

# **LAW ON THE PROTECTOR OF CITIZENS**

*"Official Gazette RS", No. 105/2021*

## **I. INTRODUCTORY PROVISIONS**

### **Article 1**

This law hereby regulates the position, mandate and investigation before the Protector of Citizens as an independent state authority that shall protect the rights of citizens and control 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 organizations, enterprises and institutions vested with public powers (hereinafter referred to as "administrative authorities").

The Protector of Citizens shall also ensure that human and minority rights and freedoms are protected and promoted.

In the context of this law, the term "citizen" shall cover not only natural persons holding domestic nationality but also foreign nationals, and any stateless person, as well as any domestic or foreign legal entity whose rights and responsibilities are determined by the administrative authorities referred to in paragraph 1 of this Article.

All terms used in the masculine grammatical gender in this Law shall include both masculine and feminine natural gender of the persons to whom they relate.

### **Article 2**

The Protector of Citizens shall perform the duties of the National Preventive Mechanism, in accordance with the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of Serbia and Montenegro - International Treaties, No. 16/05 and 2/06 and "Official Gazette of RS - International Treaties," No. 7/11).

The Protector of Citizens shall perform the tasks of the National Independent Mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities, pursuant to the Law on Ratification of the Convention on the Rights of Persons with Disabilities (Official Gazette of RS - International Agreements, No. 42/09).

The Protector of Citizens shall perform the duties of a National Rapporteur on Trafficking in Human Beings, in accordance with the Law on Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings ("Official Gazette of RS - International Agreements", No. 19/09).

The Protector of Citizens shall hold the position of a special body that protects, promotes and improves the rights of the child.

### **Article 3**

The Protector of Citizens shall be independent and autonomous in the performance of his/her duties provided for in this Law and no one shall have the right to influence his/her work and activities.

In the performance of duties within his/her competence, the Protector of Citizens shall act in accordance with the Constitution, laws and other general acts, as well as ratified international treaties and generally accepted rules of international law.

The Protector of Citizens shall report its work to the National Assembly.

### **Article 4**

Other authorities, bodies, associations, legal entities and natural persons cannot bear the name nor display signs of the Protector of Citizens.

### **Article 5**

The seat of the Protector of Citizens shall be in Belgrade.

The Protector of Citizens may issue a decision to establish offices outside its seat.

The general act on the organization and the work of the Secretariat of the Protector of Citizens shall also govern the performance of tasks in the offices outside of the seat of the Protector of Citizens.

## **II. APPOINTMENT AND TERMINATION OF OFFICE**

### **Article 6**

National Assembly shall elect the Protector of Citizens by a majority of votes of all members of parliament, pursuant to a proposal of the National Assembly Committee in charge of Constitutional Issues (hereinafter referred to as "the Committee").

The Protector of Citizens shall be appointed for the term of eight years, without the possibility to be reappointed to this position.

The Speaker of the National Assembly announces a public invitation for all persons interested to apply to run for the Protector of Citizens (hereinafter: Public Invitation).

The public invitation is published on the same day on the website of the National Assembly and in at least one daily newspaper distributed throughout the Republic of Serbia, no later than 180 days before the expiration of the previous Protector of Citizens' term of office, or no later than 30 days after the decision to terminate the position of the previous Protector of Citizens, within the meaning of Art. 13 and 14 of this Law.

The application for the Public Invitation shall be submitted in writing and must contain personal name, address of residence, contact telephone number, e-mail address and signature of the interested person, and the application shall be accompanied by a biography and evidence of fulfilling the conditions from Article 7 of this law on the appointment to the position of the Protector of Citizens.

The deadline for applying to the Public Invitation shall be 30 days from the day of publishing the Public Invitation.

Within 15 days from the expiration of the deadline for applying to the Public Invitation, the Committee shall determine and publish on the website of the National Assembly a list of registered persons who meet the conditions for election to the position of Protector of Citizens, with their biographies.

