



**REPUBLIC OF SERBIA  
PROTECTOR OF  
CITIZENS**



Заштитник грађана  
Zaštitnik građana

# REPORT 2007

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## ***Background***

Honourable Members of Parliament and all of you reading this document either from need or interest,

With the enactment of the Law on the Protector of Citizens and appointing of the Protector of Citizens (Ombudsman) the democratic authorities of Serbia have sent a clear message to all citizens that it is ready to continue to further promote and guarantee the exercising of human and minority freedoms and rights, to enhance the work of administrative authorities and extend additional protection from the arbitrariness of authorities.

Before you is the first ever report of the first Protector of Citizens of the Republic of Serbia and certainly the expectations from this document and the institution itself are rightly high. The Protector of Citizens has been established by the Constitution and the Law on the Protector of Citizens to protect the rights of citizens and control the operation of administrative authorities and to protect and promote human and minority rights and freedoms. Serbia has opted for the institution of general-type ombudsman, tasked to protect the rights of adults, children, groups, associations, enterprises, organisations – of everyone who exercises rights before an organ or organisation vested with public authority – and hence, enforces authority. Still, the Law requires that the Protector of Citizens dedicates particular attention to rights of persons deprived of freedom, gender equality, rights of the child, rights of national minorities and rights of persons with disabilities. The Protector of Citizens uses the powers and institutional independence granted by the Constitution, Law and the manner of election to significantly contribute to the democratic nature of relations between citizens and authorities. People are free, not the authorities. The Ombudsman exist worldwide in order to prevent, together with other institutions for protection of rights, subjugation of essence to form and the citizens from arbitrariness of authorities. By protecting individual rights the Ombudsman protects the highest, that is, the public interest. There is no right and justice for all without right and justice for the individual, regardless of his or her race, sex, religion, ethnicity, sexual or other personal affiliation or trait.

The purpose of this report is twofold. On one part it seeks to describe the relationship of authorities and citizens by referring to the most significant relations and situations wherein such relationship is expressed, to bring to notice the moot aspects of such relationship and to point to the directions for its enhancement. On the other hand the report, in line with the principle of responsibility in discharge of public affairs, presents concrete activities of the institution of ombudsman during the reporting period, including their financial aspects.

The report refers to the period from the taking of office by the Protector of Citizens (24 July 2007) until 31 December 2007. As the Protector of Citizen's Secretariat commenced work on 24 December (immediately upon the minimum requirements for its operation were met) the Report to largest extent, due to circumstances, reflects the perceptions of the Protector of Citizens himself on the outstanding issues and aspects of work of administrative authorities and protection and promotion of human and minority rights and freedoms. As such it cannot provide neither a comprehensive nor a completely balanced illustration of these topics. The Report, to greater extent, brings to notice operational areas of special interest in the coming reporting period. This is the reason why it formally lacks the usual part of ombudsman's report – recommendations. It would have been rash to extend them without systematic insight into the status and operating practise of administrative authorities over an extended time period. Still, this does not imply that practical conclusions cannot be derived from the Report.

In certain parts the Report refers to data or quotes reports of other government authorities or non-governmental organisations. This has been done with the aim to illustrate particular issues or situations and under no circumstances does this represent the findings or views of the Protector of Citizens. The Ombudsman is convinced that the Protector of Citizens' Secretariat shall acquire the resources already during the next reporting period that will enable checking of the most important data on issues from the institution's purview.

Although incompletely constituted as an organ (the National Assembly has not elected deputy ombudsmen despite their nomination in accordance with Law, and the timeframe for their election has expired) and without the necessary staffing, financial and technical resources for normal operation, the Protector of Citizens had initiated during the reporting period a number of procedures in situations where, in his assessment, failure to act would have threatened the very purpose of the institution and confidence of citizens would have been lost at the outset. One is pleased and encouraged by the information, given in detail in the Report, that the line government authorities and other bodies have in these situations understood to great extent the nature of the new institution, co-operated and fulfilled their obligations in respect of the institution, which gives rise to hope that the political and social system will quickly accept it and, consequently, enable it to realise its goals in practise.

Lastly, or more correctly – at the beginning, I hope that reading of this document will prove useful in the interest of proper and coherent exercising of rights of citizens through enhancement of work of all who have, by accepting public office or employment in the public sector, undertaken the enormous responsibility to personify the state and authority before the citizens.

Saša Janković

# ABOUT THE PROTECTOR OF CITIZENS

## *Protector of Citizens – ombudsman: nature of the institution, independence, powers, deputies*

The Protector of Citizens is an independent and autonomous government body introduced into the legal system of the Republic of Serbia in 2005 by the Law on the Protector of Citizens<sup>1</sup> (hereinafter “the Law”) and, subsequently, confirmed in the Constitution of the Republic of Serbia<sup>2</sup>.

The Protector of Citizens in the Republic of Serbia is by his nature an ombudsman, an institution of Nordic origin that exists today in over 130 countries in the world. Through enactment of the Law on the Protector of Citizens and subsequently by the Constitution of the Republic of Serbia, the Republic of Serbia has opted for the concept of parliamentary ombudsman of general type. The Protector of Citizens of the Republic of Serbia is a state organ tasked with control and promoting respect for all rights of citizens (general ombudsman), elected by parliament by majority vote of all members of parliament, unlike a lesser number of countries where a general, or more often – specialised ombudsman, is appointed by the executive.

The Protector of Citizens acts within the framework of the Constitution, laws, other regulations and general acts as well as ratified international treaties and generally accepted rules of international law.<sup>3</sup> No one has the right to influence the work and actions of the Protector of Citizens<sup>4</sup>, but the Constitution and Law both stipulate that the Protector of Citizens is accountable to the National Assembly<sup>5</sup>.

The Protector of Citizens may not hold other public office or engage in professional occupation, i.e. engage in any duty or job that could influence his/her independence or autonomy. He/she may not be member of political parties. The Protector of Citizens has a salary equal to that of the president of the Constitutional Court of the Republic of Serbia and enjoys immunity as a member of parliament.

The Protector of Citizens ensures protection and promotion of human and minority rights and freedoms<sup>6</sup>. Furthermore, the Protector of Citizens controls legality and proper operation of administrative authorities in respect to exercising individual and collective rights of citizens.

In non-judicial, relatively quick procedure free from excessive formality, the Protector of Citizens investigates whether an administrative authority or other organisation exercising

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<sup>1</sup> The Law on Protector of Citizens published in the “Official Gazette of the Republic of Serbia“, no. 79/05 and 54/07.

<sup>2</sup> Decision on promulgation of the Constitution of the Republic of Serbia published in the “Official Gazette of the Republic of Serbia“, no. 83/06 and 98/06 (Part Five – organisation of government, section 5 „Protector of Citizens“, Article 138)

<sup>3</sup> Article 2, paragraph 2 of the Law.

<sup>4</sup> Article 2, paragraph 2 of the Law.

<sup>5</sup> The provision whereby the Protector of Citizens is “accountable” to the National Assembly was criticised in the Draft Report of the Committee for honoring commitments and obligations of Council of Europe Member States (Monitoring Committee), from the viewpoint that it opens possibility to compromise the independence of the ombudsman.

<sup>6</sup> Article 1, paragraph 2 of the Law.

public authority has lawfully and properly deliberated on a right or interest of citizens, and if not, demands rectifying of mistake and recommends the way to do so. The importance of this institution is high since the Protector of Citizens controls more than mere formal respect for law – the ombudsman investigates ethics, conscientiousness, impartiality, competence, appropriateness, effectiveness, respect for the dignity of the party and other characteristics that should distinguish administrative authority and which citizens rightly expect from those whom they pay as taxpayers.

The Protector of Citizens controls the work of government agencies, the body competent for legal protection of property rights and interests of the Republic of Serbia (Republic Attorney) and other bodies and organisations, enterprises and institutions with delegated public authority<sup>7</sup>. The Protector of Citizens is not authorised to control the work of the National Assembly, the Government, Constitutional Court, courts and public prosecution<sup>8</sup>.

In addition to right to institute and conduct proceedings to determine delinquency in work of administrative authority, the Protector of Citizens has the right to, by extending good offices, mediate between citizens and administrative authorities and give advice and opinions on issues in his/her purview, act preventively with the aim to promote the work of administrative authorities and promote protection of human rights and freedoms.

The Protector of Citizens has also the right of legislative initiative. He/she may propose laws from the Protector's purview, launch initiatives for amending or enacting new regulations if in his/her opinion violation of rights of citizens occur due to deficiencies therein or if he/she considers it significant for exercising and protection of rights of citizens. The Protector of Citizens is also authorised to give opinions to the Government and the National Assembly on draft laws<sup>9</sup>.

Views and recommendations of the ombudsman are not binding in formal/legal terms and the procedure before the ombudsman is not a legal remedy. The job of the ombudsman is not to coerce but to by force of argument and authority persuade of the necessity to eliminate deficiencies and amend the manner of work. Still, the Protector of Citizens is not an institution of "voluntary" right. Administrative authorities have a duty established by law to co-operate with the ombudsman, to enable him access to their premises and place at his disposal all available information, regardless of degree of confidentiality, when this is in the interest of proceedings he is conducting. Non-compliance with these obligations constitutes grounds for instituting disciplinary and other procedures. The Protector of Citizens may recommend dismissal of an official whom he considers responsible for violation of rights of citizens; initiate instituting of disciplinary procedure against staff in administrative authorities, file motions or charges for criminal, misdemeanour or other relevant proceedings<sup>10</sup>.

Despite the evident role in enhancing the work of administrative authorities, such powers afford the ombudsman, in collaboration with other bodies, an important role in prevention, uncovering and sanctioning corruption in administrative authorities.

The Law provides that the Protector of Citizens has four deputies who assist him/her, in performing duties set forth by this Law, within the framework of powers delegated to them

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<sup>7</sup> Article 1, paragraph 1 of the Law.

<sup>8</sup> Article 17, paragraph 3 of the Law.

<sup>9</sup> Article 18, paragraph 1 of the Law.

<sup>10</sup> Article 20 of the Law.

by the Protector of Citizens. The Law, at the same time, requires from the Protector of Citizens, when delegating powers to deputies, to ensure specialisation, particularly in respect to:

- Protection of rights of person deprived of liberty,
- Gender equality,
- Rights of the child,
- Rights of members of national minorities and
- Rights of persons with disabilities<sup>11</sup>.

Specialisation of deputies of the ombudsman is usual in comparative practise and enables dedication of professional attention to certain, particularly vulnerable groups with concurrent guarantee of a high level of integrity and protection authority (deputy Protector of Citizens are also elected by the National Assembly by majority vote of all members of parliament, they enjoy immunity of members of parliament and have salaries equal to those of judges of the Constitutional Court). The term in office of deputy Protector of Citizens, as in case of the Protector of Citizens, is five years and the same person may be elected at most twice in succession to these functions.

Establishing of a Secretariat of the Protector of Citizens is envisaged to carry out professional and administrative tasks from the purview of the institution.

### *Procedure before the Protector of Citizens*

The ombudsman investigates cases of violation of rights following complaints of citizens or at own initiative. Any one may refer to the Protector of Citizens (citizens of Serbia, foreigners, stateless persons, refugees, displaced persons, associations, legal entities...) who consider that administrative authorities are incorrectly (or not at all) applying regulations of the Republic of Serbia to his detriment. Complaints to the Protector of Citizens are free of charge, submitted in written form or orally on record with the Protector of Citizens. In order for the Protector to take a complaint under consideration it may not be, as a rule, anonymous. A parent and/or legal guardian may file complaint on behalf of a child (juvenile).

Prior to filing of complaint the complainant is required to endeavour to protect his rights in appropriate legal proceedings. The Protector of Citizens does not institute proceedings before all legal remedies have been exhausted, unless the complainant would sustain irreparable damages or the complaint relates to violation of the principle of good governance, particularly improper attitude towards the complainant, dilatory work or other unethical conduct of employees in administrative authorities.

In acting on the complaint the Protector of Citizens collects all evidence and establishes all facts he deems relevant for determining the merits of the complaint. To this end he has at his disposal all necessary means – interviewing the staff in the body he is controlling, inspection of documents of that body, free access to official premises and places where persons deprived of freedom are confined and the right to interview them in private and all else that may lead to more comprehensive evaluation of potential omissions in work that have resulted in violation of individual or collective rights of citizens. To realise this tasks the Protector of Citizens has at his disposal the Secretariat, which performs professional and administrative tasks necessary for realisation of the goals of ombudsman.

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<sup>11</sup> The order of fields has been taken here, as elsewhere, from the Law.



If the Protector of Citizens determines that irregularities existed in the work of the administrative authority he shall so state and recommend the manner of their elimination, both in respect to the concrete case and also in respect to all other or future similar cases. Where necessary the Protector of Citizens will undertake measures towards those responsible for violation of rights of citizens. The administrative authority is required to notify the Protector of Citizens within 60 days (or less, if so requested by the Protector of Citizens) whether it has proceeded pursuant to the recommendation and rectified the omission and/or the reasons why it failed to do so. The Protector of Citizens may notify the public, the National Assembly and the Government of the failure to act on the recommendation and may also recommend determination of accountability of the managing officer of the administrative authority.

# CONSTITUTING OF THE INSTITUTION

## *Election*

The National Assembly at the session held on 29 June 2007 elected with 143 votes of MPs Sasa Jankovic, LLB, from Belgrade as the Protector of Citizens. The first Republic ombudsman took office on 23 July 2007 by taking the oath before the members of parliament in accordance with Law.

Within the timeframe provided by Law of three months from taking office the Protector of Citizens submitted to the National Assembly on 18 October 2007 the nomination to elect as deputy Protectors of Citizens:

- **Zorica Mršević**, Ph.D. (Law),
- **Goran Bašić**, Ph.D. (political sciences),
- **Tamara Lukšić-Orlandić**, B.Sc (political sciences).

The Protector of Citizens augmented his proposal on 3 December 2007 by nominating as deputy Protector of Citizens also **Miloš Janković**, LLB.

Despite the statutory provision whereby “the Assembly shall elect the deputies within 2 months from the date of submitting the proposal<sup>12</sup>”, the National Assembly has not deliberated on the proposal before conclusion of the reporting period or by the date of submitting the Report. In his letter of 18 December 2007 to all members of parliament the Protector of Citizens underlined the necessity to elect deputy ombudsmans in order to establish prerequisites for carrying out tasks from the statutory purview of the institution and the expiry of the deadline determined by Law. Regrettably, this letter to date has remained without response.

## *Normative framework*

The Law on the Protector of Citizens (“*Official Gazette of the RS*”, no. 79/2005 and 54/2007) was adopted by the National Assembly at its 11<sup>th</sup> extraordinary sitting in 2005, at the session held on 14 September 2005.

The Protector of Citizens forwarded on 21 September 2007 to the Ministry of Finance a financial and staffing plan for 2008 proposing, in line with all methodological rules and taking into account the macroeconomic policy of the Republic, a budget of 90 million dinars for operation of the institution. In the Budget Law adopted by the National Assembly on 26 December 2007 the appropriations for the Protector of Citizens were 92,247,657 dinars.

The Protector of Citizens issued the rules on internal organisation and job classification of the Secretariat on 25 September 2007<sup>13</sup>, and the act came into force after the National Assembly gave approval stipulated by the Law on 5 November<sup>14</sup>. The rules define 63 job positions in the Secretariat, 8 requiring secondary education and 55 university degree.

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<sup>12</sup> Article 39, paragraph 2 of the Law.

<sup>13</sup> Article 40, paragraph 1 of the Law provides that the Protector of Citizens shall issue a general act on the organisation and work of the Secretariat within 60 days of taking office.

<sup>14</sup> Article 38, paragraph 3 of the Law provides that the Protector of Citizens shall issue a general act on the organisation and job classification of the Secretariat, which is approved by the Assembly.

The Protector of Citizens has also issued the Decision on establishing and operation of the Secretariat of the Protector of Citizens<sup>15</sup>, as well as the Rules on the form of official ID of Protector of Citizens and his deputies<sup>16</sup>.

The Law on the Protector of Citizens provides<sup>17</sup> for the Assembly to harmonise provisions of its Rules of Procedure with provisions of the Law within six months of entering into force of the Law. The Rules of Procedure of the Assembly should also regulate the procedure following submission of regular report and/or special report of the Protector of Citizens<sup>18</sup>. This has not been done up to conclusion of the reporting period.

### ***Premises, means and other prerequisites for commencement of operation***

In the endeavours to ensure premises, means and other prerequisites for operation the Protector of Citizens has encountered many difficulties that are faced, regrettably, also by other government authorities, particularly independent government institutions with significant competencies in fields of protection of rights and combating corruption<sup>19</sup>.

