

Pursuant to Article 56 of the Law Determining Specific Jurisdiction of the Autonomous Province ("Official Gazette of RS" No. 6/02) and Article 21, paragraph 1, point 2 of the Statute of the Autonomous Province of Vojvodina ("Official Gazette of the APV" No. 17/91), the Assembly of the Autonomous Province of Vojvodina, on the session held on 23. December 2002, passed the

DECISION ON THE PROVINCE OMBUDSPERSON

1 BASIC PROVISIONS

Article 1

The Province Ombudsperson is hereby established (hereinafter "the Ombudsperson"), as an independent and autonomous body that shall protect and promote human rights and freedoms of every person guaranteed by the Constitution, ratified and published international treaties on human rights, generally accepted rules of international law, laws and regulations of the Autonomous Province of Vojvodina (hereinafter "the Province").

The Ombudsperson shall particularly protect human rights and freedoms specified under paragraph 1 of this Article (hereinafter "human rights") when violated by actions of Province and municipal administrative authorities, institutions, bodies and organisations exercising specific administrative authority, established by the Province or municipality (hereinafter "administrative agencies").

In order to protect and promote human rights the Ombudsperson shall monitor application of regulations specified in paragraph 1 of this Article, control legality, appropriateness and efficiency of public administration actions and may undertake investigation of the work of public administration bodies aimed at protection of human rights.

Article 2

The Ombudsperson shall act in accordance with the Constitution and law, ratified and published international treaties on human rights and generally accepted rules of international law.

The fundamental principles of action of the Ombudsperson shall be legality, impartiality, independence and fairness.

Article 3

No one shall have the right to influence the work and actions of the Ombudsperson.

Article 4

The seat of the Ombudsperson shall be in Novi Sad.

The Ombudsperson shall establish local offices in Subotica and Pancevo and may establish them elsewhere in the territory of the Province.

II ELECTION AND TERMINATION OF TERM OF OFFICE

Article 5

The Assembly of the Autonomous Province of Vojvodina (hereinafter “the Assembly”) shall elect the Ombudsperson by a two-thirds majority vote of all Deputies.

A candidate for Ombudsperson may be nominated by a minimum of 30 deputies or by the Assembly Committee responsible for issues related to organization and work of the administration (hereinafter “the Committee”).

The term of office of the Ombudsperson shall be six years. He/she may be elected as Ombudsperson at most twice in succession.

Article 6

The Ombudsperson shall have five deputies of which one each shall be elected for the following fields: national minority rights, rights of children and gender equality.

At least one deputy shall be elected from among the less represented gender and national minorities.

The Assembly elects deputies at the Ombudsperson’s recommendation by a majority vote of all Deputies.

The term of office of deputies shall be six years. He/she may be elected as deputy at most twice in succession.

Article 7

A person holding Yugoslav citizenship, with Law School degree, recognized professional abilities and of high moral integrity, with minimum 7 years experience in the field of human rights, government administration or judiciary, and without a criminal record and against whom criminal proceedings are not instituted, may be elected Ombudsperson.

The office of Ombudsperson is incompatible with other public office or professional activity, membership in political parties or organizations, trade unions, management

and supervisory boards of enterprises and institutions, as well as activity or undertaking that could affect his/her independence and autonomy.

As an exception, the Ombudsperson may engage in scientific/research or artistic work.

On the day the Ombudsperson takes office, all of his/hers other public functions and activities shall cease as well as membership in a political party or political organisation.

A person may not be elected Ombudsperson if during the 12-month period preceding election, he/she was the Speaker or deputy Speaker of the Assembly, president or member of the Executive Council of the Autonomous Province of Vojvodina (hereinafter "Executive Council"), deputy or assistant Province Secretary, director of service, inspector, mayor or municipal president, president or vice-president of city council or municipal council, president or vice-president of the executive board of a city or municipal council, secretary of the city or municipal council or head of city or municipal administration.

As an exception, a person meeting all the other requirements set out by this Article but without a law degree may be elected Ombudsperson if he/she holds a University degree and long-term professional experience in the field of human rights protection.

Article 8

The Ombudsperson may not be held responsible or punished

for an expressed opinion or actions undertaken in exercising his/her authority set out by this decision.

Article 9

The term of office of the Ombudsperson shall cease by personal request, expiry of the term of office, permanent loss of capacity to work or by meeting retirement requirements.

Termination of the term of office specified in paragraph 1 of this Article shall be established by the Committee, which shall so inform the Assembly.