Within the deadline referred to in paragraph 7 of this Article, the Committee shall submit an invitation to the parliamentary groups in the National Assembly to propose a candidate for the Protector of Citizens from the list of registered persons who meet the conditions for appointment to the position of Protector of Citizens.

Every parliamentary group in the National Assembly shall have the right to propose a candidate for the Protector of Citizens to the Committee.

A parliamentary group may propose a candidate for the Protector of Citizens only after the expiration of 15 days from the day of publishing the list of registered persons who meet the conditions for the appointment to the position of the Protector of Citizens.

Multiple parliamentary groups may nominate a joint candidate for the Protector of Citizens.

Before determining the proposal for the appointment of the Protector of Citizens, the Committee shall conduct a public interview with the candidates proposed by the parliamentary groups, at which the candidates shall be allowed to express their views on the role and manner of exercising the function of the Protector of Citizens.

The proposal of the Committee for appointment of the Protector of Citizens shall be adopted by majority of votes of all the members of the Committee.

The Committee shall submit a substantiated proposal for appointment of the Protector of Citizens to the National Assembly 60 days before expiry of the term of office of the previous Protector of Citizens at the latest, or within 90 days of the date when a decision on removal from office or determination of the date of termination of office of the Protector of Citizens is passed.

If the proposed candidate for the Protector of Citizens does not win the required majority of votes of all members of parliament, a new election procedure shall be initiated within 15 days of the date when the National Assembly failed to appoint the Protector of Citizens.

### **Article 7**

A person shall be eligible for the position of the Protector of Citizens if he/she is a national of the Republic of Serbia and meets the following requirements:

1. to have acquired higher education in undergraduate studies in the amount of at least 240 ECTS credits or higher education acquired in undergraduate studies lasting at least four years;
2. At least ten years of experience in tasks related to the competence of the Protector of Citizens;
3. A highly ethical character and qualifications;
4. Significant experience in the protection of citizens' rights.

### **Article 8**

The Protector of Citizens shall have up to four deputies that shall help him/her in performing the duties provided for in this Law, within the powers delegated to them by the Protector of Citizens.

When delegating powers to deputies, the Protector of Citizens shall in particular ensure special expertise for the performance of duties under the competence of the Protector of Citizens, in particular regarding the protection of rights of persons deprived of their liberty, gender equality, child rights, rights of national minorities and rights of persons with disabilities.

The Protector of Citizens shall designate a Deputy who shall substitute him/her when absent or prevented from performing his/her duties.

The Deputy Protector of Citizens competent to handle the protection of rights of persons deprived of their liberty shall assist the Protector of Citizens in the performance of tasks of the National Preventive Mechanism, in accordance with the law.

The Deputy Protector of Citizens competent to handle the protection of rights of persons with disabilities shall assist the Protector of Citizens in the performance of tasks of the National Independent Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities, in accordance with the law.

The Protector of Citizens shall designate a Deputy who shall assist him/her in the performance of tasks of the National Rapporteur on Trafficking in Human Beings.

The Protector of Citizens shall appoint a Deputy who shall assist him/her in performing the tasks of protection, promotion and improvement of the rights of the child.

The Deputies of the Protector of Citizens shall be appointed by the Protector of Citizens, after a public competition announced by the Protector of Citizens within 15 days from the day of taking the office.

The function of the Deputy Protector of Citizens shall last until the new Deputy Protector of Citizens takes office.

The provisions of the Article 7 of this Law shall apply accordingly to the conditions for appointing the Deputies of Protector of Citizens.

In case the term of office of the Deputy Protector of Citizens ceases during the term of office of the Protector of Citizens, a public competition for the appointment of a new Deputy Protector of Citizens shall be announced within 15 days from the day of termination of the function of Deputy Protector of Citizens.

### **Article 9**

The Protector of Citizens shall swear before the National Assembly the following oath before taking the office: "I solemnly swear to perform my duties responsibly, impartially and independently, in compliance with the Constitution and the law and to conscientiously work on the protection and promotion of human and minority rights and freedoms".

