

OMBUDSPERSON INSTITUTIONS IN SERBIA

Introduction

Ombudsperson institutions are independent bodies tasked with protecting and promoting citizens' rights and freedoms, as well as controlling the work of government agencies, the body authorized for legal protection of property rights and interests of the Republic of Serbia and other bodies and organisations, enterprises and institutions which have been delegated public authority. Ombudsperson institutions in the Republic of Serbia exist at the local (city & municipal), provincial and republic levels.

At the local level, the ombudsperson institutions are established based on Article 126 of the Law on Local Self governance passed on 26 February 2002. Currently out of 126 cities and municipalities in the Republic of Serbia, about 11 have a local Ombudsman; this number includes 3 city and 8 municipal Ombudsmen.

At the provincial level, the first Ombudsman institution in Serbia was established on 23 December 2002, with the decision of the Assembly of the Autonomous Province of Vojvodina. In 2004, Petar Teofilovic was elected as the first Provincial Ombudsman for the autonomous province of Vojvodina. Currently, Ms Aniko Muskinja Hajnrih is the Provincial Ombudsman of Vojvodina.

At the republic level, the Serbian Ombudsman (Protector of Citizens) institution was established on 16 September 2005 with the passage of the Law on the Protector of Citizens. In July 2007, Sasa Jankovic was elected as the first Serbian Ombudsman, also referred to as the Protector of Citizens.

Structure

At the provincial level, the Ombudsman is elected by a two thirds majority vote of all deputies of the provincial Assembly. The Ombudsman is elected for a term of six years and he/she may be re-elected at most twice in succession. The Ombudsman has five deputies of which one is elected for each of the following fields: national minority rights, rights of children and gender equality. Likewise, at least one deputy needs to be elected from among the less represented gender and national minorities.

At the republic level, the Serbian Ombudsman is elected by the National Assembly of the Republic of Serbia following the proposal of the National Assembly Committee for Constitutional Issues. The Protector of Citizens is appointed for a period of five years and the same person may be elected at most twice in succession. The Republic Ombudsman has 4 deputies elected by the National Assembly following the proposal of the Ombudsman himself. They are elected for a time period of 5 years.

Area of Competence

The Serbian Ombudsman (Protector of Citizens) has the power to control the respect of the rights of citizens, establish violations resulting from acts, actions or failure to act by administrative authorities; power to control the legality and regularity of the work of administrative bodies, to launch initiatives for amending laws or other regulations, to initiate proceedings before the Constitutional Court and to publicly recommend the dismissal of an

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official who is responsible for violation of citizen's right. The Protector of Citizens has no power to control the work of the National Assembly, President of the Republic, Government of Serbia, Constitutional Court, courts and public prosecution's office.

In addition to this, as of 2011 the Serbian Ombudsman became the National Preventive Mechanism for preventing torture in accordance with the Optional Protocol to the Convention for Preventing Torture and Other Inhumane and Degrading Treatment.

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Useful Links:

The Office of the Republic Ombudsman:
<http://www.zastitnik.gov.rs/>
<http://www.ombudsman.rs>
The Office of the Provincial Ombudsman for the
Autonomous Region of Vojvodina
http://www.ombudsmanapv.org/eng/index_en.php
OSCE Rule of Law and Human Rights Dept.
<http://www.osce.org/serbia/13161.html>