The Government of the Republic of Serbia was obliged<sup>20</sup>, before coming into force of the general act on organisation and job classification of the Secretariat of the Protector of Citizens, to provide at the recommendation of the Protector of Citizens premises, means and other necessary prerequisites for commencement of work of the institution<sup>21</sup>. The Government has not fulfilled the obligation in any segment in entirety (premises, means for work, IT and communications infrastructure, transport) while partial success was achieved under disproportionate efforts in communication with line logistic services. The reasons for this lies not in the lack of political will<sup>22</sup>, but in, to very small extent – objective difficulties and to much larger extent in lack of systemic approach, disorganisation, irresponsibility and corruption at various levels of the executive apparatus.

At the proposal of the Protector of Citizens drafted in conjunction with the Property Directorate of the Republic of Serbia (Commission for allocation of official buildings and business premises) the Republic of Serbia Government issued a decision on 16 November 2007 whereby the Protector of Citizens is granted use of the building in Resavska street no. 42 in Belgrade, after the Supreme Court of Serbia vacates these premises. At the same time the Protector of Citizens is temporarily allocated – until the move to Resavska 42 becomes feasible, premises in ownership of the Republic of Serbia in Milutina Milankovica street 106 in New Belgrade. Temporary premises in New Belgrade can accommodate 15 staff, which is insufficient to realise even the minimum scope of work and competencies of the Protector of Citizens.

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<sup>15</sup> ("Official Gazete of the RS", no. 105/07)

<sup>16</sup> ("Official Gazete of the RS", no. 121/07)

<sup>17</sup> Article 41, paragraph 1 of the Law.

<sup>18</sup> Article 41, paragraph 2 of the Law.

<sup>19</sup> Conclusions from the meeting of the Protector of Citizens, the Commissioner for information of public importance, the head of the State Audit Institution, the director of the Public Procurement Agency and the chairman of the Commission for Protection of Rights.

<sup>20</sup> Article 42 of the Law.

<sup>21</sup> Article 42 of the Law on the Protector of Citizens.

<sup>22</sup> The Speaker of the National Assembly and the Prime Minister of the Republic of Serbia also became involved, once it became necessary, in the efforts to ensure efficient allocation of material resources for commencement of operation of the institution of the Protector of Citizens.

Once the minimal prerequisites were met in respect of means for work, telephone lines and other requirements, five months after the ombudsman had taken office, the Secretariat of the Protector of Citizens commenced operation on 24 December 2007 at the temporary address in New Belgrade in Milutina Milankovica street 106.

In order to ensure conditions for work of a higher number of essential staff, the Protector of Citizens, based on the conclusion of the Executive Council of the Presidency of the Serbian Academy of Sciences and Arts (SASA) and the positive opinion of the Property Directorate of the Republic of Serbia, concluded on 28 November with SASA an Agreement on Terms for use of business premises for activities of the Protector of Citizens<sup>23</sup>. By this Agreement SASA ceded, without compensation, premises for use in the office building in Knez Mihailova street 36, with total area of 162.01 sq.m.

Despite the provisions of the Decision on establishing and work of the Secretariat of the Protector of Citizens, approved by the National Assembly, the Ministry of Internal Affairs, notwithstanding several meetings held with authorised representatives of the MIA, has not to date undertaken any measures in respect of physical and technical security of buildings used by the Secretariat of the Protector of Citizens, with the exception of occasional rounds of the police patrols on duty.

By 31 December 2007 the General Affairs Service of Republic bodies has not finalised equipping the premises in Knez Mihailova street with the necessary means for work.

Citizens have been informed on several occasions by public media of the commencement of work of the Protector of Citizens, in Milutina Milankovica street in New Belgrade, as of 24 December. The Secretariat receives citizens every work day from 10.00 to 14.00 hours. Even so, not one citizen has been turned back for showing up at other times during working hours (from 9.00 to 17.00 hours).

The Commission for selection of the visual identity of the Protector of Citizens selected on 27 December the logo of the Protector of Citizens. The OSCE Mission in Serbia awarded 80,000 dinars to the winning work.

## *Staff*

The Law provides that the Protector of Citizens carries out staffing of the Secretariat within 60 days of coming into force of the general act on organisation and operation of the Secretariat<sup>24</sup>.

On 31 December, of the 62 job positions in the Secretariat of the Protector of Citizens pursuant to job classification, only 15 had been filled – the extent permissible by capacity of available temporary work premises, as follows:

- Secretary general of the Secretariat;
- 2 assistants of the secretary general as sector managers (for promotion of human and minority rights and freedoms and for general affairs);
- 2 senior advisors in the Complaints Sector;
- 2 advisors in the Complaints Sector;

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<sup>23</sup> This was made possible due to the understanding of the president and members of the Executive Council of the Presidency of the Serbian Academy of Sciences and Arts, for which the Protector of Citizens owes them a great debt of gratitude.

<sup>24</sup> Article 40, paragraph 2 of the Law.

- 1 junior advisor in the Complaints Sector;
- 1 senior advisor in the Sector for promotion of human and minority rights;
- 1 advisor in the General Affairs Sector;
- 1 administrative officer in the General Affairs Sector;
- 1 civil servant in the General Affairs Sector;
- 2 senior advisers in the Cabinet;
- 1 administrative officer in the Cabinet.

Staff are engaged on two basis: fixed time employment until announcement of vacancy competition in accordance with law, or by transfer for a period of three months from other government bodies, in accordance with law.

The reason for engaging staff on the above basis lies primarily in the lack of funds allocated in the 2007 Budget for operation of the Protector of Citizens to pay for advertising of vacancies through public competition (required amount is approximately 200,000 dinars while the allocated amount is 20,000 dinars) and exigency to carry out urgent and essential tasks from the Protector of Citizens purview, i.e. increased workload due to insufficient number of staff.

Adoption of the 2008 Budget established the prerequisites for employment of staff in compliance with procedures provided in the Civil Servants Act ("*Official Gazette of the RS* ", no. 79/05, 81/05, 83/05 and 64/07) and the Decree for implementing internal and public vacancy competition ("*Official Gazette of the RS* ", no. 3/06) that provide for announcement of all job positions and testing of knowledge and competence of all applicants by the competition commission.

After employment staff will be assigned to positions according to the job classification that have detailed job descriptions in accordance with the Rules on Internal Organisation and Job Classification in the Secretariat of the Protector of Citizens, as well as in all other government authorities.

Evaluation and promotion of employees is implemented according to the Decree on evaluation of civil servants ("*Official Gazette of the RS* ", no. 11/06).

Having in mind that staff in the Secretariat of the Protector of Citizens are civil servants they are subject to, in accordance with law<sup>25</sup>, all provisions relating to civil servants in other government bodies.

On 31 December 2008 there were 9 women and 8 men employed in the Secretariat, i.e. 60% women and 40% men.

There are also members of national minorities among staff. In the coming period the number of national minority members will be more precisely determined through the method of voluntary anonymous declaration in order to obtain a more precise picture of ethnic composition aimed at defining the need for affirmative action in order to increase the number of staff from among national minorities.

The block diagram of the Secretariat is given in the part *Schedules*.

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<sup>25</sup> Article 39, paragraph 5 of the Law.

# SUMMARIES OF THE STATE OF PROTECTION OF HUMAN AND MINORITY RIGHTS AND FREEDOMS IN THE REPUBLIC OF SERBIA

## *Overview*

Human and minority rights is the underlying value, in addition to rule of law and social justice, the Republic of Serbia's principles of civic democracy and sharing of European principles and values, on which the Republic of Serbia is founded<sup>26</sup>.

This principle of the Constitution is confirmed through many normative and practical measures undertaken by the Republic of Serbia to promote exercising and protection of human and minority rights and freedoms. One of these is the establishment of the institution of ombudsman, with clearly defined function to protect and promote human and minority rights and freedoms.

At the same time opposite tendencies also come to notice. There is a noticeable atmosphere of insecurity and fear, particularly at times of crisis, among vulnerable groups such as are members of national minorities, but also among those engaged on particularly sensitive topics such as reconciliation, justice for victims of war crimes, promotion of human rights of sexual minorities or those openly involved in discussions of the future of Kosovo and Metohija within Serbia<sup>27</sup>. Of particular concern is when incumbents officials act from position of discrimination, intolerance or bigotry without being subjected to appropriate consequences – formal sanction and/or widest social and political condemnation. Not infrequently sanctions are omitted or are insufficiently visible or their impact diminished.

Repressive measures, including also actions by the police, prosecution and courts may, however, ensure respect of human and minority rights and freedoms only to certain extent. Legitimate, lasting and resolute respect of human and minority rights and freedoms necessitates their permeation into the entire fabric of society and governance structure. Education is a particularly important field, where insistence should be made on reinforcing social values leading to the well-being of the individual and society, such as human rights, respect and appreciation of diversity, non-violence, individual and social responsibility for one's actions and the world around us. Regrettably, manifestation of violence, national and religious intolerance, lack of solidarity and acceptance of Nazi-like ideologies are noticed among the juvenile and school population, which have, ironically, cost the very people here millions of lives.

In one part of the Republic of Serbia, in Kosovo and Metohija, where the international community has taken responsibility by the United Nations Security Council Resolution 1244 (UNMIK in civilian and NATO in military aspect) respect for human and particularly minority rights is fraught with problems to great extent.

Exercising and protection of rights of Serbian and other non-Albanian population in Kosovo are a far cry from international standards, especially in the area of security, freedom of

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<sup>26</sup> Article 1 of the Constitution.

<sup>27</sup> See: Third Report July 2007 – January 2008 (Serbia: Compliance with obligations and commitments and implementation of the post-accession co-operation programme), presented by the Secretary General of the Council of Europe ([www.coe.int](http://www.coe.int))

movement, protection of property, religious and other rights. Available reports indicate, for example, that “members of all ethnic communities predominantly remain on the territory, or travel to territories, where their communities constitute majority. Stoning and other forms of intimidation continue to threaten Kosovo Serbs when travelling outside majority Serb areas<sup>28</sup>. Reports mention attacks on clergy and followers of the Serbian Orthodox Church and numerous cases of vandalism directed against this Church and its property<sup>29</sup>. However, since the rights of Kosovo residents are not exercised before the bodies of the Republic of Serbia, nor are there conditions on the ground to exercise competencies of the Protector of Citizens on the territory of Kosovo and Metohija, the situation there is not a subject of review in this report.

### ***Protection of rights of persons deprived of freedom***

The term “depriving of freedom”, although generally accepted and presented in this form in highest legislative acts, is not entirely appropriate to the nature of the situation of persons to whom it is applied. Namely, the word “depriving” has the connotation of taking away. On the other hand the notion of freedom is not monolithic but comprises many individual composite parts forming one whole that represents the fundamental, inherent attribute of every human being. Thus “depriving of freedom” should be understood only as *limitation* of individual liberties and rights, to greater or lesser extent, and not as unmitigated divesting of the whole corpus of liberties. Therein lies the root of the retrograde view on “persons deprived of freedom” as persons without any rights. The very title of this Chapter “Protection of rights of persons deprived of freedom” implies that they, despite being deprived of freedom by government organ, dispose with a range of rights and freedoms that have not been taken away from them, and that the state is required to respect and protect these rights. Examination of numerous regulatory provisions quoted below clearly depicts the merits of this view.

In line with positive regulations, ratified international treaties and generally-accepted rules of international law, persons deprived of freedom denote all persons deprived of freedom regardless of grounds for depriving of freedom, as well as persons whose financial or medical condition or other circumstances make them dependent and compelled to stay in relevant institutions, as follows: persons serving prison sentence, persons in detention, juveniles under rehabilitation measure of remand to correctional institution, persons detained by police, persons under security measure of commitment to medical institution (compulsory treatment of alcoholics, compulsory treatment of drug addicts, compulsory psychiatric treatment and confinement), patients in neuropsychiatric institutions, children placed in welfare homes, persons in geriatric institutions, refugees in refugee camps. Some of the above categories of persons are not deprived of freedom in the literal sense, they are confined in institutions where there is formal freedom to leave, but without actual possibility to depart, hence they are in a position that may be equated with depriving of freedom. Institutions for confining persons deprived of freedom are under jurisdiction of the Ministry of Justice – Prison Administration, the Ministry of Internal Affairs, Ministry of Health and the Ministry of Labour and Social Policy.

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<sup>28</sup> From the “Country Reports on Human Right Practices”, US State Department Office for Democracy, Human Rights and Labour, published on 11 March 2008.

<sup>29</sup> Idem.

The status of persons deprived of freedom is defined by the Constitution, numerous laws and other regulations and general acts, as well as ratified international treaties and generally accepted rules of international law.

Regardless of the current normative framework and generally accepted rules, the status of persons deprived of freedom depends also existing objective conditions of confinement, established conduct of staff in institutions towards them and a number of other circumstances that are present. It may be concluded by analysing the many available reports – state, international and NGO, that it is these conditions that in essence define the existing situation.

The available accommodation/confinement capacities in majority of institutions are insufficient for the current number of persons deprived of freedom. Capacities have not been increased to sufficient extent over the past period and when adaptation was undertaken of existing facilities the effect was to reduce capacity in order to bring in line confinement conditions with modern day standards.

According to data at the end of 2007, the number of persons deprived of freedom in institutions of the Prison Administration averaged at 9,500. By comparing this number with approximately 5,500 persons deprived of freedom in institutions in 2001, and cca 7,500 at the end of 2004, there is a noticeable increase of 73% from 2001 to 2007, i.e. cca 27% in the span 2004 – 2007. There is an evident increase in number of inmates in the facilities.

According to the period of construction, various adopted systems and the fact that many facilities were constructed for completely other purposes, the architecture of these institutions is characterised by solutions more or less inconsistent with contemporary standards for confinement of persons deprived of freedom. Thus in the Belgrade District Prison corridors are located alongside outer walls and dormitories extend through the central part of the building and are consequently deprived of air flow and natural light.

A particular problem among inmates in institutions of the Prison Administration is the high increase of HIV and hepatitis C infections, together with psychoactive substance addicts, where this number is over 4,000, i.e. almost 50% of the inmate population.

From August until December 2007 the Protector of Citizens received nine complaints from persons deprived of freedom. Five of these met the requirements for instituting procedure before the Protector of Citizens. Complaints against treatment in institutions mostly refer to inadequate medical services, rejection of petition for transfer to another institution within the Prison Administration and one was related to unlawful isolation.

With the objective to protect persons deprived of freedom the Protector of Citizens will launch initiatives for amending laws regulating the status of persons deprived of freedom. It is planned, first of all, to initiate amending of the Law on Enforcement of Criminal Sanctions aimed at determination of more efficient judicial relief regarding rights of persons deprived of freedom, abolishing discrimination of persons deprived of freedom in respect of the right to work and labour rights, and introducing a number of other provisions whereby affirming the status of persons deprived of freedom in line with international conventions and rules of international law in this field. Furthermore, initiatives will be launched with line authorities to accordingly amend, in these terms, bylaws and general acts that are of vital importance for a system such as enforcement of penal sanctions or enforcement of security measure in medical institution.



The Protector of Citizens will closely monitor observance of rights of persons deprived of freedom within the framework of activities of administrative authorities, primarily those that are in the competence of the Ministry of Justice – Prison Administration, the Ministry of Internal Affairs, Ministry of Health and the Ministry of Labour and Social Policy. Their lawful and proper operation in respect of persons deprived of freedom will be scrupulously monitored, violations committed by action and failure to act will be investigated. Pursuant to finding of fact the Protector of Citizens will issue recommendations to eliminate of noted deficiencies.

The Protector of Citizens will continuously visit institutions where persons deprived of freedom are confined, chiefly to directly observe the existing situation. Full co-operation and collaboration will be demanded from government administrative authorities, access to all institutions and premises at own discretion, interviewing of persons deprived of freedom and staff in private, as well as free access to all data.

The Protector of Citizens will pursue intensive co-operation with line government institutions and NGOs engaged in rights and freedoms of citizens, mainly the rights of persons deprived of freedom. This particularly relates to establishing full co-operation with relevant international bodies, such as the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment, established by the European Convention for Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Sub-Committee for prevention of torture, established by the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Punishment and Treatment.

The Protector of Citizens will undertake necessary activities for implementing of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Punishment and Treatment, whereby the Republic of Serbia has undertaken the commitment to provide, in accordance with international standards, one or more national mechanisms for prevention of torture. As the institution of the Protector of Citizens through its purview and competencies set forth under positive regulations meets all requirements set in Part IV of the Optional Protocol, it has all the attributes necessary to take over the role of national mechanisms for prevention of torture.

