

**PROVINCIAL ASSEMBLY DECISION**  
**ON THE PROVINCIAL PROTECTOR OF CITIZENS -**  
**OMBUDSMAN**

**("Official Journal of the AP Vojvodina", no.37/2014,  
40/2014 - corrigendum and 54/2014)**

**AND GENERAL PROVISIONS**

**Article 1**

This Provincial Assembly Decision on the Provincial Protector of Citizens - Ombudsman (hereinafter: the Decision) shall establish an independent and autonomous body, Provincial Protector of Citizens – Ombudsman and define the competences, procedure of the activities of this body, method of election and the cessation of the function of the Provincial Protector of Citizens – Ombudsman and the deputy provincial protector of citizens – ombudsman and their authorities.

**Article 2**

All nouns with grammatical gender in this Decision shall denote and refer both to the male and female gender.

**Article 3**

The Provincial Protector of Citizens - Ombudsman (hereinafter: the Ombudsman) is an independent and autonomous body of the AP Vojvodina that shall protect the rights of citizens and monitor the work of the provincial administrative authorities, public enterprises and institutions which have administrative and public competences and which were founded by the AP Vojvodina (hereinafter: Administrative authorities), as regards their actions in enacting the decisions and other legal acts of the AP Vojvodina.

The Ombudsman shall protect, in particular, the rights of citizens from any violations resulting from illegal, inexpedient and inefficient actions of administrative bodies.

The Ombudsman shall protect the rights of citizens from any violation committed by illegal, inexpedient and inefficient actions of the city or municipal administration in performing duties conferred on them by the AP Vojvodina from their original competences.

#### **Article 4**

The Ombudsman shall be independent and autonomous in performing the duties established under this Decision and no one has the right to influence their work and actions.

The Ombudsman shall protect and improve human and minority rights.

The Ombudsman shall act in accordance with the Constitution, ratified international treaties and generally accepted rules of international law, law and general bylaws.

The fundamental principles of the Ombudsman's activity shall be legality, impartiality, independence and righteousness.

#### **Article 5**

The seat of the Ombudsman shall be in Novi Sad.

## **II ELECTION AND TERMINATION OF TERM OF OFFICE**

#### **Article 6**

The function of the Provincial Protector of Citizens - Ombudsman shall be performed by the Provincial Protector of Citizens – Ombudsman (hereinafter: the Ombudsman) and the Deputies Provincial Protector of Citizens – Ombudsman (hereinafter: Deputies of the Ombudsman).

The Ombudsman, i.e. the Deputy of the Ombudsman shall not perform other public or professional duty, have membership in political organisation or perform any other job that could influence their autonomy and independence.

Exceptionally, the Ombudsman i.e. the Deputy of the Ombudsman may continue with their scientific and research-related, educational or artistic activities as well as with publishing their copyright works.

All professional and other functions, or duties or activities the Ombudsman and/or Deputies have been performing, which are opposite to the provisions of this Decision, as well as membership in a political party, shall cease on the day of taking office.

#### **Article 7**

The Ombudsman shall be elected by the Assembly of the Autonomous Province of Vojvodina (hereinafter: the Assembly) on the basis of a two-third majority votes of the total number of deputies.

Candidates for the Ombudsman shall be proposed by at least 30 deputies or the Assembly Committee in charge of the issues related to the organisation and work of the administration (hereinafter: the Committee).

The Ombudsman's term of office shall be six years, and one person may be elected to the office twice in succession, at the most.

The procedure for the election of the Ombudsman shall commence no later than two months prior to the termination of the office of the previous officeholder.

The Ombudsman shall report to the Provincial Assembly for their work.

### **Article 8**

The Ombudsman shall have four Deputies, and out of them there shall be elected one Deputy per each of the following fields: national minority rights, rights of the child, and gender equality.

At the election of a deputy it shall be ensured that both genders and people belonging to national minorities are represented equally.

Deputies shall be elected by the Assembly on the basis of the majority votes of the total number of deputies, at the Ombudsman's proposal.

The Deputies shall be elected to serve in the office for a period of six years and the same person may be elected to the office twice in succession, at the most.

The deputies shall report to the Ombudsman and the Assembly for their work.