Article 10

The Ombudsperson shall be dismissed from office if convicted for a criminal offence to a term of imprisonment, if he/she fails to discharge the duties of office in a professional, impartial, independent and conscientious manner or engages in functions, undertakings or activities specified in Article 7, paragraph 2 which are incompatible with the office of Ombudsperson.

The Committee or one third of the number of Deputies initiate the dismissal procedure while for dismissal of the deputy Ombudsperson the procedure may be initiated also by the Ombudsperson.

The Committee informs the Assembly whether grounds for dismissal exist and of reasons thereof.

The provisions governing dismissal of Ombudsperson specified in paragraph 1 – 3 of this Article shall accordingly apply for deputy Ombudsperson.

The Assembly dismisses the Ombudsperson or deputy Ombudsperson by a majority vote in favor of dismissal of the number of Deputies required for election of the Ombudsperson and/or deputy Ombudsperson.

Article 11

Articles 7 – 9 shall also apply to deputy Ombudsperson.

Article 12

A deputy of his/her choice shall replace the Ombudsperson in absence.

In case of termination or dismissal from office the Assembly shall appoint a deputy to discharge the duties of Ombudsperson, following a recommendation from the Committee, until election of the new Ombudsperson.

III SCOPE OF POWERS

Article 13

The Ombudsperson shall:

- monitor application of international human right standards,
- collect information in respect of application laws and other human rights regulations,
- draft annual reports on the state of human rights,
- inform the competent authorities and the public of human rights violations,
- receive and examine complaints relating to human rights violations,
- mediate in amicable resolution of disputes relating to human rights violations,
- initiate criminal, disciplinary and other proceedings before competent authorities in the event of human rights violations,
- organizes and participates in organizing and preparation of seminars on the level of implementing and respecting of human rights,

- organizes and participates in organizing and preparation of public awareness campaigns on issues significant for implementation and respect of human rights,
- initiates and promotes education in human rights in all walks of life,
- co-operates and shares experiences with other Ombudsperson at home and abroad,
- exceptionally, performs when necessary the duties of deputy Ombudsperson specified in this decision,
- performs other duties in accordance with law and Assembly regulations.

Article 14

In order to promote and harmonize legislation with international human rights standards, the Ombudsperson shall be empowered to initiate proceedings before the Constitutional Court and to propose to the Assembly and the Executive Council to enact new and amend the existing legislation and other acts within their jurisdiction.

The Ombudsperson is entitled to attend all sessions of the Assembly and committees thereof as well as to participate in the Assembly debate when such debate concerns issues within his/her jurisdiction.

The Ombudsperson gives opinions and recommendations regarding proposed human rights regulations that are subject to mandatory Assembly review.

Article 15

The deputy Ombudsperson responsible for protection of national minority rights has the following responsibilities:

- monitor application of international standards on national minority rights and laws on national minority rights,
- collect information in respect of application laws and other regulations on national minority rights,
- constantly monitors the practice of exercising national minority rights in various walks of life,
- monitors the procedure of enacting new regulations and amending current regulations in all fields related to the position and exercising of national minority rights.
- advises the competent authorities in respect of enacting and amending regulations relating to protection of national minority rights, as well as regarding application of such regulations,
- drafts the part of the Ombudsperson's annual report regarding exercising of national minority rights, presenting therein in detail cases of violation of these rights,
- informs the competent authorities and the public on the state of national minority rights and, at his/her own initiative or following a request by any person, issues a statement on violation of national minority rights,

- receives and examines complaints relating to violation of national minority rights,
- mediates in amicable resolution of disputes relating to minority rights violations,
- initiates criminal, disciplinary and other proceedings before competent authorities in the event of minority rights violation,
- organizes and participates in organizing and preparation of seminars/workshops on exercising and respect of national minority rights,
- organizes and participates in organizing and preparation of public awareness campaigns on issues significant for exercising and respect of national minority rights and problems associated thereto,
- undertakes activities aimed at raising public awareness of issues relating to exercising of national minority rights and ways of promoting protection of these rights,
- initiates and encourages education aimed at respect of national minority rights,
- co-operates and shares experiences with other Ombudsperson and deputy Ombudsperson at home and abroad relating to protection of national minority rights,
- performs other duties in accordance with the Ombudsperson's instructions.