## *Gender Equality*

### *Discrimination of women*

The principle of gender equality and non-discrimination is one of the fundamental principles of human rights. Many government institutions work continuously and in co-operation with international organisations and domestic NGOs to resolve the issue of gender inequality and raising of public awareness of its existence. Nevertheless, gender inequality is still very much present in the overwhelming majority of all forms of social life.

Although represented by two-fold increase in the National Assembly following 2007 elections, women in Serbia are still unequal and the issue of attaining gender equality still has to be pursued in all its manifested forms. Widespread socially-tolerated family violence is still present and has yet to be subjected to adequate reaction (both in terms of quality and quantity) of government bodies. Disproportionate representation in places where political decisions are made is an everyday occurrence, as is the stereotype and offensive presentation

and discriminatory disparaging of women in media, but also in public and political speeches and even in school programs. There still exists a strong presence of institutional disrespect for equal opportunity in economic and social relations, as well as a considerably higher rate of unemployment among women. Serbia still does not have gender sensitive official statistics, use of female gender is not as yet officially verified.

Gender inequality is particularly present in respect to Roma women, members of national minorities, women with disabilities, unemployed women and women from rural areas; these are cases of double or multiple discrimination. All this is combined with widespread ignorance of the problem manifested in the tenet of “natural order” of domination over women and their subservience.

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) has not in practice been granted the importance of the foremost, legally binding instrument for eliminating all forms of discrimination against women. Insofar as competencies are concerned, it remains unclear who enforces the provisions of this document and who, on behalf of Serbia, drafts and submits the report.

The Gender Equality Act has not been adopted and there is no special law on family violence. The national strategy has been prepared and represents an important document wherefrom further activities will develop in the direction of enhancing gender equality.

The system of mechanisms for gender equality of government bodies with competence for these issues remains incomplete and unstable, i.e. dependent on political changes, while the local – municipal level lacks, to any notable degree, bodies of that type. The election system quota brought the desired results in terms of changing the gender structure in representative bodies but has not been always consistently implemented and has been diluted in local elections through new legislative provisions. Although in comparison to the year 2000 there is an increase in participation of women in the political establishment and education, their status on the labour market has declined. Almost all managing positions in companies are unattainable for women, and their salaries for same intensity labour are lower than those of men. The percentage of unemployed women in Serbia is 24 percent as compared to 16 percent for men.

### *Sexual Minorities*

Many public personalities in their public appearances use the language of hate and discrimination towards homosexuals without any constraint, while the laws in force and the institutions enforcing them fail to provide adequate protection from such form of verbal homophobic violence and discrimination.

Although the World Health Organisation has taken homosexuality off the list of illnesses several decades ago, it is still propounded on faculties of medicine that homosexuality is a deviation and some medical institutions in Serbia still treat it as an illness.

Groups for protection of non-heterosexual population file grievances on basis of the Broadcasting Act that prohibits hate speech, to the Republic Broadcasting Agency against hate speech. In some cases the Protector of Citizens has been asked to carry out, within his competencies, monitoring of the work of the Agency.

It is still not possible to hold a pride parade of sexual minorities, although it is one of the traditional political forms to combat homophobia, with its exceptionally important political significance in focusing public attention to human rights of sexual minorities, promoting visibility and stating demands for respect of rights of people of different sexual orientation. For reasons of safety of groups for protection of rights of sexual minorities and their activists, addresses of their premises, as a rule, are not displayed or published.

In 2007 law enforcement authorities regularly and efficiently provided security for protest rallies of organisations that bring together the homosexual population or advocating respect for their rights, due to genuine risks to safety of their members, particularly men, as they are perceived as homosexuals. The Protector of Citizens was accordingly informed in 2007 of the above.

Human rights activists of the LGBT population presented in their contacts with the Protector of Citizens arguments that lesbian, gay, bisexual and transgender persons are particularly exposed to hate crime and that consequently there is a specific need to react to such situation by way of various measures.

### *Rights of the Child*

The concept of the right of the child that began to be introduced into the normative system of Serbia after the year 2000 through full or partial elaboration in most of the laws relating to children, was confirmed by the new 2006 Constitution. Furthermore, progress has been made also through acceptance of the concept in the field of institutional building by establishing the Council for the Rights of the Child of the Republic of Serbia Government (2002), the Subcommittee for the rights of the child of the National Assembly Committee for Gender Equality (2005) and establishing of the institution of the Protector of Citizens, one of whose deputies is to be tasked with the rights of the child.

From the time of election until end of 2007 the Protector of Citizens has received 7 complaints relating to violation of the rights of the child. The line government authorities were warned to comply without delay with relevant regulations and in some cases use was made of the mediating capacities of the institution of the Protector in order to resolve the problems on the line of institution – child, in favour of the child, of course. This number is nowhere indicative of the actual situation in Serbia concerning the rights of the child.

Based on received complaints but also on examination of reports of government authorities, civil society organisations specialised for promoting the rights of the child, UNICEF research and other sources, it may be concluded that the situation concerning the rights of the child in Serbia has significantly advanced since the year 2000 whose advent displayed an alarming devastation of systems and institutions for exercising the rights of the child, especially in the field of welfare and health protection of children, but also in the are of education and other fields of importance for the rights of the child.

There are still present particularly vulnerable categories of children that are socially ostracised, mainly: impoverished children,<sup>30</sup> children with disabilities and children with special need, children without parental care, especially those accommodated in institutions, street children, child labourers and the so-called “social orphan” children. In most categories

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<sup>30</sup> According to UNICEF there are 155 thousand impoverished children in Serbia, and that many again are on the borderline of poverty.

of particularly vulnerable children the rights of the Roma children are most frequently violated. Furthermore, in the field of education starting with pre-school care and education the Roma children are the least involved into the system with the consequence of their further social isolation. Child violence is still present (that includes many forms, from neglect, various forms of exploitation, to physical abuse), both in the family, where it is least visible, and by peers, but also from other unfamiliar adults. What gives rise to concern is the fact that there is still no centralised data base of child violence cases.

If the National Action Plan for Children (2004) was the answer to most urgent child problems inherited after 2000, the time is now ripe to adopt a comprehensive national strategy for children. Furthermore, the specificity of child population and complexity of the problems faced by the vulnerable category of children indicate the need to enact a special law on children.

An open issue undermining the recently accepted concept of parliamentary ombudsman (the current Protector of Citizens) is the Government's proposal to introduce a specialised children's ombudsman who would also be elected by parliament.<sup>31</sup> Proliferation of the ombudsman institutions that could be expected also in other areas of protection of rights following introduction of a specialised parliamentary ombudsman (rights of national minorities, rights of persons with disabilities, rights of persons deprived of freedom, gender equality...), could hardly result in strengthening of the rights of the child and would certainly compromise launching of the ombudsman institution that has no tradition in our legal system. The overwhelming majority of comparative experiences to date as well as the latest trends puts a big question mark on the justification of such, worldwide, rare step.

## *Rights of National Minorities*

According to the results of the 2002 census, the population of Serbia consists of 6,212,838 citizens of Serbian nationality and 14.38% population belonging to 21 national minorities indicated in the census. However, in addition to the national minorities stated in the census, 4,660 citizens declared as belonging to 7 small ethnic communities. Also, 2.76% did not declare or indicate their ethnic identity.

As said above, since 1999 Kosovo has had a special status under the UN Resolution 1244. The 2002 census did not cover the territory of Kosovo, and since neither the previous one was carried out in Kosovo, the relevant data are those provided by the 1981 census that covered the whole territory of Serbia. Since in the meantime the situation changed to the detriment of the Serbian population in this part of the country, the relevant data are the UN data and estimations possessed by the Ministry for Kosovo and Metohija. According to these estimations, in the total population of Serbia, approximately 17.7% accounts for the Albanian population, meaning that the total minority population in Serbia is around 32.6%.

Under the Constitution and laws that have been harmonized with the ratified instruments of the protection of national minorities' rights in Europe, the national minorities in Serbia exercise their individual and collective rights. Members of national minorities, pursuant to the state laws and provincial regulations, may exercise their rights to education and

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<sup>31</sup> The Government of the Republic of Serbia forwarded the Children Ombudsman Bill to the National Assembly at the end of 2007.

information in their own language, protection of cultural identity and heritage, and use their own language as the official language in local self-government units, provincial government bodies and institutions and enterprises exercising public authority.

With a view of protecting their cultural autonomy, national minority members may elect their national self-governments – national councils of national minorities. The work and election of these bodies is marked with problems that result from the weakness of the federal Law on the Protection of the Rights and Freedoms of National Minorities still in force (2002), which does not regulate the method of election of the members of national minority self-governments. It neither precisely defines the powers of these bodies, nor their relationship with the local self-government units or government bodies, nor funding. All these open issues concerning the status of national minority self-government bodies, disregarding the problems caused by other reasons not directly related to public administrative bodies, cause that their work is on the verge of legitimacy.

Praise is due to actions of the Ministry of Public Administration and Local Self-government that, within its purview, carried out or initiated activities to improve the legal and real status of national minorities, such as: improvement of the legislative basis found in the Law on Local Self-government, which, following the solutions in the Law on the Election of Deputies, provides for measures improving the political participation of national minorities; re-election of the national councils whose first mandate ended, and organization of elections for the national councils that have not established the minority self-government; the national council of the Vlach national minority has been entered in the Register of National Minority Councils, whose status was the subject of unnecessary debate in the domestic and international public; finally a working group has been set up with the task to prepare a draft law on the election and competencies of the national councils of national minorities. An initiative has also been launched to amend the conditions and regulations governing the privatization of the local media in municipalities with radio and TV programmes or press in the minority languages.

Besides the Ministry of Public Administration and Local Self-government, the bodies responsible for the rights of national minorities and other issues related to their status are another two ministries of the government of Serbia, three provincial secretariats, relevant committees of the National Assembly of Serbia and the Assembly of the Province of Vojvodina, as well as specialized bodies and services – the Council for National Minorities of the Republic of Serbia and the Service for Human and Minority Rights of the Government of Serbia. In 2007, the government's Council for National Minorities did not meet. The work of the Service for Human and Minority Rights gives an impression of a need for strengthening of the capacities, and the government of Serbia should consider the possibility of amending the Law on Ministries, in order to re-establish a department that would, in a situation marked with numerous problems regarding human and minority rights, deal with these issues in particular.

With regard to national minorities' rights, it is clear that, besides some room for the improvement of current regulations and their mutual consistency, there are problems arising from political and social circumstances that are not within the purview of the Protector of Citizens. However, it is beyond doubt, that the line ministries, local self-government units, inspection services and other bodies responsible for national minorities' rights have to enhance their human, technical and organizational resources so as to more efficiently contribute to, not only the protection of the rights contained in cultural autonomy, but also to individual security of national minority members and removal of their fear to claim their guaranteed rights before the competent public authorities.

From the perspective of organization of proper and efficient administration, it is unacceptable that there is no a singular system of protection of national minority rights. It is evident that the collective rights of national minorities are realized in most municipalities and bodies of the Province of Vojvodina. In the municipalities of central Serbia, regardless of all efforts aimed at the promotion of rights of Roma and Bosniaks, there are no institutional capacities and resolution of municipal administrations and government bodies to spread the culture of human and minority rights and consistently ensure conditions for the realization of the national minority rights guaranteed under the Constitution and law.

One of the obvious weaknesses of public administration concerning the protection of minorities is a lack of strategic policy for the integration of Roma population. Namely, despite the action plans adopted by the government in 2005, that led to some results regarding the education and health protection of the Roma, there is no a comprehensive government strategy for the social and economic integration of the Roma, or a clear position of the government or National Assembly on a programme for Roma integration. It is especially hard to clearly assess the measures undertaken so far due to a lack of information and transparency in the work of certain government bodies, regarding the improvement of Roma situation.

Political participation of national minorities exists at the government level in the National Assembly (9 deputies from 5 lists of four national minorities) and the executive branch (one minister in the cabinet), the Autonomous Province of Vojvodina (12 deputies from two lists of one national minority community) and the Executive Committee (6 secretaries) and multiethnic local self-governments where the national minority population has either absolute or relative majority or proportionate representation in the municipal assemblies or municipal councils. However, it seems that also in this segment of protection, there is room for legislative improvement of the status of minorities in two respects: a) increased participation of national minority representatives in representative and executive bodies in proportion to the number of population in the territorial autonomy units and at the state level, and b) adoption of measures ensuring political participation of the representatives of small national minorities.

Therefore, the positive solutions for the protection of national minority rights contained in the constitution and partially in laws and provincial regulations are not sufficiently applied in the legal and social life. There is a real need to:

- Set the strategy for the integration of national minorities;
- Regulate the status, election, competence and funding of their self-governments;
- Carry out the privatization of the media in a manner that will not affect efficient access of national minorities to the media in their language;
- Increase the participation of national minorities in public administration.

It is a task of public administration authorities to harmonise the legislation regulating cultural autonomy and other rights of national minorities with the Constitution and mutually; to ensure institutional connection and encourage coordination of state, provincial and local government bodies that are responsible for national minority rights; improve the level or protection of their rights and ensure that these rights are realized in all parts of Serbia, at least to a degree similar to that achieved in Vojvodina. Finally, social and economic programmes for Roma integration should be given more attention.

### *Freedom of Conscience and Religion*

The Law on Churches and Religious Communities<sup>32</sup> is the basic legal framework for exercising the right to freedom of conscience and religion guaranteed in the Constitution. This Law provoked controversies both at the very adoption and then during implementation.

Representatives of particular churches and organizations of the civil society think that the application of this Law allows for considerable arbitrariness in deciding on whether to recognize or not recognize religious communities. The Ministry of Religion has instructed the rejected religious communities to register as civic associations with the Ministry of Public Administration and Local Self-government that, in turn, rejects their registration and directs them to seek registration with the Ministry of Religion as a religious community. Although the rejection of registration does not mean that they are banned or non-existing, certain consequences of non-registration do exist. Refusal of registration means inability to obtain the status of a legal entity, to own and dispose of immovable property, to act as legal person in legal transactions, i.e. to conclude agreements, inherit, be entitled to tax exemptions, etc. Critical opinions indicate that the executive differentiate between churches and religious communities who are privileged, those who are only tolerated but not allowed to be registered, and those who are actually banned.

It seems that the registration authorities do not clearly differentiate between legal personality and religious legitimacy. Unlike the religious legitimacy, that the state may neither grant nor deny, legal personality is a right that must be granted without discrimination.

Serbia lags behind other countries in the region when it comes to the restitution of church property. The churches and religious communities are obliged to provide numerous documents that are already in the possession of different authorities. Small and poor churches will hardly be able to comply with the demanding procedure. Certain resistance has been perceived coming from certain municipalities to issue the necessary documentation, which is understandable if it is known that some of them have been using for decades the church property that may be subject to restitution.

There are some warnings that the real property that may be subject to restitution has been in legal transactions even after 1 May 2006, the date after which the Law on Restitution for Churches and Religious Communities<sup>33</sup> bans legal transactions with such property. The churches and religious communities whose registration was denied do not have the status of a legal entity and may not claim restitution of property.

The Law on Restitution provides for the restitution of property appropriated since 1945. The Jewish community, however, was deprived of property mainly after the Nazi occupation in 1941.

### *Rights of the Disabled*

Persons with disability are systematically barred from the sphere of education, employment, politics, culture, entertainment and recreation. The measures and practice of the political and legal system, economic structures, official services, etc. is often a barrier for the participation of the disabled persons.

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<sup>32</sup> „Official Gazette of the RS“ no. 36/2006

<sup>33</sup> „Official Gazette of the RS“ no. 46/06

It is estimated that nearly 85% of children with developmental handicap are out of any educational system. Those who are in the school system are constantly facing different barriers and discrimination.

The living conditions in homes for person with disability are often very difficult. Such conditions inevitably lead to both neglecting and violence. It was brought to public notice that there are wards with children with serious disability, who are mostly unable to move and spend most of the time in beds for containment, where they are fed, changed and given medicaments.

Children with developmental handicaps who permanently live in homes are not involved in the educational system, although a large number of them are able to attend school. In this way they are largely discriminated with regard to qualifying for work, employment and the possibility of independent life in the community.

Education and sensibilisation of persons without disability is necessary to make them understand the concept of discrimination, become aware of its existence and their role as discriminator in certain situations. Education and sensibilisation of persons with handicap on this issue is equally needed, as well as timely information on their rights, legislation and changes/novelties in the legislation, so that they could understand mechanisms of discrimination, become aware that it is present everywhere and that it is necessary (and possible) to fight it.