### **Article 10**

The term of office of the Protector of Citizens begins on the day of taking the oath.

### **Article 11**

The Protector of Citizens and his/her Deputies shall not hold other public office, or perform any another activity or task that are incompatible with the function of the Protector of Citizens.

The Protector of Citizens and his/her Deputies must not engage in political, professional or other activities that are not in accordance with the independence and impartiality of the function of the Protector of Citizens.

The Protector of Citizens and his/her Deputies shall not be members of political parties.

The Protector of Citizens and his/her Deputies shall have the status of public officials pursuant to the law governing the prevention of the conflict of interests in performing public functions, and the provisions of that law shall fully apply to them.

All public, professional and other functions of the Protector of Citizens and his/her Deputies, and the activities or tasks they have been performing, which are opposite to the provisions of this Law, as well as membership in a political party, shall cease on the day of appointment.

### **Article 12**

The Protector of Citizens and his/her Deputies shall enjoy the same immunity as members of parliament.

The National Assembly shall decide on revoking the immunity of the Protector of Citizens and his/her Deputies by a majority of votes of all members of parliament.

### **Article 13**

The term of office of the Protector of Citizens shall cease in the following cases:

- 1) In case of expiration of the term of office;
- 2) In case of death;
- 3) By resigning from office;
- 4) By loss of citizenship;
- 5) If he/she is partially deprived of legal capacity by a valid court decision;
- 6) If he/she is sentenced for imprisonment of minimum six months by a valid court decision;
- 7) By dismissal.

If the Protector of Citizens becomes eligible for old-age retirement during the term of office in accordance with the law, he/she shall remain in office until the expiry of his/her term of office.

### **Article 14**

The Protector of Citizens shall be dismissed from office by the National Assembly, by the majority of votes of all members of parliament, following the substantiated proposal of the Committee or at least one third of the total number of members of parliament.

If the Committee proposes the motion for dismissal of the Protector of Citizens from office, it must be supported by a majority of all members of the Committee.

The Protector of Citizens may be dismissed in the following cases:

1. Due to incompetence or negligence in discharging his/her duties;
2. If he/she is elected, appointed or designated to another public position;
3. If he/she engages in an activity or a task without the approval of the state authority competent for ruling on conflict on interests in the holding of public office;

4. If he/she does not take the office of the Protector of Citizens within 30 days of the date of taking the oath, without justified reason.

The Protector of Citizens shall have the right to address the members of parliament at a session of the Committee and the National Assembly in which a motion for his/her dismissal is to be discussed.

### **Article 15**

Following a proposal of the Committee, the National Assembly may reach a decision to suspend the Protector of Citizens in the following situations:

- 1) If he/she is placed in detention or home detention;
- 2) If he/she is sentenced to imprisonment of minimum six months by a court decision that has not yet become final and enforceable.

A decision on the suspension shall be reached by majority of votes of members of parliament at the session at which majority of members of parliament is present.

The National Assembly shall repeal a decision on suspension as soon as the reasons for suspension are terminated.

A decision on the suspension of the Deputy Protector of Citizens in the case provided for in paragraph 1 of this Article shall be made and repealed by the Protector of Citizens.

### **Article 16**

In case the term of office of the Protector of Citizens ceases for reasons referred to in Article 13 paragraph 1 items 2) to 6) of this Law, the National Assembly shall pass a decision determining the date of termination of office without a hearing.

The legal consequences of the termination of office shall take effect on the date of termination of the function determined in the decision referred to in paragraph 1 of this Article.

### **Article 17**

The provisions of Article 13 of this Law on the termination of the function of the Protector of Citizens shall apply accordingly to termination of the function of the Deputy Protector of Citizens.

The Protector of Citizens shall decide on the dismissal from office and other reasons for the termination of the function of the Deputy Protector of Citizens.