Article 16

The deputy Ombudsperson responsible for protection of rights of the child has the following responsibilities:

- monitors application of international standards and laws governing the rights of the child,
- collects information in respect of application laws and other regulations on the rights of the child,
- constantly monitors the practice of exercising rights of the child,
- monitors the procedure of enacting new regulations and amending current regulations in all fields related to exercising of the rights of the child,
- advises the competent authorities in respect of enacting and amending regulations relating to protection of the rights of the child, as well as regarding application of such regulations,
- drafts the part of the Ombudsperson's annual report regarding exercising of the rights of the child, presenting therein in detail cases of violation of these rights,
- informs the competent authorities and the public on the state of the rights of the child,
- at his/her own initiative or following a request by any person, issues a statements on violation of the rights of the child,
- receives and examines complaints relating to violation of the rights of the child,
- co-operates with the competent social welfare institution in amicable resolution of disputes arising from violation of the rights of the child,
- mediates in amicable resolution of disputes relating to violations of the rights of the child,

- initiates criminal, disciplinary and other proceedings before competent authorities in the event of violation of the rights of the child,
- organizes and participates in organizing and preparation of seminars/workshops on exercising and respect of the rights of the child,
- organizes and participates in organizing and preparation of public awareness campaigns on issues significant for exercising and respect of the rights of the child and problems associated thereto,
- undertakes activities aimed at raising public awareness of issues relating to exercising of the rights of the child and ways of promoting protection of these rights,
- initiates and encourages education aimed at respect of the rights of the child,
- co-operates and shares experiences with other Ombudsperson and deputy Ombudsperson at home and abroad relating to protection of the rights of the child,
- performs other duties in accordance with the Ombudsperson's instructions.

Article 17

The deputy Ombudsperson responsible for gender equality has the following responsibilities:

- monitors application of international standards on gender equality and laws prohibiting discrimination (laws on gender equality),
- collects information in respect of application laws and other regulations prohibiting discrimination (laws on gender equality),
- constantly monitors the practice of exercising of the principle of gender equality in various walks of life,
- advises the competent authorities in respect of enacting and amending regulations relating to gender equality, as well as regarding application of such regulations,
- drafts the part of the Ombudsperson's annual report regarding realizing of gender equality, presenting therein in detail cases of violation of the principle of gender equality,
- informs the competent authorities and the public and issues statements on violations of gender equality,
- receives and examines complaints relating to direct or indirect discrimination based on gender,
- at his/her own initiative or following a request by any person, issues a statements in cases of violation of the prohibition of discrimination based on gender
- mediates in amicable resolution of disputes relating to direct or indirect discrimination based on gender,
- initiates criminal, disciplinary and other proceedings before competent authorities in the event of direct or indirect discrimination based on gender,
- organizes and participates in organizing and preparation of workshops/seminars on exercising and respect of gender equality and proposes measures for eliminating discrimination,

- organizes and participates in organizing and preparation of public awareness campaigns on issues significant for achieving gender equality and problems associated thereto,
- initiates and encourages education aimed at respect of gender equality in all walks of life,
- co-operates and shares experiences with other Ombudsperson and deputy Ombudsperson at home and abroad relating to gender equality,
- performs other duties in accordance with the Ombudsperson's instructions.

Article 18

The president and vice president of the Assembly and Executive Council, members of the Executive Council and managing officials in administrative agencies are required to receive the Ombudsperson at his/her request at latest within 15 from the day of submission of request.

IV PROCEEDINGS

Article 19

Any person who believes any of his/her human rights have been violated by an act or undertaking of an administrative agency may bring a complaint to the Ombudsperson.

An heir, guardian or agent of the person specified in paragraph 1 of this Article may also bring a complaint to the Ombudsperson on his/her behalf.

A third party, non-governmental organisation, association or other organisation may bring a complaint before the Ombudsperson under power of attorney issued by the person believing his/her human rights have been violated.

Article 20

The Ombudsperson proceeds at his own initiative or following a complaint from a person believing his/her human rights have been violated by an act or undertaking of an administrative agency.

Article 21

A complaint shall be submitted not later than one year after the violation or omission has been committed, or after issuing of the last act in the matter under dispute.

The Ombudsperson shall act on the complaint within 30 days from the day the complaint is submitted.

Article 22

The proceedings before the Ombudsperson are free of charge for the complainant.

Article 23

The complaint is filed in writing, including all forms of electronic communication, and shall have no set form and is exempt from any administrative fee.

Exceptionally, a complaint may be expressed verbally on record.

Persons deprived of liberty are entitled to submit complaints in sealed envelope.

The staff in institutions of incarceration are required to promptly deliver the complaint of the person deprived of freedom, unopened, to the Ombudsperson.

The complaint shall mention the personal data of the complainant, the name of the agency involved, finding of fact and evidence on which the complaint is based, and information on which legal remedies have been filled or used.

If the complainant so requires the Ombudsperson is required to preserve the secrecy of his/her personal data.