## ACTIONS OF THE PROTECTOR OF CITIZEN UPON COMPLAINT

The Protector of Citizens has a legal power to initiate and conduct procedures. Pursuant to the explicit provision of Article 24 of the Law, the Protector of Citizens may initiate a procedure in two ways:

- Acting upon a complaint, or
- Acting upon own initiative.

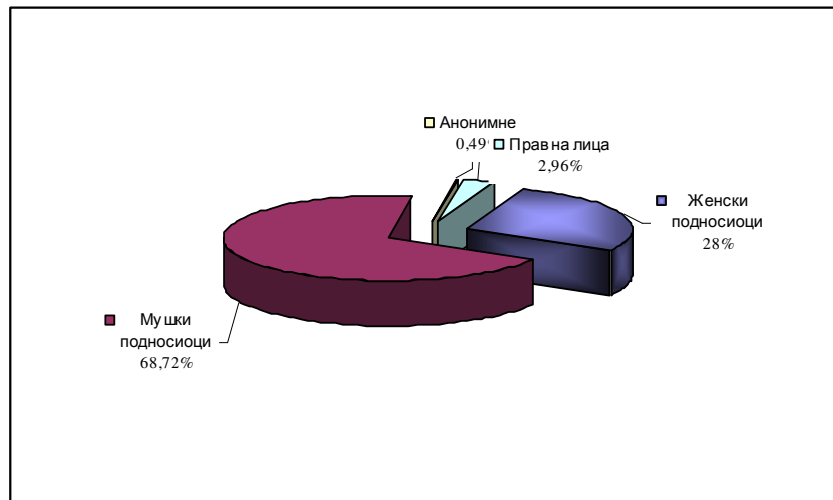
It is a general impression that the citizens are not satisfied with the work of administrative authorities. They often feel as “redundant objects and not persons” and do not have an impression that their dignity is respected. In a large number of cases, the citizens complain about a slow procedure, which they as a rule explain with corruption, lack of organization, and inaction. There is a lack of coordination between administrative authorities and even their organizational units, and the procedures are not sufficiently transparent. Citizens get an impression that it is the form and not content that matters. Communication between the staff and citizens is insufficient and unsubstantial, which leaves the impression that a considerable number of complaints to Ombudsman, as well as second-instance administrative procedures and disputes could be avoided if the citizens were explained about their rights and obligations in a language they understand, openly and convincingly. As a rule, there are no procedures adjusted to especially sensitive categories of citizens. There is an impression of a bureaucratised, alienated administration, focused on itself and its problems, and possibly, on setting obligations for citizens, but not the realisation of their rights.

### *Number of Received Complaints (Statistics)*

Since 24 July 2007, when he took office, the Protector of Citizens has received a total of 406 complaints, out of which 401 were sent by mail, and 5 were taken on record in the premises of the Protector where professional assistance was provided for drafting of the complaints. In the course of 2007, the Protector received from 10 to 20 phone calls that are entered in the official records, but no files were open and these data are not included in the statistics. In phone conversations, citizens are usually given basic information about the institution, the procedure and conditions for filing a complaint, or they are advised about appropriate procedures for the protection of their rights. If a citizen explicitly requests so, they may speak directly to the Protector.

The complaints in 2007 were filed by 113 women, 279 men, 12 legal entities, and two were anonymous. Two foreign citizens, a man and a woman, also filed a complaint to the Protector.

68.72% Male complainants  
0.49% Anonymous complaints  
2.96% Legal entities  
28% Female complainants



### *Classification of Complaints per Subject*

No.	Rights violated	No. of received	%
1	Stock laws	7	1.72%
2	Prohibition of discrimination based on nationality, race, religion and other	2	0.49%
3	Prohibition of torture and inhumane treatment and persecuting	2	0.49%
4	Minority rights	3	0.74%
5	Domestic violence	1	0.25%
6	Non-enforcement of court decisions	17	4.19%
7	Non-enforcement of decisions of local self-government inspection service	3	0.74%
8	Right to restitution	2	0.49%
9	Child's rights	7	1.72%
10	Rights arising from pension and disability insurance	44	10.84%
11	Rights of disabled persons	3	0.74%
12	Rights based on expropriation	6	1.48%
13	Employment rights	39	9.61%
14	Social insurance rights	12	2.96%
15	Rights of persons deprived of liberty	12	2.96%
16	Right to good governance	43	10.59%
17	Right to citizenship	3	0.74%
18	Right to protection of property	34	8.37%
19	Right to health insurance and health care	13	3.20%
20	Right to healthy environment	2	0.49%
21	Right to identification papers	1	0.25%
22	Right to human dignity and equality before the law	2	0.49%
23	Right to inheritance	1	0.25%
24	Right to education	2	0.49%
25	Right to fair trial	70	17.24%
26	Right to legal protection	11	2.71%
27	Right to entrepreneurship	1	0.25%
28	Right to the presumption of innocence	1	0.25%
29	Right to privacy	1	0.25%
30	Right to conscientious objection	1	0.25%
31	Right to access to information of public importance	7	1.72%
32	Right to rehabilitation	3	0.74%
33	Right to liberty and personal security	3	0.74%
34	Right to freedom of movement and residence	1	0.25%
35	Housing rights	23	5.67%
36	Right to trial in reasonable time	13	3.20%
37	Rights arising from gender equality	1	0.25%
38	Freedom of scientific and artistic expression	1	0.25%
39	Old foreign savings	4	0.99%
40	Unclear complaints	4	0.99%
TOTAL		406	100.00%

*Classification of cases per territorial criterion*

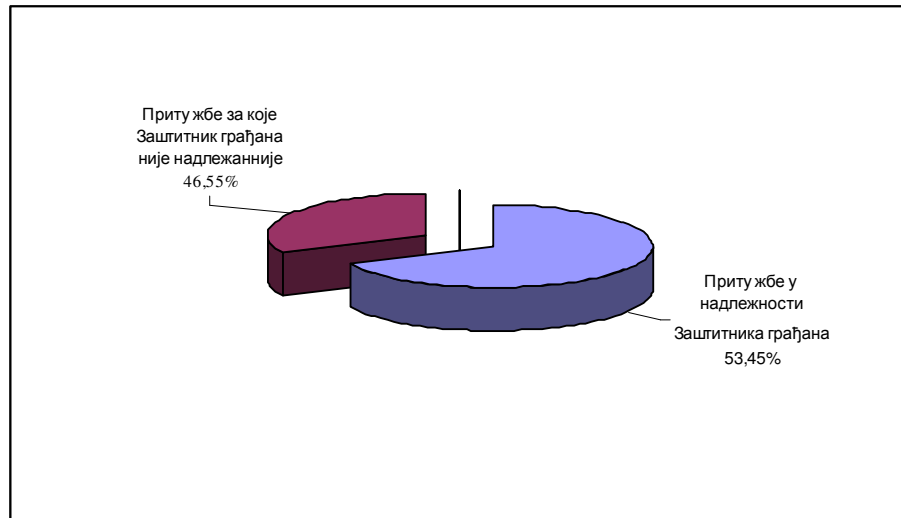
Territorial unit	Number of received complaints	%
City of Belgrade	158	38.92%
Nis district	31	7.64%
Kolubara district	23	5.67%
South Banat district	19	4.68%
Macva district	18	4.43%
Sumadija district	16	3.94%
Zlatibor district	11	2.71%
Danube district	11	2.71%
Morava district	11	2.71%
South Backa district	10	2.46%
Rasin district	10	2.46%
Raska district	10	2.46%
Srem district	10	2.46%
Branicevo district	9	2.22%
West Backa district	8	1.97%
Moravica district	8	1.97%
Pcinj district	8	1.97%
Bor district	4	0.99%
Pirot district	4	0.99%
Middle Banat district	4	0.99%
Jablanica district	3	0.74%
North Backa district	3	0.74%
North Banat district	2	0.49%
Kosovo district	1	0.25%
Pec district	1	0.25%
Kosovska Mitrovica district	0	0.00%
Kosovo-Morava district	0	0.00%
Prizren district	0	0.00%
Toplice district	0	0.00%
Outside Serbia	12	2.96%
Unknown	1	0.25%
Total	406	100.00%

Besides these complaints, the Protector of Citizens acted upon own initiative in 3 cases, where, based on his own finding or findings from other sources, he determined that an act, action or inaction of administrative bodies constituted a violation of human freedoms or rights. In one case, it was allegedly a violation of the right to religion, that is, religious intolerance against a member of Hare Krishna. In the other, it was a violation of the right to education. Third case referred to alleged torture by a public administration official.

In the process of recording and classifying the complaints, it was established that of the total number of complaints, 217 of them referred to cases of alleged violation of a civil right where there were grounds to initiate a proceeding before the Protector of Citizens, and 189 complaints that were not within the competence of the Protector and which were or will be rejected as not falling within the competent jurisdiction.

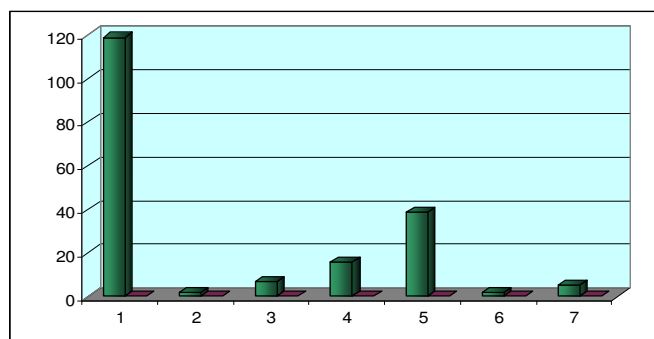
46.55% Complaints outside the competence of the Protector

53.45% Complaints within the competence of the Protector



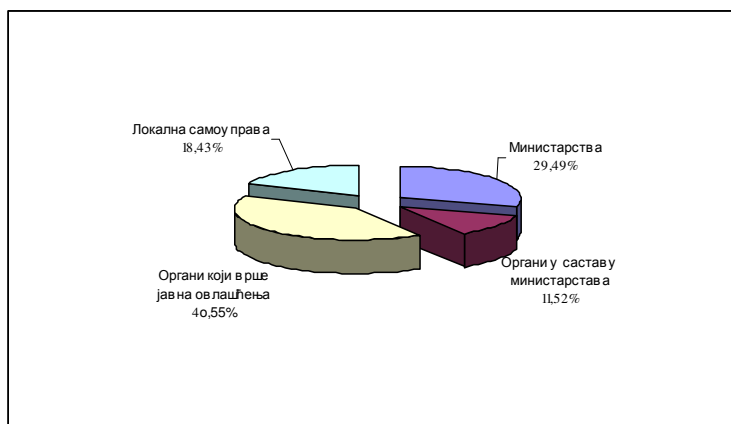
## Complaints outside the Competence of the Protector of Citizens

	BODIES TARGETED BY COMPLAINTS	Number of received complaints	%
1	JUDICIAL BODIES	119	29.31%
2	PUBLIC PROSECUTOR'S OFFICES	2	0.49%
3	LOCAL OMBUDSPERSONS	7	1.72%
4	LOCAL SELF-GOVERNMENT BODIES - ORIGINAL POWERS	16	3.94%
5	EMPLOYERS	39	9.61%
6	FOREIGN AUTHORITIES	2	0.49%
7	UNCLEAR	4	1.23%
	TOTAL	189	46.80%



## Complaints within the Competence of the Protector of Citizens

	BODIES TARGETED BY COMPLAINTS	Number of received complaints	%
1	MINISTRIES	64	29.49%
2	BODIES WITHIN THE MINISTRIES	25	11.52%
3	BODIES THAT ARE DELEGATED PUBLIC AUTHORITIES	88	40.55%
4	LOCAL SELF-GOVERNMENT BODIES PERFORMING DELEGATED TASKS	40	18.43%
	TOTAL	217	100.00%



18.43% Local Self-government  
 29.49% Ministries  
 40.55% Bodies with public authority  
 11.52% Bodies within the ministries

BODIES		Received	%
<b>1</b>	<b>MINISTRIES</b>		
1.1	Ministry of Interior	30	13.82%
1.2	Ministry of Labour and Social Policy	8	3.69%
1.3	Ministry of Finance	2	0.92%
1.4	Ministry of Agriculture, Forestry and Water-management	2	0.92%
1.5	Ministry of Economy and Regional Development	2	0.92%
1.6	Ministry for Foreign Economic Relations	1	0.46%
1.7	Ministry for Infrastructure	5	2.30%
1.8	Ministry of Health Care	3	1.38%
1.9	Ministry of Education	2	0.92%
1.10	Ministry of Public Administration and Local Self-government	2	0.92%
1.11	Ministry of Defence	5	2.30%
1.12	Ministry of Trade and Services	1	0.46%
1.13	Ministry of Justice	1	0.46%
<b>2</b>	<b>BODIES WITHIN THE MINISTRIES</b>		
2.1	Tax Administration	11	5.07%
2.2	Prison Administration	9	4.15%
2.3	Customs Administration	1	0.46%
2.4	Property Directorate of the Republic of Serbia	4	1.84%
<b>3</b>	<b>BODIES WITH DELEGATED POWERS</b>		
3.1	Agency for Economic Registers	1	0.46%
3.2	Privatisation Agency	4	1.84%
3.3	Republican Broadcasting Agency	1	0.46%
3.4	Republican Health Insurance Institute	13	5.99%
3.5	Republican Fund of Pension and Disability Insurance	44	20.28%
3.6	Republican Geodetic Institute	1	0.46%
3.7	National Employment Service	2	0.92%
3.8	Centres of Social Work	9	4.15%
3.9	Health Care Institutions	3	1.38%
3.10	Standardisation Institute	1	0.46%
3.11	Public enterprises	9	4.15%
<b>4</b>	<b>LOCAL SELF-GOVERNMENT BODIES WITH DELEGATED TASKS</b>	40	18.43%
TOTAL		217	100.00%

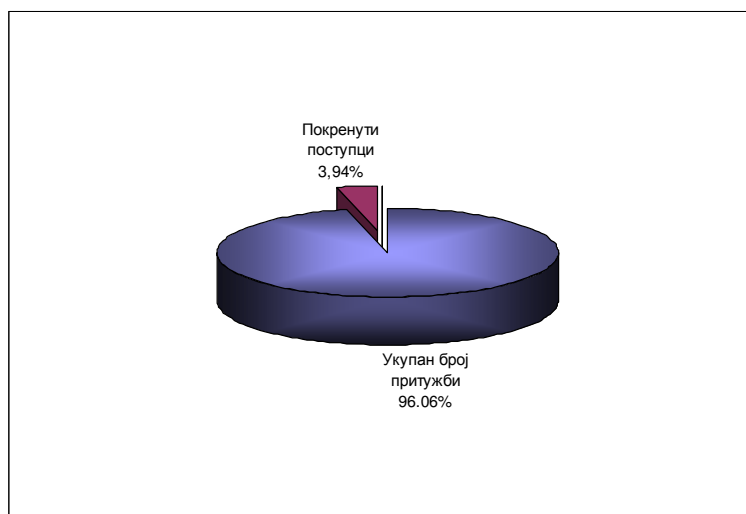
## Case Work

### Preparation Work

Pursuant to explicit provision in Article 26 of the Law, complaints are submitted in writing or verbally on record. Of all written complaints, 98.77% was received by mail or directly in the writing-office of the Protector of Citizen's office in New Belgrade.

A small percentage of complaints (1.23%) were received by using the legal possibility to file a complaint verbally on record. In the upcoming period, after filling the vacancies in the Secretariat, it is likely that this method of filing complaints will be on the increase. The procedure is as follows: the clerk on duty receives a citizen who wants to file a complaint and in an interview finds out the main relevant details about the alleged violation of the law and enters the details in a standard record form. If the complainant possesses relevant documentation, it is attached to the complaint.

Bearing in mind that due to circumstances beyond the control of the Protector of Citizens, the Secretariat became functional five months after the Protector of Citizens took office and seven days before the end of the reporting period, and that complaints were received from the appointment of the Protector by the National Assembly, the Protector acted independently only upon those complaints that indicated the possibility of occurrence of irreparable consequences and in cases which indicated irregularities in the work of administrative bodies related to violation of child's rights and domestic violence. There were **16 complaints of this kind by 31 December 2007** and due action was taken thereof. This was in contradiction of the recommendations arising from the comparative analysis (of practice of other national ombudspersons) that suggest that complaints should not be processed before the establishment of the Secretariat. The reason for this should be sought in the logic that the non-existence of conditions for work of the Protector and Secretariat does not exculpate the state and its agencies before the citizens who may suffer damage due to the violation of rights.