### **Article 18**

In case of expiration of the term of office, the Protector of Citizens continues to perform the function until the new Protector of Citizens takes office.

In case of termination of office of the Protector of Citizens for the reasons stated in Article 14, paragraph 1, item 2) to 7) of this Law, until the new Protector of Citizens takes office, this function shall be performed by a Deputy designated by the Protector of Citizens to replace him/her when absent or prevented from work.

## **III. MANDATE**

### **Article 19**

The Protector of Citizens shall have the power to control the legality and regularity of work of administrative authorities to determine whether their acts, actions or failure to act resulted in violations of citizens' rights guaranteed by the Constitution, ratified international treaties, generally accepted rules of international law, laws, other regulations and general acts of the Republic of Serbia.

The Protector of Citizens shall not have the power to control the work of the National Assembly, the President, and the Government, the Constitutional Court, courts and public prosecutor's offices.

The Protector of Citizens may undertake procedural and other actions in proceedings before state and other bodies and organizations, when he/she is authorized to do so by special regulations.

### **Article 20**

The Protector of Citizens shall be entitled to propose laws within his/her mandate.

The Protector of Citizens shall have the power to launch initiatives with the National Assembly or the Government for amendments to laws and other regulations and general acts, if he/she deems that violations of citizens' rights are a result of deficiencies of such regulations. He shall also have the power to launch initiatives for passing of new laws, other regulations and general acts, if he/she considers it significant for exercising and protecting citizens' rights.

The competent committee of the National Assembly, or the Government and administrative authorities, shall be obliged to consider the initiatives of the Protector of Citizens and notify the Protector of Citizens thereof within 60 days of the date of submission of the initiative at the latest.

### **Article 21**

In the process of drafting of regulations, the Protector of Citizens shall have the power to give his/her opinion to the National Assembly, or to the Government and administrative authorities, on bills and other draft regulations if they concern issues relevant for the protection of citizens' rights.

Draft regulations referred to in paragraph 1 of this Article shall be submitted to the Protector of Citizens in accordance with regulations governing the procedures for drafting or adopting draft regulations.

If no opinion is submitted within the deadlines provided by special regulations, it shall be deemed that there were no objections.

### **Article 22**

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

### **Article 23**

The Protector of Citizens shall have the power to recommend in writing the dismissal of an official, or to initiate disciplinary proceedings against an employee in an administrative authority, which violated citizens' rights or made an omission that caused material or other damage to a citizen:

1. If he/she rejects or fails to rectify the violation or the omission as instructed by the Protector of Citizens, or
2. If he/she fails to perform another duty set by the law in the procedure conducted by the Protector of Citizens.

If he/she finds that the actions of an official or an employee in an administrative body contain elements of a criminal or other punishable act, the Protector of Citizens shall have power to file a motion to the competent authority or file a report to initiate criminal, misdemeanor or other appropriate proceedings.

#### **Article 24**

Administrative authorities shall cooperate with the Protector of Citizens and grant him/her access to their premises and information available to them which are relevant for the investigation conducted by the Protector of Citizens or for the achievement of the objective of his/her preventive acting, regardless of the classification level of such information, except where this is contrary to the law.

The Protector of Citizens shall have power to interview any employee of administrative authorities when relevant for the proceedings he/she conducts.

The Protector of Citizens and Deputy Protectors of Citizens shall keep as confidential any data they learn in the performance of their tasks even after termination of their office.

Employees in the Secretariat of the Protector of Citizens shall also be subject to the duty to keep confidentiality of data.

#### **Article 25**

The Protector of Citizens may, without prior announcement and interruption, inspect places of detention, places where persons subject to restrictions on freedom of movement are placed and places where groups whose rights he/she protects are placed and stay, in particular places under the control of the police and the Serbian Armed Forces, detention units, institutions for enforcement of penal sanctions, psychiatric institutions, shelter for foreigners and asylum centers.