Article 24

The Ombudsperson initiates proceedings after regular legal remedies for remedy the violation alleged in the complaint have been exhausted and/or if no legal remedy exists for rectifying of the violation alleged in the complaint.

With the goal of quick and efficient protection of human rights, the Ombudsperson is empowered to engage in mediation and reconciliation at any given moment and to initiate proceedings even when a legal remedy under paragraph 1 of this Article has not been exhausted, if conclusion of proceedings under legal remedies specified in paragraph 1 would represent a threat to protection of human rights.

Article 25

Following review of the contents of the complaint the Ombudsperson may reject the complaint if he/she determines that:

- it does not contain personal data of the complainant;
- it was submitted after expiry of the deadline specified in Article 21;
- it does not contain all the required information and the complainant fails to amend it within a time period set by the Ombudsperson;
- the complaint does not relate to the activity of an administrative agency;
- circumstances of the case and evidence submitted do not lead to a conviction that a violation of human rights and/or other irregularity in the work of the administrative agency has occurred;

- a complaint has already been submitted in the same case and new evidence has not been given;
- all regular legal remedies have not been exhausted and no grounds exist for applying the provisions of Article 24, paragraph 2;

The Ombudsperson's decision to reject a complaint is final.

The Ombudsperson shall notify the complainant of the reasons for rejection of the complaint unless the complaint was anonymous.

The Ombudsperson may advise the complainant on other possible channels of redress.

Article 26

If the complaint meets the requirements for investigation the Ombudsperson shall so inform the complainant and administrative agency involved.

The administrative agency involved is required to declare on the complaint in the period of 15 days after receiving the complaint.

Article 27

With the aim of finding of all relevant facts, the Ombudsperson may summon for interviews and take depositions and statements and additional explanations from any person employed in administrative agencies, the complainant, witnesses, expert witnesses, and other citizen having information relevant to the circumstances of the case.

Persons specified in paragraph 1 of this Article summoned by the Ombudsperson for an interview or to give a statement are required to comply with the summons.

Article 28

In respect of the investigation he/she is conducting, the Ombudsperson may request from the administrative agency involved all information and direct inspection of documents and databases available to these agencies, including state, official, business and professional secret.

The Ombudsperson may request copies of particular documents relevant for his/her investigation.

The administrative agency from which the Ombudsperson requested direct access to documents, databases or copies, shall enable him/her to do so during his/her working hours and provide copies of the requested documents.

The Ombudsperson is subject to a pledge of secrecy, which shall remain in effect after his/her retirement from office.

The Ombudsperson shall have access to all premises of administrative agencies, and at any time and without making an appointment may visit all institutions for mandatory psychiatric treatment.

Administrative agencies are required to grant the Ombudsperson, at his/her request, direct inspection of their work and access to any place of work.

Article 29

Should an administrative agency fail to act in accordance with obligations under Article 28, the Ombudsperson shall so inform the immediately superior body, the Executive Council and the Assembly.

Article 30

The Ombudsperson may decide to rest the investigation if he/she establishes that the administrative agency involved eliminated the violation of human rights during the investigation.

Article 31

If upon the completion of investigation, the Ombudsperson deems that there is no violation of human rights or irregularities in the activity of the agency involved, he/she shall so inform the complainant and the agency involved.

Article 32

If upon the completion of investigation, the Ombudsperson finds that there has been a violation of a human right or irregularities in the work of the agency, he/she shall accordingly inform the complainant and the agency involved, as well as the immediately superior body, and they shall submit their written comments within 15 days.

Article 33

Upon the expiry of 15 days, the Ombudsperson may:

- discontinue further proceedings if the administrative agency eliminated the violation of human rights;
- draft an opinion, proposal or recommendation and submit it to the complainant and the agency involved as well as the immediately superior body.

The administrative agencies involved shall within 15 days inform the Ombudsperson about the actions they have taken.

Article 34

Should the administrative agency fail to act in accordance with the Ombudsperson's opinion, proposal or recommendation or fail to notify the Ombudsperson on actions taken to eliminate the violation, the Ombudsperson shall so inform the bodies supervising their work.

If even after the notification specified under paragraph 1 of this Article, the responsible bodies fail to take appropriate measures, the Ombudsperson shall inform the Assembly, the Executive Council and may also inform the public via the media.

Article 35

Should the Ombudsperson establish a violation of human rights, he/she may:

- recommend to the administrative agency to repeat the procedure in accordance with law;
- recommend to the administrative agency rules of procedure aimed at improving its work and dealing with citizens;
- request to suspend the execution of final act;
- initiate disciplinary proceedings against the officer who has been proved responsible for violation by the investigation or against a person who obstructed investigation;
- to initiate misdemeanor or criminal proceedings before the competent public prosecutor.