3.94% Initiated procedures  
96.06% Total number of complaints



Out of 16 procedures instituted in 2007, 4 were completed, of which two by elimination of deficiencies by the relevant administrative bodies, following an intervention of the Protector<sup>34</sup>.

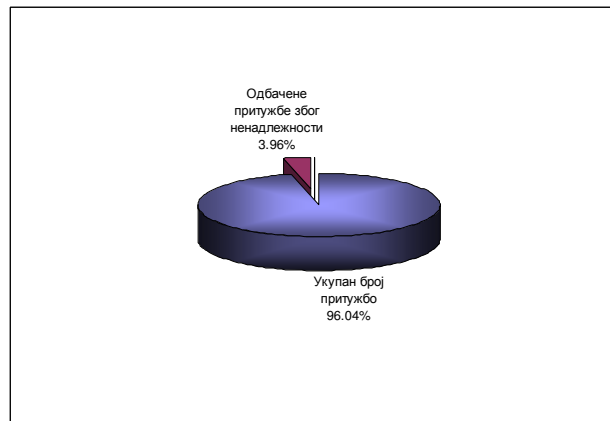
In other 2 cases, complaints were rejected. After deliberation of the complaint and establishing of all relevant facts and circumstances, as well as based on the information presented by administrative bodies, it was decided that there was no violation of right.

The procedures initiated upon other complaints were not completed by the end of the reporting period.

### *Rejection of Complaints*

By 31 December 2007, 15 complaints were rejected due to the lack of procedural requirements for an action of the Protector and the complainants were directed to exercise their rights through other legally prescribed procedures.

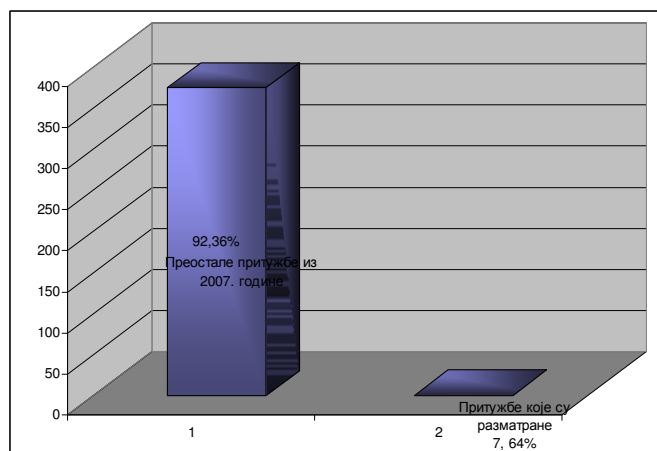
3.96% Complaints rejected due to lack of competence  
96.04% Total number of complaints



The processing of other 375 complaints continued into 2008.

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<sup>34</sup> If the body that is the subject of a complaint rectifies the deficiencies by itself, the Protector shall so notify the complainant and leave a period of 15 days to state whether the complainant is satisfied with such act or not. (Article 30, para 1).



92.36% Pending complaints from 2007

7.64% Processed complaints

### *Procedures and Investigative Actions in the Field*

In 2007, in 3 cases the Protector of Citizens or the staff of the Secretariat undertook actions in the field. In two cases, the reason for this were filed complaints, and in one information from the media.

On 26 October 2007, the Protector held a meeting with the councillors of the municipality X who filed an initiative for the dismissal of the mayor, since according to their opinion given in a written explanation to the initiative, the work of the Municipal Assembly was blocked with her going on maternity leave. The Protector of Citizens appealed upon the councillors to give up the initiative as the reasons stated were discriminatory and unacceptable from the point of view of the protection of women's rights.

On 27 December 2007, the Protector of Citizens talked to the mayor in X municipality due to his statement on the municipality web site containing elements of discrimination and intolerance against the citizens of the Roma community and an event where he took lead or took part in a group of people who interrupted a rally and making of a radio programme. The Protector drew the mayor's attention on legal and ethical obligations of a citizen and public official, and then, together with a representative of the municipal administration, visited several Roma families and the location where the municipality is planning to build a facility for their accommodation.

Following a complaint filed by an unknown juvenile person, an expert team of the Protector of Citizens (psychologist and lawyer) visited the town X and talked to the unknown person and representatives of the body against which the complaint was filed – Centre for Social Work, the members of the family, and the school psychologist. Cooperation was established with the Research Station in Petnica to temporarily relocate and encourage this person who shows many talents. This case that indicates the possibility of serious shortcomings in the work of competent bodies was not finished by the end of the reporting period.

### *Selected Cases*

### *Violation of the Right to Education – Family S Case*

The Protector of Citizens received a complaint, through an international organization, from the municipality A concerning the enrolment and education of two Albanian students in the local secondary school.

The request for the enrolment in the second grade of secondary school in Albanian language was first sent by their parents in September 2006, while the mayor also addressed the Ministry of Education and Sports asking for validation of their diplomas on completed 8<sup>th</sup> and 9<sup>th</sup> grade of primary school in Albanian in the territory of the Autonomous Province of Kosovo and Metohija. The Ministry was also asked for their opinion on which grade of secondary school these students should enrol in. By the date of filing the complaint, there was neither reply from the Ministry, despite repeated promises by its officials, nor an opinion that could serve as a guideline to find a legal solution to this issue.

Bearing in mind the interest of the children – students, in the meantime the director informally allowed them to attend school; their marks are recorded in pencil, and their achievement at the end of first semester of the school year 2006/2007 was not taken into account.

Hoping that mere intervention of the Protector of Citizen, without a formal procedure, will contribute to the solution of this issue and prevention of similar ones, the Protector sent a letter to the Ministry of Education and Sports in September 2007, asking for information about all relevant details and the official position on this particular case, and also talked to a State Secretary of the Ministry recommending that the Ministry should promptly proceed with this case, primarily bearing in mind the best interest of these children.

In a prompt reply, the Ministry notified the Protector that they had an interview with the parents and school director and that the Ministry forwarded an opinion to the technical school "Nikola Tesla" stating that there is no grounds for validation of the diplomas, as the diplomas were not acquired in a foreign country, or to accept the diplomas as national documents, since the children did not attend a school within the network of primary schools in the Republic of Serbia. The opinion also suggested to the director to allow enrolment of these students as regular students of the first grade, and that the school will issue a decision determining the makeup exams and the deadline for taking the exams.

The Protector then, in accordance with Article 30 of the Law, determined that the children and parents were satisfied with the Ministry's recommendation that was promptly followed upon and stopped the proceeding. In this case, the Ministry has, in the opinion of the Protector, applied the rule of complying with justified legal expectations of citizens, known in the European administrative practice, in the best interest of the children. Also, in the next reporting period, it will be stated that the appropriate action of the Ministry and application of said principle took much longer than required by positive regulations and principles of good governance and a recommendation will be issued to correct this shortcoming.

### *Violation of the Right to Form National Councils of National Minorities*

In September 2007, a member of parliament filed a complaint to the Protector indicating a violation of the right to form the National Council of the Roma minority; although all the

conditions were met to call an extraordinary electoral assembly for the election of the Roma national council, the line ministry (for public administration and local self-government) did not schedule the electoral assembly.

The Protector of Citizens directly approached the minister and asked for an explanation. Within several days the Ministry scheduled the electoral assembly and notified the Protector that the delay of previously scheduled assembly was the consequence of a failure to transfer the functions of the State Union of Serbia and Montenegro to the Republic of Serbia as the legal successor. Given that in the meantime, the Law on Ministries regulating the purview of the Ministry for Public Administration and Local Self-government came into force, the decision specifying the date and venue for the electoral assembly was promptly adopted. Also, the Ministry published this decision in the public media and sent a public invitation to all interested persons to file applications to participate.

After receiving this notification, the Protector of Citizens informed the complainant, pursuant to Article 30 of the Law, about its content. In direct conversation with the Protector of Citizens, the complainant said that he is satisfied with the manner of eliminating the irregularity, whereby conditions were met for terminating the proceeding.

***Violation of the Right to Education of the Child and Right to Appropriate Care in the Best Interest of the Child – the primary school pupil case***

Through the local ombudsperson, the Protector of Citizens was informed that a Jane Doe, pupil of the school in the town C, despite the interlocutory measure designating her mother as the guardian, lives with her father and does not attend school regularly. Given the girl's specific health condition (person with disability) and the need for regular and systemic exercising within the daily school programme was advisable, which was stated in the opinion of the competent institution. The mother of the girl approached the Secretariat for Education in the town C with a request to take note of the fact that the girl is not attending school regularly, as the result of the fact that the mother is not looking after the girl, as ordered by the interlocutory measure. After an inspection, the Secretariat for Education approached the local ombudsman with a request to take measures necessary to protect the rights of the child.

Bearing in mind that the Protector of Citizens is authorized to control respecting of civil rights and establishes violations committed through acts, actions and inaction of administrative authorities in case of republic regulations, the local ombudsman submitted the file to the Protector for further action.

The Protector of Citizens promptly contacted the Centre for Social Work with venue jurisdiction, asking for information about measures within social and family law protection that were undertaken in the case of this girl. The Centre replied within the specified time limit, stating that its staff together with the representatives of the court and police had two unsuccessful attempts to enforce the decision on custody until the finalization of divorce proceedings. As these interventions did not yield the desired results, a decision was made to order corrective supervision of parenthood in this case.

Considering that it is possible that there are deficiencies in the work of the administrative authorities causing violations of the rights of the child, the Protector of Citizens initiated a procedure to examine the legality and regularity of the work of these authorities. It was requested from the local Centre for Social Work to all an expert team of the Protector of Citizens inspect all documentation relevant for this particular case, to make accessible all

available information that is relevant for the case regardless of the degree of its confidentiality, to allow access to their premises, and ensure the presence and cooperation of all persons involved in the resolution of this case.

The case was not completed by the end of the reporting period.

### *Violation of Gender Equality*

A citizen Jane Doe, considering that her rights were seriously violated by an initiative for the removal from the position of the mayor of a town L, approached the Protector of Citizens. A written initiative sent to the Protector gave an explanation that the mayor, as an elected person on maternity leave will be absent from work for a long period of time and be prevented from discharging her duties of the mayor, which in a situation where the deputy mayor had resigned, will paralyse the work of the municipal assembly and requires her dismissal and appointment of a new mayor. The Jane Doe considered that these reasons for dismissal, i.e. exercising of the rights to maternity leave and absence from work due to childcare that are guaranteed by the Constitution, constitute a serious violation of female rights and the principle of gender equality.

Finding that the given explanation is contradictory to the principle of non-discrimination and the constitutional guarantee for special protection of women and children, and do not breach only the rights of the Jane Doe, but indirectly, of all other women who may be in the same situation, the Protector of Citizens initiated a procedure for the protection of human and minority rights, under Article 1, para 2 and Article 24, para 2 of the Law.

The Protector of Citizens organized a meeting in the L municipality, with the councillors who filed the initiative and presidents of political groups. **Without denying the right of councillors to freely elect and dismiss the mayor, the Protector of Citizens explained that the reasons for election or dismissal may not be contrary to the principle of non-discrimination guaranteed by the Constitution or lead to degradation of women's position.** Given that an opinion about the legality of the initiative was already requested from the ministry in charge of local self-government affairs, the secretary of the Municipal Assembly asked from the Protector of Citizens to use good offices with the Ministry to issue the requested opinion as soon as possible. The Ministry of Public Administration and Local Self-government shortly issued the requested opinion, but not before the Municipal Assembly held a session where the decision on removal of the mayor was made. In the opinion which also commented on the subsequent request for assessing the legality of the act of removal, the Ministry stated that the Municipal Assembly session was not scheduled and held in accordance with the law and the municipal Statute. Also, the Ministry pointed that the freedom of the councillors to elect and dismiss the mayor at their own discretion must not limit the freedoms and rights of persons concerned, and therefore the decision is in contravention of the basic principles of the legal order of the Republic of Serbia. The Ministry recommended the Municipal Assembly to set aside the decision on mayor's removal and election of new mayor (which are individual acts without judicial relief in administrative procedure), stating that the Ministry itself will revoke said acts within one month should the Municipal Assembly fail to do so.

This case was not finished within the reporting period.

### *Violation of the Right to Good Governance/Freedom to Leave Serbia and Come Back*

A citizen AB filed a complaint to the Protector of Citizens pointing to a violation of the Law on Travel Documents of Yugoslav citizens by the police in a situation where a citizen applies for issuance of a new passport at the moment when the old one has still not expired, i.e. is valid. The complaint stated that the competent service of the Ministry of Interior did not want to accept his daughter's application for a new passport, with permanent residence abroad, if she could not concurrently hand in the old passport that she was going to use because of a valid visa in it.

The complainant verbally complained to the Ministry of Interior at several instances, always receiving a reply that this procedure with his daughter, who is no longer residing in the country, was regular and in accordance with the law.

Thinking that there is a possible omission in the work of the MoI services and bearing in mind the fact that the complainant is not empowered to file a complaint on behalf of his child who is of legal age, but assuming that a possible omission could appear as a rule in the work of administrative bodies and affect an unlimited number of citizens, the Protector of Citizens informed the Ministry of Interior of Serbia that he initiated a procedure for the control of regularity and legality of the work of the Ministry. The Ministry was requested to give a statement on the circumstances that are considered relevant for assessing the legality and regularity of the procedure for applying for a new travel document before the expiry of the old one, with returning of the valid travel document, indicating that on the official web site of the Ministry, it is said that the old travel document should only be submitted for inspection. The complainant was also notified of initiating of the procedure.

In their statement on the circumstances of this case, the Ministry of Interior said that the applicant for a new travel document had a valid travel document and failed to state the reasons why she was asking for a new one; that she did not want to hand in the valid document for revocation, and that under the standard data processing procedure, it is not possible to enter new personal and other data before deleting the old. The Ministry informed the Protector of Citizens that they corrected the information on the official web site stating that "the passport currently possessed must be presented in order to be annulled".

Having considered the reply and all relevant regulations, the Protector of Citizens notified the minister of interior that he identified an omission in the work of the ministry. The Protector determined that there are no legal grounds or justified reason why a citizen should be deprived of the only valid travel document when applying for a new passport, as this practically means that they are deprived of the freedom to leave the country and come back, which is guaranteed by the Constitution. Thinking that this omission is not caused with an intention to violate constitutional freedoms and rights, but rather due to incorrect application of regulations and incompliance with the principles of good governance, the Protector sent a recommendation to the Ministry to amend the by-laws governing this procedure, remove limitations in the IT database and also take steps to change the behaviour of the incumbent staff so as to eliminate this deficiency. The Ministry was given, in accordance with the law, a deadline of 60 days to inform the Protector about elimination of the deficiency.

The deadline for action upon recommendation had not expired by the end of the reporting period.

### ***Complaints by Inmates***

In late 2007, the Protector of Citizens received two complaints related to the legality and regularity of work of the Prison Administration and the Penal-correctional Facility in town A. In one, the subject of complaint was incorrect rejection of the request of an inmate to be relocated to other facility, and in the other, an inmate complained about dissatisfactory medical treatment that, in his opinion, caused serious consequences for his health. In both cases, the Protector initiated proceedings for the control of legality and regularity of the work of administrative authorities and requested from the Penal-correctional Facility to give, within the set deadline, a statement on all circumstances of the case that are considered relevant for a decision of the Protector on the complaint.

In both cases, the complaint was not delivered to the Protector in a sealed envelope as provided under Article 27 of the Law, but, on the contrary, officially with an accompanying act of the Penal-correctional Facility. The Protector sent a letter to the administration of the Penal-correctional Facility warning about the omission and the obligation of compliance with the provisions of the Law and Article 73 of the House Rules for correctional facilities and district prisons, requesting to rectify these errors in future actions.

## IMPROVEMENT OF HUMAN AND MINORITY RIGHTS AND FREEDOMS THROUGH LEGISLATION

The Protector of Citizens has the right to propose laws from his purview; to file an initiative to the government or the National Assembly to amend laws and by-laws if he thinks that violations of citizens' rights result from deficient regulations, as well as to initiate the adoption of new laws and by-laws if it is significant for the protection of citizens' rights. The government of the relevant parliamentary committee are obligated to consider initiatives submitted by the Protector. The Protector has also the power to give opinions to the government and the National Assembly on draft laws and other regulations in the drafting phase, if these concern issues of relevance for the protection of citizens' rights<sup>35</sup>.

These powers of the Protector of Citizens are crucial for ombudsman's activity in improving human and minority rights and freedoms through improving the legal framework.

Bearing in mind the significance of regulations governing the security sector for the rights and freedoms of citizens, within the reporting period, and before the Secretariat was set up, the Protector:

1. Drafted and submitted opinion and comments to the draft laws on the defence and army respectively, that the Ministry of Defence requested pursuant to Article 18, para 3 of the Law. The opinion and comments strictly and directly referred to the protection and exercise of some human and minority rights and freedoms within the defence system and the Army of Serbia, without reflecting upon other aspects of the drafts.

Some of the most important comments and suggestions that the Ministry accepted and incorporated in the draft Law on Defence and the draft Law on the Army are as follows:

- Article 4, paras 21 and 22, related to democratic and civil control of the army;
  - Article 75, para 2 concerning the obligation of the Ministry of Defence and other state bodies in charge of defence to make accessible the information of public importance in accordance with the provisions of the relevant law;
  - Article 76, paras 1 and 2 related to the obligations of associations of citizens towards the Ministry of Defence.
  - The Ministry of Defence accepted the opinion and proposal that professionals in the military should be entitled to, under specific conditions known in the comparative practice, the right to unionization.
2. Regarding the draft Law on the Constitutional Court, the Protector presented his comments at a round table organized as part of the public debate on this draft; his comments referred to the right to file a constitutional appeal by authorized bodies from their purview and the obligation to comply with and enforce decisions of the Constitutional Court.
  3. Under Article 18, para 2 of the Law, the Protector of Citizens submitted to the parliamentary committee for defence and security two amendments to the draft Law on the Basic Principles for Organisation of the Security Services of the Republic of Serbia.

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<sup>35</sup> Article 18 of the Law



The first amendment proposes that in Article 3, para 3, the term “oversight” be replaced with “democratic civilian control” and the circle of persons/entities who are authorized to carry out such control be expanded. Contrary to a somewhat narrow term of “oversight” the new term more completely covers various (in terms of content, scope and intensity) types of control or oversight powers that are entrusted to individual persons/entities, that is, oversight in line with special laws. This change actually more accurately reflects the fact that every body with the right and obligation under the law to control or oversees certain aspects of the work of security services exercises democratic civilian control over these services, within their purview.

This amendment has been fully accepted and included in the adopted law.

The other amendment proposes to provide for the obligation to pass a law, within one year of entering into force of this law, on opening of the files of security services, including those that were dissolved, kept about citizens for political reasons. The purpose of this amendment was to create conditions for rehabilitation, restitution and compensation of damages in regard of the citizens whose fundamental human rights and freedoms were violated by keeping of security services files during the totalitarian regimes of the past. The amendment also had an intention to prevent similar human rights in the future.

The parliamentary committee rejected this amendment.

4. With regard to the draft Law on the National Assembly of Serbia and the Rules of Procedure of the National Assembly forwarded to the Protector of citizens for an opinion, a number of amendments was proposed to the Rules of Procedure; these amendments should specify and elaborate those provisions of the Constitution and the Law on the Protector of Citizens that are related to the relationship between the Assembly and the Protector, such as: inviting of the Protector to the sessions of the Assembly, the right to represent the Protector in the sessions, competences of particular parliamentary committees to consider issues from the purview of the Protector, taking of oath and decision on the immunity of the Protector of Citizens and deputies, legislative initiative of the Protector to the Assembly, and other relations between the Assembly and the Protector;
5. Under Article 18, para 4 of the Law on the Protector of Citizens („Official Gazette of the RS“ nos. 79/2005 and 54/2007), following a request from the Ministry of Labour and Social Issues, the Protector gave an opinion on the draft Law on the Protection of Rights of the Child. He underlined that the Constitution and the Law on the Protector already cover the subject matter governed by the draft Law on the Protection of Rights of the Child. Pursuant to current legislation, the Protector is obligated to pay special attention, inter alia, to the protection of the child’s rights, and instructed to ensure specialization in this matter at the level of deputies. Provisions in said laws provide all mechanisms known in the comparative practice for efficient exercise of the protection by the institution of ombudsman and in the manner not limiting the application of special methods and ways of work required by the specific nature of protection of child’s rights, in general, and the protection of children with special n needs. Also, the Protector indicated that it is not true, as stated in the Explanation to the Law, that Children’s Ombudsmen, as independent bodies at the parliamentary level (as envisaged for the Protector of Child’s Rights by the draft law) exist in Austria, Belgium, Denmark, France, Finland, Ireland, Iceland, Italy, Lithuania, Macedonia, Hungary, Norway, Portugal, Romania, Russia, Northern Ireland, Spain, Sweden, Wales, Croatia, Israel. In contrast to what is inferred in

the explanation to the draft Law, ombudsmen for the rights of the child are in most cases deputies of the general ombudsman, or independent bodies of the government. This opinion of the Protector of Citizens, from unknown reasons, was not presented at the session where the government approved the draft Law and decided to submit it to the National Assembly.

## COOPERATION

Cooperation with government agencies – representatives of legislative, executive and judicial authority, independent institutions, and civic society organizations – particularly non-governmental organizations and the media – and international cooperation are the preconditions for a full discharge of the duty of the Ombudsman.

### *National Assembly*

Immediately upon the election of the Ombudsman by the National Assembly, the National Assembly Speaker saw the Ombudsman who set out his strategy and activity plans. In a meeting held at the request of the Ombudsman at the end of December 2007, the Ombudsman told the Assembly Speaker that the deadline for the appointment of deputy Ombudsman was set to expire and requested that a session be convened to make such an appointment.

In the course of September 2007, the Ombudsman established telephone contact with heads or deputy heads of all MP groups in the National Assembly in order to procure that a draft act on job classification and organization of the Secretariat of the Ombudsman be included in the agenda of the National Assembly.

In December 2007, the Ombudsman addressed a letter to all Members of Parliament pointing to the expiry of the deadline for the election of deputy Ombudsman and the consequences that might arise should the deadline be missed.

The Ombudsman attended and delivered a speech at a meeting held to mark November 25, International Day for the Elimination of Violence against Women, organized by the Gender Equality Committee of the National Assembly.

During the reporting period, the Ombudsman met two MPs who expressed an interest in familiarizing themselves with the activities of the Ombudsman.

Bearing in mind the parliamentary nature of the institution of the Ombudsman, in the period prior to the allocation of provisional offices to the Ombudsman in New Belgrade, the National Assembly made available for use by the Ombudsman two offices at the National Assembly Hall, an administrative assistant, assistance by the Assembly security services, the mail receipt and dispatch service, public relations and other required services, and the necessary office supplies, without which the work of the Ombudsman would have been impossible over that period.

## *Government of the Republic of Serbia*

In October 2007, the Ombudsman met the Serbian Prime Minister to acquaint him with initial experiences and observations as regards the protection and promotion of human and minority rights and freedoms, and cooperation with executive authority institutions. The Ombudsman also familiarized the Prime Minister with the difficulties encountered in creating the basic conditions for the operation of the institution which is the Government's legally prescribed obligation. Part of the meeting was also attended by the Secretary-General to the Republican government. After the meeting, the competent government services intensified their efforts aimed at finding an office for the institution of the Ombudsman, which finally bore fruit.

## *Local Ombudsmen*

In view of the provisions of the Law laying down the manner of cooperation between the Ombudsman, the Provincial Ombudsman, the People's Office of the President of the Republic and local ombudsmen, once he had assumed the office, the Ombudsman established regular and intensive contacts with representatives of these bodies.

From the very first day, uninterrupted cooperation was established in the protection and promotion of human and minority rights with two related institutions with a longer tradition – the Provincial Ombudsman of the Autonomous Province of Vojvodina and the Civic Defender of the City of Belgrade.

With a view to creating an informal network of ombudsmen to ensure a more efficient protection and promotion of human and minority rights at all national levels of authority, at the end of October, the Ombudsman held a meeting with the Provincial Ombudsman and his deputies, the Civic Defenders of Belgrade, Niš, Kragujevac, Bačka Topola, Sombor, Zrenjanin, Subotica, Grocka, Šabac, and Rakovica and the Director of the People's Office of the President of the Republic. Continued cooperation was agreed with the aim of providing a more efficient protection of citizen's rights and availability of institutions. Ombudsmen are independent institutions and their mutual relations are not hierarchical. The Ombudsman and local ombudsmen maintain contact almost on a daily basis.

## *Ministries*

The need for the Ombudsman to commence exercising, without delay, his competencies in the domain of the protection of citizens' rights, and for establishing cooperation, called for the holding of emergency meetings with a large number of ministers in the Republic of Serbia Government. In the reporting period, meetings were held with the following ministers and officials:

- The Minister of Finance, for the purpose of preparing a draft budget of the Ombudsman for 2008 and establishing legally prescribed cooperation in addressing complaints against the work of the Ministry of Finance;

- The Minister of Labour and Social Policy, for the purpose of establishing cooperation in addressing complaints and promoting citizens' rights in the labour and social policy sphere,
- The Minister of Health, for the purpose of establishing cooperation in the sphere of addressing complaints and promoting the protection of rights falling within the scope of the Ministry;
- The Minister for State Administration and Local Self-rule, for the purpose of establishing cooperation in the sphere of addressing complaints and promoting the activities of the administration (particularly the initiative for adopting a Code of Conduct for administrative bodies staff) and protecting the rights falling within the competence of the Ministry;
- The State Secretary of the Defence Ministry, for the purpose of establishing cooperation in addressing complaints and promoting the rights falling within the competence of the Ministry, and particularly for the purpose of the Ombudsman's setting out his opinion and comments on the draft Defence Law and the Army Bill;
- The Minister of Justice, for the purpose of establishing cooperation in the sphere of addressing complaints and promoting the protection of rights falling within the competence of the Ministry, particularly the right to a trial within a reasonable deadline;
- The Minister of Education, for the purpose of establishing cooperation in the sphere of addressing complaints and promoting the protection of rights falling within the competence of the Ministry;

### ***Commissioner for Information of Public Importance***

During the reporting period, the Ombudsman held several meetings with the Commissioner with a view to exchanging experience and information falling within the competence of the two institutions. The Secretariat of the Commissioner provided great assistance to the Administrative and Technical service of the Ombudsman in performing the tasks required for setting up the new institution.

### ***Cooperation with the Non-governmental Sector***

In view of the nature of the Ombudsman institution and the importance of the non-governmental sector for the development of democracy, particularly for the protection and promotion of human and minority rights in the Republic, cooperation with civic society organizations, especially non-governmental organizations, is one of the basic elements of the strategy pursued by the Ombudsman.

For the purpose of establishing the basis for cooperation in the sphere of protection and promotion of human and minority rights, the Ombudsman held the first meeting with representatives of non-governmental organizations in October 2007. During the meeting, particularly emphasized were the possibilities for promoting the respect for citizens' rights vesting the Ombudsman with the right of legislative initiative and the right to gain insight into the circumstances of all concrete cases of violation of rights. Also highlighted were the potentials of non-governmental organizations in the field. The need for the state to provide protection to members of non-governmental organizations, who, in their fight for the protection and promotion of human and minority freedoms and rights, are themselves often exposed to threats, was mutually acknowledged. It was also concluded that it was necessary

urgently to bring the legal framework for the operation of non-governmental organizations into line with the Constitution of the Republic of Serbia and European standards. The meeting was attended by representatives of the Centre for Civil and Military Relations, the Belgrade Fund for Political Excellence, the Helsinki Committee for Human Rights, the Fund for an Open Society, JUCOM, the Civic Initiatives, CESID, the Belgrade Centre for Human Rights, the Balkan Fund for Democracy, Transparency Serbia, the Youth Initiative for Human Rights, the Center for Cultural Decontamination, the Alternative Academic Educational Network, the Judges' Association of Serbia, the Forum for Ethnic Relations, the European Movement in Serbia, and the Humanitarian Law Center.

Over the reporting period, the Ombudsman held a string of individual meetings with representatives of non-governmental organizations to discuss issues of mutual interest. The Ombudsman also issued four recommendations for the projects of non-governmental organizations aimed at strengthening the mechanism for the protection and promotion of human and minority rights.

### ***Cooperation with the Ombudsmen of Foreign Countries***

In the reporting period, the Ombudsman also maintained cooperation with the Ombudsmen of foreign countries through multilateral meetings and bilateral contacts. A particularly important cooperation was established with the national ombudsmen of Greece and Slovenia and the regional, Catalan ombudsman in Spain.

In December 2007, the Ombudsman hosted a one-day visit by the Slovene Ombudsman, Zdenka Čebašek-Travnik, aimed at an exchange of experience, particularly as regards the rules of operation of the Administrative and Technical Service of the Ombudsman. Apart from the talks with the host, the following meetings were also organized for the Slovene Ombudsman:

- With the Civic Defender of the City of Belgrade,
- With the President of the Belgrade City Assembly (who, at the time, was also acting Mayor of Belgrade),
- With the Administrative and Technical Service of the Ombudsman, at which the rules of operation of the Slovene Ombudsman and the criteria applied by that body to the classification of complaints were presented;
- With deputy Ombudsmen candidates whom the guest of the Republic of Slovenia briefed, during working lunch, about the experiences in the election and work of the deputy Ombudsman of the Republic of Slovenia.

Winding up her visit, the Slovene Ombudsman delivered a lecture on human rights at Zemun Grammar School and, along with her hosts, talked to the students and teachers of that educational institution.

### ***Cooperation with International Organizations***

*OSCE (Memorandum of Understanding, trademark, cooperation with the Catalan Ombudsman)*

On October 16, 2007, the Ombudsman and the Head of the OSCE Mission to Serbia signed a Memorandum of Understanding envisaging cooperation with and assistance from the OSCE Mission in promoting the institution of the Ombudsman and other issues of importance for

the accomplishment of its objective, particularly in creating and strengthening the capacity of the institution of the Ombudsman, familiarizing the Ombudsman's Administrative and Technical Service staff with the best international human right practices, raising the awareness and knowledge of citizens and civil servants about the competences of the Ombudsman, improving the transparency of the Ombudsman's work, and cooperation between the Ombudsman and other institutions in the promotion and protection of human rights in this country and abroad. The Ombudsman undertook to create all the conditions required for the implementation of the Memorandum.

On the basis of the Memorandum with the OSCE, concrete forms of cooperation with the Ombudsman of Catalonia in Spain were agreed as well. Also arranged was the holding of six round table discussions in Serbia devoted to the promotion and protection of human rights. This cooperation will also include two visits by the Ombudsman's Administrative and Technical Service staff to the office of the Catalan Ombudsman.

#### *IPA Funds of the EU*

Under the Framework Agreement signed between the Republic of Serbia and the EU Commission, the obligations were undertaken to conduct the preparations of the organizational and personnel structure of the beneficiary bodies. Pursuant to the provisions of the said Agreement, the competent Ministry (for State Administration and Local Self-rule) drew up and submitted a Draft Project for Financing from IPA funds in 2007. Upon the review of the said Draft, the Ombudsman was allocated one million euros worth of funds for the promotion of the international organization of the institution in compliance with the best European practices, creation of the conditions for enhancing cooperation with the provincial and local ombudsmen and awareness-raising about the importance of the existence and operation of the institution of the Ombudsman through public campaigns. The implementation of the project is expected to commence in the second half of 2008.

#### ***Tabular Overview of Cooperation***

*With local ombudsmen and the ombudsmen of foreign countries:*

Date, venue	16 August 2007, Novi Sad
Meeting with	Provincial Ombudsman Petar Teofilović
Occasioned by	Establishment of cooperation and a press conference
Date, venue	28 September 2007, Novi Sad
Meeting with	Provincial Ombudsman Petar Teofilović
Occasioned by	Marking the fourth anniversary of the Provincial Ombudsman
Date, venue	16 October 2007, Belgrade
Meeting with	Dužanka Gaćeša, Civic Defender for the City of Belgrade
Occasioned by	Establishment of cooperation; a review of issues of mutual interest
Date, venue	31 October 2007, Belgrade
Meeting with	Provincial and local ombudsmen and/or their deputies of Vojvodina, Belgrade, Bačka Topola, Sombor, Zrenjanin, Subotica, Grocka, Kragujevac, Šabac, Rakovica and Niš, and the Director of the People's Office
Occasioned by	Establishment of an informal network of ombudsmen at various

levels for the purpose of ensuring a more efficient protection and promotion of human and minority rights

Date, venue	12 November 2007, Belgrade
Meeting with	Dužanka Gaćeša, Civic Defender for the City of Belgrade
Occasioned by	Regular cooperation concerning current complaints
Date, venue	9 October 2007, Belgrade
Meeting with	Tanja Pašić, Director of the People's Office of the President of the Republic
Occasioned by	Cooperation concerning current complaints
Date, venue	16 November 2007, Belgrade
Meeting with	Dužanka Gaćeša, Civic Defender for the City of Belgrade
Occasioned by	Cooperation concerning current complaints
Date, venue	20 November 2007, Belgrade
Meeting with	Dužanka Gaćeša, Civic Defender
Occasioned by	Consideration of long-term cooperation
Date, venue	10 December 2007, Belgrade
Meeting with	Ombudsman of the Municipality of Rakovica
Occasioned by	Presentation of the award for humanity and contribution to the protection of human rights - Best Citizen of the Municipality of Rakovica for 2007.

*With the ombudsmen of foreign countries*

Date, venue	7 December 2007, Belgrade
Meeting with	Zdenka Čebašek –Travnik, Ombudsman of the Republic of Slovenia
Occasioned by	One-day visit aimed at an exchange of experience

*With representatives of other state institutions*

Date, venue	10 July 2007, Belgrade
Meeting with	Rodoljub Šabić, Commissioner for Information of Public Importance
Occasioned by	Review of issues of mutual interest.
Date, venue	23 July 2007, Belgrade
Meeting with	Oliver Dulić, Speaker of the National Assembly
Occasioned by	Presentation of the basis for the Ombudsman's strategy and his priorities.
Date, venue	24 July 2007, Belgrade
Meeting with	Dejan Mihajlov, Secretary-General of the Government of RS
Occasioned by	Creation of the conditions for the operation of the institution by the Government
Date, venue	24 July 2007, Belgrade
Meeting with	Rodoljub Šabić, Commissioner for Information of Public Importance

Occasioned by	Exchange of experience in setting up the institution
Date, venue	26 July 2007, Belgrade
Meeting with	Milan Tomić, Director of the Directorate for Property
Occasioned by	Designation of the office for the Administrative and Technical Service.
Date, venue	2 August 2007, Belgrade
Meeting with	Mirko Cvetković, Minister of Finance
Occasioned by	Review of the financial needs of the institution of the Ombudsman and cooperation in addressing complaints against the work of the Ministry of Finance
Date, venue	10 August 2007, Belgrade
Meeting with	Rasim Ljajić, Minister of Labour and Social Policy
Occasioned by	Cooperation in the protection of citizens' rights in the labour and social policy sphere
Date, venue	10 August 2007, Belgrade
Meeting with	Vladimir Cvijan, Advisor to the President of RS in charge of legal affairs
Occasioned by	Cooperation with the President of the Republic
Date, venue	10 August 2007, Belgrade
Meeting with	Rodoljub Šabić, Commissioner for Information of Public Importance
Occasioned by	Review of issues of mutual interest
Date, venue	20 August 2007, Belgrade
Meeting with	Petar Ladjević, Director of the Service for Human and Minority Rights of the RS Government
Occasioned by	Cooperation in the protection of human and minority rights
Date, venue	20 September 2007
Meeting with	Milan Tomić, Director of the Directorate for Property of RS
Occasioned by	Identification of available premises
Date, venue	27 September 2007, Belgrade
Meeting with	Tomica Milosavljević, Minister of Health and Chairman of the government Commission for the Allocation of Business Facilities and Premises
Occasioned by	Cooperation in the sphere of complaints against the operation of the Ministry of Health and protection of the right to health care; provision of premises for the work of the Ombudsman
Date, venue	4 October 2007, Belgrade
Meeting with	Milan Marković, Minister for State Administration and Local Self-rule;
Occasioned by	Cooperation in the promotion of the operation of state administration bodies; reaching agreement on the initiative for adopting a code of conduct of state administration staff



Date, venue	15 October 2007, Belgrade
Meeting with	Vojislav Koštunica, Prime Minister of RS
Occasioned by	Information about the first experiences and observations in the work of the Ombudsman; identification of problems in securing the premises and other conditions for work
Date, venue	24 October 2007
Meeting with	Igor Jovičić, State Secretary at the Defence Ministry
Occasioned by	Draft laws on defence and the army and the Ombudsman's comments
Date, venue	25 October 2007, Belgrade
Meeting with	Dušan Petrović, Minister of Justice
Occasioned by	Cooperation in addressing citizens' complaints against the operation of courts
Date, venue	2 November 2007, Belgrade
Meeting with	Zoran Lončar, Minister of Education
Occasioned by	Cooperation in the domain of exercising the right to education
Date, venue	20 November 2007, Belgrade
Meeting with	Rasim Ljajić, Minister of Labour and Social Policy
Occasioned by	Exchange of opinions on the Draft Law on the Ombudsman for Children

*With the non-governmental sector*

Meeting with      Representatives of non-governmental organizations: the Centre for Civil and Military Relations, Belgrade Fund for Political Excellence, Helsinki Committee for Human Rights, Fund for an Open Society, JUCOM, Civic Initiatives, CESID, Belgrade Centre for Human Rights, Balkan Fund for Democracy, Transparency Serbia, Youth Initiative for Human Rights, Center for Cultural Decontamination, Alternative Academic Educational Network, Judges' Association of Serbia, Forum for Ethnic Relations, European Movement in Serbia and Humanitarian Law Center.

Occasioned by      The Ombudsman staged a meeting with representatives of the non-governmental sector in Serbia to discuss concrete forms of cooperation in the protection and promotion of human and minority rights and other issues of mutual interest.

Particularly stressed at the meeting were the possibilities for the promotion of the respect for the rights of citizens provided by the Ombudsman's right to legislative initiative and the right to insight into the circumstances of all concrete cases of violation of rights. The potential, skills and poor distribution in the field of non-governmental organizations were highlighted as well. It was also concluded that the state should provide protection to non-governmental organizations which are often confronted with threats as they fight for the protection and promotion of human and minority rights.

*With representatives of international organizations and foreign states*

Date, venue 31 July 2007, Belgrade  
Meeting with Ruth van Rhijn, Head of the Rule of Law and Human Rights Department of the OSCE Mission  
Occasioned by Talks on cooperation with and assistance from the OSCE in the setting up of the institution and implementation of activities

Date, venue 2 August 2007, Belgrade  
Meeting with Julia Roig, representative of ABA CEELI, Europe and Eurasia Programme  
Occasioned by Draft cooperation project

Date, venue 9 August 2007, Belgrade  
Meeting with Josep Lloveras, Head of the European Commission Delegation to Serbia  
Occasioned by Establishment of cooperation

Date, venue 30 August 2007, Belgrade  
Meeting with Jens Modvig, Director of the UN Provisional Mission in Kosovo  
Occasioned by Briefing about the competences of the Ombudsman

Date, venue 11 September 2007, Belgrade  
Meeting with Clare Birgin, Ambassador of Australia  
Occasioned by Briefing about the competences of the Ombudsman, particularly his powers in controlling the transparency of public tenders.

Date, venue 19 September 2007, Belgrade  
Meeting with Hina Jilani, UN Special Rapporteur on Human Rights Defenders  
Occasioned by Briefing about the competences and setting up of the office of the Ombudsman; talks on the protection of human rights defenders.

Date, venue 26 September 2007, Belgrade  
Meeting with Vitaliano Esposito and François Sant'Angelo, Rapporteurs of the Delegation of the European Commission against Racism and Intolerance of the Council of Europe  
Occasioned by Evaluation of the situation regarding racism and intolerance in Serbia. The Ombudsman presented to the Council of Europe rapporteurs the Law on the Ombudsman and acquainted them with the activities being taken to set up the institution. Esposito and François Sant'Angelo were particularly interested in the competences of the Ombudsman, particularly in combating racism and intolerance, the manner of instituting and completing the legal proceedings for the protection of citizens' rights, and his cooperation with the non-governmental sector.

Date, venue 5 October 2007, Belgrade

Meeting with	Rapporteurs of the Council of Europe, Charles Gorenz and Andreas Gross.
Occasioned by	Determination of the degree of compliance with obligations undertaken by the Republic of Serbia after becoming a member of that organization. The Ombudsman presented the Law on the Ombudsman and familiarized the rapporteurs with the activities aimed at establishing the institution of the Ombudsman in Serbia. Gorenz and Gross demonstrated particular interest in the competences of the Ombudsman vis-à-vis the executive authority, creation of the conditions for the commencement of operation of the Ombudsman's Administrative and Technical Service, and the priorities in the operation of the new institution.
Date, venue	15 October 2007, Belgrade
Meeting with	Sara Crespo, Deputy Ambassador of Portugal
Occasioned by	Briefing about the competences and establishment of the office of the Ombudsman
Date, venue	16 October 2007, Belgrade
Meeting with	Hans Ola Urstad, Head of the OSCE Mission to Serbia
Occasioned by	Signing the <i>Cooperation Agreement</i> between the Ombudsman and the Mission. The Agreement envisages that the office of the Ombudsman will receive support from the OSCE Mission for the purpose of raising citizens' awareness and knowledge about and the manner in which the citizens can obtain access to that institution. In addition: improving the transparency of the office's work, designing its website, and expanding the cooperation of the office with other institutions dealing with the protection of human rights in this country and abroad.
Date, venue	16 October 2007, Belgrade
Meeting with	Five-strong delegation of the Petitions Committee of the German Federal Parliament – Bundestag (Günter Baumann, Klaus Hegemann, Jens Ackermann, and Philip Winkler)
Occasioned by	Familiarization with the competences and activities of the Ombudsman; an exchange of experience
Date, venue	17 October 2007, Belgrade
Meeting with	Deputy Heads of the EU missions to Serbia. The meeting was attended by Ulrike Hartmann (Austria), Yves Berteau (Belgium), Constantinos Marcou (Cyprus), Alenka J. (Czech Republic), Morten Villumsen (Denmark), Alski Vakuri (Finland), Lilas Berhneim (France), Nick Groves (Great Britain), Argiris Makris (Greece), Istvan Fehervary (Hungary), Carlo lo Cacio (Italy), Cherd Hokstra (the Netherlands), Pavel Chervinsky (Poland), Sara Crespo (Portugal), Alexandru Muresan (Romania), Jan Psenica (Slovakia), Jadranka Sturm-Kocjan (Slovenia), Gabriel Cremedes (Spain), Björn Linderfalk (Sweden) and Esmeralda Hernandez Aragones (European Commission Delegation).
Occasioned by	Familiarization with the competences, priorities and activities of the Ombudsman.

Date, venue	31 October 2007, Belgrade
Meeting with	Denis Hubert, Head of the European Council Mission to Serbia,
Occasioned by	Familiarization with the competencies, priorities and activities of the Ombudsman, and the creation of the basis for cooperation.
Date, venue	14 November 2007, Belgrade
Meeting with	Head of the OSCE Mission in Serbia Hans Ola Urstad, the ambassadors of Sweden, Krister Bringeus, and the Kingdom of Norway, Haakon Blankenborg
Occasioned by	Review of the possibilities for cooperation and an exchange of experience with the ombudsmen of Nordic countries
Date, venue	19 November 2007, Belgrade
Meeting with	Members of the Committee against Torture of the Council of Europe (CAT): Petur Hauksson, Antonio Marchesi, and a member of the Secretariat, Isabelle Servoz-Gallucci
Occasioned by	Visits of the Committee to Serbia
Date, venue	29 November 2007, Belgrade
Meeting with	Members of the Committee against Torture of the Council of Europe (CAT), Petur Hauksson, and Antonio Marchesi, and a member of the Secretariat, Isabelle Servoz-Gallucci
Occasioned by	Presentation of the preliminary impressions and observations following the Committee's two-week visit to Serbia.
Date, venue	5 December 2007, Belgrade
Meeting with	Claudia Luciani of the Directorate for Political Support and Cooperation heading the Council of Europe Committee of Ministers Monitoring Mission
Occasioned by	Familiarization with the competences, priorities and activities of the Ombudsman.
Date, venue	12 December 2007, Belgrade
Meeting with	Josep Lloveras, Head of the European Commission Delegation to Serbia
Occasioned by	Assistance to the Ombudsman from the IPA funds
Date, venue	21 December 2007, Belgrade
Meeting with	Arancha Sanchez, International Project Advisor, the institution of the Catalan Ombudsman
Occasioned by	Cooperation planning

*Participation in expert gatherings*

In this country

Date, venue	27 July 2007, Belgrade
Title	<b>Public Debate on the Draft Law on Associations</b>

Organized by	Ministry of State Administration and Local Self-rule and the OSCE Mission to Serbia
Comment	An oral opinion in principle on the Draft issued
Date and venue	12 September 2007, Belgrade
Title	<b>Public Debate on the Draft Law on the Constitutional Court</b>
Organized by	Ministry of Justice, OSCE, Council of Europe
Comment	An oral opinion on the Draft issued
Date and venue	13 September 2007, Belgrade
Title	<b>Meeting on the topic of justice, freedom and security</b>
Organized by	Office for Accession to the EU
Comment	The establishment and activities of the Ombudsman presented
Date and venue	26 September 2007, Belgrade
Title	<b>Seminar on the Establishment of Institutions for the Protection of Child Rights</b>
	A visit by expert <b>Lena Nyberg</b> , Children's Ombudsman of the Kingdom of Sweden
Organized by	Technical Assistance and Information Exchange Instrument of the European Commission (TAIEX)
Comment	Exchange of experience about the legal framework and practical activities for the protection of child rights
Date and venue	28 September 2007, Belgrade
Meeting with	Rodoljub Šabić
Title	<b>Presentation of the awards to mark International Right-to-Know Day</b>
Organized by	American Bar Association (ABA CEELI), Commissioner for Information of Public Importance of RS, Serbian Independent Journalists' Association, NGO Coalition on Free Access to Information and the OSCE Mission in Serbia
Comment	Attendance at the award-presentation ceremony
Date and venue	12 October 2007, Niš
Title	<b>How to Provide Security Tailored to Citizens?</b>
Organized by	Center for Civil and Military Relations and the Civic Initiative Committee
Comment	An expose on citizens' right to security
Date and venue	25 October 2007, Belgrade
Title	<b>National Conference on the Elimination of Violence against Women</b>
Organized by	Gender Equality Department of the Ministry of Labour and Social Policy
Comment	An expose on the role of the Ombudsman in combating violence against women
Date and venue	30 October 2007, Belgrade
Title	<b>Round Table Discussion on Human Trafficking</b>
Organized by	Ministry of the Interior
Comment	An expose on the role of the Ombudsman in combating human

trafficking

Date and venue	1 November 2007, Belgrade
Title	<b>Experiences of the Ombudsman at the State, Provincial and Local Levels</b>
Organized by	Youth Initiative for Human Rights
Comment	An expose on setting up and role of the Republican Ombudsman in the network of ombudsmen in the Republic
Date and venue	2 November 2007, Belgrade
Title	<b>National Conference on Patients' Rights</b>
Organized by	Ministry of Health
Comment	A multitude of problems in exercising the right to health care identified
Date and venue	12 November 2007
Title	<b>Implementation of international bodies' decisions with special emphasis on the execution of judgments of the European Court of Human Rights</b>
Organized by	Belgrade Human Rights Centre in cooperation with the OSCE Mission, Judiciary Training Center and AIRE Centre of London.
Comment	Training
Date and venue	14 November 2007, Belgrade
Title	<b>Democratic Supervision over the Implementation of Special Measures and Authorizations</b>
Organized by	OSCE Mission in Serbia in cooperation with the Center for Civil and Military Relations
Comment	An expose on the protection of citizens' rights in the sphere of security; the authorizations and control of the security service
Date and venue	20 November 2007, Belgrade
Title	<b>Seminar on the Revised European Social Charter</b>
Organized by	Ministry of Labour and Social Policy under the auspices of the Council of Europe - Secretariat for the European Social Charter and Revised European Social Charter
Comment	Training
Date and venue	27 November 2007, Belgrade
Title	<b>Marking November 25, International Day for the Elimination of Violence against Women</b>
Organized by	Gender Equality Committee of the National Assembly of RS
Comment	An expose on the role of the Ombudsman in combating violence against women
Date and venue	30 November 2007, Belgrade
Title	<b>Round table discussion entitled Death Penalty - Never Again!</b>
Organized by	Center for Peace and Development of Democracy and the Belgrade City Assembly
Comment	Marking International Death Penalty Abolition Day, education
Date and venue	3 December 2007, Belgrade
Title	<b>Public debate entitled Czech Experiences in Intelligence Service</b>