The Protector of Citizens may perform the inspection referred to in paragraph 1 of this Article also in residential social welfare institutions for children and youth, as well as for adults and the elderly.

The Protector of Citizens shall be authorized to interview persons he/she finds at the premises referred to in paragraphs 1 and 2 of this Article in privacy, to inspect all installations and other equipment and to have access to all documents and data, in accordance with the law governing data confidentiality.

All persons shall enable the Protector of Citizens to exercise his/her powers referred to in paragraphs 1 to 3 of this Article.

The competent body shall render assistance in the exercise of powers referred to in paragraphs 1 to 3 of this Article on request of the Protector of Citizens.

#### **Article 26**



The President, the Prime Minister and members of the Government, the Speaker of the National Assembly, and the President of the Constitutional Court and officials of administrative authorities shall meet with the Protector of Citizens on his/her request within fifteen days of such request at the latest, and in a case that requires an urgency of action within three days.

#### **IV. INVESTIGATIONS**

##### **Article 27**

The Protector of Citizens shall initiate investigations pursuant to citizens' complaints or on own initiative.

In addition to the right to initiate and conduct investigations, the Protector of Citizens shall have the right to act preventively by providing good services, mediation and giving advice and opinions on issues within his/her sphere of competence, with a view to improving the work of administrative bodies and protection of human rights and freedoms.

##### **Article 28**

Any natural person or legal entity, whether local or foreign, who considers that their human or minority rights and freedoms have been violated by an act, action or failure to act of an administrative authority may file a complaint with the Protector of Citizens.

A complaint on behalf of a natural person, with his/her consent, may be filed by an association engaged in the protection of human rights.

A complaint, due to a violation of a child's right, may be filed by his or her parent or guardian, as well as an association engaged in the protection of the child's rights, with the consent of the child's parent or guardian or with the consent of a child if he/she is older than ten.

A child may file a complaint himself/herself if he/she is at least ten years old.

In case of violation of the rights of a legal entity, a complaint may be filed by the person authorized to represent that legal entity.

No person shall be prevented from filing a complaint to the Protector of Citizens or be put at a disadvantage because of a complaint.

Prior to filing a complaint, the complainant shall endeavor to protect his/her rights in appropriate legal proceedings before an administrative authority.

The Protector of Citizens shall instruct the complainant to initiate relevant legal proceedings where such proceedings are available, and shall not initiate the investigation until all available legal remedies before the competent administrative authorities have been exhausted.

By way of exception, the Protector of Citizens may initiate investigation even before all available legal remedies before the competent administrative bodies have been exhausted if the complainant would sustain irreparable damage or if the complaint concerns a violation of the good governance principle, including in particular unfair treatment of the complainant by administrative bodies, untimely acting or other violations of the code of ethics for employees of administrative authorities.

The Protector of Citizens shall not act on anonymous complaints.

By way of exception, if the Protector of Citizens considers that an anonymous complaint provides grounds for his/her acting, he/she may initiate own initiative investigation.

### **Article 29**

Complaints shall be filed in writing or orally for the record and shall not require the payment of any fees or other charges.

A complaint may be filed within maximum three years from the day when the violation of citizens' rights occurred, or from the date of the last action or failure to act by the administrative body in respect of the violation of citizens' rights.

### **Article 30**

The complaint shall contain the name of the administrative authority involved, description of the violation of the right, facts and evidence supporting the complaint, information about the legal remedies already used and data on the complainant (personal / business name, address of residence / headquarters and contact details).

If requested by a complainant, the Secretariat of the Protector of Citizens shall provide technical assistance to draft a complaint, free of charge. Technical assistance shall be provided to children even if they do not request it.

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

All institutions where persons deprived of liberty are placed shall visibly and publicly provide adequate envelopes, which shall be ensured by the management of such institutions and the ministry in charge of justice.

### **Article 31**

The Protector of Citizens shall act on a complaint within 15 days of its receipt, as follows:

- By dismissing a complaint, i.e., requesting the complaint to be supplemented so that it can be acted upon, or
- By deciding on a complaint in the summary procedure, or
- By initiating the investigation procedure.

