

## **CROATIA**

### **Act on the Ombudsman of 25 September 1992**

#### **1. GENERAL PROVISIONS**

##### **Article 1**

This Act regulates the jurisdiction, mode of action and conditions for the election and relief of the Ombudsman and his deputies.

##### **Article 2**

The Ombudsman shall be independent and autonomous in carrying out his duties. Nobody is entitled to give him instructions or directions on his work.

The Ombudsman shall act in accordance with constitutional and legal provisions and international legal acts about human rights and freedoms accepted by the Republic of Croatia.

The Ombudsman's obligation is to stand by principles of justice and moral.

##### **Article 3**

The Ombudsman shall be elected and relieved of the office by the Chamber of Representatives of the Sabor of the Republic of Croatia (Parliament).

The Ombudsman will have three deputies.

The Ombudsman deputies shall be elected and relieved of the office by the Chamber of Representatives of the Sabor of the Republic of Croatia (Parliament), at the proposal made by the Ombudsman in person.

The Ombudsman and his deputies shall be elected for a term of eight years and may be re-elected also.

##### **Article 4**

In connection with his work the Ombudsman may turn for assistance to scientists and experts from universities, Institutes and similar institutions, and they have to give him in adequate term any assistance demanded.

The Ombudsman will have his Office.

## **II. JURISDICTION AND MODE OF WORK**

### **Article 5**

The Ombudsman shall consider individual cases in which citizens' rights may be imperilled by action of governmental administration bodies, bodies vested with public powers or officials in such bodies when they deal with tasks ensuing within their respective competence. The Ombudsman shall also consider other problems which may be of interest to the protection of the rights proclaimed by constitution and law, about which he has obtained information from other sources of knowledge (by means of public communication, etc.), provided that those problems are referring to the wrong doing of bodies and officials mentioned in paragraph 1 of this article.

### **Article 6**

The Ombudsman as a rule shall not take action in cases which are in course of the administrative and other proceedings.

### **Article 7**

The Ombudsman may issue warnings, give notices, make requests and send over recommendations.

If he establishes that a question is an infringement of right containing traits of a criminal act or violation or an infringement of work discipline, the Ombudsman may make request about it for the purpose of starting the criminal proceedings or other proceedings being appropriate.

The governmental administration bodies and bodies vested with public powers must immediately and not later than 30 days inform the Ombudsman about measures which they have undertaken in connection with his warnings, requests and recommendations.

If the bodies mentioned in the paragraph 3 of this article have not in a proper term taken measures in accordance with his requests or in accordance with his recommendations, the Ombudsman shall inform about that the Sabor of the Republic of Croatia (Parliament) and appeal to the public.

The Ombudsman may publish his warnings, notices, requests and recommendations in the means of public communication, and those institutions have to publish them.

### **Article 8**

The Ombudsman will once a year submit a report on his activities to the Sabor of the Republic of Croatia (Parliament).

In his report the Ombudsman shall point out on the data referring to the level in which the citizens' rights proclaimed by the constitution and law were respected.

#### **Article 9**

In the cases when the rights proclaimed by constitution and law have been imperilled of high degree, the Ombudsman may in addition to his annual report submit also a special report to the Sabor of the Republic of Croatia (Parliament) and Ministry in competence.

#### **Article 10**

The Ombudsman is empowered to initiate changes in the laws regarding the protection of the rights proclaimed by constitution and law.

#### **Article 11**

All data and information are accessible to the Ombudsman and he is allowed to look into all documents of the Republic of Croatia and into all acts of the governmental administration bodies and bodies vested with public powers, even those which were enacted with discretionary authority, irrespective of the degree of its secrecy. Keeping the secret shall be duty of the Ombudsman and his deputies even after they are relieved of the office. Governmental administration bodies and bodies vested with public powers have to ensure to the Ombudsman the availability of information and documentation mentioned in the first paragraph of this article, and give him any assistance demanded.

Officials in governmental administration bodies and bodies vested with public powers have to cooperate with the Ombudsman and at his request submit him reports and answer to his inquiries.

### **III. PROVISIONS ABOUT PROCEEDINGS**

#### **Article 12**

The Ombudsman investigates individual infringement of citizens rights proclaimed by constitution and law, failures or other irregularities in work of governmental administration bodies or bodies vested with public powers, initiating it himself or on the citizens' demand.

Everybody has the right to submit a complaint to the Ombudsman with no regard to whether because of the infringement of the right proclaimed by constitution and law being directly damaged or not, and the Ombudsman decides freely whether the complaint is to be taken into consideration or not, and to what extent.

#### **Article 13**

The submitting of complaint is free of charge.

#### **Article 14**

When the Ombudsman has finished a proceedings initiated at a citizen's demand, he shall inform the complainant about steps being undertaken. The acts which contain standpoints concerning infringements of rights proclaimed by constitution and law, the Ombudsman hands over to governmental administration bodies respectively bodies vested with public powers to which are referring these standpoints, including warning, request or recommendation.

#### **Article 15**

The Ombudsman may at any time inspect penal-correctional institutions and other institutions in which the freedom of movement is confined. The Ombudsman is allowed to access and inspect all accommodations of such institutions.

After the inspection has been made, the Ombudsman shall, if needed, write a report that he shall hand over to the body which is in competence to supervise those institutions. If the report contains comments concerning the work of those institutions, the supervising authority should immediately inform the Ombudsman not later than 30 days about what this authority has done in connection with his report.

### **IV. ELECTION AND RELIEF OF THE OMBUDSMAN**

#### **Article 16**

Any Croatian citizen who is a graduated lawyer with a minimum 15 years working experience in such a profession, and who is distinguished in his profession, and who is after his personal engagement well-known to the public with respect to protection of human rights may be eligible to be elected Ombudsman.

#### **Article 17**

Before taking office, the Ombudsman and his deputies will take oath at the respective session of the Chamber of Representatives of the Sabor of the Republic of Croatia (Parliament).

The oath runs like this:

"I swear that I shall in my work stand by the Constitution and laws and respect legal order of the Republic of Croatia and that I shall fulfil my duty justly, honourably and conscientiously".

#### **Article 18**

Any Croatian citizen who fulfils the requirements according to the article 16 of this Act may be eligible to be elected Deputy Ombudsman.

#### **Article 19**

The Ombudsman and his deputies will be relieved of their duties before the expiration of the term they were elected for:

1. on the occasion of one resignation provided that it would be accepted by the Chamber of Representatives;
2. because of losing the Croatian citizenship;
3. if the Chamber of Representatives decides that the Ombudsman or his deputies should be relieved of the office before the expiration of the elective term.

## **V. TRANSITORY AND FINAL PROVISIONS**

### **Article 20**

The Ombudsman shall enact standing orders about his working with which he will prescribe organisation and mode of work in detail. These standing orders are to be approved by the Chamber of Representatives of the Sabor of the Republic of Croatia (Parliament).

### **Article 21**

The allocation of funds necessary for functioning of the Ombudsman, his deputies and his Office shall be apportioned in the annual budget of the Republic of Croatia.

### **Article 22**

This Act enters into force on the day of being published in "Narodne Novine".

Zagreb, September 25, 1992

HOUSE OF REPRESENTATIVES OF THE PARLIAMENT OF REPUBLIC OF CROATIA

Speaker of the Croatian Parliament House of Representatives

Stjepan Mesic