister competent for diaspora will issue regulations provided for by this Law within 90 days of day of coming into force of this Law.

Article 45

The representatives referred to in Article 17, paragraph 2 and the representative referred to in Article 29, indent 10 of this Law will be designated within 30 days of the day of coming into force of this Law.

Coming into force

Article 46

This Law shall come into force on the eighth day of the day of publication in the "Official Gazette of the Republic of Serbia".