The Protector of Citizens shall complete the investigation procedure within 90 days following the receipt of a complaint.

The Protector of Citizens may extend the investigation procedure if warranted by the complexity of facts, the quantity of data or conduct of the participants in the investigation, and shall notify the complainant thereof.

### **Article 32**

The Protector of Citizens shall pass a Conclusion dismissing a complaint:

- 1) If the subject matter of the complaint is not within the mandate of the Protector of Citizens;
- 2) If the complaint is filed after the expiry of the statutory time limit;

3) If the complaint is filed prior to exhausting all available legal remedies before administrative authorities, and the requirements specified under Article 29 paragraph 9 of this Law have not been met;

4) If the complaint is anonymous or insulting or if a decision on its merits has already been made;

5) If the complaint does not contain information required for acting on it, and the complainant has not rectified such shortcomings within the additional period of five working days determined for supplementing the complaint, or sought the assistance of the Secretariat of the Protector of Citizens in rectifying such shortcomings.

A complaint filed by a child cannot be dismissed in the cases referred to in paragraph 1, item 3) and 5) of this Article.

A Conclusion dismissing a complaint shall be substantiated and shall be submitted to the complainant.

If the Protector of Citizens is not competent for acting on a complaint, the Conclusion shall also contain instructions as to where the complaint should be submitted or instructions regarding another available legal remedy, unless the Protector of Citizens forwards the complaint to the provincial Ombudsman or a local Ombudsman.

### **Article 33**

The Protector of Citizens may act in a summary procedure or initiate the investigation procedure even if a complaint was filed after the expiry of the statutory time limit, if he/she considers that the complainant missed the time limit due to justified reasons or that the case is so important that the investigation should be conducted.

The Protector of Citizens shall act in the summary procedure if facts can be determined from documents enclosed with the complaint. In such cases, a case report shall be drawn up, which shall be subject to the provisions of this Law regarding the case reports issued upon the investigation procedure.

If the Protector of Citizens does not dismiss a complaint or resolve a case in the summary procedure, he/she shall launch the investigation procedure.

The investigation procedure shall be initiated by a Conclusion.

### **Article 34**

The Protector of Citizens shall submit to the complainant and the relevant administrative authority the Conclusion on initiating the investigation procedure and shall demand the administrative authority to provide its opinion on the complaint in writing and to submit necessary notifications and documents within a time limit determined by the Protector of Citizens, which cannot be longer than 15 days.

In exceptionally complex situations, the Protector of Citizens may, on a substantiated request by an administrative authority, extend the time limit referred to in paragraph 1 of this Article for up to 60 days.

In particularly justified cases, the Protector of Citizens may decide not to disclose the identity of the complainant to the administrative authority.

The administrative authority to which a complaint relates shall grant the Protector of Citizens access to its official premises.

All officials and employees in the administrative authority shall accept a request of the Protector of Citizens to participate in the investigation procedure and provide necessary explanations.

If the administrative authority fails to act within the time limit determined by the Protector of Citizens, it shall provide the reasons for that to the Protector of Citizens immediately.

The Protector of Citizens shall notify the authority immediately superior to the administrative authority to which the complaint relates, the Government, the National Assembly and the public of failure to act upon the request referred to in paragraph 1 of this Article.

### **Article 35**

The Protector of Citizens may close the investigation procedure if the complainant withdraws the complaint in writing, if he/she does not participate in the investigation procedure without valid reasons, or if his/her actions undoubtedly show that he/she has no interest in the subsequent course of the procedure.

The investigation procedure shall be closed by a Conclusion, which shall include an explanation and shall be submitted to the complainant and the administrative authority.

### **Article 36**

If the administrative authority against which the complaint was filed rectifies itself the irregularity to which the complaint relates, the Protector of Citizens shall close the investigation by a Conclusion and shall notify the complainant and the administrative authority thereof.