	<b>Reform</b>
Organized by	Association for Euro-Atlantic Cooperation with the support of the MFA of the Czech Republic
Comment	Education
Date and venue	7 December 2007, Belgrade
Title	Round table discussion and a press conference
	<b>December 9 - International Anti-Corruption Day</b>
Organized by	Transparency Serbia and the UN Office on Drugs and Crime (UNODC)
Comment	Participation and training
Date and venue	13 December 2007, Belgrade
Title	<b>Tenth security sector reform school</b>
Organized by	Center for International and Security Affairs (NGO)
Comment	An expose on the role of the Ombudsman in the democratic civil control of the security sector
Date and venue	14 December 2007, Belgrade
Title	<b>Reparations - Legal and Moral Obligation of the State towards Victims</b>
Organized by	Humanitarian Law Center in cooperation with the International Center for Transition Justice (ICTJ).
Comment	Education
Date and venue	14 December 2007, Belgrade
Title	<b>Non-violent communication training</b>
Organized by	McCann Erickson Public Relations
Comment	Education
Date and venue	19 December 2007
Title	<b>Execution of the decision of the Ombudsman on free access to information</b>
Organized by	OSCE Mission to Serbia
Comment	Education and cooperation
Date and venue	24-26 December 2007, Subotica
Title	<b>Seminar on Gender Discrimination on the Labour Market</b>
Organized by	OSCE Mission to Serbia
Comment	Education

### Abroad

Date and venue	16-18 September 2007, Sofia, Bulgaria
Title	<b>Ombudsman's Intervention: Between the Principles of Legality and Good Administration</b>
Organized by	Ombudsmen of Greece and Bulgaria, within the EUNOMIA project
Comment	Education and presentation of the Ombudsman institution in Serbia
Date and venue	21-22 November 2007, Bečići, Montenegro

Title	<b>Institutional Mechanisms for Protection from Family Violence and their Application</b>
Organized by	Podgorica SOS phone for women and child victims of violence, the Ombudsman and the Gender Equality Office of Montenegro
Comment	Education; an exchange of international experience
Date and venue	7-8 December 2007, Nafplion, Greece
Title	<b>International seminar entitled Lifting the Barriers of Social Participation: Roma Population Cases before the Ombudsman</b> , organized within the EUNOMIA project
Organized by	Ombudsman of Greece, EUNOMIA project
Comment	The lecture entitled <i>Using Education to Fight Social Exclusion of the Roma</i> held; education; an exchange of experiences
Date and venue	17-18 December 2007, Paris, France
Title	<b>Deprivation of Liberty and Human Rights: the Prevention of Torture in Europe</b>
Organized by	French Ombudsman and the Council of Europe Commissioner for Human Rights
Comment	Education, international cooperation, experiences in the establishment of national prevention mechanisms for monitoring the rights of persons deprived of liberty

## ***Ombudsman in the Media and International Reports***

### ***In the Media***

The media is the Ombudsman's unavoidable partner in the sphere of the protection and promotion of human and minority rights. In the course of the reporting period, the Ombudsman stepped up his media presence proportionate to an increase in the institution capacity in order to avoid citizens' disappointment as a result of excessive expectations.

In the period between the assumption of office on July 23, 2007 and the end of the year, the Ombudsman held two press conferences: one immediately upon his election on July 30, and the other on November 14 to mark the 100-day anniversary of the institution.

The Ombudsman regularly issued communiqués to inform the public of his activities. Until the end of 2007, the Ombudsman issued 18 statements carried by the printed and electronic media broadcast on national frequencies which ensure that they be heard and viewed in the entire territory of the state.

Given that at issue is a newly-established institution, one of the principal tasks of the Ombudsman was to present his competences in the media. A constant increase in the number of complaints filed to the Ombudsman points to the fact that the institution is becoming increasingly more recognizable to the citizens and that they place greater trust in it. This was substantially contributed to by the media which continually informed the citizens about the activities of the Ombudsman.

On October 4, the Ombudsman appeared in the *Poligraf* talk show on B92 to present the institution and give answers to certain questions pertaining to the protection of rights and



freedoms. On December 7, he participated in the *Oko* show aired on Channel 1 of RTS which discussed the mobbing issue. Besides the aforementioned appearances addressing a particular topic, regular reports on the work of the Ombudsman, his press conferences, statements, news and commentaries on current social issues were broadcast on TV stations with national frequencies. Most of the reports were aired on RTS, Pink TV and B92 TV programmes.

The largest number of articles published by the press deal with the setting up of the Ombudsman institution. Trailing behind in terms of coverage are statements and news items. As many as 19 special-purpose articles devoted to the Ombudsman's work were published. The written media were mostly interested in the number of citizens' complaints and their content and as a rule, they addressed the cases in which a citizen may refer to the Ombudsman for help and where and how this can be done.

Until the end of last year, the Ombudsman gave three interviews to the printed media: the *Vecernje Novosti* daily newspaper on July 2, the *Magyar Szó* on October 11 and the *Press* daily newspaper on December 2. Through media monitoring, it was established that from among the printed media published in minority languages, the most interested in the work of the Ombudsman was the *Magyar Szó* daily newspaper which carried nine articles.

Media presence	Electronic media	Printed media	Total
Statements	1	38	39
News items	11	2	13
Appearances/Interviews	2	2	4
Reports/Articles on the office	3	18	21
Commentaries	14	4	18
Press conferences	5	19	24
Public debates	2	4	6
<b>Total</b>	<b>38</b>	<b>87</b>	<b>125</b>

The Ombudsman will endeavour further to maintain good cooperation with the media in order for the Serbian public to be continually informed of the Ombudsman's activities and to ensure, in the best possible way, the preventive and educational aspect of the institution's activity. The envisaged preparation of a citizens' guide will contribute to their being better informed about the duties and competences of the Ombudsman. A similar publication intended for the administration authorities will also be prepared to ensure that they too be more familiar with the competences of the Ombudsman. The putting up of the Ombudsman's website, the preparation of which is currently under way, will contribute to the timely provision of information to the citizens and improved communication with the media.

### *In International Reports*

In their 2007 reports, international and non-governmental organizations positively assessed the election of Ombudsman and the setting up of the Administrative and Technical Service.

Among others, the following reports and analyses commented on the election of and assumption of office by the Ombudsman: the Report of the European Parliament (September

18, 2007)<sup>36</sup>, European Commission Serbia 2007 Annual Progress Report (November 7, 2007)<sup>37</sup>, Third Report (July 2007 – January 2008) - Compliance with obligations and commitments and implementation of the post-accession co-operation programme towards the Council of Europe (February 7, 2008)<sup>38</sup>, Report of the Head of the OSCE Mission to Serbia to the Permanent Council of the OSCE (February 28, 2008)<sup>39</sup>, Country Reports on Human Right Practices released by the Bureau of Democracy, Human Rights, and Labour of the State Department (the foreign affairs ministry) of the United States of America (March 11, 2008)<sup>40</sup>.

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<sup>36</sup> See: “Report with a proposal for a European Parliament recommendation to the Council on relations between the European Union and Serbia (2007/2126(INI))”, Committee on Foreign Affairs, by the Rapporteur Jelko Kacin, from September 18<sup>th</sup> 2007, p. 6, [www.europarl.europa.eu/sides/getDoc.do?docId=323086&docLanguage=en](http://www.europarl.europa.eu/sides/getDoc.do?docId=323086&docLanguage=en)

<sup>37</sup> See: “European Commission Serbia 2007 Progress Report”, November 6<sup>th</sup> 2007, pp. 6-9, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2007/nov/serbia\\_progress\\_reports\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf)

<sup>38</sup> See: “Serbia: 3<sup>rd</sup> Report (July 2007 – January 2008) - Compliance with obligations and commitments and implementation of the post-accession co-operation programme,” February 7<sup>th</sup> 2008, <http://coe.org.yu/eng/library/?sort=za>

<sup>39</sup> See: “Report of the Head of the OSCE Mission to Serbia, Ambassador Hans Ola Urstad, to the Permanent Council”. PC.FR/4/08, February 25<sup>th</sup> 2008, <http://www.osce.org/serbia/documents.html>

<sup>40</sup> See: “Country Reports on Human Rights Practices - 2007”, Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100583.htm>

## FINANCIAL STATEMENT

The funds for financing the Ombudsman are set aside under the 2007 Budget Law of the Republic of Serbia ("Off. Gazette of RS", No. 58/07), in the following economic classification section 6. function 133, OMBUDSMAN. The funds allocated to the Ombudsman and the Administrative and Technical Service amounted to 24,997,000.00 dinars.

The conditions and methods of maintaining business books, and presentation and submission of financial statements are made in accordance with the Budget Accounting Ordinance ("Official Gazette of RS", No. 125/2003 and 12/2006), and the provisions of the rules on the preparation, compilation and submission of financial statements in keeping with Articles 64 and 65 of the Budget System Law. The Ombudsman, as a direct budget beneficiary, submits budget execution statements to the Ministry of Finance – Treasury Administration, on a quarterly basis.

Pursuant to the 2007 Budget Law of the Republic of Serbia, the 27,472,000.00 dinars worth of revenues, with approved budgetary reserves in the amount of 2,530,000.00 dinars, were allocated to the Ombudsman, whereas the total of 2,442,317.00 dinars were used up in the same period. This means that 8.8% of the funds planned under the Budget were executed.

The 8.89% execution of the financial plan is a direct result of the fact that the Administrative and Technical Service of the Ombudsman was, for the aforementioned reasons, set up as late as December 24, hence the body had seven days for the execution of annual expenditures.

On December 3, at the Ombudsman's request of November 9, 2007, the Government of the Republic of Serbia granted the use of the funds from the current budgetary reserve totalling 2,475,000 dinars. The funds were necessary for financing the normal activities of the Ombudsman, in view of the fact that the 2007 Budget Law did not envisage operating costs for the institution which was not set up at the budget adoption time.

### Budget Execution

Section	Function	Ec. Classific.	DESCRIPTION	Budgetary resources under the RS Law	Budgetary reserves	Total (5+6)	Execution 2007	% Execution
1	2	3	4	5	6	7	8	9
6			OMBUDSMAN					
	133		Other general services					
		411	Salaries and fringe benefits	20,948,000		20,948,000	1,157,854	5.53
		412	Contributions payable by the employer	3,749,000		3,749,000	163,581	4.36
		413	Contributions in kind	50,000		50,000	/	/
		414	Social welfare contributions	50,000		50,000	9,858	19.72
		415	Employee allowances against costs	20,000	85,000	105,000	36,205	34.48
		421	Permanent costs	70,000	230,000	300,000	28,600	9.53
		422	Travelling costs	20,000	480,000	500,000	7,715	1.54
		423	Services under the contract	20,000	1,480,000	1,500,000	837,462	55.83
		424	Special services	20,000		20,000	/	/
		426	Material	50,000	200,000	250,000	201,043	80.42
			TOTAL:	24,997,000	2,475,000	27,472,000	2,442,317	8.89

## **COMPLIANCE WITH THE OBLIGATIONS LAID DOWN BY THE LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE**

Pursuant to the provisions of Article 38 of the Law, the expert and administrative duties falling within the competence of the Ombudsman are performed by the Technical and Administrative Service of the Ombudsman. In accordance therewith, on December 3, 2007 the Ombudsman passed a Decision on the appointment of an official to address requests for free access to information of public importance whereby the deputy Secretary-General, Head of the General Affairs Department, is authorized to perform the duties prescribed under the Law on Free Access to Information of Public Importance ("Off. Gazette of RS", No. 120/04 and 54/07). The decision was submitted to the Commissioner for Information of Public Importance under Act 3 No: 3-505/07 of 11 December 2007.

In the course of 2007, eight requests for the exercise of the right to access to information were submitted to the Ombudsman. All of the requests were submitted by the Humanitarian Law Center, Belgrade, Mekenzijska 67 on November 26, 2007. The requests were fully responded to in compliance with the provisions of the relevant law and by-laws of the Ombudsman.

In 2007, no requests were waived or dismissed and therefore no complaints were filed against the decisions to waive or dismiss a request. No fees for the exercise of the right to free access of information of public importance were charged, either.

Given that the Administrative and Technical Service began to operate only recently and due to the lack of technical equipment, in 2007 no measures were taken to meet the obligation of publishing a directory or putting up a website.

## 2008 PLAN

The National Assembly is expected to elect Ombudsman deputies in 2008, which will provide for higher specialization for the protection of certain particularly vulnerable groups envisaged by the law, and substantially improve the efficiency and efficacy of the institution of the Ombudsman.

For the purpose of ensuring full capacity of the Administrative and Technical Service and implementing the planned activities, it is necessary to conduct a public competition to recruit the remaining civil servants to fill in the vacancies envisaged under the Rules on the Internal Organization and Job Classification of the Ombudsman's Administrative and Technical Service. The selection procedure must coincide with the moving of the Ombudsman into the building at 42 Resavska Street allocated to the institution of the Ombudsman under the decision of the Commission for the Allocation of Official Buildings and Business Premises of the Republic of Serbia Government, bearing in mind the fact that the current availability of premises and material and technical capacities provide for the employment of up to 50% of civil servants envisaged under the job classification act. Thereafter, the operation of the Administrative and Technical Service and the very business premises are planned to be tailored to citizens' needs.

In order to ensure greater availability to the citizens in the entire territory of the Republic in accordance with the best comparative practices, Ombudsman Days will be organized in certain towns. Visits by the Ombudsman will be announced in the local media and the citizens will have a direct opportunity to meet and talk to the Ombudsman and his aides. On such occasions, the Ombudsman will also visit regional state administration and local self-governance bodies. The Ombudsman will be hosted by local ombudsmen in places where local ombudsmen have been elected, whereas in towns where this is not the case, the Ombudsman will strongly encourage the local self-governance bodies to accomplish this goal. Despite the Ombudsman's statutory possibility to set up offices outside his seat in the entire territory of the country, the Ombudsman will not do so in the next reporting period, but will endeavour to ensure a more efficient and comprehensive protection of human rights through continual communication and cooperation between the ombudsmen at all levels, and strengthening of the local ombudsmen network.

Cooperation between the Ombudsman, Constitutional Court and Supreme Court of Serbia in upholding and protecting human rights will continue and improve by staging an initial expert gathering and later on, periodical working meetings and attendance by the Ombudsman of relevant sessions of the Constitutional and Supreme Courts, primarily with a view to discussing, adopting stands in principle and issuing opinions about the protection and promotion of human rights.

The priority in the first semester of 2008 will be to address complaints submitted in the course of 2007 and render the resolution of complaints received in 2008 more efficient. In the second half of 2008, the priority will be given to preventive activities – emphasis will be laid on the promotion of human rights. First and foremost, the activities aimed at providing for the legislative initiative of the Ombudsman will be stepped up in order to make sure that the laws, general by-laws and other regulations to be adopted in 2008 comply with the international legal standards. Besides, public panel discussions, symposia, round table discussions and conferences devoted to the promotion of human rights, and promotional activities such as the circulation of promotional material and the like, will be organized.

Special efforts in 2008 will be invested in improving, in cooperation with the Justice Ministry of the Republic of Serbia, the exercise of citizens' right to a trial within a reasonable deadline (as an element of the right to a fair trial), and in introducing a mechanism for the execution of awards delivered by the European Court of Human Rights.

Likewise, the Ombudsman will insist on and provide any assistance and support that the state bodies of the Republic of Serbia may require in adopting and consistently implementing the standards constituting the code of ethics of public servants, and thus contribute to the exercise of the right to good administration. Also insisted upon will be the respect for the well-known principles of the administrative proceedings – the principle of legality, the principle of the protection of citizens' rights and public interest, the principle of efficiency, the principle of truth, the principle of hearing the party, the principle of the evaluation of evidence, the principle of independence in decision-making on administrative matters, the principle of the full force and effect of a decision, the principle of providing assistance to the party, and the right to use the relevant language and script during the proceedings. At the same time, efforts will be invested in introducing additional principles in the operation of the administrative bodies, such as the principle of protection of citizens' reasonable legal expectations in order to ensure a comprehensive protection of the legally prescribed rights and interests of the citizens.

The Ombudsman will pay special heed to cooperation with other independent and government institutions with substantial competencies in the sphere of the protection of rights and fight against corruption (the Commissioner for Access to Information of Public Importance, State Auditor Institution, Public Procurement Administration, Commission for the Protection of Rights and the like)

In monitoring the legality and regularity of administrative bodies' work and protecting and promoting human and minority rights and freedoms, the priority will be given to the spheres specially referred to in the Law – the protection of the rights of apprehended persons (prevention and control), gender equality, child rights, national minority rights and disability rights.

## **SCHEDULES**

*Schedule 1: Organizational Chart of the Secretariat of the Ombudsman*