### **Article 9**

A person shall be eligible for the position of the Ombudsman if they are nationals of the Republic of Serbia and meet the following requirements:

1. to hold a Bachelor of Law degree
2. to have at least seven years of professional experience in legal affairs which are of significance for the performance of tasks within the competences of the Ombudsman
3. to have no convictions for crimes for which the penalty is an unconditional prison sentence for at least six months or a punishable crime which would make them inapt to perform tasks in a state authority
4. to be a person of high moral character and qualifications
5. to have remarkable experience in the field of the protection of citizens' rights

## **Article 10**

A person shall be eligible for the position of the Deputy Ombudsman if they are nationals of the Republic of Serbia and meet the following requirements:

1. to hold a university degree
2. to have at least five years of experience in the area that is of significance for the performance of tasks within the competences of the Ombudsman
3. to have no convictions for crimes for which the penalty is an unconditional prison sentence for at least six months or a punishable crime which would make them inapt to perform tasks in a state authority
4. to have distinguished professional skills and high moral integrity
5. to have remarkable experience in the field of the protection of citizens' rights

## **Article 11**

The Ombudsman and the Deputy shall take an oath before the Assembly prior to assuming duty. The text of the oath is as follows: "I swear that I shall perform my duty with due conscience and responsibility, independently and impartially, and that I shall focus my efforts towards the improvement and the protection of human rights, in compliance with the Constitution and the law".

The Ombudsman and the Deputy shall be obligated to assume duty within 30 days from the date they were elected for the duty.

If the Ombudsman i.e. the Deputy fails to take office within 30 days from the day they swore without justifiable reason, they shall be deemed not elected, which shall be confirmed by the Assembly on the basis of a Committee's notification. In such event, a procedure for the election of a new Ombudsman i.e. Deputy shall be initiated immediately.

## **Article 12**

The Ombudsman's and the Deputy's term of office shall cease in the following cases:

1. by expiry of the term of office, if not re-elected
2. in case of death
3. by resigning from the office
4. by exclusion from citizenship
5. by meeting the legal requirements for retirement
6. by becoming permanently physically or mentally unable to carry out their duties
7. by dismissal

The reasons for the termination of the office from Paragraph 1 of this Article shall be determined by the Committee which shall then inform the Assembly.

In case the termination of office for the Ombudsman or the Deputy should arise from the reasons stated in Paragraph 1 Items 1-6 of this Article, the Assembly shall enact a decision thereby confirming that the conditions for the termination of office have been met without any discussion.

Legal consequences of the termination of the office shall enter into force on the date the decision referred to in Paragraph 3 of this Article is enacted.

### **Article 13**

The Ombudsman i.e. their Deputy shall be relieved of duty prior to the expiration of the period they were elected for in the following cases:

1. if failing to discharge the office in a professional, independent and conscientious manner
2. if holding other public offices or performing professional duties i.e. performing other jobs or duties that may influence their independence or autonomy or if acting contradictory to law which defines the prevention of conflict of interest in holding public duties,
3. if sentenced to imprisonment for committing a criminal offence rendering them inapt to hold this office.

The Ombudsman and their Deputy shall be entitled to address the provincial deputies during the Assembly session at which the issue of their dismissal is discussed.

The procedure for dismissal from the office shall be launched at the initiative of the Committee or one-third of deputies, whereas the dismissal procedure for the Deputy would also require the Ombudsman's initiative.

The Committee shall inform the Assembly on the potential reasons for dismissal from the office and shall explain them.

The Assembly shall dismiss the Ombudsman or their Deputy from the office if their relief of duty is supported by votes cast by the same majority of deputies required for the election of the Ombudsman and/or their Deputy.

### **Article 14**

The Ombudsman shall designate their Deputy to replace them in the event of the Ombudsman's absence or inability to perform their duties.

In the event of termination or relief of duty of the Ombudsman, their Deputy, designated by the Ombudsman to replace them when absent or prevented from work, shall perform the function until the new Ombudsman is elected.

The election of the new Ombudsman shall be made at latest within six months from the end of office of the preceding Ombudsman.

## III COMPETENCIES

### Article 15

The Ombudsman shall have the competency to monitor the exercise of human rights, the legality, suitability, efficiency and regularity in the work of the Administrative authority regarding their actions in carrying out decisions and other legal acts of the AP Vojvodina, and protect the rights of citizens especially from violations arising from illegal, unsuitable and inefficient activities by an Administrative authority. The Ombudsman shall protect the rights of citizens from violations arising from the illegal, unsuitable and inefficient activities of the city and municipal administration in performing tasks conferred to them from its original competences by the AP Vojvodina.

### Article 16

The Ombudsman shall monitor the processes of enacting the provincial regulations and the changes and amendments to the existing regulations in all fields of exercise of human rights.

The Ombudsman shall be entitled to propose Provincial Assembly decisions and other general acts enacted by the Assembly within its competences especially if they consider that the violation of citizen's rights arises because of the absence of definition in regulations.

The Ombudsman is authorised to provide their opinion to the Provincial Government and the Assembly during the regulation preparation process, as well as recommendations regarding the proposals for decisions if they define the issues of importance for the protection of rights of citizens.

### Article 17

The Ombudsman shall continuously monitor and oversee the application of international treaties, standards and regulations in the field of human rights, and on the grounds of collected information they shall propose measures for the improvement of status in the field of protection and improvement of human rights.

### Article 18

The Ombudsman shall conduct research in order to have insight into the state of human rights, to identify problems and develop recommendations with a view to exercising, protecting and improving human rights.

### Article 19

The Ombudsman shall be authorised to inform the citizens about the regulations and provide legal advice about the opportunities for exercising their rights, by means of informing the applicants to initiate an appropriate legal procedure before the competent authority, if such a procedure has been stipulated by law.

## **Article 20**

The Ombudsman shall be authorised to publicly propose termination of office of an official responsible for the violation of the rights of citizens, i.e. to initiate the procedure for the determination of responsibility of an employee in a public administrative body who is directly responsible for the committed violation.

If they find that there are elements of a crime or other criminal act in the activities of an official or an employee in a public administrative body, the Ombudsman is authorised to submit a request to the competent body, i.e. a request for the initiation of a criminal, offence or other appropriate procedure.

## **Article 21**

The Ombudsman shall submit a regular annual report to the Assembly in which they shall state the information on the activities carried out in the preceding year, information on noted faults in the activities of the Administrative Authority, provide an assessment on the work of the Administrative Authority with regards to the application of regulations, as well as proposals for the improvement of the status of citizens in relation to the Administrative Authority.

The report shall contain information on the number and the structure of complaints, observed faults and recommendations for their resolution, as well as criticism and praise of specific Administrative Authorities or officials.

The report shall contain specific chapters about the fields of rights of national minorities, rights of the child and rights pertaining to gender equality. Specific chapters of the report shall be made by the Ombudsman's Deputies.

The report on the activities shall be submitted no later than 31 March for the preceding year and shall be published on the official website of the Provincial Protector of Citizens – Ombudsman.

Upon the Ombudsman's request the Assembly shall put the report stated in Paragraph 1 of this Article on the agenda and hold a discussion.

The Ombudsman may take part in the discussion about the report.

## **Article 22**

The Ombudsman may submit a special report to the Assembly, where, in the opinion of the Ombudsman, there are particularly significant reasons for it or it is requested so by the Assembly.

The special report shall be published on the official website of the Provincial Protector of Citizens – Ombudsman.

## **Article 23**

The Ombudsman shall inform the competent authorities and the broader public on the violation of human rights and shall publish a communication about the violation of human rights.

## **Article 24**

The Ombudsman shall organise and take part in the organisation of conferences and campaigns on education about human rights and issues pertaining to the exercise of human rights.

## **Article 25**

The Ombudsman shall have the power to initiate the proceedings before the Constitutional Court for the assessment of constitutionality and the legality of the laws, other regulations and general acts.

## **Article 26**

The Ombudsman shall be entitled to attend all sessions of the Assembly and Assembly Committees, as well as to participate in the Assembly discussions whenever the issues within their competence are discussed.

## **Article 27**

The Ombudsman shall cooperate and exchange experiences with other Ombudsmen in the country and abroad and be a member of national and international ombudsmen associations.

## **Article 28**

The Ombudsman shall cooperate with the Protector of Citizens of the Republic of Serbia in completing the tasks that are within the National mechanism for the prevention of torture and shall regularly visit places where persons deprived of liberty are, with the view to preventing torture and other cruel inhumane or humiliating punishments or procedures.

## **Article 29**

The Deputy Ombudsman for national minority rights shall protect national minority rights and shall be authorised to control the work of the Administrative Authorities as regards exercising and improving national minority rights.

The Deputy Ombudsman for rights of the child shall protect rights of the child and shall be authorised to control the work of the Administrative Authorities as regards exercising and improving rights of the child.

The Deputy Ombudsman for gender equality shall protect the citizens on the grounds of gender equality and shall be authorised to control the work of the Administrative Authorities as regards exercising and improving gender equality.

Competences from Articles 15 through 28 shall also apply to the Deputies of the Ombudsman, as long as they come within their purview.