Article 36

Articles 22 - 35 also govern the acts of the Ombudsperson undertaken at his/her own initiative.

Article 37

The Ombudsperson shall once a year and not later than the end of November submit to the Assembly a report on his/her activities, the state of human rights and legal security in the Province.

The Report shall in particular contain the number and structure of complaints, general assessment of the work of administrative agencies in view of the application of regulations, shortcomings perceived and recommendations for their elimination, as well as positive and negative assessment of the work of certain administrative agencies and their officers.

The Report shall contain sections related to the status of national minority rights, rights of the child and gender equality, which are drafted by the responsible Deputy Ombudspersons.

The Report may also contain an initiative to amend or pass particular regulations aimed at eliminating deficiencies and improving the work of administrative agencies.

At the Ombudsperson's request, the Assembly shall include in its agenda and consider the Report referred to under paragraph 1 of this Article.

The Report shall be published in the Official Gazette of the Autonomous Province of Vojvodina and the media.

Article 38

The Ombudsperson may submit a Special Report to the Assembly if he/she deems it necessary for especially important reasons or if the Assembly requires him/her to do so.

At the request of the Ombudsperson, the Assembly shall include in its agenda and consider the Report specified under paragraph 1 of this Article.

The Special Report shall be published in the Official Gazette of the Autonomous Province of Vojvodina and the media.

V SECRETARIAT AND FUNDING

Article 39

The Ombudsperson shall establish a Secretariat to perform administrative and technical work.

The Director of the Secretariat shall manage the work of the Secretariat.

The Ombudsperson shall appoint and dismiss the Director and pass decisions on employment and dismissal of other employees.

The Ombudsperson may decide to delegate some of his responsibilities to his/her assistants.

Article 40

The Ombudsperson shall pass the Rules of Procedure and acts determining the organisation, method of work and the procedure for dealing with a complaint.

The Rules of Procedure shall be published in the Official Gazette of the Autonomous Province of Vojvodina.

The Ombudsperson shall pass a by-law on internal organisation and job classification of the Secretariat, upon obtaining the opinion of the competent body of the Assembly.

Article 41

The funds for the work of the Ombudsperson shall be provided in the Budget of the Province.

The Ombudsperson shall propose the amount and structure of these funds.

Article 42

The Ombudsperson and his/her deputies are entitled to a salary.

The salary of the Ombudsperson shall be calculated based on the coefficient pertaining to a member of the Executive Council, and the salary of Deputy Ombudspersons the coefficient pertaining to Assistant to Province Secretary.

The employment of the Director and other employees of the Secretariat shall be regulated by labour regulations referring to the administrative agencies of the Province.

Article 43

The Ombudsperson and his/her deputies shall be entitled to other labour-related rights in accordance with labour regulations pertaining to the administrative agencies of the Province.

VI PENAL PROVISIONS

Article 44

An official or staff member of an administrative agency who refuses to act in accordance with the Ombudsperson's request shall be fined with 10,000 to 50,000 dinars.

A person who fails to respond to the Ombudsperson's request to make a statement verbal or written shall be fined with 10,000 to 50,000 dinars.

VII FINAL PROVISIONS

Article 45

The Assembly shall appoint the Ombudsperson within 3 months of coming into force of this Decision, and Deputy Ombudspersons within 2 months of the appointment day of the Ombudsperson.

Article 46

Before taking office, the Ombudsperson and his/her deputies shall give an oath before the Assembly reading as follows: "I solemnly swear that I will perform my duties conscientiously and responsibly, independently and impartially and dedicate my efforts to improving and protecting human rights in accordance with the Constitution and Law."

The Ombudsperson and his/her deputies shall take office within 15 (30) days of the day they were appointed.

Should the Ombudsperson and/or his/her Deputies fail to take office, without justifiable reason, within the time period specified under paragraph 2 of this Article or to give an oath, the Committee of the Assembly shall state that the Ombudsperson and the Deputies have not been appointed.

Article 47

The competent authority of the Province shall provide the conditions necessary for the Ombudsperson's Office to start working within 3 months of the date of coming into force of this Decision.

Article 48

This Decision shall come into force eight days after its publishing in the Official Gazette of the Autonomous Province of Vojvodina.

Assembly of Autonomous Province of Vojvodina
Novi Sad, 23 December 2002

Vice President of A.P. of Vojvodina
Mirolsav Mrnustik