### **Article 37**

Upon completing the investigation procedure, the Protector of Citizens shall compile a case report in writing, which he/she shall submit to the competent authority and the complainant and publish it on his/her official website.

In the report on the case, the Protector of Citizens shall determine whether there were illegalities and irregularities in the acts, actions or omissions of the administrative authority, which violated the human or minority rights and freedoms of citizens.

If they find irregularities and illegalities in the work of administrative bodies, the Protector of Citizens shall make a recommendation in the case report on the manner in which irregularities and illegalities in work should be rectified, i.e. the manner of improving the work of authorities.

A recommendation for the dismissal of an official or initiation of disciplinary proceedings against an employee in an administrative authority referred to in Article 24 of this Law shall constitute an integral part of the report on the case.

The administrative authority, within the deadline determined by the Protector of Citizens in the case report, which cannot be shorter than 15 or longer than 90 days from the day of receiving the case report, shall notify the Protector of Citizens whether and in what way it acted on the recommendation referred to in paragraph 3 of this Article, i.e. on the reasons for which it may not have acted on the recommendation.

If the recommendation referred to in paragraph 3 of this Article relates to normative rearrangement of a specific field or specific legal arrangements, the Protector of Citizens shall specify time limits in the case report within which the administrative authority shall notify the Protector of Citizens on measures undertaken to comply with the recommendations.

If the administrative authority fails to submit the notification referred to in paragraph 5 of this Article to the Protector of Citizens within the set deadline, if fails to comply or only partially complies with the recommendation, as well as if it fails to comply with the recommendation on the dismissal of an official responsible for the violation of the right or initiation of disciplinary proceedings against an employee responsible for the violation of the right, the Protector of Citizens shall notify the immediately superior authority the National Assembly, the Government and the public thereof.

### **Article 38**

The Protector of Citizens may initiate investigation on his/her own initiative, when on the basis of his/her own knowledge or information received from other sources, including only exceptionally anonymous complaints, he/she estimates that an act, action or failure to act of an administrative authority caused a violation of human rights or freedoms.

The provisions of this Law on the investigation procedure shall apply accordingly on the investigations initiated by the Protector of Citizens on his/her own initiative.

## **V. REPORT TO THE NATIONAL ASSEMBLY AND CO-OPERATION OF PROTECTOR OF CITIZENS WITH OTHER BODIES AND ORGANIZATIONS**

### **Article 39**

The Protector of Citizens shall submit a regular annual report on his/her work and the state of human rights in the Republic of Serbia to the National Assembly, which shall include the following: information on activities in the preceding year, information on identified irregularities in the work of administrative authorities, recommendations for improvement of the practice and the normative regulation of individual fields, proposals for improvement of the status of citizens in relation to administrative bodies, as well as data on the implementation of recommendations and proposals from previous reports.

The Protector of Citizens shall submit the report referred to in paragraph 1 of this Article not later than 15 March of the current year covering the preceding year and shall publish it in the Official Gazette of the Republic of Serbia, and on the official website of the Protector of Citizens, and shall notify the media thereof.

The Protector of Citizens may submit special reports during the year, if necessary.

### **Article 40**

The relations between the Protector of Citizens and the authorities of autonomous provinces and local self-government units competent for the protection of citizens' rights are based on mutual cooperation within the scope of powers of the Protector of Citizens determined by this Law.

The Protector of Citizens shall cooperate with the provincial Ombudsman and local Ombudsmen in local self-government units, as well as with the competent offices of the President, the National

Assembly and the Government, with the aim of exchanging information on identified problems and issues in the work of administrative authorities regarding the protection and promotion of human and minority rights and freedoms.

#### **Article 41**

If the Protector of Citizens receives a complaint relating to the violation of a human or a minority right by an act, actions or failure to act of administrative authorities, where there is no violation of the Constitution, international treaties on human or minority rights, laws, other regulations and general acts of the Republic of Serbia, but violations have occurred of regulations or general acts of an autonomous province or a local self-government unit, the Protector of Citizens shall refer the complaint without delay to the provincial Ombudsman or a local Ombudsman and shall notify the complainant thereof in writing.