### **Article 30**

The Ombudsman shall perform other tasks in accordance with the law, decisions and other Assembly acts.

## **IV PROCEEDINGS**

### **Article 31**

The Ombudsman shall initiate proceedings upon the complaint of a citizen or upon their own initiative based on information from other sources, when they assess that there was or there still is a violation of the rights of citizens by Administrative Authorities.

In the context of this Decision, the term citizen shall cover a natural person who is a citizen of the country and any natural person who is a foreign citizen as well as every domestic or foreign legal person whose rights and responsibilities shall be determined by the Administrative Authorities specified under Article 3 of this Decision.

A legal representative, an authorised person or an authorised person from the foster institution may address the Ombudsman on behalf of the natural person, and a person authorised to represent a legal entity may address the Ombudsman in cases of violation of rights of the legal entity. On behalf and with the authorisation of a person whose rights were violated, a complaint may be submitted by an organisation dealing with human rights protection or another person.

### **Article 32**

A complaint may be made within a year, at the latest, from the date the violation has been committed, i.e. from the last occurrence, or the failure on the side of Administrative Authority to act regarding the committed violation of human rights.

Exceptionally, the Ombudsman shall be entitled to act upon the complaint after the expiry of the deadline should they assess that a serious form of violation of citizens' rights has occurred.

### **Article 33**

For the investigation to be instigated, a complainant shall be required, prior to submitting a complaint, to endeavour to protect their rights in relevant legal proceedings i.e. to exhaust all legal remedies to remove the violation.

In case the requirement specified in Paragraph 1 of this Article is not fulfilled, the Ombudsman shall direct the complainant to instigate relevant legal proceedings, when such proceedings are provided, and shall not instigate investigation until all legal remedies have been exhausted.

Exceptionally, the Ombudsman may initiate proceedings even if the complainant has not tried to protect their rights, i.e. even before all legal remedies have been exhausted, if the complaint is submitted due to illegal activities, failure to respect the principle and standards of administrative

procedure, the principle of ethical behaviour and due to inappropriate treatment of citizens by an employee of Administrative Authorities.

### **Article 34**

The Protector of Citizens shall not proceed on anonymous complaints.

Exceptionally, if the Ombudsman should consider that an anonymous complaint provides basis for their operation, they may initiate proceedings on their own initiative.

In certain justified cases, the Ombudsman may, at the complainant's request, decide not to disclose to Administrative Authorities the identity of the person who submitted a complaint.

### **Article 35**

A complaint shall be submitted in writing, including all electronic ways of communication, there is no specific form, and shall not be subject to any payment of fees or duties.

Exceptionally, a complaint may be given orally on record.

Individuals deprived of liberty shall have the right to submit a complaint in the sealed envelope. Individuals employed in the institutions where individuals deprived of liberty are, shall deliver to the Ombudsman their complaint, without opening or withholding it, and without delay.

### **Article 36**

A complaint shall contain name of the authority involved, the description of the violation of rights, facts and evidence supporting the complaint, information on the legal remedies already used and data on the complainant.

### **Article 37**

The Ombudsman shall be obligated to act upon each complaint except:

- 1) if the subject the complaint refers to does not fall within the competences of the Ombudsman,
- 2) if the complaint is submitted after the expiry of the date provided for the submission of the complaint, and the condition specified in Article 32 Paragraph 2 of this Decision is not fulfilled,
- 3) if the complaint is submitted prior to exhausting all available legal remedies, and requirements specified in Article 34 Paragraph 2 of this Decision have not been fulfilled,
- 4) if the complaint is anonymous and the requirements specified in Article 34 Paragraph 2 of this Decision have not been fulfilled,

5) if the complaint does not contain necessary information to proceed and the complainant has failed to remove the faults even within the period subsequently determined for supplementing the complaint.

If there are no grounds for an action of the Ombudsman, they shall notify the complainant about it and they shall state the reasons for not instigating investigation to the complaint.

If the complainant refrains from the complaint, the procedure shall be cancelled. Exceptionally, the procedure shall continue if a complaint is submitted due to illegal activities, failure to respect the principles and standards of administrative procedures, and the rules of ethical behaviour and due to the inappropriate treatment of citizens by employees of Administrative Authorities.

### **Article 38**

The Ombudsman shall notify the complainant and the Administrative Authority involved about the beginning and end of a proceeding.

### **Article 39**

Administrative Authority shall be required to respond to all requests of the Ombudsman and to provide all requested information and documents within a period set by the Ombudsman, which may not be shorter than 5 or longer than 15 days.

Administrative Authorities shall co-operate with the Ombudsman and enable their access to their premises and information available to them, which are of importance for the proceedings they run, i.e. for the fulfilment of the goal of their preventive operation, regardless of the degree of confidentiality of such information, unless it is contrary to the law.

The Ombudsman shall have power to interview any employee of Administrative Authorities when it is of significance for the proceedings they run.

The Ombudsman, i.e. Ombudsman's Deputies, shall have the duty of confidentiality as regards the information acquired during their term of office even after the end of their term of office.

Everyone working at the Provincial Protector of Citizens' - Ombudsman's Professional Services shall be subject to the pledge of secrecy.

### **Article 40**

The officials and managers in Administrative Authorities shall be obligated to receive the Ombudsman at the Ombudsman's request no later than 8 days from the date of receipt of a written request.

### **Article 41**

If the Administrative Authority involved eliminates the irregularities by itself during the proceedings, the Ombudsman shall so notify the complainant and shall discontinue the proceedings.

### **Article 42**

Upon determination of all relevant facts and circumstances, the Ombudsman may inform the complainant that their complaint is unfounded or may find that irregularities existed in the work of Administrative Authority.

If the Ombudsman determines that irregularities existed in the work of the Administrative Authority, they shall provide their opinion to the Administrative Authority.

Should the Ombudsman find such irregularities i.e. the consequences of the irregularities which may be eradicated, the Ombudsman shall in addition to their opinion, provide recommendations on how to eradicate the irregularity i.e. its consequences.

The Administrative Authority shall be obliged to inform the Ombudsman about the measures it has taken within 15 days of the day it received their opinion or recommendation, at the latest.

Should the Administrative Authority fail to act upon the recommendation, the Ombudsman may so notify the public, a direct higher instance, the Assembly, and the Provincial Government i.e. the municipal/city council.

### **Article 43**

The provisions of Articles 31 through 42 of this Decision shall also apply to proceedings instituted by the Ombudsman on their own initiative.

### **Article 44**

In addition to the right to initiate and run proceedings, the Ombudsman shall have the right to act preventively by mediating and giving advice and opinions related to issues within their competency, with a view to improving the work of Administrative Authorities and protecting human rights and freedoms.

## **V TECHNICAL AND ADMINISTRATIVE SERVICES AND SUPPLIES**

### **Article 45**

The Ombudsman shall establish Technical and Administrative Services to perform professional and administrative-technical tasks.

Technical and Administrative Services shall be managed by Director of the Services.

The Director of Technical and Administrative Services shall be appointed and dismissed by the Ombudsman.

The Ombudsman may decide to delegate certain powers to an expert associate.

The Director and the employees of the Technical and Administrative Services shall be subject to regulations on labour relations and salaries in provincial authorities.

The Ombudsman shall enact decisions on the employee's commencement and termination of employment and the exercise of rights pertaining to employment.

#### **Article 46**

The Ombudsman shall be entitled to salary equal to that of a Provincial Secretary, and the Deputies to that of a Deputy Provincial Secretary.

#### **Article 47**

The Ombudsman and the Deputies shall be entitled to all rights with regards to work, in accordance with the regulations on employment in the Provincial Administrative Authorities.

#### **Article 48**

The Ombudsman shall enact Rules of Procedure and an act on the internal organisation and job classification of the Provincial Protector of Citizens – Ombudsman's Technical and Administrative Services.

The act on internal organisation and job classification of the Technical and Administrative Services shall be enacted upon the prior provision of the opinion of the Assembly's Committee.

#### **Article 49**

The funds for the work of the Ombudsman shall be provided in the budget of the AP Vojvodina.

The Ombudsman shall propose the amount and structure of the funds.

## **VI TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 50**

Upon the enactment of this Decision, the Ombudsman and the Deputies shall continue with their activities until the expiry of their terms of office for which they were elected.

The proceedings that have not been completed before the date of the enactment of this Decision shall be completed in accordance with the provisions of this Decision.

The Ombudsman shall be obligated to harmonise their Rules of Procedure with the act on the internal organisation and job classification within 30 days of entering into force of this Decision.

### **Article 51**

By entering into force of this Decision, the Provincial Assembly Decision on the Provincial Ombudsman (The Official Journal of APV number 23/02, 5/04, 16/05, 18/09 – change in the title of the act) shall cease to be in force.

### **Article 52**

This Decision shall come into force on the eighth day from the date it has been published in "Official Journal of the Autonomous Province of Vojvodina".