If the provincial Ombudsman or a local Ombudsman receives a complaint against a violation of a ratified international treaty on human or minority rights or laws, other regulations or general acts of the Republic of Serbia, he/she shall forward it without delay to the Protector of Citizens and shall notify the complainant thereof in writing.

In case the complainant simultaneously refers in his/her complaint to a violation of a ratified international treaty on human or minority rights or laws, other regulations or general acts of the Republic of Serbia and a violation of a regulation or a general act of an autonomous province or a local self-government unit, the authority that received the complaint shall handle the complaint within its own scope of powers and shall forward a copy of the complaint to the Protector of Citizens or the provincial Ombudsman or a local ombudsman, and shall notify the complainant thereof in writing.

#### **Article 42**

The Protector of Citizens shall establish and maintain cooperation with civil society organizations, international organizations and mechanisms for the protection and promotion of human and minority rights.

### **VI. RIGHT TO SALARY**

#### **Article 43**

The Protector of Citizens shall be entitled to a salary equal to that of the President of the Constitutional Court, and Deputies to that of a judge of the Constitutional Court.

### **VII. FUNDS FOR WORK OF THE PROTECTOR OF CITIZENS**

#### **Article 44**

The funds for the work of the Protector of Citizens shall be allocated from the national budget.

The Protector of Citizens shall make a proposal of the financial plan for the following year and, in accordance with the law governing the budget system, submit it to the Ministry in charge of the preparation of the budget of the Republic of Serbia.

The proposal of the financial plan of the Protector of Citizens shall contain suggestions regarding the schedule and spending of the funds for performing the activities of the Protector of Citizens referred to in Article 2 of this Law.

Annual funds for the work of the Protector of Citizens should be sufficient to enable him/her to fulfill his/her duties effectively and efficiently, and should be in accordance with macroeconomic policy of the Republic of Serbia.

The funds for the work of the Protector of Citizens referred to in paragraph 1 of this Article cannot be reduced, except in case when the reduction of funds for work applies to all budget-spending units.

## **VIII. SECRETARIAT**

### **Article 45**

The Secretariat of the Protector of Citizens shall be hereby established to perform specialized and administrative tasks.

The Protector of Citizens shall adopt a general act on the organization and job classification of the Secretariat in accordance with the budget funds defined for its work.

The Protector of Citizens shall notify the National Assembly of the adoption of the general act referred to in paragraph 2 of this Article, within 15 days following the day of its adoption.

The Protector of Citizens shall decide on the employment of staff in the Secretariat.

The regulations providing for the rights and duties of civil servants and state employees shall apply to the rights and duties of employees in the Secretariat of the Protector of Citizens.

### **Article 46**

The Protector of Citizens and his/her Deputies shall have official identity cards used to identify themselves when performing tasks within the sphere of competences of the Protector of Citizens.

Upon the end of office, official identity cards shall be returned and cancelled.

The Protector of Citizens shall set out the layout, the form, the content and the manner of issuing and keeping the records of issued official identity cards.

## **IX. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 47**

The control investigation initiated by the Protector of Citizens before this Law took effect, which have not been completed, shall be completed in accordance with the provisions of the law applicable before this Law took effect.

### **Article 48**

The Protector of Citizens and his/her Deputies appointed in accordance with the Law on the Protector of Citizens (Official Gazette of the Republic of Serbia No. 79/05 and 54/07) shall remain on the positions on which they were appointed until the end of office, with the possibility of being re-elected to the same positions in accordance with the provisions of this Law.

**Article 49**

When this Law enters into force, the Law on the Protector of Citizens (Official Gazette of the Republic of Serbia Nos. 79/05 and 54/07) shall cease to have effect.

**Article 50**

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia.