



**REPUBLIC OF SERBIA**  
**PROTECTOR OF CITIZENS**  
**3411- 56 / 23**  
**B e l g r a d e**



**Заштитник грађана**  
**Zaštitnik građana**

---

ref. no. 5986    date: 15<sup>th</sup> March 2023

**REGULAR ANNUAL REPORT**  
**OF THE PROTECTOR OF CITIZENS**  
**FOR 2022**

Belgrade, 15<sup>th</sup> March 2023

1. INTRODUCTION .....	1
1.1. FOREWORD .....	1
2. GENERAL ASSESSMENT OF THE OBSERVANCE OF CITIZENS' RIGHTS IN 2022 .....	7
3. BASIC STATISTICAL REVIEW .....	20
3.1. TOTAL NUMBER AND CLASSIFICATION OF COMPLAINTS .....	20
3.2. RECOMMENDATIONS, OPINIONS AND LEGISLATIVE INITIATIVES OF THE PROTECTOR OF CITIZENS.....	26
4. EXERCISE OF THE RIGHTS OF PARTICULARLY VULNERABLE GROUPS .....	32
4.1. CHILD RIGHTS.....	32
4.2. GENDER EQUALITY AND RIGHTS OF LGBTI PERSONS .....	42
4.3. RIGHTS OF PERSONS WITH DISABILITIES AND RIGHTS OF THE ELDERLY ..	50
4.4. RIGHTS OF NATIONAL MINORITIES .....	58
4.5. RIGHTS OF PERSONS DEPRIVED OF LIBERTY .....	64
4.5.1. NATIONAL PREVENTIVE MECHANISM .....	70
5. OTHER ACTIVITIES IN THE AREAS OF WORK OF THE PROTECTOR OF CITIZENS	77
5.1. AREA OF CIVIL AND POLITICAL RIGHTS .....	77
5.2. AREA OF ECONOMIC AND PROPERTY RIGHTS .....	87
5.3. AREA OF SOCIAL AND CULTURAL RIGHTS .....	98
6. SECTOR FOR THE RECEPTION OF CITIZENS.....	104
7. EMERGENCY RESPONSE DEPARTMENT .....	108
8. COOPERATION BY THE PROTECTOR OF CITIZENS .....	114
8.1. COOPERATION WITH PUBLIC AUTHORITIES EXCLUDED FROM THE CONTROL BY THE PROTECTOR OF CITIZENS .....	114
8.2. INTERNATIONAL COOPERATION AND PROJECTS .....	114
8.3. PROTECTOR OF CITIZENS IN THE MEDIA .....	117
ANNEX I - LEGAL FRAMEWORK AND THE SCOPE OF WORK OF THE PROTECTOR OF CITIZENS.....	121
ANNEX II - FINANCIAL STATEMENT .....	132
ANNEX III - HUMAN AND MATERIAL RESOURCES.....	141

# 1. INTRODUCTION

## 1.1. FOREWORD

Respected Members of the National Assembly,

Pursuant to Article 39, paragraph 1 of the Law on the Protector of Citizens, I hereby submit for the review the Regular Annual Report of the Protector of Citizens for 2022.

In the reporting year 2022, the Protector of Citizens, while controlling the work of competent state authorities, encountered various challenges in protecting the human rights of the citizens of the Republic of Serbia, as well as the rights of foreign citizens residing in it. Many years of experience in the protection of human rights enabled the Protector of Citizens to adequately respond to all challenges in 2022 and to contribute to the improvement of their work through control investigations and cooperation with administrative authorities.

The Protector of Citizens, in addition to the competences of the National Preventive Mechanism entrusted to it in 2011, entered this reporting year with three new competences – the national independent mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities, the national rapporteur in the field of human trafficking and the special body that protects, promotes and improves the rights of the child. New competences were assigned to the Protector of Citizens by the new Law on the Protector of Citizens, which was adopted in November 2021.

The intensive activities of the Protector of Citizens during the reporting year resulted in an increase in the efficiency of this institution's work. Namely, the Protector of Citizens completed 92% of the cases received in 2022, which represents an increase of 5% compared to the previous reporting year, thus placing it among the state bodies with the highest efficiency in work.

The general assessment of the human rights situation in the Republic of Serbia in 2022 is that human rights are largely respected, but that there is also room and need for further improvement of the work of competent authorities in various areas, as the Protector of Citizens pointed out in this report. As in the previous reporting period, the largest number of cases considered by the Protector of Citizens related to violations of economic, civil and social rights, as well as violations of the principles of good administration, primarily the right to efficient actions by the authorities and the right to obtain a decision within the legal term. The unfavourable economic and social position is particularly noticeable among members of vulnerable social groups, and the Protector of Citizens paid special attention to the protection of rights of children and young people, women, postpartum mothers, victims of domestic violence, the elderly and LGBTI persons, members of national minorities, migrants and asylum seekers at the state borders.

In 2022, 13,841 citizens addressed the Protector of Citizens, of which contact was made with 8,595 citizens; 1,645 citizens were admitted for an interview, and the number of cases formed was 3,601, of which there were 3,530 complaints and 71 own-initiative investigations. This year as well, the largest number of citizens' complaints related to the area of economic and property rights (42.24%), the area of civil and political rights (close to 23%), the area of social and cultural rights (around 14%) and the protection of children's rights (9%).

At the same time, in 2022, 1,417 cases from previous years were considered, of which work was completed on 1,099 cases. Accordingly, in the reporting period, the Protector of Citizens

considered a total of 5,018 cases, of which work was completed on a total of 4,419 cases, or 88.06%.

During 2022, the Protector of Citizens issued a total of 904 recommendations to administrative authorities, 344 through control investigations, and 560 through summary investigations, while within its preventive function, the Independent Preventive Mechanism issued 205 recommendations. Out of the total number of recommendations issued, the largest number – 237 (about 65%) refers to administrative departments. 60 recommendations were issued in the area of the rights of persons deprived of their liberty, 19 in the area of gender equality, 19 in the area of the rights of persons with disabilities, 16 in the area of children's rights and four recommendations in the area of the rights of national minorities. Authorities accepted 94 recommendations within the deadline (63.09%), 55 recommendations were not accepted, while for the 194 recommendations, the deadline left for the authorities to act has not yet expired or their handling is still being monitored.

During 2022, the Protector of Citizens submitted 28 opinions to public authorities, of which 19 were based on the legal provision to act preventively by providing advice and opinions on issues within its competence, with the aim of improving the work of administrative authorities and improving the protection of human freedoms and rights, and 8 opinions to the Government and the National Assembly, on the basis of its legal authority to submit opinions on draft laws and other regulations in the process of drafting regulations.

In order to protect and improve the rights of citizens, the Protector of Citizens submitted 4 legislative initiatives in the reporting period, for which the procedure is still ongoing.

The success of the Protector of Citizens in the reporting year is also reflected in the continuous interest of the media in reporting on the activities of this independent state institution for the protection of human rights. Electronic, print and internet media published 5,688 reports on human rights and the actions of the Protector of Citizens during the reporting year, which is several tens of publications more than in 2021, when 5,657 media reports were published. In the reporting year, the areas of promotion of human rights, protection of children's rights, protection of women from domestic violence and protection of the rights of national minorities mostly occupied the attention of the media. The largest number of announcements (5,324) about the activities of the Protector of Citizens and human rights had an affirmative character. Media reporting on human rights and the work of the Protector of Citizens is significant because it contributes to better information among citizens about the responsibilities of the Protector of Citizens and recognition of situations in which they can turn to it for the protection of their rights.

Considering that according to the new Law on the Protector of Citizens, this independent state institution for the protection of human rights performs the tasks of the national rapporteur for the area of human trafficking, in the reporting year, the Protector of Citizens launched own-initiative investigations in cases where there were indications that there was a need to protect victims of human trafficking. As part of the control investigations, the Protector of Citizens, for the first time, sent two reports to the Centre for Human Trafficking Victims' Protection, on the basis of which several victims of human trafficking were identified.

During the reporting year, the Protector of Citizens organized the reception of citizens at the institution's headquarters in Belgrade and in the regional offices in Bujanovac, Preševo and Medveđa. During 2022, the Sector for the Reception of Citizens received 891 complaints, of which 874 were completed, which means that this sector acted in 98.10% of the cases it received during the reporting year. Personal conversations of the Protector of Citizens with citizens through the "Open Doors of the Protector of Citizens" practice, which was established in 2017, were also held in 2022.

In this reporting year, the Protector of Citizens maintained contact with representatives of international and regional networks of which he is a member, as well as with representatives of the informal Balkan Network of Ombudspersons, of which he is an initiator and member. In order to exchange experiences, the Protector of Citizens cooperated with the ombudsmen of the countries with which he signed bilateral agreements in order to protect the rights of our citizens on their territories and the rights of foreign citizens in the Republic of Serbia, as well as with representatives of the Eurasian Ombudsman Alliance.

Although they recognize the Protector of Citizens as an institution they can turn to in cases where they cannot exercise some of their guaranteed rights, citizens are still not sufficiently familiar with the competences of this institution, which is also shown by the percentage of rejected complaints in 2022, which is only 4% lower than the previous reporting year and amounts to 64.22%. Of the total number of rejected complaints, almost 45% were rejected due to lack of competence, and more than a third due to unused legal remedies. However, even in cases of rejected complaints, the Protector of Citizens provided the complainants with counselling and legal assistance, which was done in about 76% of rejected complaints in the reporting year.

In this reporting period, the Protector of Citizens also had intensive project activities to acquaint the public with the competences of the Protector of Citizens in achieving gender equality, promoting and protecting the rights of LGBTI persons and educating children and young people about protection from sexual and violence in schools, the rights of vulnerable social groups and recognition and protection against human trafficking. In partnership with the civil sector, a project was carried out with the aim of improving the legislative framework in the area of protection of children from sexual exploitation, and with the support of UNICEF and in partnership with the European Network of Ombudspersons for Children (ENOC) in February 2022, a Special Report was published on the impact of measures and regulations to prevent the spread of the COVID-19 infectious disease on the exercise of children's rights.

In the field of children's rights, in 2022, the Protector of Citizens considered 323 cases, of which 302 were complaints from citizens and 21 own-initiative investigations. Out of the total number, the Protector of Citizens completed work on 299 cases, as well as work on 90 cases from the previous years. During the reporting year, the Protector of Citizens issued 16 recommendations to administrative authorities in the area of protection of children's rights, three of which were due for execution in the reporting period, and the competent authorities accepted two recommendations, that is, 66.67%. By providing information on possible victims of human trafficking, which he obtained through own-initiative investigations, the Protector of Citizens made a significant contribution in the reporting period to taking measures to protect children from this severe form of violence and justified the role of a special body that protects, promotes and improves children's rights. The Protector of Citizens actively participates in the work of the National Coalition to End Child Marriage.

In the area of gender equality and the rights of LGBTI persons, in 2022, the Protector of Citizens considered 80 cases, of which 60 were complaints from citizens and 20 own-initiative investigations, and completed work on 63 cases, as well as on 18 cases from previous years. The Protector of Citizens issued nine recommendations to the authorities, seven of which were due for execution in the reporting period, of which the administrative authorities accepted five recommendations, which makes 71% of the accepted recommendations. The largest number of violations of rights in this area relate to domestic violence, the rights of pregnant women and postpartum mothers and the right to compensation of incomes during absence due to pregnancy, maternity leave and child care, i.e., hate speech and violence against LGBTI persons.

In the area of the rights of persons with disabilities and the elderly, the Protector of Citizens considered 115 cases in 2022, of which 107 were complaints from citizens and eight own-initiative investigations. Out of the total number, the Protector of Citizens completed work on 80 cases, as well as work on 30 cases from previous years, issued eight recommendations to administrative authorities, five of which were due for execution in the reporting period, of which all five recommendations were accepted, i.e., 100%. In order to raise awareness of the importance of accessibility, in the reporting year, the Protector of Citizens, in cooperation with the Standing Conference of Towns and Municipalities and the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, for the sixth time in a row, awarded prizes to local self-government units that in the previous year contributed the most to the development of all forms of accessibility on their territory.

In the area of rights of national minorities, the Protector of Citizens considered 27 cases in 2022, of which 25 were complaints from citizens and two own-initiative investigations. Out of the total number of considered cases, work was completed on 25 cases, as well as on 13 cases from previous years, and four recommendations were issued to the administrative authorities, all of which were due for execution in the reporting period, and the competent authorities accepted only one of them. Violations of rights in these cases most often refer to special rights in the area of national minority rights: special rights of the Roma, prohibition of discrimination, individual rights of members of national minorities.

In the area of rights of persons deprived of their liberty, the Protector of Citizens recorded a smaller number of complaints compared to the previous reporting period, and as in previous years, the largest number of complaints received related to the rights of persons who are in institutions for the enforcement of penal sanctions, most often to dissatisfaction with health care and treatment. Complaints of persons in custody mainly related to the length of custody, violation of the right to a trial within a reasonable deadline and violation of the right to a fair trial. In 2022, the Protector of Citizens considered 196 cases, of which 191 were citizen complaints and five own-initiative investigations, and completed work on 180 cases and on 58 cases from previous years. Of that number, 119 complaints related to the treatment of persons serving a prison sentence, 31 complaints to the treatment of persons in custody, 20 complaints to the treatment of detainees and persons towards whom police powers were applied, 12 complaints to the treatment of migrants, 8 complaints to the treatment of persons undergoing treatment in psychiatric institutions and one complaint to the treatment of persons undergoing treatment in social welfare institutions. The Protector of Citizens issued 60 recommendations to the administrative authorities, of which 38 were due for execution in the reporting period, and all recommendations were accepted.

During the reporting period, the National Preventive Mechanism conducted 87 visits to institutions where persons deprived of their liberty are located and five oversights of procedures of forced removal of foreigners. 49 visits were conducted to police administrations, i.e., police stations within them, 26 visits to institutions for the enforcement of penal sanctions, six visits to social welfare homes and four visits to psychiatric institutions. Also, two visits were carried out in order to monitor the treatment of refugees and migrants and five oversights of the process of forced removal of 23 foreigners. In the reporting period, a total of 29 reports on the conducted visits were made and two group reports on the oversight of the forced removal of foreigners. A total of 205 recommendations were issued, of which 204 were from reports on the visits conducted to places where persons deprived of their liberty are or may be located, and one recommendation was from the area of oversight of forced removals of foreigners.

In the area of civil and political rights, this reporting period was also marked by complaints about the work of judicial authorities, the actions of public prosecutors' offices and the work

of public bailiffs. Given that the control of the work of courts and public prosecutor's offices is not within the competence of the Protector of Citizens, these complaints were rejected, and citizens were provided with information about the procedures and the competent authorities they can contact. As in the previous years, citizens mostly complained about problems with the delivery of supporting documents in the enforcement procedure (most often, they learn about the decision on enforcement only when the deadline for filing a legal remedy has expired), to doubts regarding compliance with restrictions of the enforcement against earnings/salaries and pensions, to violations of rights related to the enforcement procedures against immovable property.

In 2022, in the area of health, the Protector of Citizens identified violations of citizens' rights to health care and health insurance by healthcare institutions and the Republic Health Insurance Fund, and issued recommendations to eliminate them. The Protector of Citizens demanded immediate revocation of the instruction of the Republic Health Insurance Fund on entering the disease code in the documentation which is submitted to the employer on the occasion of absence from work, as well as that all necessary measures be taken in order to reduce multi-year waiting lists for certain surgical interventions.

In the area of economic and property rights, the Protector of Citizens received a large number of complaints about the work of the Real Estate Cadastre Service of the Republic Geodetic Authority due to the exceeding of the deadlines for acting on the requests of the parties in the first instance, that is, according to the declared legal means in the second instance. The Protector of Citizens asked this authority to take measures to determine the factual situation regarding the backlog in solving "old" cases and to determine the sequence of solving them in a general and reasonable deadline.

In the area of energy, the most numerous were complaints about the work of the public enterprises "Elektroprivreda Srbije" and "Elektrodistribucija Srbije d.o.o." which most often related to dissatisfaction with the received invoices for the consumed electricity, handling of complaints on the invoices issued, the manner of keeping records of payments and debts for the consumed electricity, the suspension of electricity supply and disconnection from the electricity distribution system, as well as about the enforcement procedures which the Public Enterprise "Elektroprivreda Srbije" initiates for the purpose of compulsory collection of claims.

The largest number of complaints that the Protector of Citizens received in 2022 in the field of environmental protection related to the problem of water, air and soil pollution, noise and unpleasant odours, and the actions of inspection authorities from the area of environmental protection in connection with reports by individuals or groups of citizens. However, the most common problems were related to noise from business facilities and unpleasant smells from catering facilities. The number of complaints from this area that the Protector of Citizens receives from year to year shows that it is necessary to continue to constantly work on spreading awareness about the importance of protecting the right to a healthy environment, especially in smaller local areas.

In the reporting year, a large number of citizens also addressed the Protector of Citizens about violations of social rights, primarily about untimely work of the administration, violation of the right to respect the law, the right to respect the created legal expectations, careless attitude towards work and obviously incorrect application of rights. The problem of the inadequate number of employees in social protection institutions has also been indicated, as well as the need to improve the working conditions.

Considering that after two years of unstable epidemiological situation caused by the COVID-19 virus pandemic, we, together with the whole world, were affected by the international

economic crisis, in this Regular Annual Report as well, I point out the necessity of improving the work of all competent authorities in order to realize the rights of citizens, especially those who belong to particularly vulnerable categories of the population. The Institution of the Protector of Citizens will continue to work on improving its independence and efficiency, by setting the postulate of human rights protection at a higher level, and will continue helping the competent authorities to be more proactive and efficient. As the protector of citizens of the Republic of Serbia, I remain committed to the protection and improvement of human rights and freedoms, primarily by responding to all omissions of the competent authorities, by advising citizens and submitting initiatives to amend the applicable regulations.

PROTECTOR OF CITIZENS

Zoran Pašalić, MSc



## 2. GENERAL ASSESSMENT OF THE OBSERVANCE OF CITIZENS' RIGHTS IN 2022

As in the previous reporting period, the largest number of cases considered by the Protector of Citizens in 2022 relate to violations of economic, civil and social rights. In addition to these violations, violations of the principles of good governance were also largely present, primarily the right to effective actions of the authorities and the right to obtain a decision within a legal deadline.

The unfavourable economic and social position is particularly noticeable among members<sup>1</sup> of vulnerable social groups, so the Protector of Citizens paid special attention to the protection of the rights of children and young people, women, postpartum mothers, victims of domestic and intimate partner violence, the elderly, members of the LGBTI population, members of national minorities, migrants and asylum seekers at state borders. In 2022, the Protector of Citizens had intensive activities in the oversight of the procedures of forced removal of foreigners from the Republic of Serbia.

The efficiency in the handling of cases in 2022 is higher than the previous year and amounts to 92.20%. Although the number of rejected complaints is still high, it is important to draw attention to the fact that the Protector of Citizens provided advisory assistance in 76.45% of rejected complaints, i.e., referred the complainants to the competent authorities or advised them on available legal remedies.

### CHILD RIGHTS

The realization and protection of child rights in 2022 were marked by a certain degree of stagnation when it comes to the systemic approach to solving issues important for improving the position of children, as one of the most vulnerable categories of the population. Although in individual cases, prescribed activities and measures are generally taken by state administration authorities, the impossibility of solving individual problems is often conditioned by shortcomings in the legislative framework and inconsistency of regulations in this area.

A fact that speaks in favour of the above, is that even after seven years, the National Action Plan for children has not been adopted, as the most important strategic document that determines the unique policy of our country in the area of the protection of child rights and improvement of living conditions of children in the Republic of Serbia.

Although the General Protocol for the Protection of Children against Violence was adopted at the beginning of 2022, the relevant ministries did not harmonize the procedures in the current special protocols with the child protection procedure provided for in the General Protocol.

It is necessary to continue the work which was started on amendments to the Family Law, which will, among other things, improve the position of children in the area of family and legal protection and create conditions for the prevention and elimination of the occurrence of child marriages.

There is still no systematic approach to solving problems when it comes to the actions of competent state authorities in the fight against human trafficking, which is why there is a lack of timely protection and assistance to victims, which include a large number of children.

---

<sup>1</sup> All terms expressed in the text in grammatical masculine gender imply the natural masculine and feminine gender of persons whom they refer to.

There are no visible campaigns that promote foster care as an extremely important form of care for children in the social protection system, nor have any activities been undertaken with the aim of establishing services of a social and health care nature that would help solve the problems of children with multiple and combined developmental disabilities and behavioural problems.

The system for the protection of children against violence, abuse and neglect is more focused on response and protection than on prevention as a prerequisite for combating violence in schools.

Despite imposing sanctions on the persons responsible for violating the prescribed obligations, certain media continue to publish information that do not respect the privacy of the child and expose child victims of violence to additional victimization.

The Ministry of Family Welfare and Demography, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Interior, the Republic Public Prosecutor's Office and the City of Belgrade adopted the *Plan for the Protection of Children in the Street from Violence, Neglect and Exploitation in the Republic of Serbia*, which should ensure more effective intersectoral cooperation in the protection of children in the street. However, the Law on Public Peace and Order does not recognize children involved in child begging, child prostitution and other forms of exploitation of children as victims of abuse and exploitation, but still treats them as offenders and prescribes their responsibility if they have reached the age of criminal responsibility.

## GENDER EQUALITY

In accordance with the recommendations that the Protector of Citizens has repeated in its annual reports since 2015, the Law on Gender Equality<sup>2</sup> was adopted and entered into force on 1<sup>st</sup> June 2021, with the exception of the provisions contained in Article 77 of the aforementioned Law<sup>3</sup>. Although this Law stipulates that by-laws for its implementation must be adopted within one year from the date of entry into force of this Law, they have not yet been adopted.

It is necessary to enable the implementation of the provision of the Law on Gender Equality, which prescribes that an unemployed person who is not health insured on any other basis acquires the right to health insurance on the basis of unpaid work (at home – running a household, taking care of children, taking care of other family members, work on agricultural land, etc.). Due to unpaid work at home, especially elderly women in rural areas are economically threatened, who have spent their whole lives engaged in unpaid work, but most often did not receive any income, since they are rarely the owners of agricultural holdings, and taxes and contributions were not paid for them in order for them to be able to realize the right to an agricultural pension.

The Action Plan for the implementation of the National Strategy for Preventing and Combating Violence against Women and Violence in Family and in Intimate Partner Relations<sup>4</sup> has not yet been adopted, although the prescribed deadline for its adoption has expired.

---

<sup>2</sup> "Official Gazette of RS", number 52/21.

<sup>3</sup> The provisions of Article 12, paragraph 3, Article 28, paragraphs 2 and 3, Article 55, paragraph 1, item 1), Article 58, paras. 3 and 4, Article 66, para. 9 and 10 of this law, shall come into force on 1<sup>st</sup> January 2024.

<sup>4</sup> Available at: <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php>.

The Criminal Code<sup>5</sup> is still not fully in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), especially in the way criminal acts against sexual freedom are defined, which the Protector of Citizens has been pointing out for years.<sup>6</sup>

The amendments to the Family Law, contained in the Baseline for the development of the Draft Law on Amendments to the Family Law from 2021, which should contribute to better protection of victims of domestic violence and harmonization with the Istanbul Convention of the Council of Europe, as well as implementation of some of the recommendations of the Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) from the report for the Republic of Serbia, have not yet been adopted. The Baseline for the development of the Draft Law on Amendments to the Family Law envisages, among other things, a change in the definition of domestic violence, prescribing new protection measures for victims of domestic violence: issuance of orders for inclusion in psychosocial treatment or a specialized program for perpetrators of domestic violence and the issuance of orders for treatment for alcoholism and drug addiction. The envisaged changes imply that conciliation and settlement in marital disputes are not carried out in case of domestic violence.

In addition to the adopted significant amendments to the Law on Financial Support to Families with Children<sup>7</sup>, in accordance with the suggestions of the Protector of Citizens, the provisions related to the compensation of other incomes have not yet been amended, so that women entrepreneurs, farmers, agricultural insurees and women who perform temporary and periodical jobs may be in the same legal position as employed women when exercising their rights during maternity leave and childcare leave, which this independent state body has been continuously pointing out.

Amendments to the Law on Financial Support for Families with Children<sup>8</sup>, which entered into force on 1<sup>st</sup> January 2022, stipulate, among other things, the right to funds for construction, participation in the purchase, i.e., the purchase of a family-residential building or apartment based on the birth of a child<sup>9</sup>, which can be exercised by the child's mother, and exceptionally, in the case of the mother's death, this right can also be exercised by the child's father. The Protector of Citizens noted that in practice there were problems in exercising this right, so he issued an Opinion on that occasion<sup>10</sup>.

Perpetrators of crimes against sexual freedom are usually repeat offenders, but the so-called "Marija's Law", i.e., the Law on Special Measures to Prevent Criminal Offences against Sexual Freedoms of Minors, adopted in 2013, applies only in cases where the victims of criminal offences against sexual freedom are minors. For this reason, in September 2022, the Protector of Citizens, Zoran Pašalić, announced that he would initiate amendments to the existing regulations in order to apply special measures to perpetrators of crimes against sexual freedom, even in cases where adult victims are involved, such as mandatory reporting to the police and the Administration for the Enforcement of Penal Sanctions, mandatory notification of change of residence, place of stay or workplace, mandatory visit to professional counselling centres or institutions, as well as mandatory notification of intention to travel abroad.

---

<sup>5</sup> "Official Gazette of RS", no. 85/05, 88/05 – corr., 107/05 – corr., 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19.

<sup>6</sup> Back in 2011, the Protector of Citizens sent to the Ministry of Justice the Initiative to Amend the Criminal Code.

<sup>7</sup> "Official Gazette of RS", no. 113/17, 50/18, 46/21 – CC decision, 51/21 – CC decision, 53/21 – CC decision, 66/21 and 130/21.

<sup>8</sup> "Official Gazette of RS", number 130/21.

<sup>9</sup> Article 11, paragraph 1, item 3a and 3b, Article 25a, 25b, 25v, 25g.

<sup>10</sup> Opinion available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7673-n-dl-zni-rg-ni-uv-zili-ishlj-nj-z-sh-i-ni-gr-d-n-pri-d-n-sh-nju-n-v-ur-db-subv-nci-i-z-up-vinu-s-n-p-sn-vu-r-d-nj-d>.

## RIGHTS OF LGBTI PERSONS

In the period from 2014 to 2019, pride parades in Belgrade were held continuously, without incident, with the significant involvement of police forces due to the high security risk for the participants of the Parade. Due to the pandemic of the COVID-19 infectious disease, the Pride Parade was not held in 2020. Numerous activities within EuroPride 2022 were held without incident, but the walk was banned for security reasons by the Ministry of Interior, and was then held on a changed, shortened route, with significant involvement of the police. During the walk, there was a conflict between the police and opponents of EuroPride 2022 on the edges of the protected zones. Several EuroPride participants from abroad were attacked on their way back from the final event – the concert, which was held after the walk.

The law regulating same-sex unions has not yet been adopted, as well as the law regulating the legal consequences of adjusting (changing) gender<sup>11</sup>.

There are still no amendments to the Criminal Code, which in all regulations aimed at punishing and preventing racism and intolerance, would criminalize the act of committing these crimes both on the basis of sexual orientation and gender identity, nor to the Law on Police<sup>12</sup>, which would explicitly prescribe prohibition of discrimination on the grounds of sexual orientation.

Although the World Health Organization removed transgender identity from the list of mental illnesses, despite the recommendation of the Protector of Citizens<sup>13</sup>, the Ministry of Health has not yet started implementing the program for the depathologization of trans identity, so the Protector of Citizens organized a meeting<sup>14</sup> dedicated to the initiation of this topic.

## RIGHTS OF PERSONS WITH DISABILITIES

People with disabilities continue to face insufficient accessibility of public facilities, unfinished process of deinstitutionalization, still insufficient development of the system of services and support services, and the practice of complete deprivation of legal capacity. Due to limited access to education, the labour market and services, people with disabilities continue to be at high risk of poverty and social exclusion. Also, in addition to the existing legal framework, they face various physical, informational-communicational and other obstacles when it comes to exercising their rights and, so it is, among other things, difficult or completely impossible for them to participate equally in decision-making and express their will.

---

<sup>11</sup> Given that, despite the repeated recommendations of the Protector of Citizens, same-sex unions and the consequences of adjusting (changing) gender have not yet been legally regulated, this independent state authority, in its opinion with recommendations (available at: <https://ombudsman.rs/attachments/article/6882/Misljenje.doc>) from 2020, recommended to the Ministry of Human and Minority Rights and Social Dialogue to draft laws as soon as possible, which would rectify these shortcomings in order to improve the position of LGBTI persons in the Republic of Serbia. In its recommendations, the Protector of Citizens also pointed out that this Ministry should prepare and submit to the Government of the Republic of Serbia a Strategy Proposal for the prevention and protection against discrimination and the accompanying Action Plan for the following period, with concrete measures and activities to improve the position of LGBTI persons and other vulnerable social group, as these strategic documents ceased to be valid in 2018, and new ones have not yet been adopted.

<sup>12</sup> "Official Gazette of RS", no. 6/16, 24/18 and 87/18.

<sup>13</sup> From the Regular Annual Report for 2019, which was repeated in the report for 2020 and 2021.

<sup>14</sup> Available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7616-z-sh-i-ni-gr-d-n-r-g-niz-v-di-l-g-un-pr-d-nju-pr-v-r-nsr-dnih-s-b>.

Complete deprivation of legal capacity is still a legal practice in the Republic of Serbia contrary to the provisions of the United Nations Convention on the Rights of Persons with Disabilities and the Concluding Observations of the Committee on the Rights of Persons with Disabilities<sup>15</sup>. Also, despite the recommendations of the Committee, the amendments to the Family Law<sup>16</sup>, proposed in 2021, have not been adopted yet, which should, among other things, abolish the complete deprivation of legal capacity and introduce the institution of supported decision-making, which the Protector of Citizens advocated for through participation in the work of the Special Working Group for developing the Draft Law on Amendments to the Family Law.

The practice of the Protector of Citizens shows that the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection<sup>17</sup>, which entered into force on 31<sup>st</sup> December 2021, is not being fully implemented. The by-law for its implementation has not yet been adopted, although the legally prescribed deadline for its adoption has expired.

No amendments have yet been made to the Law on Financial Support for Families with Children, which would introduce two new rights: the right to compensation for an unemployed parent caring for a child who needs constant care and assistance, and the right to salary compensation to one of the parents who acquired the right to work part-time in order to care for a child older than five who needs constant care and assistance.

## RIGHTS OF THE ELDERLY

The elderly are still faced with poverty, discrimination and violence, and a particular problem is the lack of special services and support services, especially the home assistance service. Neglect and violence against the elderly are still not sufficiently reported, due to the fact that the elderly cannot report it, do not have support or do not want to report the violence they suffer from their closest family members, most often children, and due to insufficient recognition of emotional, social and economic violence. The above-mentioned problems are particularly pronounced in rural areas, where older women living alone in households are in a particularly difficult position, or they are most often dependent on other family members in meeting their needs, given that most often they do not have property rights on real estate and movable property, income, nor is their access to social and health care services adequately provided in places where the transportation and public transportation structures are not in place.

## RIGHTS OF MEMBERS OF NATIONAL MINORITIES

The reporting period was marked by two events important for the realization of the rights of members of national minorities, the Census of Population in October 2022 and the elections for national councils of national minorities in November 2022. The National Council of the Gorani National Minority was elected for the first time, and a total of 24 national councils of national minorities<sup>18</sup> were constituted. The Protector of Citizens followed both events with special attention and can state that it did not notice any irregularities.

---

<sup>15</sup> Concluding observations of the Committee for the Rights of Persons with Disabilities on the Initial Report on Serbia, May 2016, available at: [https://ljudskaprava.gov.rs/sites/default/files/dokument\\_file/zakljucna\\_zapazanja\\_komiteta\\_za\\_prava\\_osoba\\_sa\\_invaliditetom\\_srb.pdf](https://ljudskaprava.gov.rs/sites/default/files/dokument_file/zakljucna_zapazanja_komiteta_za_prava_osoba_sa_invaliditetom_srb.pdf).

<sup>16</sup> "Official Gazette of RS", no. 18/05, 72/11 – as amended and 6/15.

<sup>17</sup> Act of the Protector of Citizens, ref. no. 17179 dated 24th June 2021.

<sup>18</sup> According to the law, the executive board of the Federation of Jewish Communities of Serbia performs the function of the national council of the national minority and does not participate in the election process.

The Protector of Citizens also welcomes the adoption of the Strategy for Social Inclusion of Roma Men and Women and the accompanying Action Plan, but points out that it is necessary to monitor the implementation of the Strategy with an independent assessment of the effects, including data collection, in accordance with obligations based on several international documents, and to make the methodology used at various levels and in various fields comparable.

## RIGHTS OF PERSONS DEPRIVED OF THEIR LIBERTY

During 2022, the Protector of Citizens recorded a lower number of complaints from persons deprived of their liberty compared to the previous reporting period. As in the previous years, the largest number of complaints received from persons deprived of their liberty related to the rights of persons who are in institutions for the enforcement of penal sanctions. Complaints of convicted persons mainly related to dissatisfaction with health care and treatment. Complaints of persons in detention, as in the previous reporting periods, mainly concerned the length of detention, the violation of the right to a trial within a reasonable time and the violation of the right to a fair trial<sup>19</sup>.

At the end of the reporting period, a new Strategy for the Development of the System of Enforcement of Penal Sanctions in the Republic of Serbia for the period 2022-2027 was adopted.<sup>20</sup> The strategy, among other things, plans for the continuation of activities on improving material conditions in institutions for the enforcement of penal sanctions, and especially activities on the reconstruction of detention departments in institutions. Also, the need to improve the position of older convicted persons was recognized, bearing in mind that, in terms of the representation of persons over 50 years of age in the total prison population, Serbia exceeds the general statistical averages in Europe.

Considering that no significant progress was observed in the field of deinstitutionalization in this reporting period either, the Protector of Citizens once again points out the need to improve actions in terms of creating conditions for the efficient and sustainable functioning of the deinstitutionalization system, which, in addition to health, also includes a social aspect. A special problem is that there is no clear strategic direction for the deinstitutionalization of adults with intellectual and mental disabilities. In practice, the possibility of establishing social healthcare institutions or organizational units for beneficiaries who need both social care and permanent health care and supervision, has not been developed.

Also, a network of mental healthcare centres in the community that would provide comprehensive mental health care with the least possible restrictions and as close as possible to the patient's place of residence, i.e., the family of the patient, has not been developed. Currently, there are only six such centres.

In the reporting period, the competent authorities undertook certain significant activities at the normative level. During 2022, the Strategy for the deinstitutionalization and development of social protection services for the period 2022-2026<sup>21</sup> was adopted, whose main goal is the realization of the right of social protection beneficiaries to life in the community through the processes of deinstitutionalization and social inclusion.

## NATIONAL PREVENTIVE MECHANISM (NPM)

---

<sup>19</sup> Bearing in mind that the Protector of Citizens is not authorized to control the work of the courts, the complainants were instructed to contact the competent authorities in this regard.

<sup>20</sup> "Official Gazette of RS", number 142/22 dated 27th December 2022.

<sup>21</sup> "Official Gazette of RS", number 12/22 dated 1st February 2022.



In the reporting period, the NPM observed that the Ministry of Interior continued with the activities aimed at improving the treatment of apprehended and detained persons, which is reflected, above all, in the improvement of the material conditions of accommodation in detention facilities and the improvement of records on detention and the exercise of the basic rights of apprehended and detained persons. Also, it is noticeable that the equipping of the interrogation rooms with technical equipment for audio and/or video recording has been started.

In this reporting period as well, the Administration for the Enforcement of Penal Sanctions continued to work on improving the material conditions for the accommodation of persons deprived of their liberty and increasing the capacity of the institution for the enforcement of penal sanctions. Also, although the efforts of the Administration aimed at developing the capacities of prison officials for implementing new rehabilitation programs are encouraging, further efforts should be focused on hiring a sufficient number of officers and improving treatment, which would, among other things, ensure the achievement of the purpose of serving the prison sentence and enable the mechanism of advancement in the treatment that would facilitate the transition of convicts to more favourable educational groups.

In the area of psychiatry, the improvement of material conditions in the visited institutions is noticeable. However, there is still a lack of continuous specialist educations for medical nurses in the field of mental health and work with people with mental disabilities, which may affect the quality of health care and psychosocial rehabilitation of patients. Also, there is a lack of special trainings for healthcare workers for the application of physical restraint measures to patients, and the records on the application of physical restraint are often incomplete and do not provide reliable data on the frequency of its application, duration, or other significant data. Finally, activities in the field of deinstitutionalization are still taking place slowly, and in this regard, no progress has been achieved as foreseen by the adopted strategic documents, and it is necessary to intensify intersectoral cooperation in order to implement the planned activities.

Material conditions and sharing information with beneficiaries on the rights and mechanisms of legal protection have been improved in certain social welfare homes. However, although at the end of the previous reporting period, the Law on the Protection of the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection<sup>22</sup> was adopted, which, among other things, prohibited the application of all coercive measures, as well as treatment without the consent of the beneficiary, some of the institutions visited did not harmonize their actions with the current regulations in this part. An additional problem is the fact that, although it is prescribed by law, a by-law has not yet been adopted that would regulate the manner and conditions of the institution's actions in incident situations. Further challenges are also related to the employment of the missing number of employees for direct work with the beneficiaries, their continuous education, strengthening the capacities of centres for social work and development of community services.

In performing supervision over the procedures of forced removal of foreigners, the NPM noted a positive progress regarding the provision of access to legal assistance for foreigners who have been ordered to stay in a shelter. Namely, in accordance with the agreement that the NPM reached with the Bar Association of Serbia, an invitation was sent to interested lawyers to apply in order to provide legal assistance to foreigners placed in shelters for foreigners, after which the Bar will form lists of lawyers that will be available to foreigners in shelters.

---

<sup>22</sup> "Official Gazette of RS", number 126/21 dated 23rd December 2021.

## CIVIL AND POLITICAL RIGHTS

During 2022 as well, citizens pointed out the difficulty of exercising their rights from mandatory health insurance in connection with the scheduling of specialist consultative examinations, due to an insufficient number of available appointments with specialist doctors. An increased number of complaints from citizens were observed, who did not previously, in order to protect their rights, address the competent authorities in the healthcare institution, the advisor for the protection of patients' rights and/or the competent inspection of the Ministry of Health. Citizens turned to the Protector of Citizens pointing out that the healthcare institutions, where their now deceased relatives had been treated, refused to provide them with the requested medical documentation, or that they acted differently when determining the amount of costs for issuing the requested documentation.

In the area of internal affairs, the largest number of complaints of citizen referred to dissatisfaction with the work of police officers, detention at border crossings, issuance of misdemeanour warrants, failure to decide on requests for registration of residence (or refusal of requests), admission to citizenship, determination of citizenship, release from citizenship, obtaining travel documents, vehicle registration, issuance of driver's licenses, refusal of requests to possess and carry firearms, confiscation of firearms and firearms permits, failure to decide on requests for the issuance of a license to perform the duties of a security officer or refusal of requests, revocation of a license to perform the duties of a security officer, failure to decide on appeals in within the legal deadline (silence of the administration), failure to decide on requests for the return of unused funds, failure to act on final and enforceable judgments, failure to act on interim court measures, failure to decide on requests for inspection of case files and failure to decide on requests for issuing certificates in accordance with the Law on Administrative Procedure. Complaints were also submitted by police officers, due to failure to decide on to their requests in the form of an administrative act.

## ECONOMIC AND PROPERTY RIGHTS

The largest number of complaints to the Protector of Citizens related to the real estate cadastre. The reason for complaints about the work of the Republic Geodetic Authority remains the exceeding of the deadlines for acting on the requests of the parties in the first instance, that is, according to the declared legal means in the second instance. In the individual recommendations issued to the Republic Geodetic Authority so far, the Protector of Citizens pointed out the obligations of compliance with legal deadlines, both by the real estate cadastre service and the Department for the Second Instance Procedure. Also, taking into account the fact that this is a problem that requires a systemic solution, with the participation of all relevant state authorities, primarily the Government of the Republic of Serbia and the competent Ministry of Construction, Transport and Infrastructure, as well as the Republic Geodetic Authority itself, the Protector of Citizens, in an own-initiative investigation, among other things, determined that there were certain positive developments towards solving the described problem and issued recommendations with the aim of further improvement of actions in this area.

At the session held on 28<sup>th</sup> July 2022, the General Assembly of the United Nations adopted a Resolution declaring the right to a clean, healthy and sustainable environment as a universal human right.<sup>23</sup> In the Republic of Serbia as well, from year to year, citizens are becoming more aware of the importance of the environment and its great impact on other segments of life. However, the number of complaints from this area that the Protector of Citizens receives from

---

<sup>23</sup> Resolution number A/RES/76/300,  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/442/77/PDF/N2244277.pdf?OpenElement>.



year to year shows that it is necessary to continue to constantly work on spreading awareness about the importance of protecting the right to a healthy environment, especially in smaller local areas where there is a greater risk of irresponsible behaviour of business entities and individuals.

As in the previous years, the Protector of Citizens received complaints in 2022 as well, which in their content indicate the problem of water, air and soil pollution, noise and unpleasant odours, as well as the actions of inspection bodies from the field of environmental protection in connection with reports by individuals or groups of citizens. However, certainly the most common problem for which citizens sent their addresses was related to noise from various commercial facilities, as well as unpleasant odours from catering facilities.

The Law on Protection against Environmental Noise, which entered into force in October 2021<sup>24</sup> and which provides for special provisions on the measurement of noise from catering facilities, was supposed to improve and strengthen inspection supervision in this area and ensure a more expedient application of inspection powers in order to protect law enforcement. However, the complaints received in the reporting period indicate that these provisions have not been sufficiently implemented in practice, whereby the local self-government units have mainly still not made decisions on the manner of control of the noise level from catering facilities in their territories.

Air pollution and the lack of legally prescribed planning instruments for the purpose of air protection was a current topic in 2022 as well. In the reporting period, the Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with an Action Plan<sup>25</sup> was adopted, and it is encouraging that in the absence of an Air Protection Strategy, an important planning instrument was still adopted, with the aim of solving the problem that worries all citizens. However, some local self-government units have still not adopted their local air quality plans, as well as short-term action plans.

One of the key problems in exercising the rights of citizens in the area of construction is that the Ministry of Construction, Transport and Infrastructure has not yet sufficiently provided conditions for the effective implementation of the Law on Legalization of Buildings, while enforcement decisions on the removal of illegally constructed facilities are not implemented in accordance with the Law on Planning and Construction. Also, the legally prescribed obligation of cooperation between the City Administration of the City of Belgrade and the Protector of Citizens has not yet been established at a satisfactory level in most cases. The City of Belgrade has not yet created financial and staffing conditions for more efficient implementation of the undertaken inspection activities in the area of construction of buildings.<sup>26</sup> Another problem in exercising the rights of citizens is that the issuers of planning documents, both in the phase of their planning and drafting, and during their adoption, do not provide conditions for the public to be adequately and timely informed about their content, which as a rule results in the neglect of the needs of citizens, especially those living in the areas covered by the planning solutions.

---

<sup>24</sup> "Official Gazette of RS", number 96/21.

<sup>25</sup> Air Protection Program in the Republic of Serbia for the period from 2022 to 2030 with an Action Plan, <https://www.srbija.gov.rs/prikaz/669826>.

<sup>26</sup> Article 172, paragraph 5 of the Law on Planning and Construction stipulates that the City of Belgrade is entrusted with inspection supervision in the area of construction of facilities up to 800 m<sup>2</sup>, i.e., supervision over the construction of buildings for which the decision on building permit is issued by the city Municipality within the City of Belgrade, while Article 171 of the same law prescribes that the decision on the removal of the facility, i.e., a part of it, which is made on the basis of this law, is enforced by the republic, provincial, or local self-government unit body competent for construction inspection affairs.

There is still a problem of procedures that have not been completed within a reasonable time due to the large number of initiated requests for the legalization of illegally built facilities, unresolved property relations, but also often due to the passive approach of the competent authorities when handling these cases.

The construction of illegal buildings without complying with the regulations regarding the occupation of the plot, the unauthorized height of the buildings, the failure to provide infrastructure for the buildings, endangering the stability and safety of the existing neighbouring buildings, and especially the untimely action of the building inspection on reports related to the aforementioned consequences of illegal construction, represent the most frequent violations of the right to peaceful enjoyment of the property referred to in the complaints. The fact that in 2022, in a large number of cases, citizens expressed dissatisfaction with the failure of the construction inspection of the Secretariat for Inspection, Supervision and Communication of the City Administration of the City of Belgrade to act on their petitions, supports the impression that the amendments to the Law on Planning and Construction<sup>27</sup> did not solve the problem of more effective sanctioning of illegal construction.

This reporting period did not pass without complaints about the work of the Tax Administration in connection with the handling of citizens' complaints against employers for failure to pay mandatory social security contributions.

The Tax Administration of the Ministry of Finance and local tax administrations do not ex officio determine the statute of limitations of taxes and secondary tax obligations, despite their legal obligation to do so. Termination of tax liability due to statute of limitations of collection is generally determined by the authorities at the request of taxpayers, most often after the citizens turn to them or after the citizens turn to the Protector of Citizens.

## SOCIAL AND CULTURAL RIGHTS

In this reporting period as well, a large number of citizens addressed the Protector of Citizens, pointing out the violation of social rights. Citizens most often pointed to the so-called bad governance, above all untimely work of the administration, violation of the right to respect the law, the right to respect the created legal expectations, careless attitude towards work and obviously incorrect application of rights.

Bearing in mind that there is a lack of an efficient system that would ensure that the control of the work of government bodies is, first of all, achieved at the level of internal control, as well as by using prescribed legal remedies before administrative authorities, citizens in most cases turn to the Protector as the first and not the last control instance. Bearing in mind the very nature of the problems pointed out by the citizens, by launching control investigations or cooperating with the authorities, the Protector of Citizens influences those authorities to eliminate the mentioned omissions.

Competent authorities do not take all the necessary measures against employers who do not fulfil their obligations to pay wages and calculate and pay contributions for social insurance, so employees remain without the realized right to earnings and rights from pension, disability and health insurance. In their complaints, citizens point out that often, because of unpaid contributions by the employer, they become socially vulnerable categories of the population.

---

<sup>27</sup> With the entry into force of the Amendments to the Law on Planning and Construction, the competence for inspection supervision in the field of construction for buildings up to 800 m<sup>2</sup>, i.e., for buildings for which a decision on a building permit is issued by the city municipality within the city of Belgrade, passed to the Secretariat for Inspection Affairs of the City administration of the city of Belgrade.

The Protector of Citizens notes that the rights of employees based on labour – the right to earnings, as well as the right to be paid contributions for mandatory social insurance – are inviolable and that the state is obliged to take all necessary measures in order for these rights to be fully realized.

In this reporting period as well, the Protector of Citizens encountered the problems of employees in the area of social protection, especially the problem of an inadequate number of employees and poor working conditions. The problems faced by employees in social protection institutions certainly also affect the beneficiaries of the services and the rights in the area of social protection, who in their complaints point to the untimely and unprofessional conduct of social protection employees.

## KOSOVO AND METOHIJA

The Protector of Citizens is still not able to exercise its competencies on the territory of the Autonomous Province of Kosovo and Metohija, in the manner prescribed by the Constitution and the law.

## FREEDOM OF EXPRESSION

In the reporting year, freedom of expression in the Republic of Serbia was generally widely represented through media pluralism and numerous social networks on the Internet. However, just like in the previous year, threats, insults, verbal, and in certain cases, physical attacks on journalists and media workers were also recorded. Verbal attacks on journalists and media companies, most often in the form of threats, intimidation and insults, were present in the public space, especially on social networks. In cases of physical attacks on journalists, the competent authorities reacted to the reported threats, insults, verbal and physical attacks.

According to data from the Journalists' Association of Serbia, the number of pressures, attacks and threats against journalists in 2022 has almost doubled compared to 2021. In the reporting year, the Journalists' Association of Serbia recorded death threats, numerous pressures, physical attacks, reports of planted bombs, cases where their work was disabled, insults, attacks on media companies, intimidation by the hackers. This association states that two thirds of the total number of threats to journalists came via social networks. The association also points to the necessity of suspending SLAPP lawsuits, which represent additional economic pressure on journalists and newsrooms, and thus on freedom of expression.

The Independent Journalists' Association of Serbia estimates that in 2022, political interference in editorial policy, financial instability, restrictions on access to information, verbal attacks and threats, were the main obstacles to the free work of the media. As additional obstacles, the Independent Journalists' Association of Serbia indicates lawsuits aimed at violating honour and reputation, lack of solidarity among journalists, insufficient protection of journalists within media companies and mistrust in institutions even when the attacks are reported.

During the past year as well, journalists have worked under economic pressures, more precisely in economic uncertainty caused by low monthly incomes, uncertain labour status and rising living costs, due to the general international crisis caused by the outbreak of the conflict in Ukraine at the end of February 2022. Considering these working conditions and daily concerns for existence, a possibility was open for journalists to be subject to censorship, as well as self-censorship when reporting.

In order to protect the safety of journalists and improve freedom of expression, the Protector of Citizens continued to point out the necessity of solving unacceptable behaviour on the

Internet, with a special emphasis on the protection against threats that journalists and the media receive through social networks. At the beginning of May 2022, the Protector of Citizens, Zoran Pašalić, MSc, at the presentation of the joint campaign of the European Union and the Council of Europe entitled "Block the Hatred. Share the love!" in Belgrade, emphasized that determining individual responsibility for spreading hate speech, making threats and insults in the internet space, as well as adequately sanctioning such behaviour, should be part of the systemic fight against these negative phenomena. The Protector of Citizens began its work on finding a systemic solution to this problem in 2021, when, considering that numerous pressures and attacks on journalists do not fall within the domain of criminal offences and that it is necessary to ensure more effective legal protection of media workers, it proposed amendments to the Law on Public Peace and Order. The proposed amendments refer to the definition of offences committed against persons who perform journalistic work, as well as to the sanctioning of undesirable behaviour towards other citizens on social networks, and the Protector of Citizens submitted them to the Working Group for the Security and Protection of Journalists of the Government of the Republic of Serbia, of which he is a member.

In order to improve safety and achieve more effective protection of journalists, the Protector of Citizens, in May 2020, together with seven media associations and three journalists' unions, agreed on the formation of a single database on attacks and pressures on journalists. The technical development of this platform was completed in 2021, and classified data submitted to the Protector of Citizens by the Journalists' Association of Serbia on pressures and attacks on journalists were entered into it. However, the database has not become functional to date because the Independent Journalists' Association of Serbia has not submitted its classified data on pressures and attacks on journalists and media workers to the Protector of Citizens.

The goal of forming this database is to create a single platform that would enable a faster and more efficient reaction of the Protector of Citizens to the actions of the competent authorities on reported cases of violations of freedom of the media and freedom of expression. Data on the measures taken would be publicly available at all times, while based on the analysis of the existing data, the need for changes and improvements in the normative framework could be determined, the adoption or change of which could be initiated by the Protector of Citizens. At the same time, a single database would contribute to uniform recording and classification of pressures and attacks on journalists, because two representative journalist associations record and classify this data in different ways.

## HUMAN RIGHTS IN THE MEDIA

In terms of reporting on the state of human rights in the Republic of Serbia by the media, the year 2022 differs to a good extent from the previous one, in which, due to the pandemic of the COVID-19 infectious disease, media reports were mostly focused on the realization of citizens' right to health and on measures that the competent state authorities have undertaken in the fight against this disease.

In the reporting year, the focus of the media was on the protection of children's rights, the fight against family violence and violence against women, as well as on the fight against peer violence in schools. The media also reported on the problems faced by the elderly in their daily lives, especially elderly women in the countryside. Realization of economic, property and social rights of citizens, the same as in the previous years, were the subject of media reports. Labour law was another topic covered by the media, with reference to the unequal position of men and women on the labour market.

Violence on the Internet, especially the aggressive, offensive and threatening posts on social networks and hate speech, as well as protection against such behaviour, were also topics reported by the media in the area of human rights. Special attention in reporting was given to threats and insults received by newsrooms and journalists via social networks.

Realizing the political rights of citizens was also a topic that the media dealt with in the reporting year, considering that on 3<sup>rd</sup> April 2022, general elections were held in the Republic of Serbia. All relevant political actors participated in these elections, which led to greater pluralism in the National Assembly of the Republic of Serbia, which is what the European Union also noted in its Annual Report on Serbia for 2022.

With numerous reports, the media also covered all the events regarding the organization of Europride 2022 in Belgrade, the holding of which was questionable until the last moment due to the announcement of opponents of this gathering that they would organize a family walk. Four days before the scheduled gatherings, the Ministry of Interior banned the holding of both walks due to, as they stated, an assessment that there was a high risk that the safety of the participants of both walks on the announced routes, as well as the safety of other citizens, would be endangered. Nevertheless, the walk within the Europride was held on 17<sup>th</sup> September with a shortened route, and it was secured by a large number of members of the police.

The endangerment and denial of the basic rights of Serbs in Kosovo and Metohija – freedom of movement, the right to participate in elections, as well as the right to a dignified, safe and secure life, was also in the focus of the media, as indicated in their statements by the representatives of the executive branch of the Republic of Serbia.

### 3. BASIC STATISTICAL REVIEW

#### 3.1. TOTAL NUMBER AND CLASSIFICATION OF COMPLAINTS

In 2022, 13,841 citizens addressed the Protector of Citizens, of which contact was made with 8,595 citizens; 1,645 citizens were admitted for an interview, and the number of received cases was 3,601, of which there were 3,530 complaints and 71 own-initiative investigations.

**Table 1 – Overview of citizens' addresses in 2022**

	<b>2022</b>	
<b>Type of address</b>	<b>Number</b>	<b>%</b>
Contacts with citizens	8,595	62.10%
Cases	3,601	26.02%
Citizens received for interview	1,645	11.88%
<b>Total</b>	<b>13,841</b>	<b>100%</b>

**Table 2 – Comparative overview of the handling of cases<sup>28</sup> received in 2022 and in 2021**

	<b>2022</b>	<b>2021</b>
<b>Number of cases</b>	<b>3,601</b>	<b>4,501</b>
Number of completed cases	3,320	3,917
% of completed cases	92.20%	87.03%
Number of cases in progress	281	584

The table with the comparative overview of the handling of cases received in 2022 and 2021 shows that the efficiency of the Protector of Citizens in handling cases in 2022 increased by more than 5% compared to 2021, which is indicated by the percentage of completed cases in relation to the total number of cases.

At the same time, in 2022, a total of 1,417 cases from previous years were considered, and work was completed on 1,099 cases. Accordingly, in the reporting period, the Protector of Citizens considered a total of 5,018 cases, of which work was completed on 4,419 cases, or 88.06%.

**Table 3 – Overview of the handling of all cases in 2022**

	<b>2022</b>	<b>From previous years</b>	<b>Total</b>
<b>Number of cases</b>	<b>3,601</b>	<b>1,417</b>	<b>5,018</b>
Number of completed cases	3,320	1,099	4,419 (88.06%)
Number of cases in progress	281	318	599

<sup>28</sup> A case is considered to be any case that arises from the handling of complaints and from own-initiative investigations in a particular area/department.

**Table 4 – Number of cases<sup>29</sup> in 2022 classified  
by areas and departments**

<b>Areas and departments of operation of the Protector of Citizens</b>	<b>number</b>	<b>percentage</b>
<b>1. Area of economic and property rights</b>	<b>1521</b>	<b>42.24 %</b>
1.1. Real estate cadastre	528	34.71 %
1.2. Local self-government	449	29.52 %
1.3. Consumer protection	172	11.31 %
1.4. Energy and mining	136	8.94 %
1.5. Construction and infrastructure	95	6.25 %
1.6. Environmental Protection	30	1.97 %
1.7. Agriculture	28	1.84 %
1.8. Public Administration	21	1.38 %
1.9. Transportation and transportation infrastructure	18	1.18 %
1.10. Restitution	32	2.10 %
1.11. Economy	9	0.59 %
1.12. Natural disasters	2	0.13 %
1.13. Expropriation	1	0.07 %
<b>2. Area of civil and political rights</b>	<b>828</b>	<b>22.99 %</b>
2.1. MoI – Police affairs	200	24.15 %
2.2. Health	186	22.46 %
2.3. Finances	182	21.98 %
2.4. Justice and judiciary	110	13.28 %
2.5. Judiciary professions	80	9.66 %
2.6. Defence	18	2.17 %
2.7. MoI – Administrative affairs	17	2.05 %
2.8. MoI – Labour relations	15	1.81 %
2.9. Foreign affairs and diaspora	12	1.45 %
2.10. Refugees and displaced persons	8	0.97 %
<b>3. Area of social and cultural rights</b>	<b>494</b>	<b>13.72 %</b>
3.1. Pension insurance	152	30.77 %
3.2. Labour and labour relations	148	29.96 %
3.3. Education and science	87	17.61 %
3.4. Social welfare	84	17.00 %
3.5. Culture	11	2.23 %
3.6. Serbian language and Cyrillic	8	1.62 %
3.7. Youth and sport	4	0.81 %
<b>4. Child rights</b>	<b>323</b>	<b>8.97 %</b>
<b>5. Rights of persons deprived of their liberty</b>	<b>196</b>	<b>5.44 %</b>
<b>6. Rights of persons with disabilities and the elderly</b>	<b>115</b>	<b>3.19 %</b>
<b>7. Gender equality and rights of LGBTI persons</b>	<b>80</b>	<b>2.22 %</b>

<sup>29</sup> The same.

<b>8. Rights of members of national minorities</b>	<b>27</b>	<b>0.75 %</b>
<b>9. Trafficking in human beings</b>	<b>10</b>	<b>0.28 %</b>
<b>10. Other</b>	<b>7</b>	<b>0.19 %</b>
10.1. Independent authorities and bodies	6	85.71 %
10.2. Security affairs	1	14.29 %
<b>Total</b>	<b>3,601</b>	<b>100 %</b>

**Table 5 - Outcome of the handling of closed cases from 2022**

<b>Outcome</b>	<b>Number</b>	<b>%</b>
<b>1. Inadmissible complaints</b>	<b>2,132</b>	<b>64.22 %</b>
1.1. Lack of competence	950	44.56 %
1.2. Unused legal remedies	680	31.89 %
1.3. Formally deficient complaint	384	18.01 %
1.6. Untimeliness	5	0.23 %
1.5. Unauthorized complainant	30	1.41 %
1.4. Anonymous complaint	47	2.20 %
1.5. Decision on merits has already been made	7	0.33 %
<b>2. Unfounded complaints</b>	<b>421</b>	<b>12.68 %</b>
<b>3. Cases covered by recommendations arising from the expedited control investigation</b>	<b>410</b>	<b>12.35 %</b>
<b>4. Informed and advised complainant</b>	<b>186</b>	<b>5.60 %</b>
<b>5. Cases covered by recommendations arising from the control investigation</b>	<b>126</b>	<b>3.80 %</b>
<b>6. Dropping of the complaint due to withdrawal of the complainant</b>	<b>29</b>	<b>0.87 %</b>
<b>7. Opinion</b>	<b>15</b>	<b>0.45 %</b>
<b>8. Announcement of the Protector of Citizens</b>	<b>1</b>	<b>0.03 %</b>
<b>Total</b>	<b>3,320</b>	<b>100 %</b>

The Protector of Citizens rejects a number of received complaints because the legally prescribed conditions for acting on them are not met. Complaints are rejected due to lack of competence, untimeliness, prematurity, anonymity and formal deficiency.

A very important segment of the Protector of Citizens' handling of complaints is the advisory and legal assistance provided by the Protector of Citizens even when it rejects the complaint due to lack of competence or prematurity (unused legal remedies). Such advisory assistance was provided to citizens in 76.45% of rejected cases (1,630). In these cases, the Protector of Citizens refers the complainant to the competent authority or advises him/her on the available legal remedies.

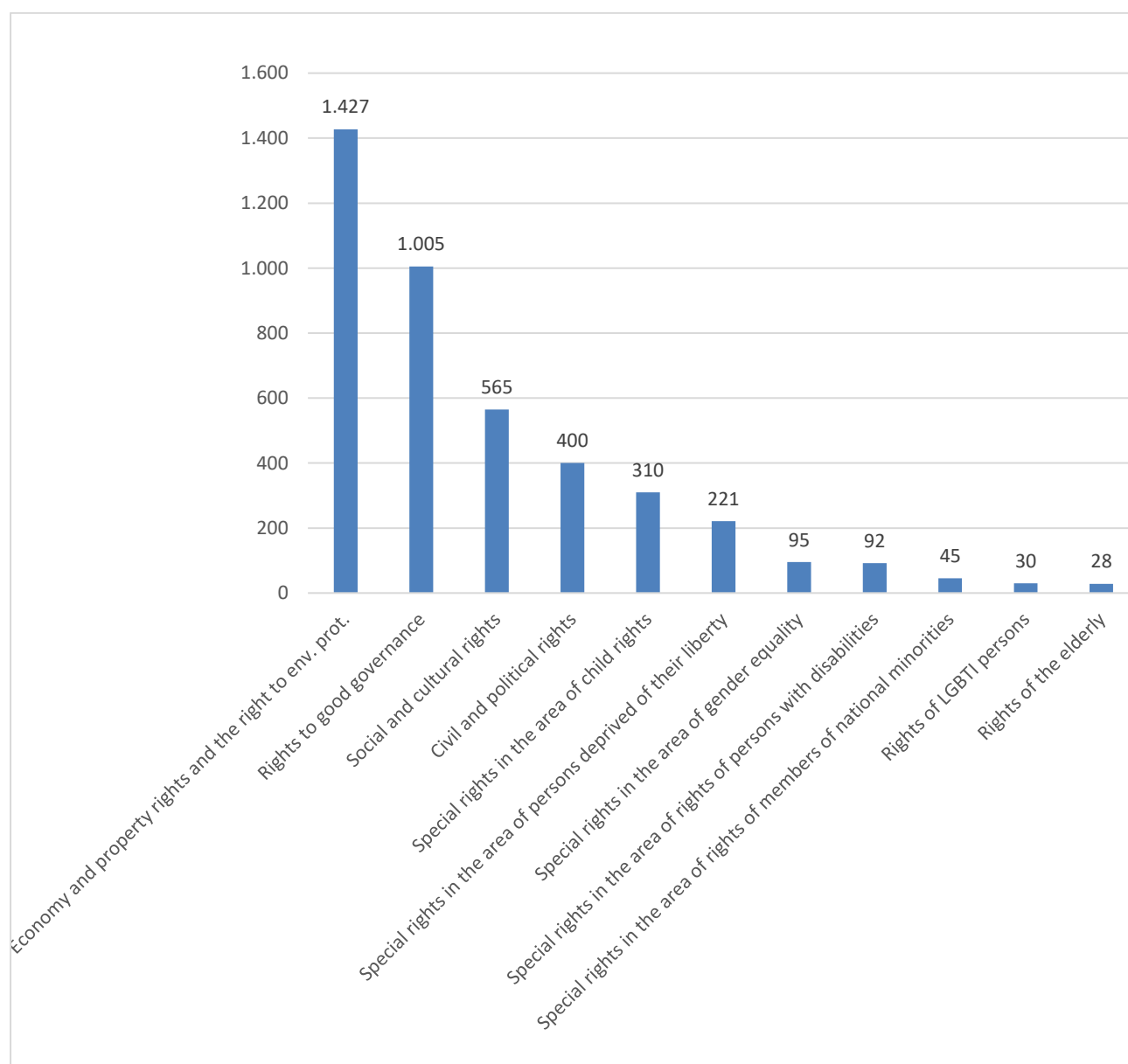
#### CLASSIFICATION OF COMPLAINTS ACCORDING TO VIOLATED RIGHTS

By considering 3,601 cases in 2022, a total of 4,218 violations of rights were determined, of which the largest number were violations of economic and property rights, the principle of good governance and social and cultural rights. This confirms the fact that the principles of good governance are violated in all administrative authorities before which citizens, including



those who belong to vulnerable groups, exercise their rights, which makes the problem of violation of this right even more sensitive and difficult.

**Chart 1 – Number and classification of complaints by violated rights**



CLASSIFICATION OF COMPLAINTS BY AUTHORITIES WHOSE WORK THEY  
APPLY TO

**Table 6 – Complaints against various authorities and organizations whose work citizens  
complain about**

<b>Types of authorities and organizations</b>	<b>%</b>
Agencies, institutes, funds, administrative authorities	23.30%
Ministries	17.60%
Other authorities and others	17.34%
Institutions and other public services	15.70%
Local self-government	13%
Public enterprises	6.86%
Judicial authorities	5.16%
The highest republic authorities (the Government, the National Assembly)	0.58%
Autonomous republic authorities and independent bodies	0.46%
<b>Total all authorities</b>	<b>100%</b>



### 3.2. RECOMMENDATIONS, OPINIONS AND LEGISLATIVE INITIATIVES OF THE PROTECTOR OF CITIZENS

#### RECOMMENDATIONS

In 2022, the Protector of Citizens issued a total of 904 recommendations to administrative authorities, 344 in the control investigations, and 560 in the expedited control investigations. In the capacity of the National Preventive Mechanism, 205 recommendations were issued.

**Table 7 – Overview of the handling of recommendations in 2022**

		<b>Issued<sup>30</sup></b>	<b>Due<sup>31</sup></b>	<b>Accepted</b>	<b>Not accepted</b>	<b>% accepted</b>
<b>2022</b>	Recommendations from the control <sup>32</sup> investigation	344	149	94	55	63.09%
	Recommendations from the expedited <sup>33</sup> control investigation	560	560	560	/	100%
	<b>Total</b>	<b>904</b>	<b>709</b>	<b>654</b>	<b>55</b>	<b>92.24%</b>
	Recommendations issued in preventive capacity (NPM)	205	156	138	18	88.46%
	<b>Total</b>	<b>1.109</b>	<b>865</b>	<b>792</b>	<b>73</b>	<b>91.56%</b>

Recommendations are recorded depending on the area of law to which they relate, i.e., whether they relate to the protection and promotion of rights of vulnerable groups (persons deprived of their liberty, children, persons with disabilities, persons belonging to national minorities, the area of gender equality) or to the respect for the principles of good governance.

Out of the total number of issued recommendations, the largest number – 237 (about 65%) refers to competent administrative departments. In the area of rights of persons deprived of their liberty, 60 recommendations were issued, 19 in the area of gender equality, 19 in the area of rights of persons with disabilities, 16 in the area of children's rights and four recommendations in the area of rights of national minorities.

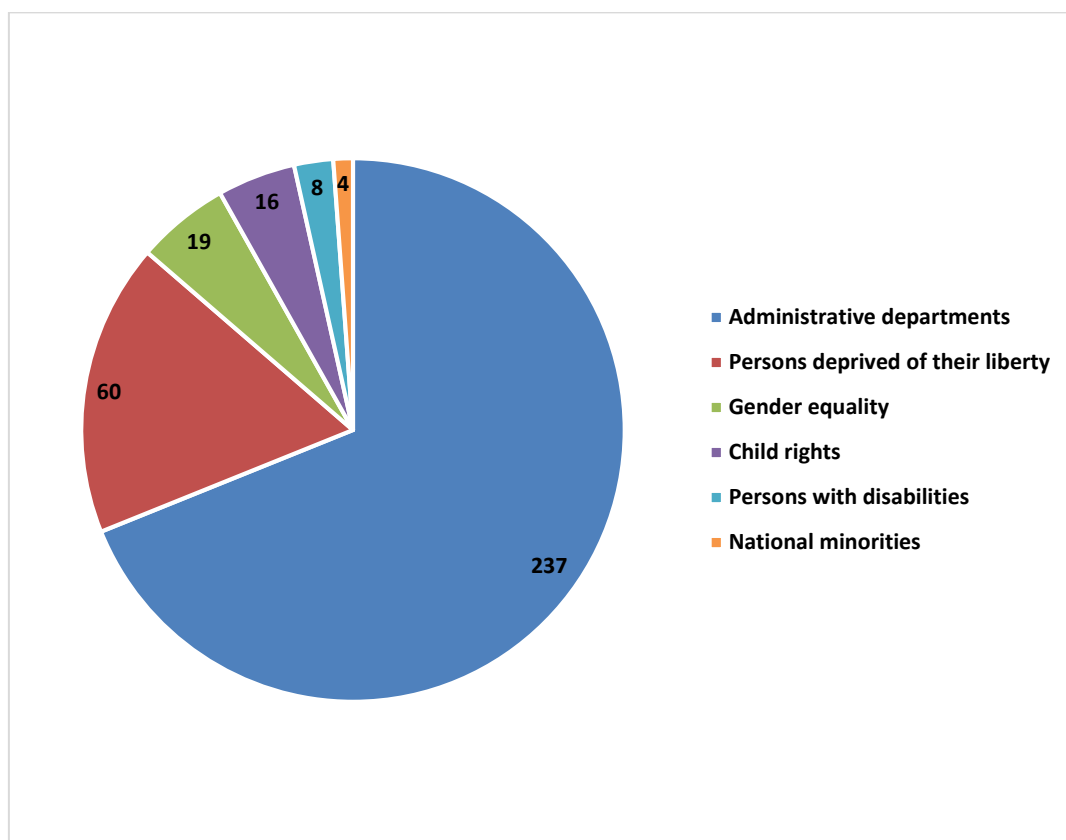
<sup>30</sup> All recommendations issued to the authorities during 2022 are considered issued recommendations.

<sup>31</sup> Due recommendations are all those recommendations for which the deadline for action given in the text of the recommendation expired in 2022, regardless of when the recommendation was issued.

<sup>32</sup> Formal recommendations resulting from the control investigation.

<sup>33</sup> Recommendations resulting from the expedited investigation, which was suspended immediately after the authority eliminated the observed irregularities.

**Chart 2 – Overview of issued recommendations by departments**



The percentage overview of the enforcement of the recommendations of the Protector of Citizens by areas is given in the following tables.

**Table 8 – Outcome of the handling of recommendations from the control investigation by departments**

Area	Issued	Due	Accepted	Not accepted	% accepted
Administrative departments	237	92	43	49	46.74%
Rights of persons deprived of their liberty	60	38	38	N/A	100%
Gender equality	19	7	5	2	71.43 %
Child rights	16	3	2	1	66.67%
Rights of persons with disabilities and the elderly	8	5	5	N/A	100%

Rights of members of members of national minorities	4	4	1	3	25%
<b>Total</b>	<b>344</b>	<b>149</b>	<b>94</b>	<b>55</b>	<b>63.09 %</b>

The authorities accepted 94 recommendations (63.09%) within the deadline. 55 recommendations have not been accepted, while for 194 recommendations, the deadline for the authorities to act on them has not yet expired or their handling is still being monitored.

## OPINIONS

During 2022, the Protector of Citizens sent 28 opinions to public authorities, as follows:

Nineteen (19) opinions, using the legal provision to act preventively, by giving advice and opinions on issues within its competence, in order to improve the work of administrative authorities and improve the protection of human freedoms and rights:

- Opinion with a recommendation sent to the Ministry of Education, Science and Technological Development regarding the content of the textbook for the eighth grade of primary school, which negates the languages and violates the rights of members of national minorities;
- Opinion with recommendation sent to the municipality of Sjenica in order to enable the National Council of the Bosniak National Minority to exercise its legal competences in the area of education;
- Opinion sent to the Healthcare Centre "Dr. Milutin Ivković" due to the termination of an employment contract in a procedure in which there was a violation of the rules prescribed by the Labour Law and the employer's general act;
- Opinion sent to the Ministry of Health regarding the supervision over the implementation of the Law on Patients;
- Opinion sent to the Department of Foreign Affairs and the Department of Internal Affairs regarding the holding of "consular days" in New Zealand;
- Opinion sent to the public enterprise "Elektroprivreda Srbije" in connection with the conclusion of contracts on the supply of electricity;
- Opinion sent to all higher education institutions in the Republic of Serbia for the purpose of improving mechanisms for prevention and protection against sexual harassment;
- Opinion sent to the Ministry of Environmental Protection in order to issue an instruction that would more closely define the manner in which local inspectors act in situations where noise measurement is ordered and carried out;
- Opinion to all local self-government units in order to continuously announce competitions and introduce more lenient criteria for awarding school and student scholarships to children and young people with developmental delays;
- Opinion sent to the Provincial Secretariat for Urban Planning and Environmental Protection and the Provincial Secretariat for Agriculture, Water Management and Forestry and the Municipality of Kula regarding the pollution of the Great Bačka Canal;
- Opinion sent to the Ministry of Justice in order to undertake activities for the closer normative regulation of the treatment of convicts in the Special Department for the serving of the prison sentence for organized crime offences;

- Opinion sent to the Ministry of Construction, Transport and Infrastructure regarding the implementation of Article 28 of the Law on Legalization of Buildings;
- Opinion sent to the Republic Health Insurance Fund due to the violation of citizens' right to accessible and quality health care;
- Opinion sent to the Ministry of Family Welfare and Demography with the aim of establishing mechanisms for working with perpetrators of violence in order to prevent violence, change violent behavioural patterns and protect victims of family and partner violence better and more effectively, in accordance with the Istanbul Convention;
- Opinion sent to the Ministry of Labour, Employment, Veteran and Social Affairs in order to exercise the right to spa-climatic recovery of military disabled people, civilian war military disabled people and the beneficiaries of family disability benefits;
- Opinion sent to the Ministry of Education and the Ministry of Labour, Employment, Veteran and Social Affairs in order to reach an agreement on the competence to perform inspection supervision over the implementation of the Special Collective Agreement for employees in primary and secondary schools and student dormitories;
- Opinion sent to the Ministry of Family Welfare and Demography with the aim of amending the Regulation on closer conditions and methods of exercising the right to financial resources for participation in the purchase, i.e., the purchase of a family – residential building or apartment based on the birth of a child;
- Opinion sent to PE "Elektroprivrede Srbije" Belgrade in connection with the billing of the delivered electricity;
- Opinion sent to the competent authorities of the City of Belgrade regarding the harmonization of criteria for rewarding primary and secondary school students in the territory of the City of Belgrade.

Eight (8) opinions, based on the legal provision to send opinions to the Government and the National Assembly on draft laws and other regulations in the process of drafting regulations, if they regulate issues of importance for the protection of citizens' rights:

- Opinion on the Draft Law on Labour Practice;
- Opinion on the Proposal of a general protocol for the protection of children from violence;
- Opinion on the Proposal of the Action Plan for 2022 and 2023 for the implementation of the Gender Equality Strategy for the Period from 2021 to 2030;
- Opinion on the Plan for the Protection of Children in the Street from Violence, Neglect and Exploitation;
- Opinion on the Proposal of the Action Plan for 2022 for the implementation of the Strategy on Preventing and Combating Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims for the period 2017-2022;
- Opinion on the Proposal of an Action Plan for the period from 2022 to 2023 for the implementation of the Strategy for Prevention and Protection against Discrimination for the period from 2022 to 2030;
- Opinion on the Proposal of a memorandum of understanding on complaints mechanisms in connection with the actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia;

- Opinion on the Proposal of the Government's conclusion accepting the Report of the Political Committee on the implementation of the National Action Plan for the implementation of UN Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017 - 2020).

In 2022, in performing the tasks of the National Preventive Mechanism, the Protector of Citizens issued one opinion (1) in accordance with Article 19, paragraph 1, item (c) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment:

- Opinion on the Draft Law on Amendments to the Law on Asylum and Temporary Protection.

### LEGISLATIVE INITIATIVES

The Protector of Citizens uses its right to a legislative initiative under two cumulatively fulfilled conditions:

- When that is necessary in order to amend or supplement the text of a law or draft law in order to ensure full and unhindered exercise of citizens' rights guaranteed by the Constitution and other laws, regulations and general acts, as well as ratified international treaties and generally accepted rules of international law.
- When another authorized proposer, responsible for a specific area (usually the Government), does not use its legislative initiative in a way that ensures respect, realization, protection and promotion of citizens' rights, and there is a risk of damage due to delays.

Proposing amendments and laws to the National Assembly is the last step that the Protector of Citizens takes, as a rule only when it estimates that the authorized proposer of the "first order" will not take the necessary steps in favour of citizens' rights based on the initiative, recommendation or other proposal of the Protector of Citizens.

Therefore, the legislative activity of the Protector of Citizens is most often reflected in sending substantive initiatives to the state administration authorities – whose work the Protector of Citizens supervises – to prepare and propose normative changes. Only exceptionally, the Protector of Citizens addresses the National Assembly directly with legislative proposals.

**Table 9 - Types of issued legislative initiatives  
of the Protector of Citizens in 2022**

Type of legislative initiative	number
Referral of amendments to the competent committee of the National Assembly as the proposer ( <i>Article 157, paragraph 6 of the Rules of Procedure of the National Assembly</i> )	
Submission of amendments to draft laws to the National Assembly ( <i>Articles 161 and 162 of the Rules of Procedure of the National Assembly</i> )	
Proposing laws to the National Assembly ( <i>Article 150, para. 2 of the Rules of Procedure of the National Assembly</i> )	
Initiatives for the adoption or amendment of laws and other regulations addressed to the Government, the National Assembly or line ministries	4



Proposal to the Constitutional Court to assess constitutionality and legality	
<b>Total</b>	<b>4</b>

**Table 10 – Outcome of the handling of legislative initiatives in 2022**

	<b>number</b>
Accepted legislative initiatives	/
Inadmissible legislative initiatives	/
Initiatives still in progress	4
<b>Total</b>	<b>4</b>

## 4. EXERCISE OF THE RIGHTS OF PARTICULARLY VULNERABLE GROUPS

### 4.1. CHILD RIGHTS

#### STATISTICS

In the area of children's rights, in 2022, the Protector of Citizens considered 323 cases<sup>34</sup>, of which 302 were citizens' complaints and 21 own-initiative investigations. Cases from this area make up 8.97% of the total number of considered cases in 2022. Out of the 323 cases considered, the Protector of Citizens completed work on 299 cases. In 2022, the work on 90 cases from previous years was also completed.

The Protector of Citizens issued 16 recommendations to the administrative authorities, of which three were due for execution in the reporting period<sup>35</sup>. Out of this number, administrative authorities accepted two recommendations, i.e., 66.67%. The cases considered in the reporting period, the outcome of the handling of completed cases and the outcome of the handling of recommendations are shown in the tables below.

**Table 11 – Overview of the considered cases in 2022**

<b>Number of cases in 2022</b>	<b>323</b>	<b>percentage %</b>
Number of completed cases in 2022	299	92.57%
Number of cases in progress in 2022	24	7.43%

**Table 12 – Outcome of the handling of recommendations**

<b>Number of issued recommendations</b>	<b>Number of due recommendations</b>	<b>Number of accepted recommendations</b>	<b>% accepted</b>
<b>16</b>	<b>3</b>	<b>2</b>	<b>66.67 %</b>

**Table 13 – Outcome of the handling of completed cases in 2022**

	<b>number</b>	<b>percentage</b>
<b>1. Inadmissible complaints</b>	<b>212</b>	<b>70.90 %</b>
1.1. Unused legal remedies	130	61.32 %
1.2. Lack of competence	41	19.34 %
1.3. Unauthorized complainant	14	6.60 %
1.4. Formally deficient complaint	23	10.85 %
1.5. Anonymous complaint	4	1.89 %
<b>2. Unfounded complaints</b>	<b>55</b>	<b>18.39 %</b>
<b>3. Informed and advised complainant</b>	<b>20</b>	<b>6.69 %</b>

<sup>34</sup> A case is considered to be any case that arises from the handling of citizens' complaints and from own-initiative investigations in a particular area/department.

<sup>35</sup> Due recommendations are those whose deadline for action given in the text of the recommendation expired in 2022.

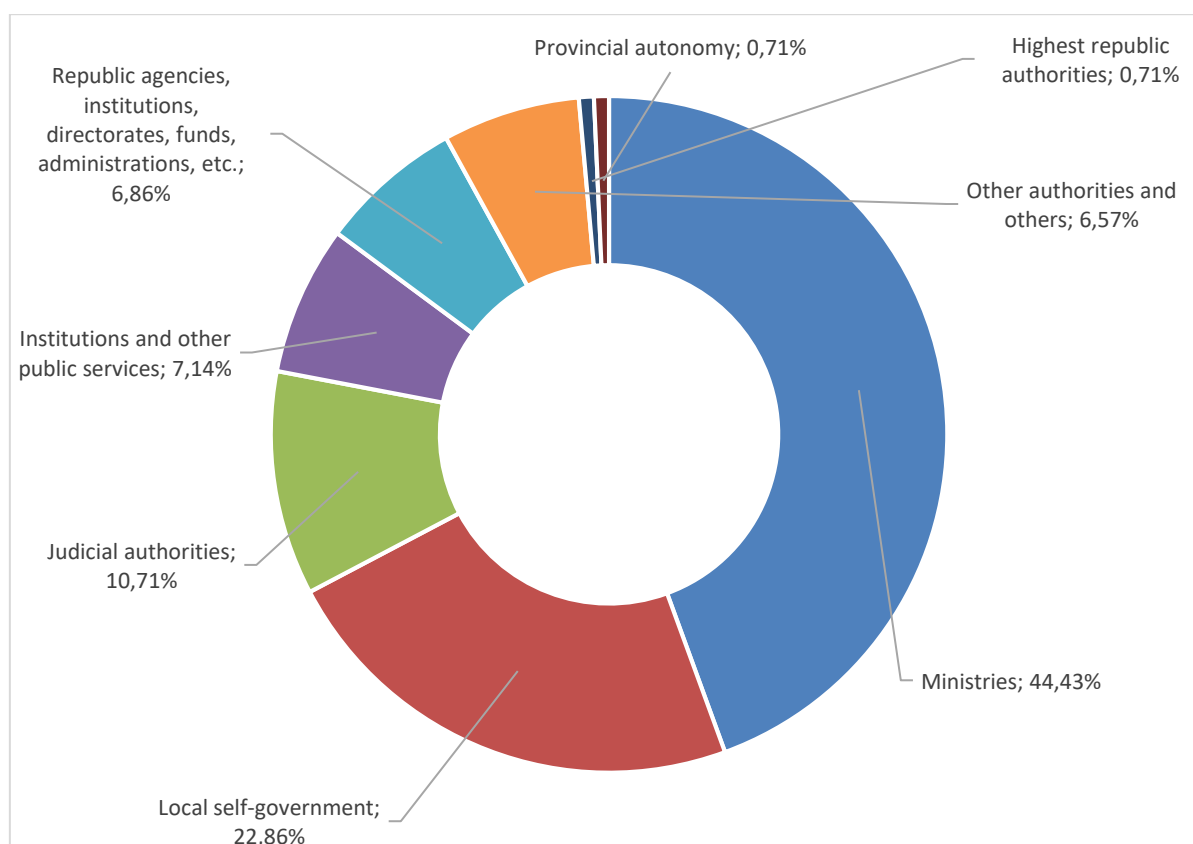
4. Cases closed with recommendations from the expedited investigation	9	3.01 %
5. Cases closed with recommendations from the control investigation	2	0.67 %
6. Opinion of the Protector of Citizens	1	0.33 %
<b>Total</b>	<b>299</b>	<b>100 %</b>

The largest number of received complaints are rejected by the Protector of Citizens because the legally prescribed conditions for acting on them were not met. Complaints are rejected due to lack of competence, untimeliness, prematurity, anonymity and formal deficiency.

A very important segment of the handling of complaints of the Protector of Citizens is the provision of the advisory and legal assistance, which the Protector of Citizens provides even when it rejects a complaint due to lack of competence or prematurity. Such advisory assistance was provided to citizens in 80.66% of inadmissible cases (171) in this area. In these cases, the Protector of Citizens refers the complainant to the competent authority or advises him/her about the available legal remedies.

In the area of children's rights, in 323 cases, 544 violations of rights were pointed out, most of which relate to the right to respect of the best interests of the child, the right to protection from abuse and neglect and the right to maintain personal contact with a parent with whom he/she does not live.

**Chart 3 – Categories of authorities and organizations whose work citizens most often complained about in the area of child rights**



## ACTIVITIES OF THE PROTECTOR OF CITIZENS

With the adoption of the new Law on the Protector of Citizens<sup>36</sup>, this independent state body received the competence of the National Rapporteur in the field of human trafficking, in accordance with the Law on Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. By receiving the mandate to perform the tasks of the National Rapporteur, the Protector of Citizens was given a significant role in the fight against human trafficking that takes place on a global scale.

During 2022, the Centre for Human Trafficking Victims' Protection identified three juvenile victims of human trafficking, for the first time based on reports from the Protector of Citizens, and provided them with adequate help and support. By providing information on possible victims of human trafficking, which it obtained through own-initiative investigations, the Protector of Citizens made a significant contribution to the timely undertaking of measures to protect children from this severe form of violence and justified the role of the special body that protects, promotes and improves the rights of the child.

Based on information from the media that the police arrested the father of a nine-year-old child on suspicion that he was forcing the child to beg, the Protector of Citizens launched a control investigation into the legality and regularity of work of the City Centre for Social Work in Belgrade and requested information from the Second Basic Public Prosecutor's Office in Belgrade and the Centre for Human Trafficking Victims' Protection. The Protector of Citizens did not identify any shortcomings in the work of the Belgrade City Centre for Social Work, and following the report of the Protector of Citizens, the Centre for Human Trafficking Victims' Protection identified two boys as victims of human trafficking in the sense that they were being exploited by their father who was forcing them to beg. The children's father was deprived of his liberty and criminal proceedings are being conducted against him.

In several cases initiated on complaints of parents, the Protector of Citizens determined that the centres for social work did not consider taking more effective measures within the competence of the guardianship authorities, such as corrective supervision over the exercise of parental rights or lawsuits for the deprivation of parental rights, even though during their actions they assessed that one of the parents violated the rights and best interests of the children. In the mentioned cases, a recommendation<sup>37</sup> was issued to the centre for social work to consider taking stricter measures within the competence of the guardianship authorities provided by the Family Law as a sanction for parents who abuse their parental rights. By taking these measures, the guardianship authority fulfils its legal obligation to protect the child from all forms of abuse and violence, and also, the parent who violates the rights of his children in this way is made aware that the competent authorities will do everything to prevent abuse and this kind of violence against children, which is also important.

Acting on the complaint of parents of students who achieved notable results during schooling, during 2022, the Protector of Citizens established that a certain number of primary and secondary school students in the territory of the city of Belgrade were placed in an unequal position by the city municipalities, which established different criteria as the basis for rewarding students. Aware of the fact that municipalities have their independence, as well as that they decide on the distribution of the budget according to the assessments and needs of the residents who live in their territory, the Protector of Citizens stated in its opinion

---

<sup>36</sup> "Official Gazette of RS", number 105/21.

<sup>37</sup> Case no. 321-410/21.

addressed to the competent authority<sup>38</sup> that it considers that the competent authorities of the City of Belgrade should take measures to mutually harmonize the relevant regulations of the municipalities that regulate the criteria for rewarding primary and secondary school students who achieve the best results. This harmonization would improve the realization of rights of children and students who achieve significant results during their schooling in the territory of the City of Belgrade and enable them to exercise their rights equally, regardless of the territory and the city municipality in which they live or where the headquarters of the educational institution they attend is located. In this way, discrimination of children based on their place of residence will be avoided and it will be possible for the awards to reach all the students for which this method of awarding was established, thus encouraging their further development and desire to achieve the same or even better and more significant results during their further education.

The Protector of Citizens continued with the active participation in the work of the National Coalition to End Child Marriage in Serbia. During 2022, the National Coalition published more information about the work of its members. The fact sheets also presented the activities of the Protector of Citizens, such as the trainings held with the members of the Youth Advisory Panel of the Protector of Citizens and the participants of the Summer School of the Protector of Citizens on the topic of the position of members of vulnerable social groups, including children who are victims of early and forced marriages, which are still a frequent occurrence, above all among members of the Roma national minority.

Also, during 2022, based on information published in the media, the Protector of Citizens launched several own-initiative investigations to control the work of competent state authorities in cases where a child was a victim of domestic violence. The media content published by the electronic media pointed to the possibility of a violation of the child's right to privacy, which resulted in the exposure of the child victim of violence to additional traumatization. Acting on the requests of the Protector of Citizens, the Ministry of Culture and Information determined in its control procedures that there had been a violation of children's rights in the reporting of certain media and filed a request to initiate misdemeanour proceedings against the responsible persons.

In the control investigations conducted in 2022 based on reports and findings about violence in schools, the Protector of Citizens determined that schools often do not recognize their role in protecting children from violence and do not take appropriate protective measures. It is particularly worrying that a large number of schools in the Republic of Serbia still do not have a functional Team for the protection against violence, abuse and neglect, as well as that students do not know about its existence. The Protector of Citizens also determined in the control investigations that the assessment by the Team for the protection against violence on the form and level of violence suffered by the students is also lacking, that in some cases, activities appropriate to the specific case were not planned nor implemented, nor was adequate and timely cooperation between the school and other competent authorities established, and also, it is noticeable that preventive work in schools, to prevent violence, is insufficient. Namely, the system for the protection of children against violence, abuse and neglect is more focused on response and protection than on prevention. Prevention programs are rare and usually do not have a large scope. Continuous, comprehensive and systematic prevention of violence is not carried out, and it is a prerequisite for combating violence in schools. At this point, it should be noted that one of the conclusions of the Protector of Citizens is that often the parents themselves make the work of the competent authorities difficult,

---

<sup>38</sup> Case no. 321-249/22.

because they do not want to accept the child's responsibility for the committed violence and react inadequately to it by moving the children to another school after a disciplinary procedure is initiated against them, which is certainly neither in the best interest of the child, nor in the interest of society as a whole.

The Protector of Citizens launched own-initiative investigations into the control of the legality and regularity of work of the competent authorities from the territory of the city of Novi Pazar and the city of Belgrade, after learning about cases of child begging. The launching of the investigations by the Protector of Citizens against the competent authorities of the city of Novi Pazar was initiated by the convening of a meeting by the mayor of Novi Pazar, which was attended by representatives of all relevant authorities and institutions that play a key role in the fight against organized begging, and at which conclusions were reached on further activities that should be undertaken in order to eliminate this social phenomenon, which at the same time represents another form of violence against children. During the procedure, it was determined that on 25<sup>th</sup> May 2022, the Ministry of Family Welfare and Demography, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Interior, the Republic Public Prosecutor's Office and the City of Belgrade adopted the *Plan for the Protection of Children in the Street from Violence, Neglect and Exploitation in the Republic of Serbia*, with the aim of ensuring quick and effective intersectoral cooperation in the protection of children in the street who may be at risk of becoming victims of violence, neglect and exploitation, as well as providing help, support and alternatives for street-dependent children, who live and/or work on the street. Given that a sufficiently long period has not passed since the adoption of the Plan in order to assess the effects of its application in specific situations, the Protector of Citizens will determine, through future investigations against the competent authorities whether the adoption of this act contributed to the improvement of the work of the competent authorities in the fight against child begging.

In the investigation launched on the basis of a parent's complaint due to the refusal of an elementary school management to allow him to view his children's electronic diary, the Protector of Citizens issued a recommendation<sup>39</sup> to the elementary school to eliminate the identified shortcomings. The director of the school was ordered to provide access to the data from the electronic diary to the father of the children who attend this institution. It was pointed out to the educational institution that, regardless of the other parent's opposition, the school has no right to refuse a request for access to data from the electronic diary to a parent who does not exercise independent parental rights, and has not been deprived of parental rights by a legally binding court decision in connection with matters concerning education of the child. The school accepted the recommendation of the Protector of Citizens.

In the investigation launched on the basis of a complaint by parents, the Protector of Citizens determined omissions in the work of the Centre for Social Work in Kruševac, which took the most restrictive measures of protection – seizing children from their parents and moving them out of family conditions – without any previous activities in order to provide parents with support services, assistance, counselling, supervision and/or correction in the exercise of parental rights, as well as the improvement of the family's financial position and living conditions, which would enable children to stay in the family, even though the family was on the records of the Centre for almost 10 years due to reports from other institutions that indicated child neglect, inadequate parental functioning and domestic violence. The Protector of Citizens assessed that the omissions of the competent guardianship authority to the detriment of children's rights in this particular case are irreparable and issued recommendations to partially reduce the consequences of this omission, in which it pointed

---

<sup>39</sup> Case no. 321-432/22.

to the missing activities and protection plans for children that need to be implemented for the purpose of protection and realization of their rights and development needs as a whole. Recommendations were also issued on the measures to be taken in order to prevent the repetition of similar omissions<sup>40</sup>.

In an own-initiative investigation, and based on information from the media that a private preschool institution in Belgrade had unilaterally terminated the contract of a child with developmental disabilities, the Protector of Citizens determined omissions in the work of the educational authorities because they did not enable the realization of the child's right to additional support in preschool education and upbringing. The Ministry of Education and the Secretariat for Education and Child Protection of the City of Belgrade determined in their inspection and professional-pedagogical supervision that the private preschool institution, despite knowing that the child needed additional support, consistently failed to provide it to him during his stay in the institution. However, the competent supervisory and inspection educational authorities did not act in a sufficiently urgent and coordinated manner and did not exhaust the actions within their powers and competences in order to ensure that the preschool institution implements the measures that were ordered and sent to it in order to eliminate the identified omissions before the unilateral termination of the contract it concluded with the parents comes into force and it removes the child from kindergarten. As a result, the child's right to additional support during his stay in a private preschool institution was denied even after the actions of the Ministry and the Secretariat. Considering the circumstances of the specific case, the Protector of Citizens issued recommendations<sup>41</sup> aimed at improving the work of educational supervisory and inspection authorities in future cases.

Through activities with the Youth Advisory Panel, the Protector of Citizens continued to promote the right of children to express their opinion and thus encourage the participation of children in decision-making that concerns their rights. As part of the joint project of the Council of Europe and the European Union entitled "Promotion of diversity and equality in the Republic of Serbia", the Protector of Citizens conducted research in schools on violence against vulnerable social groups in 2022. The research among peers was conducted by members of the Youth Advisory Panel of the Protector of Citizens who had previously undergone training at which they had the opportunity to learn from eminent experts from various fields about the position of members of various vulnerable groups in our country. At the lectures and interactive workshops, the panellists learned about the problems and challenges faced by people with disabilities, people from the Roma national minority, the elderly and members of the LGBTI population. Also, they were trained to conduct a survey in schools, among their peers, on the topic of peer violence against members of these vulnerable social groups. The survey was also conducted among teachers, and the main findings and results of the research will be presented as part of the Special Report of the Protector of Citizens on violence in schools with recommendations to the competent institutions, which will be published in 2023. In this way, the Protector of Citizens will compare the conclusions of this report with the conclusions it reached in a similar survey it conducted more than 10 years ago, which will give it an answer to the question of whether something has changed and to what extent when it comes to the protection of children from violence.

Also, the Protector of Citizens continued the implementation of the project "Children to children – know your rights", which was financed from the funds of the Bulgarian Development Aid, as part of which the Summer School on children's rights was held in Novi

---

<sup>40</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7654-z-sh-i-ni-gr-d-n-u-vr-di-n-pr-viln-s-i-u-r-du-c-n-r-z-s-ci-lni-r-d-rush-v-c>.

<sup>41</sup> Case no. 321-106/22.

Sad, from 12<sup>th</sup> to 16<sup>th</sup> September 2022. The Summer School was attended by 18 participants – primary and secondary school students from Belgrade, Irig, Despotovac, Jagodina, Vranje, Leskovac, Šabac, Smederevska Palanka, Priboj, Kragujevac, Svilajnac, Trstenik, Čičevac and Čačak. The Summer School was organized with the aim of improving the knowledge and understanding of children and young people about their rights and available protection mechanisms, as well as promoting participation as one of the four basic principles of the United Nations Convention on the Rights of the Child. The Summer School was attended by four members of the Youth Advisory Panel of the Protector of Citizens, who presented the United Nations Convention on the Rights of the Child to participants, as the most important international document in the area of children's rights, as well as the activities of the Youth Advisory Panel of the Protector of Citizens, and one of the peer workshops was dedicated to violence against children, i.e., to familiarizing the participants with different forms of violence and methods of protection. Over the course of five days, eminent lecturers, hired by the Protector of Citizens for this occasion, introduced the participants of the Summer School to various topics in the field of children's rights, so, among other things, they discussed the position of children belonging to national minorities, children who live and work on the street, protection of children from all forms of violence and abuse, especially sexual violence and violence in schools, as well as recognition and protection from human trafficking. At the Summer School, the rights of people with disabilities and the elderly, as particularly vulnerable social groups, were also discussed. With the aim of promoting peer education as a form of learning, as well as the Youth Advisory Panel itself, Radio-television of Serbia produced a report on the Summer School, which was shown at the beginning of February 2023. After the end of the Summer School, several participants passed on the acquired knowledge to their peers in their schools, with the support and mentoring of the employees of the Secretariat of the Protector of Citizens.

As a special body that protects, promotes and improves children's rights, the Protector of Citizens devoted special attention to improving the protection of children from sexual exploitation and abuse in the reporting period. At the conference "National Dialogue on Protection of Children from Sexual Exploitation and Abuse", which was held as part of the project of the Protector of Citizens and the Network of Organizations for Children of Serbia entitled "With joint forces against sexual abuse and neglect", which was held in Belgrade on 29<sup>th</sup> November 2022, the Protector of Citizens pointed out that the improvement of the normative framework and preventive mechanisms and policies in the area of protection of children from sexual exploitation and abuse in the private sector, as well as the education of children and adults on the recognition and protection from this type of violence, are the best way to improve the situation of children. The Protector of Citizens emphasized that in recent years, children are the most frequent victims of human trafficking, and that the most common form of their abuse is exactly sexual exploitation. The fight against child prostitution, but also child marriages, which are most often a front for child trafficking, require more effective cooperation with state authorities and institutions, as well as civil society organizations.

During the last year and the year before that, the Protector of Citizens participated in the regional Child Rights Impact Assessment (CRIA) initiative, which was implemented in partnership with the European Network of Ombudspersons for Children (ENOC). As part of that initiative, the Protector of Citizens conducted research to assess how the measures and regulations adopted to prevent the spread of the COVID-19 infectious disease affected the exercise of children's rights, especially the child's right to maintain personal relationships with a parent with whom he/she does not live and the right of children with developmental disabilities to the social protection service – day care. Based on the data collected during the research, with the support of the United Nations Children's Fund (UNICEF), a Special Report



of the Protector of Citizens was prepared, with recommendations for improvement, which was presented at the beginning of 2022.

The Deputy Protector of Citizens and employees of the Department for Child Rights participated in the thematic spring conference of the European Network of Ombudspersons for Children (ENOC) in Warsaw on the topic of climate justice, as well as in the regular annual conference of ENOC in Iceland. At the conference held in Reykjavík, the Deputy Protector of Citizens introduced the other members of the ENOC network to the activities of the Protector of Citizens in promoting the children's right to express their opinions and encouraging the participation of children in decision-making that concerns them, and presented the work of this independent state body with the Youth Advisory Panel of the Protector of Citizens.

## PROPOSALS FOR IMPROVING THE POSITION OF THE CHILD IN RELATION TO ADMINISTRATIVE AUTHORITIES

*Although according to Article 19, paragraph 2 of the Law on the Protector of Citizens, the Protector of Citizens is not authorized to control the work of the National Assembly and the Government, the Protector of Citizens believes that it would be useful for these authorities to consider its proposals.*

- **The government** should plan and take economic policy measures without compromising the rights of children and in a way that will not reduce the achieved standards in the realization of children's rights and provide a sufficient number of professionals in social welfare institutions; compose and adopt a new National Action Plan for Children in accordance with the recommendations of the Protector of Citizens and the United Nations Committee on the Rights of the Child, so that the Republic of Serbia may get a unique policy for the protection and promotion of the rights and best interests of the child; propose amendments to the Law on Prevention of Domestic Violence, which should include special provisions on the actions in cases of violence against children, including provisions that stipulate that a child is a victim of violence whenever exposed to domestic violence against a family member or a close person and establish a single record of cases of violence against children; propose amendments to the Law on Public Peace and Order, which should ensure that children in the street are not treated as perpetrators of criminal offences, but as victims of violence, abuse and neglect; propose amendments to the Family Law, the Law on Prevention of Domestic Violence and the Criminal Code with the aim of ensuring more adequate civil and criminal legal protection of children from child, early and forced marriages as a form of violence against children, which would harmonize the regulations with the key international treaties confirmed by the Republic of Serbia in the field of children's rights and prevention of violence, including sexual and gender-based violence; propose amendments to existing regulations or the adoption of new ones that would provide new rights and support measures for parents of seriously ill children and children with developmental delays who need constant care and assistance, in accordance with the proposals and recommendations of the Protector of Citizens.
- **Ministries** whose scope of work includes the areas of family welfare and demography, education and upbringing, youth and sports, health, justice, internal affairs, social protection, culture, trade, tourism and telecommunications and transportation, should elaborate in more detail, with special protocols, the procedures within their competences, in accordance with the principles and goals of the General Protocol for the Protection of Children from Violence, and with the aim of achieving effective intersectoral and intra-sectoral cooperation;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** and the **Ministry of Finance** should ensure an adequate number of employees in centres for social work, as

well as centres for family accommodation and adoption, in order to enable full application of professional standards and adequate actions of the centres within the full scope of their competence in the field of social protection;

- **The Ministry of Labour, Employment, Veteran and Social Affairs, the Centre for Human Trafficking Victims' Protection**, as well as competent centres for social work, should start systemically solving problems in the field of protection against trafficking in human beings, through better cooperation and coordinated exchange of information, a clear division of roles in the protection system, joint undertaking of activities and actions of the competent authorities, with the aim of stopping violence, providing adequate and timely protection to children and implementing effective procedures before the competent authorities;
- **The Ministry of Family Welfare and Demography and the Provincial Secretariat for Social Policy, Demography and Gender Equality**, in cooperation with the **Republic Institute for Social Protection** and the **Provincial Institute for Social Protection**, as well as other competent state authorities and institutions, should work on developing specialized forms of foster care such as family accommodation with intensive and additional support, occasional and urgent family accommodation, with the mandatory involvement of experts who provide immediate support to children and foster families;
- **The Ministry of Family Welfare and Demography** should ensure that centres for social work take measures aimed at preventing the separation of children from the family, as well as all available measures in relation to a parent who abuses parental rights, in order to protect the rights and best interests of children and thereby protect children from abuse and violence;
- **The Ministry of Information and Telecommunications** should take activities within its competence in a timely manner, in all cases where there is a suspicion of violation of the rights of the child by the media, primarily when the media are reporting on cases of family and other forms of violence, in which a child appears as the perpetrator or a victim of violence;
- **The Ministry of Education** should ensure that the greatest attention in every educational institution is focused on continuous, comprehensive and systematic planning of preventive activities that are crucial in suppressing violence, which would also include parents;
- **The Ministry of Education** should provide appropriate training in the field of protection against violence, abuse and neglect for employees in educational institutions, for better recognition of violence and proper application of existing regulations in the protection against violence;
- **The Ministry of Education** should ensure that educational institutions provide additional support to every child with developmental disabilities who needs it, as well as an adequate number of students in classes and the number of children in educational groups, accessibility of facilities and other prerequisites for providing additional support to children and students in the process of upbringing and education, with an individualized approach and respect for the needs of every child and student;
- **The Ministry of Education** should improve and develop affirmative measures and support services in order to increase the inclusion of children living in poverty, children in the street, Roma children and children from rural areas in preschool, primary and secondary school education;

- **Competent authorities** should establish coordinated cooperation, provide comprehensive and systemic prevention of violence in which parents would also be involved, and continuous education of professionals in the system of protection against violence, in order to recognize and respond in a timely manner in all cases where there is a suspicion that a child is a victim of human trafficking.

## 4.2. GENDER EQUALITY AND RIGHTS OF LGBTI PERSONS

### STATISTICS

In the area of gender equality and the rights of LGBTI persons, the Protector of Citizens considered 80 cases in 2022, of which 60 were citizens' complaints and 20 own-initiative investigations. Cases in this area make up 2.22% of the total considered cases in 2022. Out of the 80 cases considered, the Protector of Citizens completed work on 63 cases. In 2022, work was completed on 18 cases from previous years.

The Protector of Citizens issued nine recommendations to the authorities, seven of which were due for execution in the reporting period. Out of that number, the administrative authorities accepted five recommendations, which makes 71.43% of the accepted recommendations. Cases considered in the reporting period, the outcome of the handling of completed cases and the outcome of the handling of recommendations are shown in the tables below.

**Table 14 – Overview of the considered cases in 2022**

<b>Number of cases in 2022</b>	<b>80</b>	<b>%</b>
Number of completed cases in 2022	63	78.75%
Number of cases in progress in 2022	17	21.25%

**Table 15 – Outcome of the handling of recommendations**

<b>Number of issued recommendations</b>	<b>Number of due recommendations</b>	<b>Number of accepted recommendations</b>	<b>% accepted</b>
<b>9</b>	<b>7</b>	<b>5</b>	<b>71.43 %</b>

**Table 16 – Outcome of the handling of completed cases in 2022**

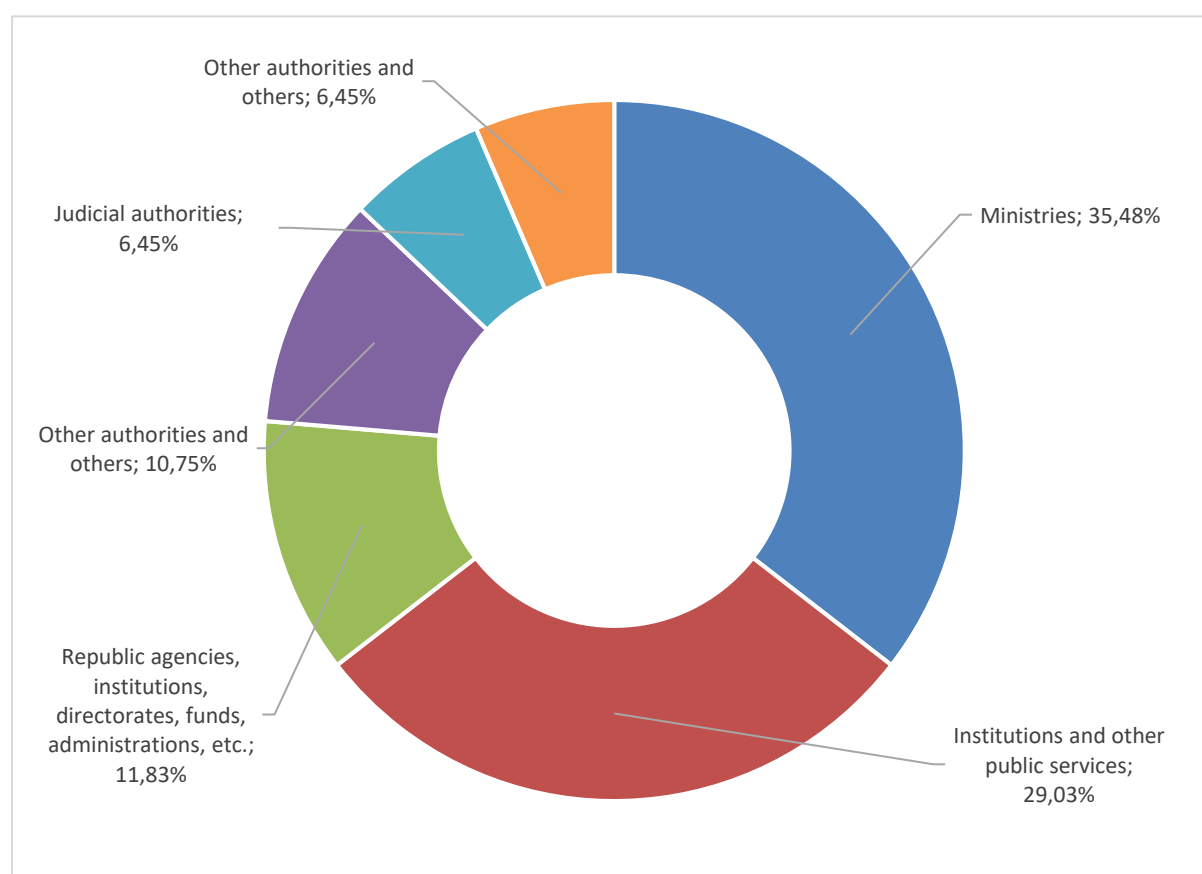
	<b>number</b>	<b>percentage</b>
<b>1. Inadmissible complaints</b>	<b>33</b>	<b>52.38%</b>
1.1. Unused legal remedies	20	60.61%
1.2. Unauthorized applicant	3	9.09%
1.3. Lack of competence	5	15.15%
1.4. Anonymous complaint	5	15.15%
<b>2. Unfounded complaints</b>	<b>19</b>	<b>30.16%</b>
<b>3. Cases closed with recommendations from the control investigation</b>	<b>5</b>	<b>7.94%</b>
<b>4. Cases closed with recommendations from the expedited investigation</b>	<b>4</b>	<b>6.35%</b>
<b>5. Opinion</b>	<b>2</b>	<b>3.17%</b>
<b>Total</b>	<b>63</b>	<b>100%</b>

The Protector of Citizens rejects a number of received complaints because the legally prescribed conditions for acting on them are not met. Complaints are rejected due to lack of competence, untimeliness, prematurity, anonymity and formal deficiency. A very important segment in the Protector of Citizens' handling of complaints is the provision of advisory and

legal assistance, which the Protector of Citizens provides even when it rejects a complaint due to lack of competence or prematurity. Such advisory assistance was provided to citizens in 75.76% of rejected cases (25) in this area. In these cases, the Protector of Citizens refers the complainant to the competent authority or advises him/her on the available legal remedies.

In the field of gender equality, in 80 cases, 152 violations of rights were pointed out, a good part of which refers to domestic violence, rights of pregnant women and postpartum mothers, and the right to compensation of incomes during pregnancy, maternity leave and child care, that is, hate speech and violence against LGBTI persons.

**Chart 4 – Categories of authorities and organizations whose work citizens most often complained about in the area of gender equality and LGBTI rights**



## ACTIVITIES OF THE PROTECTOR OF CITIZENS

### Gender equality

The Protector of Citizens requested the Ministry of Human and Minority Rights and Social Dialogue, as the authority responsible for supervising the implementation of the Law on Gender Equality, to provide information on the measures taken by this Ministry, independently and in cooperation with other competent authorities, in order to allow the application of the legal provision which stipulates that an unemployed person who is not health insured on any other basis, acquires the right to health insurance on the basis of unpaid work (in the home – running a household, raising the children, caring for other family members, as well as work on agricultural land, etc.), and from the Republic Health Insurance Fund to inform the Protector of Citizens about the manner in which it ensures and implements the mentioned legal provision, as well as how many such requests have been made since the

beginning of the implementation of the Law on Gender Equality and how the submitted requests were decided on.

The Ministry of Human and Minority Rights and Social Dialogue informed the Protector of Citizens that it had approached the Ministry of Health on 12<sup>th</sup> August 2022 regarding this issue, in order to obtain information on the measures taken (regulatory and other) in connection with the implementation of the aforementioned legal provision, and received a response that this provision was not applicable without appropriate coordination with other regulations that are not within the exclusive competence of the Ministry of Health and that require a multisectoral approach. The Republic Health Insurance Fund reported to the Protector of Citizens that it did not have information on the number of addresses by persons in connection with the aforementioned legal provision. From the aforementioned statements, it follows that, in the reporting period, no specific multisectoral measures were taken in order to enable an unemployed person, who is not health insured on any other basis, to acquire the right to health insurance on the basis of unpaid work at home and on agricultural land. The Protector of Citizens will consider taking other measures within the scope of its competence.

With the financial support of the Council of Europe, and in cooperation with the association "Strength of Friendship – Amity", the Protector of Citizens implemented the project *Strengthening the capacity of the Protector of Citizens in the protection and promotion of economic and social rights* in the period from May to the end of November 2022. Activities devoted to establishing a mechanism for monitoring the realization of the economic and social rights of elderly women in the countryside were carried out with the aim of protecting their rights, through reporting on the implementation of the Revised European Social Charter. As part of the project, a Register of civil society organizations dealing with the protection and promotion of the economic and social rights of elderly women in the countryside was created, as well as a mechanism for mapping the spread and monitoring the quality of the help at home service as social protection service and specific health care services, with due regard for socio-demographic characteristics of the beneficiaries. Training was also organized for employees of the Secretariat of the Protector of Citizens on the implementation of the Revised European Social Charter, followed by the conference "Protection of rights of elderly women in the countryside through monitoring the implementation of the Revised European Social Charter", as well as two workshops with women in the countryside<sup>42</sup>.

In order to raise the awareness of elderly women about various forms of domestic violence and gender-based violence and about their harmfulness, as well as about the protection mechanisms available to them in case of violation of their rights, including the competences and the possibility of addressing the Protector of Citizens, the Protector of Citizens and the association "Strength of friendship – Amity" held forums<sup>43</sup> in 2022 as well, in which older women from rural areas participated<sup>44</sup>.

After the conducted control investigation into the work of the Ministry of Labour, Employment, Veteran and Social Affairs in connection with the procedure for exercising the right to a subsidy for the purchase of the first apartment on the basis of the birth of a child, the Protector of Citizens assessed that there were no irregularities in the work of this authority, but that the complainant did not submit the request for exercising the mentioned right timely and within the legally prescribed deadline. However, taking into account specific complaints,

---

<sup>42</sup> In the village of Lačarak near Sremska Mitrovica and in the village of Zlot near Bor.

<sup>43</sup> In 2022, four forums were held with elderly women in the countryside, in Ivanjica, Topola, in the village of Sirogojno, Aleksandrovac.

<sup>44</sup> The mentioned events are being realized within the project "Improvement of safety of women in Serbia", implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in cooperation with the Ministry of Interior, and with the support of the Norwegian Embassy in Belgrade.

as well as statements from the media approached by a large number of female citizens, which indicate possible ambiguities in connection with the procedure for exercising the right to a subsidy for mothers for the purchase of their first apartment, possible unclear and inaccurate guidelines given to citizens by acting officials of the city/municipal administrations, as well as the possible untimely decisions of the competent Commission on the requirements regarding the fulfilment of the conditions for exercising this right on the basis of the birth of a child, the Protector of Citizens submitted its Opinion<sup>45</sup> to the competent ministries.

In the Opinion, it pointed out the need for the Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Ministry of Family Welfare and Demography, to consider the possibility of taking measures with the aim of amending the Regulation on closer conditions and methods of exercising the right to funds for participation in the purchase i.e., the purchase of a family-residential building or an apartment on the basis of the birth of a child, in order to prescribe shorter deadlines, both for deciding on the requests of citizens and in connection with the deadlines for transferring the approved funds to a dedicated account. Also, considering the possibility of taking measures with the aim of amending this Regulation was proposed, so that citizens who, not understanding the prescribed procedure, concluded a sales contract before submitting a request for a subsidy, would be allowed to exercise their right to the funds on the basis of a birth of a child. Also, the need was pointed out for the relevant ministries to send all municipal/city administrations an instruction, in which the procedure, conditions and documentation necessary for exercising this right will be presented in a clear and unambiguous manner, in order to prevent possible omissions in the future, which will also be highlighted on their website. The competent ministry accepted the opinion of the Protector of Citizens.

The Protector of Citizens determined that in the process of exercising the right to compensation of incomes during leave from work for child care, initiated by the father of the child, the Ministry of Family Welfare and Demography acted irregularly when it repealed the decision of the competent city administration, which recognized the child's father the right to compensation of incomes during leave from work for child care, after the expiration of the legally prescribed deadline.<sup>46</sup> In the same decision, the Ministry unfoundedly referred to and incorrectly applied the article of the Law on Financial Support for Families with Children<sup>47</sup>, which stipulates that appeals against first-instance rulings on the rights in question<sup>48</sup> are decided in the second instance by the minister responsible for financial support for families with children, although there was no appeal to the previously mentioned decision of the city administration. In connection with this, the Protector of Citizens issued a recommendation<sup>49</sup> to the Ministry to repeal its decision, which repealed the first-instance decision of the city administration.

A postpartum mother addressed the Protector of Citizens, pointing out the impossibility of exercising her right to maternity leave and leave from work for child care within the legal deadline. In a control investigation, the Protector of Citizens determined that the Centre for Social Work in Požarevac, as the employer of the complainant, made an omission in its work to her detriment, by acting contrary to the Labour Law and the Law on Financial Support for Families with Children, demanding documentation from the complainant that is not

---

<sup>45</sup> Opinion available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7673-n-dl-zni-rg-ni-uv-zili-ishlj-nj-z-sh-i-ni-gr-d-n-pri-d-n-sh-nju-n-v-ur-db-subv-nci-i-z-up-vinu-s-n-p-sn-vu-r-d-nj-d>.

<sup>46</sup> The deadline in question is one year from the finality of the decision, prescribed by the provisions of Article 183 of the Law on General Administrative Procedure.

<sup>47</sup> Art. 42 of the Law on Financial Support for Families with Children.

<sup>48</sup> From Article 11, paragraph 1, items 1) to 7) of the Law on Financial Support for Families with Children.

<sup>49</sup> Case no. 322-283/22.

prescribed by either the law or by-laws as necessary for the exercise of this right. In this regard, a recommendation<sup>50</sup> was issued for the director of this authority to make it mandatory for the competent organizational units to act exclusively in accordance with positive legal regulations and legal deadlines in the future.

The Protector of Citizens conducted several own-initiative investigations in cases of femicide and domestic and intimate partner violence. In order to improve the work of the authorities in the system of protection from domestic violence, prevention of violence and achieve a more effective protection of victims, the Protector of Citizens issued recommendations<sup>51</sup> and an opinion<sup>52</sup> to the competent authorities that it is necessary to improve the communication of the competent authorities when working on the protection of victims of domestic violence, by including healthcare institutions, i.e., psychiatrists in the work of the Coordination and Cooperation Groups, which were formed within basic public prosecutor's offices, with the aim of reducing the risk of violence; that victims should be invited and encouraged to participate in the work of Coordination and Cooperation Groups whenever possible; that it is necessary to include the authorities from the fields of health, education, and the Administration for the Enforcement of Penal Sanctions in the work on the protection of victims of violence, especially in cases where the perpetrator ends up serving a prison sentence for crimes related to domestic violence, which the competent centre for social work should have knowledge of; to provide multi-sector training for acting officials on the content and obligations that stem from the Law on the Prevention of Domestic Violence and the General and Special Protocols, with a special focus on risk assessment.

The Protector of Citizens and the Forum of Judges of Serbia were partners in the multi-year project of the Autonomous Women's Centre "Effective policies and harmonized practice in providing support and assistance to victims of domestic violence", financed by the Embassy of the Kingdom of the Netherlands, the aim of which is to contribute to the full implementation of the legal framework and the improvement of institutional practice in connection with the protection of victims of domestic violence. Within the project activities in 2022, based on the collected data on the work of coordination and cooperation groups in the area of the Higher Public Prosecutor's Office in Niš and based on focus group discussions with representatives of centres for social work from Doljevac, Gadžin Han, Aleksinac, Niš, Ražanj, Sokobanja and Svrlijig, the Protector of Citizens prepared a Special Report of the Protector of Citizens on the work of coordination and cooperation groups in the area of the Higher Public Prosecutor's Office in Niš<sup>53</sup>, which was published and presented in July 2022 in Niš. In the Special Report, recommendations were issued to the competent authorities with the aim of improving the work of coordination and cooperation groups, preventing violence and achieving more effective protection of victims.

## **Rights of LGBTI persons**

The Protector of Citizens launched an investigation to assess the legality and regularity of work of the Ministry of Interior – Police Administration for the City of Belgrade, regarding allegations by the media about the pasting of the windows of the Pride Info Centre in Belgrade with neo-Nazi stickers. The Ministry of Interior took measures within its competence in this case by, among other things, performing a forensic examination of the scene of the crime and taking forensic-technical photographs of the aforementioned

---

<sup>50</sup> Case no. 322-174/22.

<sup>51</sup> Case no. 322-154/22; case no. 322-140/22.

<sup>52</sup> Case no. 322-118/21.

<sup>53</sup> Report available at: <https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/7519-p-s-bn-g-izv-sh-z-sh-i-ni-gr-d-n-r-du-grup-z-rdin-ci-u-i-s-r-dnju-n-p-druc-u-vish-g-vn-g-uzil-sh-v-u-nishu>.



stickers. Also, the video recording of the event in question was exempted, on the basis of which a request was submitted for extraordinary notification with a photo of the unknown persons who pasted the stickers of the neo-Nazi group, in order to determine the identity of the persons, and then work was continued on determining and processing these persons.

In order to implement the recommendation issued to the Ministry of Health in 2019, the Protector of Citizens organized a meeting of representatives of state authorities, healthcare institutions, international and organizations dealing with the protection of rights of transgender persons, which was also attended by the Minister for Human and Minority Rights and Social Dialogue. On that occasion, he invited all participants to improve communication and cooperation with the aim of implementing the revised International Classification of Diseases of the World Health Organization, which removed transgender identity from the list of mental illnesses in 2019 and moved it to the domain of sexual health, as well as improving the position of trans people in all areas.

The Protector of Citizens and the Rainbow Association, with the support of the Embassy of Canada, are implementing a project with the aim of enabling vulnerable social groups to benefit from a comprehensive and inclusive local strategic framework<sup>54</sup>, in accordance with the recommendations of national and international human rights bodies. Within the project, support will be provided to local self-government units in the development of local action plans in the area of gender equality, social protection or the youth, so that they may be comprehensive, realistic and foresee measurable activities.

## PROPOSALS FOR IMPROVING GENDER EQUALITY AND IMPROVING THE POSITION OF LGBTI PERSONS IN RELATION TO ADMINISTRATIVE AUTHORITIES

*Although according to Article 19, paragraph 2 of the Law on the Protector of Citizens, the Protector of Citizens is not authorized to control the work of the National Assembly and the Government, the Protector of Citizens believes that it would be useful for these authorities to consider its proposals.*

- **The government** should adopt the Action Plan for the implementation of the National Strategy for Preventing and Combating Violence in Family and in Intimate Partner Relations<sup>55</sup>; propose amendments to the Criminal Code in order to harmonize the Criminal Code with the Istanbul Convention; propose amendments to the Criminal Code, which in all regulations aimed at punishing and preventing racism and intolerance, would criminalize the act of committing these crimes both on the basis of sexual orientation and on the basis of gender identity; propose amendments to the Family Law<sup>56</sup>, including changing the definition of domestic violence, prescribing new protection measures for victims of domestic violence: issuance of orders for inclusion in psychosocial treatment or a specialized program for perpetrators of domestic violence and issuance of

---

<sup>54</sup> This training represents, among other things, another step in the implementation of the recommendations of the Protector of Citizens, which was repeated multiple times since 2017, to bodies of local self-government units to explicitly include LGBTI persons in local action plans and prescribe measures to improve the position of these persons, as well as to allocate appropriate budget funds for these activities, in order to enable LGBTI persons to exercise their rights guaranteed by the Constitution and the laws in their local community as well. In this process, the Instrument for including the principle that no one is left out in the legal and strategic documents of the Republic of Serbia will be presented, which was developed, in accordance with the UN Agenda 2020-2030, in cooperation with the Ministry of Human and Minority Rights and Social Dialogue and the Agency of the United Nations for human rights, and presented to the public in September 2022.

<sup>55</sup> Available at: <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php>.

<sup>56</sup> "Official Gazette of RS", no. 18/05, 72/11 – as amended and 6/15.

orders for treatment for alcoholism and drug addiction; propose amendments to the Law on the Prevention of Domestic Violence<sup>57</sup>, in order to ensure that the law also applies to juvenile perpetrators of domestic violence in relation to the provisions that prescribe the obligation to carry out risk assessments, consider such cases in coordination and cooperation groups and develop individual protection plans and victim support; propose amendments to the relevant laws in order to define special measures against those convicted of crimes against sexual freedom also in cases where they were committed against adults after the expiration of the sentence and the end of their stay in penal correctional institutions, with the aim of preventing them from committing these crimes again;

- **The government, the authorities of the autonomous province and local self-government unit bodies** should ensure the full realization of the rights of LGBTI persons, as well as the implementation of measures and activities dedicated to raising public awareness of the need to respect the rights of LGBTI persons;
- **The Ministry of Health, the Ministry of Finance, the Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the Ministry of Human and Minority Rights and Social Dialogue and other competent authorities** should ensure the realization of the right to health insurance on the basis of unpaid work at home<sup>58</sup>;
- **The Ministry of Health and the Republic Health Insurance Fund** should ensure that all women have access to health care services at all levels of health care;
- **Competent authorities** should ensure action and/or act according to the recommendations issued in the Special Report of the Protector of Citizens on the work of coordination and cooperation groups in the area of the city of Belgrade, as well as in the Special Report of the Protector of Citizens on the work of coordination and cooperation groups in the area of the Higher Public Prosecutor's Office in Niš<sup>59</sup>;
- **Competent authorities** should provide multi-sector training for acting officials in police administrations, guardianship authorities, courts, public prosecutor's offices and healthcare institutions on the content and obligations arising from the Law on Prevention of Domestic Violence and the General and Special Protocols, with special reference to risk assessment;
- **Competent authorities** should provide preventive measures for domestic violence and a network of services for victims, including available and quality free legal aid for all victims, accessibility of health care services, promotion and improvement of services in the community, specialized support services for female victims, child victims and witnesses of domestic violence, persons with physical, sensory, mental and psychological disabilities and elderly persons, and their effective implementation in practice;
- **Competent authorities** should ensure compliance of the General and Special Protocols for the Protection of Women against Violence in Family and in Intimate Partner Relations with the Law on Prevention of Domestic Violence;
- **The Ministry of Health** should, in cooperation with other competent authorities and organizations, take measures to implement the program for the depathologization of trans identity, in accordance with the revision of the International Classification of

---

<sup>57</sup> "Official Gazette of RS", number 94/16.

<sup>58</sup> At home (running the household, raising children, caring for other family members), as well as working on agricultural land, etc.

<sup>59</sup> Report available at: <https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/7519-p-s-bn-g-izv-sh-z-sh-i-ni-gr-d-n-r-du-grup-z-rdin-ci-u-i-s-r-dnju-n-p-druc-u-vish-g-vn-g-uzil-sh-v-u-nishu>.

Diseases (ICD 11) of the World Health Organization, which removed transgender identity from the list of mental illnesses;

- **The Ministry of Interior** should propose an amendment to the Law on Police, which will introduce an explicit prohibition of discrimination based on sexual orientation and provide training for employees of the police with the aim of sensitization towards LGBTI persons, recognition of hate crimes, among other things, based on sexual orientation and gender identity and achieving adequate actions aimed at preventing secondary victimization of LGBTI persons and identifying the attackers of these persons;
- **The Ministry of Education** should provide trainings for employees in educational institutions in order to sensitize them towards LGBTI persons;
- **The Ministry of Education** should prepare amendments to the Law on Textbooks<sup>60</sup> by prescribing a provision that contains an explicit prohibition of discrimination based on sexual orientation and gender identity and a provision that explicitly prohibits content that encourages the formation of prejudices and stereotypes;
- **Authorities of local self-government units** should include in their local action plans all vulnerable groups on the territory of the local self-government unit and prescribe measures to improve the position of these persons, as well as allocate appropriate budget funds for these activities.

---

<sup>60</sup> "Official Gazette of RS", number 27/18.

### 4.3. RIGHTS OF PERSONS WITH DISABILITIES AND RIGHTS OF THE ELDERLY

#### STATISTICS

In the area of the rights of persons with disabilities and the elderly, the Protector of Citizens considered 115 cases in 2022, of which 107 were citizens' complaints and eight own-initiative investigations. Of the 115 cases considered, the Protector of Citizens completed work on 80 cases. In 2022, work was completed on 30 cases from previous years. Cases in this area make up 3.19% of the total number of cases considered in 2022.

The Protector of Citizens issued eight recommendations to administrative authorities, five of which were due for execution in the reporting period. Of that number, the administrative authorities accepted five recommendations, which is 100%. The cases considered in the reporting period, the outcome of the handling of completed cases and the outcome of the handling of recommendations are shown in the tables below.

**Table 17 – Overview of the considered cases in 2022**

<b>Number of cases in 2022</b>	<b>115</b>	<b>%</b>
Number of completed cases in 2022	80	69.57%
Number of cases in progress in 2022	35	30.43%

**Table 18 – Outcome of the handling of recommendations**

<b>Number of issued recommendations</b>	<b>Number of due recommendations</b>	<b>Number of accepted recommendations</b>	<b>% accepted</b>
8	5	5	100%

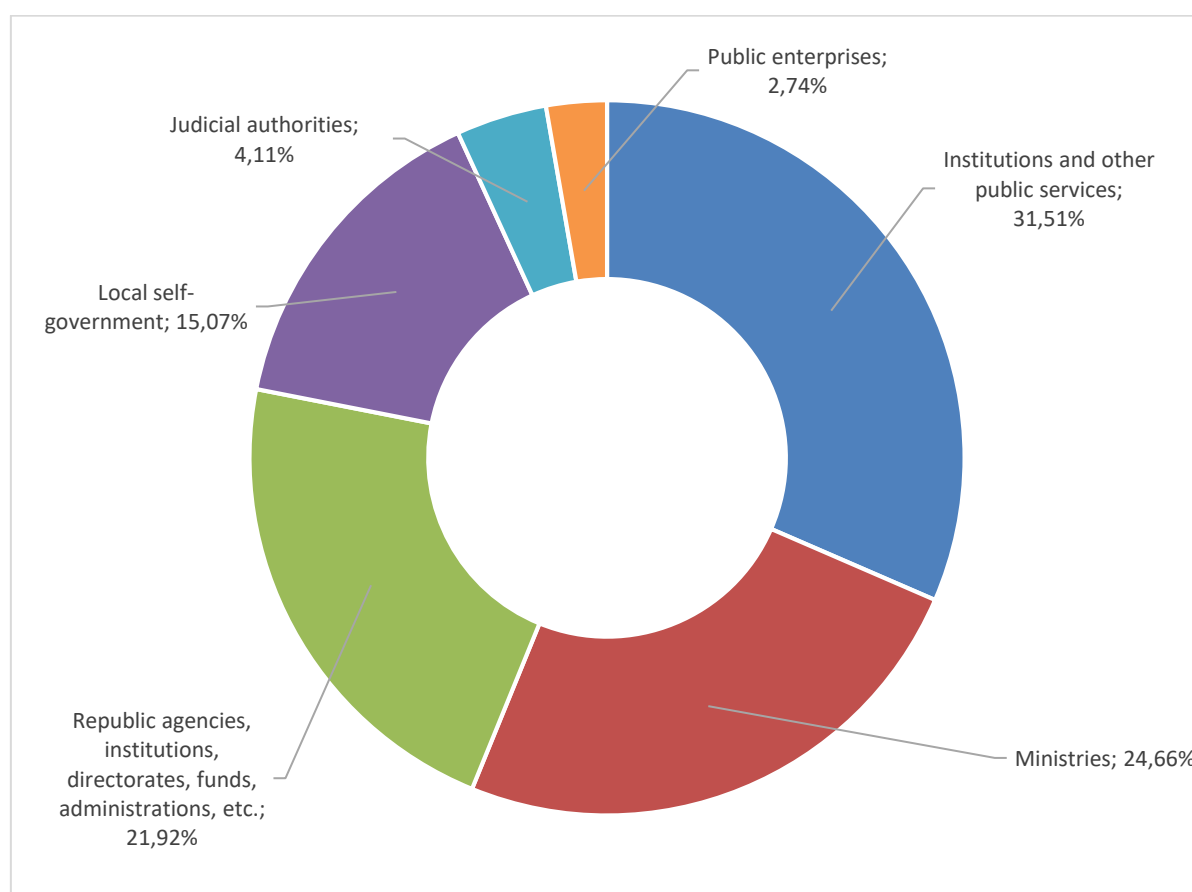
**Table 19 – Outcome of the handling of completed cases in 2022**

	<b>number</b>	<b>percentage</b>
<b>1. Inadmissible complaints</b>	<b>32</b>	<b>40%</b>
1.1. Lack of competence	7	21.87%
1.2. Unused legal remedies	13	40.63%
1.3. Formally deficient complaint	10	31.25%
1.4. Untimeliness	2	6.25%
<b>2. Unfounded complaints</b>	<b>18</b>	<b>22.50%</b>
<b>3. Informed and advised complainant</b>	<b>10</b>	<b>12.50%</b>
<b>4. Cases closed with recommendations from the expedited control investigation</b>	<b>9</b>	<b>11.25%</b>
<b>5. Cases closed with recommendations from the control investigation</b>	<b>6</b>	<b>7.50%</b>
<b>6. Withdrawal of the complainant</b>	<b>2</b>	<b>2.50%</b>
<b>7. Legislative initiative</b>	<b>1</b>	<b>1.25%</b>
<b>8. Opinion</b>	<b>1</b>	<b>1.25%</b>
<b>9. Closure due to the death of the complainant</b>	<b>1</b>	<b>1.25%</b>
<b>Total</b>	<b>80</b>	<b>100%</b>

The Protector of Citizens rejects a number of received complaints because the legally prescribed conditions for acting on them are not met. Complaints are rejected due to the lack of competence, untimeliness, prematurity, anonymity and formal deficiency. A very important segment in the handling of complaints of the Protector of Citizens is the provision of advisory and legal assistance, which the Protector of Citizens provides even when it rejects a complaint due to lack of competence or prematurity. Such advisory assistance was provided to citizens in **62,50%** of rejected cases (20) in this area. In these cases, the Protector of Citizens refers the complainant to the competent authority or advises him/her on the available legal remedies.

In the area of the rights of persons with disabilities and the rights of the elderly, 150 violations of rights were pointed out in 115 cases, most of which related to the right to employment and professional rehabilitation, the right to equal accessibility of services and discrimination on the basis of disability, violations of the rights of the elderly, i.e., rights of the elderly in social welfare and health care institutions, the right to social protection services for the elderly and the right to special health care for the elderly.

**Chart 5 – Categories of authorities and organizations whose work citizens most often complained about in the area of the rights of persons with disabilities and the elderly**



## ACTIVITIES OF THE PROTECTOR OF CITIZENS

### Rights of persons with disabilities

The action plan for the implementation of the Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the period from 2020 to 2024, in the

period from 2021 to 2022<sup>61</sup>, prescribes, among other things, an activity dedicated to harmonizing regulations on business capacity and guardianship with the Convention on the Rights of Persons with Disabilities, as well as an activity dedicated to the creation and implementation of the Operational Plan for Accessibility. The Protector of Citizens submitted proposals<sup>62</sup> to the Ministry of Construction, Transport and Infrastructure in 2021 about what the Operational Plan for Accessibility should contain<sup>63</sup>, but after that, in the reporting period, the Protector of Citizens was not invited to meetings or included in other activities of the Interdepartmental Working Group for the creation and implementation of the Operational Plan for Accessibility for the period 2020 to 2024.

The Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection<sup>64</sup>, which entered into force on 31<sup>st</sup> December 2021, is not fully implemented. Namely, this Law contains a provision that consistently allows beneficiaries of temporary accommodation services to personally decide, if necessary, on accommodation in an institution, "regardless of their level of business capacity", with the necessary and customized information and with the help of a trusted person, but also on the termination of the accommodation service, as well as to object to the provision of accommodation services and participate in the planning and implementation of activities and measures within the accommodation service. This Law also contains a provision on the obligation of centres for social work, when reviewing the decision on placing beneficiaries in a social welfare home, to reconsider the possibility of meeting the needs of beneficiaries by using some of the services in the community in a less restrictive manner in order to achieve the started process of deinstitutionalization. The practice of the Protector of Citizens shows that the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, which entered into force on 31<sup>st</sup> December 2021, is not fully implemented. Also, although the legally prescribed deadline for the adoption of the by-law for its implementation has expired, the by-law has not yet been adopted. Therefore, at the end of 2022, the Protector of Citizens requested the competent Ministry of Labour, Employment, Veteran and Social Affairs to provide it with information on the measures taken, independently and in cooperation with other competent authorities, in order to enable the application of this Law in practice, as well as information on how, in a situation where the beneficiary of the accommodation service in a home for adults and the elderly expresses intention to leave the social protection institution, the mentioned Law will be applied and how the competent centre for social work will act in this case, especially when it comes to Articles 15 and 18 of the Law<sup>65</sup>.

---

<sup>61</sup> Available at: <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php>.

<sup>62</sup> On 9<sup>th</sup> September 2021, the Government of the Republic of Serbia adopted a decision establishing the Interdepartmental Working Group for the creation and implementation of the Operational Plan for Accessibility for the period 2020 to 2024, whose member is the Deputy Protector of Citizens for the rights of persons with disabilities and the elderly.

<sup>63</sup> Among other things, proposals for changes to the existing legal framework, creation of a comprehensive database on accessibility in all relevant areas, systematic training of staff, i.e., employees who work on issues of accessibility and the application of universal design for all in the field of spatial planning and construction of facilities, compliance with obligations to ensure accessibility, preparation and adoption of strategic documents for ensuring the accessibility of public facilities, public areas, services and information, as well as for the removal of existing barriers, which include measures and activities for the reconstruction of existing facilities, according to the list of priorities and the allocation of appropriate budget funds for these purposes.

<sup>64</sup> Act of the Protector of Citizens, ref. no. 17179 dated 24<sup>th</sup> June 2021.

<sup>65</sup> Article 15, paragraph 2 of this Law stipulates that an adult beneficiary, regardless of the degree of business capacity, or the legal representative of a minor beneficiary, has the right to change or withdraw the declaration of consent to accommodation at any time by freely expressed personal will. Article 18, paragraph 1 of the mentioned Law stipulates that the use of the accommodation service by the beneficiary ends with the decision of the competent centre for social work, i.e., the service provider, and paragraph 2, item 3 of the same article, stipulates



The Protector of Citizens sent an opinion<sup>66</sup> to all local self-government units in the Republic of Serbia, in which it invites them, in accordance with their capabilities, to continuously announce competitions for the awarding of school and student scholarships and to introduce lighter criteria into the competitions for the awarding of school and student scholarships to children and young people with developmental disabilities. In this way, local self-governments would improve the position and degree of realization of the right to education of children and young people with disabilities and provide support for them to realize their full capacities, to become economically independent and fully integrate into society. Namely, the results of the research of the Association of Students with Handicap, conducted in 2021, show that only 16 local self-government units in the Republic of Serbia continuously announce competitions in the above-mentioned manner.

A complainant addressed the Protector of Citizens, stating that he was a war military disabled person, suffering from diabetes with vascular and neurological complications, who, on 11<sup>th</sup> April 2022, within the deadline, submitted a request with all available medical documentation to the Public Call for Requests for referral to spa-climatic recovery of military disabled people, civilian war military disabled people and the beneficiaries of family disability benefits, announced in accordance with the determined funds of the Ministry of Labour, Employment, Veteran and Social Affairs, as well as that he was dissatisfied with the Ministry's actions during the implementation of this Public Call. Based on the collected information, the Protector of Citizens established that the Ministry Commission met in order to consider the requests on 10<sup>th</sup> May 2022, when it had the opportunity to consider requests received within the prescribed period, i.e., until 29<sup>th</sup> April 2022, and perform scoring of all requests that have met the formal requirements. Despite the above, the members of the Commission considered only requests received by 31<sup>st</sup> March 2022. The Protector of Citizens sent an Opinion<sup>67</sup> to this Ministry pointing out the need to ensure that, in the future, all requests received in the period prescribed by the Public Call are considered, so that those beneficiaries who need spa-climate recovery the most, who previously met the formal requirements and achieved the highest number of points in accordance with the criteria prescribed by the Public Call, are referred to the spa-climate recovery first, until the available capacities are filled.

The procedures conducted by the Protector of Citizens in 2022 showed that centres for social work do not perform timely and appropriate control the work of guardians in all cases, in order to determine whether guardianship protection is in the best interest of the ward, which leads to serious omissions precisely to the detriment of to the ward. Namely, the centre for social work and the guardian do not fulfil their obligations in all cases, in accordance with the best interests of the ward, and do not adequately protect the person, rights and property of the ward, and thus cause damage to the ward and put him in a disadvantageous position, and the guardianship authority does not mandate the taking of timely and effective measures, in order to ensure adequate protection of wards.

In order to contribute to raising awareness of the importance of accessibility, in 2022 as well, together with the Standing Conference of Towns and Municipalities, for the sixth time in a

---

that the competent centre for social work, i.e., the service provider, makes a decision on termination of use of the accommodation service at the request of the beneficiary, regardless of the level of business capacity, i.e., the legal representative of a minor beneficiary and by withdrawal of informed consent for accommodation.

<sup>66</sup> Act of the Protector of Citizens no. 323-327/22, ref. no. 22062 dated 26<sup>th</sup> August 2022, available at: [https://osobesainvaliditetom.ombudsman.org.rs/index.php?option=com\\_content&view=category&layout=blog&id=8&Itemid=14](https://osobesainvaliditetom.ombudsman.org.rs/index.php?option=com_content&view=category&layout=blog&id=8&Itemid=14).

<sup>67</sup> Act of the Protector of Citizens no. 323-294/22, ref. no. 32441 dated 27<sup>th</sup> December 2022, available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7663-inis-rs-v-d-r-z-ri-sv-pris-igl-z-h-v-z-b-njs-li-s-i-p-r-v-v-nih-i-civilnih-inv-lid-r>.

row, the Protector of Citizens awarded prizes to the local self-government units that contributed the most to the development of all forms of accessibility in their territory in the previous year. The city of Novi Sad and the municipalities of Babušnica and Bela Palanka are the winners of this year's awards<sup>68</sup>.

Rulebook on medical-technical aids, the amendments of which were initially supported by the Protector of Citizens in 2021, was amended in 2022, but not in an appropriate way when it comes to the indication for hearing aids, code 192. The condition for exercising the right to a hearing aid has been deleted from the Rulebook (which provided that it was necessary for the performance of occupational tasks on the basis of which the person is health insured), however, the medical indications for exercising the right to a hearing aid were tightened by increasing the prescribed value of hearing loss from the previous 40db to 65db.<sup>69</sup>

The representative of the Protector of Citizens participated in several online meetings of the Working Group of the European Network of National Human Rights Institutions for the implementation of the United Nations Convention on the Rights of Persons with Disabilities, where she presented the activities of the Protector of Citizens on improving the position of persons with disabilities in the Republic of Serbia in the reporting period.

### **Rights of the elderly**

The practice of the Protector of Citizens shows that there are homes for the elderly that do not meet the prescribed conditions for work, do not have appropriate work permits, or have lost their work licenses, were banned from working by the social welfare inspectorate, and even though the Ministry of Labour, Employment, Veteran and Social Affairs undertook measures, still continue to work and receive beneficiaries. By performing unprofessional work, they are violating the guaranteed rights of the elderly accommodated in such institutions. In connection with this problem, the Protector of Citizens initiated control investigations into the work of the competent Ministry and sent it recommendations<sup>70</sup> to eliminate the above-mentioned irregularities, to conduct timely inspection supervision over the work of unregistered, i.e., illegal homes for the accommodation of adult and elderly beneficiaries, and to take all measures, in cooperation with other competent authorities, to eliminate the observed irregularities; to closely monitor whether unregistered homes initiate the procedure for obtaining a license and registration, without delay, whether they promptly implement the declared emergency measures, i.e., whether they eliminate other irregularities in their work; to monitor whether unregistered homes comply with the ban on carrying out activities or carrying out activities until the prescribed conditions are met and, if it determines that the controlled entity has not carried out the prescribed measures, initiates the launching of the proceedings before the competent judicial authority in a timely manner, with the aim of protecting the beneficiaries of these institutions; to carry out inspection supervision in a timely manner, with the aim of controlling the work of social welfare institutions for the accommodation of adults and the elderly and, when

---

<sup>68</sup> The city of Novi Sad was rewarded for the comprehensive and continuous actions of city administrations towards the development of all forms of accessibility and social inclusion of persons with disabilities, while the municipalities of Babušnica and Bela Palanka were rewarded for their contribution to improving the accessibility of public facilities.

<sup>69</sup> Rulebook on medical-technical aids that are provided from mandatory health insurance funds, "Official Gazette of RS", no. 5/20, 42/20, 133/20, 18/22, 36/22 and 127/22.

<sup>70</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7435-inis-rs-v-z-r-d-z-p-shlj-v-nj-b-r-c-i-s-ci-ln-pi-nj-d-z-sh-i-i-in-r-s-risni-uslug-s-sh>, <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7435-inis-rs-v-z-r-d-z-p-shlj-v-nj-b-r-c-i-s-ci-ln-pi-nj-d-z-sh-i-i-in-r-s-risni-uslug-s-sh>.



irregularities are found, to take appropriate effective measures; to control the implementation of the pronounced measures in a timely manner and to initiate, if it judges that there is a legal basis for it, the taking of appropriate measures by other competent authorities in order to protect the beneficiaries of these institutions; to employ the appropriate number of social protection inspectors in the Department for Inspection Supervision, if, based on the assessment of actual needs in the field, it finds that the improper undertaking of all measures within the scope of the social protection inspector's competence is the result of an insufficient number of employees in relation to the scope of work. The Ministry of Labour, Employment, Veteran and Social Affairs has informed the Protector of Citizens that in the future, it will act in accordance with the recommendations of this independent body.

With the support of the Council of Europe, and in cooperation with the association "Strength of Friendship – Amity", within the project *Strengthening the capacity of the Protector of Citizens in the protection and promotion of economic and social rights*, the Protector of Citizens carried out activities dedicated to the establishment of a mechanism for monitoring the realization of economic and social rights of elderly women in the countryside, in order to protect their rights, through reporting on the implementation of the Revised European Social Charter. As part of the project, a Register of civil society organizations dealing with the protection and promotion of the economic and social rights of elderly women in the countryside was created, as well as a mechanism for mapping the spread and monitoring the quality of the help at home service as a social protection service and a health care service, with due regard for the socio-demographic characteristics of the beneficiaries. Training was also organized for employees of the Secretariat of the Protector of Citizens on the implementation of the Revised European Social Charter, as well as the conference "Protection of rights of elderly women in the countryside through monitoring the implementation of the Revised European Social Charter" and two workshops with women in the countryside<sup>71</sup>.

The Association "Strength of Friendship - Amity" and the Protector of Citizens continued to organize forums<sup>72</sup> in rural areas<sup>73</sup> in 2022, with the aim of raising awareness of older women about various forms of domestic violence and gender-based violence and about their harmfulness, as well as about the mechanisms of protection available to them, including the competences and the possibility of contacting the Protector of Citizens.

The Protector of Citizens became a member of the newly established Working Group of the European Network of National Human Rights Institutions on the rights of the elderly and participates in its work.

## PROPOSALS FOR IMPROVING THE POSITION OF PERSONS WITH DISABILITIES AND THE ELDERLY IN RELATION TO ADMINISTRATIVE AUTHORITIES

*Although according to Article 19, paragraph 2 of the Law on the Protector of Citizens, the Protector of Citizens is not authorized to control the work of the National Assembly and the Government, the Protector of Citizens believes that it would be useful for these authorities to consider its proposals.*

---

<sup>71</sup> In the village of Laćarak near Sremska Mitrovica and in the village of Zlot near Bor.

<sup>72</sup> In 2022, four forums were held with elderly women in the countryside, in Ivanjica, Topola, in the village of Sirogojno and in Aleksandrovac.

<sup>73</sup> The mentioned events were realized within the project "Improvement of safety of women in Serbia", implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in cooperation with the Ministry of Interior, and with the support of the Embassy of the Kingdom of Norway in Belgrade.

- **The government** should implement an economic policy that does not endanger the rights of persons with disabilities and the elderly and provide a sufficient number of health workers, professional workers in social welfare institutions and professional associates in educational institutions, that responds to the needs of vulnerable citizens; intensify activities to establish an adequate system of community-based services, in particular family support services, support services in gaining independence and family-based alternative care services; provide a financially sustainable system of services and support services for persons with disabilities and the elderly; establish a legal framework and other preconditions for establishing an accurate and complete register of persons with disabilities; through legislative and other measures, improve the professional rehabilitation and encouragement of employment of persons with disabilities and include a larger number of persons with disabilities in the labour market; prepare and submit to the National Assembly draft laws that introduce the institute of supported decision-making with support and extinguishes the possibility of complete deprivation of legal capacity; improve the prevention and protection of persons with disabilities and the elderly from violence and abuse, with a focus on women with disabilities and older women, which includes the development of accessible protocols on the prevention of violence, abuse and exploitation, especially in social protection and health care institutions; implement trainings for groups for coordination and cooperation on the specifics of violence to which persons with disabilities are exposed, especially women with disabilities, and it should make shelters for women victims of domestic violence (safe houses) and all other services for victims of violence accessible to women with disabilities and older women;
- **The government** should, in cooperation with other competent authorities, conduct a comprehensive analysis of the situation, needs and opportunities of beneficiaries of social protection services; come up with a clear and precise plan for conducting the process of deinstitutionalization in the Republic of Serbia and implement it systematically and fully throughout the entire country;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should enable the full implementation of the Law on the Rights of Beneficiaries of Temporary Accommodation Services under Social Protection<sup>74</sup>;
- **The Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Health, the Provincial Secretariat for Social Policy, Demography and Gender Equality and the Provincial Secretariat for Health** should establish a service with a social-health character in accordance with the law;
- **Local self-government units** should establish, maintain and develop services in the community in accordance with the needs of persons with disabilities and the elderly;
- **Local self-government units** should enable persons with disabilities to freely receive information intended for the public in an appropriate form and through appropriate technology, as well as provide financial means and other conditions for the work of local media that publish information in sign language or Braille or otherwise enable members of this vulnerable group to exercise their right to public information without hindrance;
- **Local self-government units** should provide a sign language interpreter who will enable deaf persons to use sign language in proceedings before all state administration authorities established by the local self-government;

---

<sup>74</sup> Act of the Protector of Citizens, ref. no. 17179 dated 24<sup>th</sup> June 2021.

- **Local self-government units** should, when amending the regulations governing the organization of public transport at the local level, introduce accessibility of means of transportation as a condition for performing activities in public transport and provide transportation services to passengers with disabilities until full accessibility of public transport is achieved;
- **Competent authorities** should ensure that healthcare facilities, social protection and education institutions, police stations, administrative authorities, judicial authorities and all other facilities in public use are fully accessible to persons with disabilities;
- **Authorities responsible for maintaining and updating electoral rolls and authorities responsible for conducting elections** should enable unhindered exercise of the right to vote and the right to direct expression and decision-making for persons with disabilities.

## 4.4. RIGHTS OF NATIONAL MINORITIES

### STATISTICS

In the area of the rights of national minorities, the Protector of Citizens considered 27 cases in 2022, of which there were 25 citizens' complaints and two own-initiative investigations. Out of the 27 cases considered, the Protector of Citizens completed work on 25 cases. In 2022, work was completed on 13 cases from previous years. Cases in this area make up almost 1% of the total number of cases considered in 2022.

The Protector of Citizens issued four recommendations to the administrative authorities, all of which were implemented in the reporting period. Out of that number, the administrative authorities accepted one recommendation, which makes up 25% of the accepted recommendations. The cases considered in the reporting period, the outcome of the handling of completed cases and the outcome of the handling of recommendations are shown in the tables below.

**Table 20 – Overview of the considered cases in 2022**

<b>Number of cases in 2022</b>	<b>27</b>	<b>%</b>
Number of completed cases in 2022	25	92.59%
Number of cases in progress in 2022	2	7.41%

**Table 21 – Outcome of the handling of recommendations**

<b>Number of issued recommendations</b>	<b>Number of due recommendations</b>	<b>Number of accepted recommendations</b>	<b>% accepted</b>
<b>4</b>	<b>4</b>	<b>1</b>	<b>25%</b>

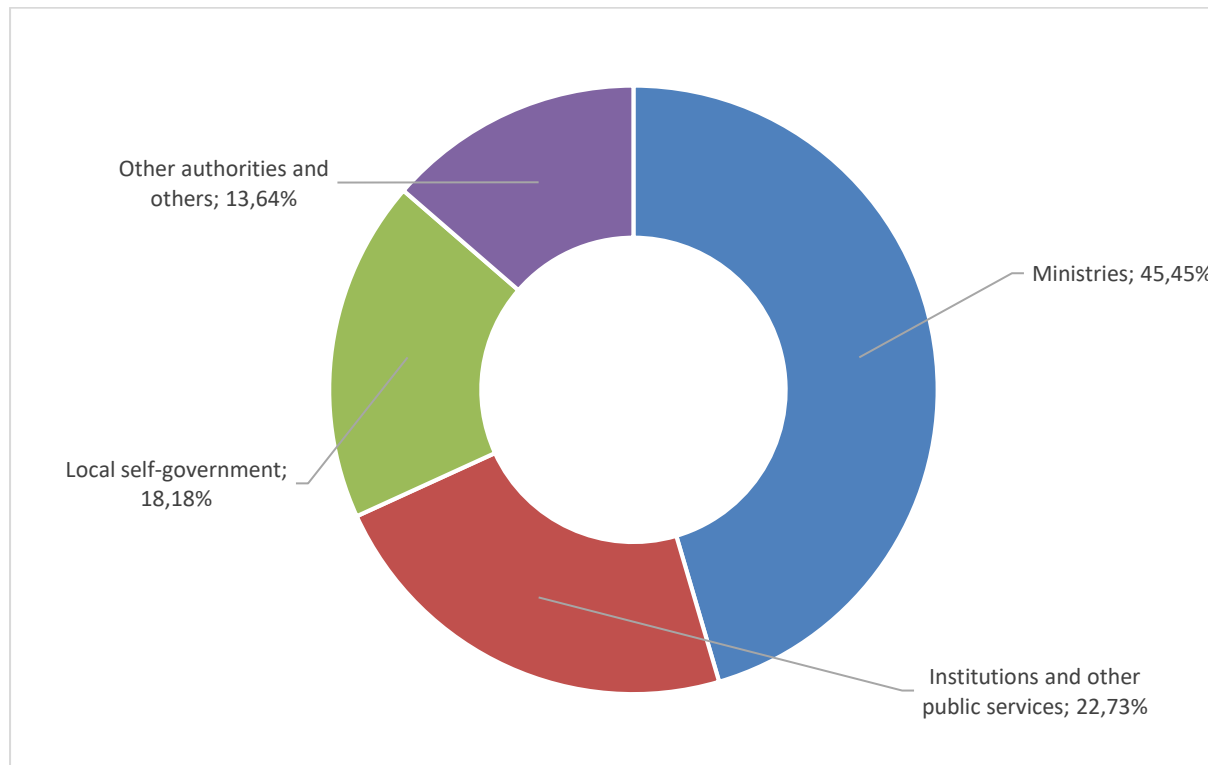
**Table 22 – Outcome of the handling of completed cases in 2022**

	<b>number</b>	<b>percentage</b>
<b>1. Inadmissible complaints</b>	<b>14</b>	<b>56%</b>
1.1. Incompetence	8	57.14
1.2. Unused legal remedies	3	21.43
1.3. Formally deficient complaint	3	21.43
<b>2. Informed and advised complainant</b>	<b>3</b>	<b>12%</b>
<b>3. Unfounded complaints</b>	<b>7</b>	<b>28%</b>
<b>4. Cases closed with recommendations from the control investigation</b>	<b>1</b>	<b>4%</b>
<b>Total</b>	<b>25</b>	<b>100%</b>

The Protector of Citizens a number of received complaints because the legally prescribed conditions for acting on them were not met. Complaints are rejected due to lack of competence, untimeliness, prematurity, anonymity and formal deficiency. In 78.57% of rejected cases (11) in this area, the Protector of Citizens referred the complainant to the competent authority or advised him/her on the available legal remedies.

In the area of the rights of national minorities, in 46 cases, 46 violations of rights were pointed out, most of which relate to special rights in the area of national minority rights: special rights of Roma, prohibition of discrimination, individual rights of members of national minorities.

**Chart 6 – Categories of authorities and organizations whose work citizens most often complained about in the area of national minority rights**



## ACTIVITIES OF THE PROTECTOR OF CITIZENS

In this reporting period, the Protector of Citizens completed the handling of complaints by national councils of national minorities from the previous reporting period, in which problems were pointed out in the implementation of the Law on National Councils of National Minorities.<sup>75</sup>

Acting on the complaints of the National Council of the Croatian National Minority and the National Council of the Bosniak National Minority against the work of the Ministry of Education, in a control investigation into the legality and regularity of work, the Protector of Citizens established that the relevant ministry approved the issuance of the textbook for the Serbian language for the eighth grade of primary school, in which, in the definition of division of South Slavic languages, it is stated that Croats, Bosniaks and Montenegrins use the Serbian language, but call it Croatian, Bosnian and Montenegrin.

The Protector of Citizens stated in its opinion with recommendations<sup>76</sup>, issued to this authority, that by approving the textbook containing this definition, the rights of members of national minorities are violated, because the existence of these languages is denied, of which the Croatian and Bosnian language and script are in official use in the Republic of Serbia.

<sup>75</sup> "Official Gazette of RS", no. 72/09, 20/14 – CC decision, 55/14 and 47/18.

<sup>76</sup> Available at: <https://ombudsman.rs/attachments/article/7326/Misljenje%20Zastitnika%20građana.doc>.

In this regard, the Protector of Citizens asked the competent ministry to take all measures to withdraw the textbook in question from use by the beginning of the 2022/2023 school year. The Ministry of Education accepted the recommendation<sup>77</sup> and asked the publishers of Serbian language textbooks for the eighth grade of elementary school to change the disputed part of the content regarding the names of South Slavic languages by mid-May 2022.

In this reporting period, the handling of the complaint of the National Council of the Bosniak National Minority was also completed, in which it was pointed out that the competent authority of the Municipality of Sjenica, when appointing members of the school boards in the "Jezdimir Lović" Grammar school and elementary schools "12. decembar" and "Jovan Jovanović Zmaj" in Sjenica, did not accept the proposals of this council and did not submit an explanation of the reasons for not appointing the proposed members.

In the control investigation, the Protector of Citizens determined that by acting in this way, the Municipality of Sjenica prevented the National Council of the Bosniak National Minority from exercising its legal powers in the field of education. In the opinion with recommendations<sup>78</sup>, the Protector of Citizens asked this body to consider all proposals submitted by the National Council of the Bosniak National Minority as an authorized proposer in its future work, especially when it comes to the appointment of a representative of a local self-government unit in an institution where, in most departments, educational work is carried out in the language of the national minority or which has been determined to be of special importance for the education of the national minority. Also, the Municipality of Sjenica was asked to submit a reasoned answer to the National Council of the Bosniak National Minority, as to why its proposals for school board members in three schools in that place were not accepted, and to consider the possibility of making a new decision on the appointment of school board members, taking into account the proposal of this national council as an authorized proposer. The municipality of Sjenica did not accept the issued recommendations.

In this reporting period, the Protector of Citizens received a complaint from a member of the Albanian national minority in which the non-compliance with the obligation to use the Albanian language and script in the work of the Preševo Police Station was pointed out. The handling of this complaint is in progress.

In this reporting period as well, the Protector of Citizens visited Roma settlements and thus monitored the realization of the rights of the Roma community as a particularly vulnerable category of the population.

After learning from the media that in the book "Narodne umotvorine lake za đake trećake" from the school reading list, published by the Klett publishing house, a derogatory term for the Roma is used and stereotypes and prejudices against this national minority are encouraged, the Protector of Citizens launched an own-initiative control investigation into the legality and regularity of work of the Ministry of Education. The Ministry informed the Protector of Citizens that the list of recommended reading titles no longer contains the reading material that contains the disputed content. The Protector of Citizens was also informed that the new edition of the reading material by the Klett publishing house will not contain the disputed content, and thus the procedure was completed.

The Protector of Citizens launched an own-initiative control investigation into the legality and regularity of work of the City Administration of Niš due to the problems faced by families

---

<sup>77</sup> Available at: <https://www.pravamanjina.rs/index.php/730-након-реаговања-заштитника-грађана,-министарство-просвете-мења-спорне-уџбенике-за-српски-језик>.

<sup>78</sup> Available at: <https://ombudsman.rs/attachments/article/7336/Мишљење%20заштитника%20грађана.doc>.

from the Roma settlement "12. februar" in Niš, where the electricity has been cut off for almost half a year and the families are in a very difficult situation. The investigation is in progress.

In February 2022, the Government of the Republic of Serbia adopted a new Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2022-2030<sup>79</sup>, while the accompanying Action Plan<sup>80</sup> was adopted in September 2022. The fact that the new Strategy took into account the findings of the Special Report of the Protector of Citizens on the implementation of the previous Strategy for Social Inclusion of Roma Men and Women with recommendations<sup>81</sup> is encouraging. In the coming period, the Protector of Citizens will continue to monitor the implementation of the measures of the Strategy and the Action Plan and collect data in Roma settlements on the realization of the rights of the Roma community. This body indicates that it is necessary to monitor the implementation of the Strategy with an independent evaluation of the effects, which also includes the collection of data, which is in accordance with the obligations on the basis of several international documents, and that the methodology used at various levels and in various areas should be comparable.

The Protector of Citizens followed with great attention the regular elections for members of national councils of national minorities, which were held on 13<sup>th</sup> November 2022, at 949 polling stations in the Republic of Serbia. Members of national councils were elected by 23 national minorities, 19 of which met the requirements for direct elections, and four national minorities elected their members through electoral assemblies. The National Council of the Gorani National Minority was elected for the first time, and a total of 24 national councils of national minorities were constituted<sup>82</sup>. The Protector of Citizens states that the election process took place in accordance with the prescribed procedures, which is also indicated by the fact that no complaints were received that refer to the implementation of actions related to the elections, as well as to the declaration of results.

The population census was conducted from 1<sup>st</sup> to 31<sup>st</sup> October 2022, and its results will be particularly significant for the creation of strategic documents and policies for the realization and protection of national minorities. During the implementation of the Census, the Protector of Citizens did not notice any irregularities from the point of view of exercising the rights of national minorities.

As part of the joint project of the European Union and the Council of Europe "Promotion of diversity and equality in Serbia", during March and April 2022, trainings were held for members of councils for inter-ethnic relations and employees in nine local self-governments, with the aim of strengthening the capacity of members of the councils for inter-ethnic relations and encouraging them to participate more actively in the work of local self-governments. The trainings were organized by the Protector of Citizens, the Ministry for Human and Minority Rights and Social Dialogue and the Office of the Council of Europe in Belgrade. These activities contributed to the improved understanding of the members of councils for inter-ethnic relations and representatives of local self-governments about what is necessary and possible to do in order for the councils to function in practice. The Council should be a forum in which policies aimed at realizing and improving human and minority rights and inter-

---

<sup>79</sup> Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2022-2030, adopted on 3<sup>rd</sup> February 2022, is available at: <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php>.

<sup>80</sup> "Official Gazette of RS", number 105, dated 14<sup>th</sup> September 2022.

<sup>81</sup> Available at: <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/6359-p-s-b-n-izv-sh-z-sh-i-ni-gr-d-n-spr-v-d-nju-s-r-gi-z-s-ci-ln-u-ljuciv-nj-r-i-r-inj-s-pr-p-ru>.

<sup>82</sup> According to the law, the executive board of the Federation of Jewish Communities of Serbia performs the function of the national council of the national minority and does not participate in the election process.



ethnic relations in ethnically mixed communities would be created, and the Protector of Citizens will continue working in the field with councils in the coming period.

Despite the fact that the issue of the position and functioning of the councils was recognized by the amendments to the Law on Local Self-Government from 2018, and although the councils were consulted when changing the names of streets and squares, there is a need for further improvement of the work of these bodies, as indicated by the practice and relevant international standards. The Protector of Citizens has been following the work of these councils for many years, and the recommendations it issued in the Special Report on the work of the councils for inter-ethnic relations<sup>83</sup> were also accepted by the Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities.

The Protector of Citizens, the Ministry of Public Administration and Local Self-Government and the United Nations High Commissioner for Refugees (UNHCR) signed the third Memorandum of Understanding in February 2022, in order to address the problem, that is, register the members of the Roma national minority who may not be registered in the birth register, as well as to exercise other rights from their personal status, with special reference to new-borns, in order to prevent risk of statelessness. For the Roma community, it is very important that the issue of exercising the right to personal documents is always in the focus of the competent authorities. The Protector of Citizens expects that the implementation of this third Memorandum of Understanding will completely resolve the issue of legally invisible persons.

In this reporting period, within the implementation of the Agreement on Understanding, activities took place according to the expected dynamics: three round tables were held on the topic of the importance of mutual coordination of participants in the process of registration in the birth register, with an emphasis on cases of the birth of children whose mothers do not have personal documents, in which representatives of the Protector of Citizens participated as lecturers. More than 200 participants took part in the round tables – authorized persons in healthcare institutions, i.e., maternity wards who work on the registration of the births of children, registrars, police officers, officers in centres for social work, providers of free legal aid and commissioners for refugees.

Also, in December 2022, a conference was held on the occasion of the eighth anniversary of the #JaPripadam (#Ibelong) global campaign for the complete eradication of statelessness, organized by the Ministry of Public Administration and Local Self-Government, the Protector of Citizens and the United Nations High Commissioner for Refugees<sup>84</sup>.

In this reporting period, the Protector of Citizens also held a meeting with the OSCE High Commissioner for National Minorities, Kairat Abdrakhmanov, who visited the Republic of Serbia in October. At the meeting, the results of the work of the Protector of Citizens in the area of the rights of national minorities were presented.

## PROPOSALS FOR IMPROVING THE POSITION OF MEMBERS OF NATIONAL MINORITIES IN RELATION TO ADMINISTRATIVE AUTHORITIES

---

<sup>83</sup> Available at: <https://www.pravamanjina.rs/images/stories/Poseban-izvestaj-o-savetima-za-medjunacionalne-odnose.pdf>.

<sup>84</sup> Available at: <https://www.pravamanjina.rs/index.php/731-пашалић-смањен-број-правно-невидљивих-грађана>.



- **The Ministry of Education** should ensure that in all future textbook approval procedures, special care is taken to ensure that the content of the textbooks does not violate the rights of members of national minorities;
- **The Ministry of Human and Minority Rights and Social Dialogue**, in cooperation with other competent authorities, should conduct trainings for employees in local self-government units on the implementation of the relevant provisions of the Law on National Councils of National Minorities and the Law on Official Use of Languages and Scripts;
- **The Ministry of Human and Minority Rights and Social Dialogue**, in cooperation with other competent authorities, should organize trainings for members of councils for inter-ethnic relations in local self-government units with the aim of raising professional capacities and improving the work of councils;
- **The Municipality of Sjenica** should consider all proposals submitted by the National Council of the Bosniak National Minority as an authorized proposer, especially when it comes to the appointment of a representative of the local self-government unit in an institution where, in the majority of departments, educational work is carried out in the language of the national minority or for which it has been established that it is of special importance for the education of the national minority.

## 4.5. RIGHTS OF PERSONS DEPRIVED OF LIBERTY

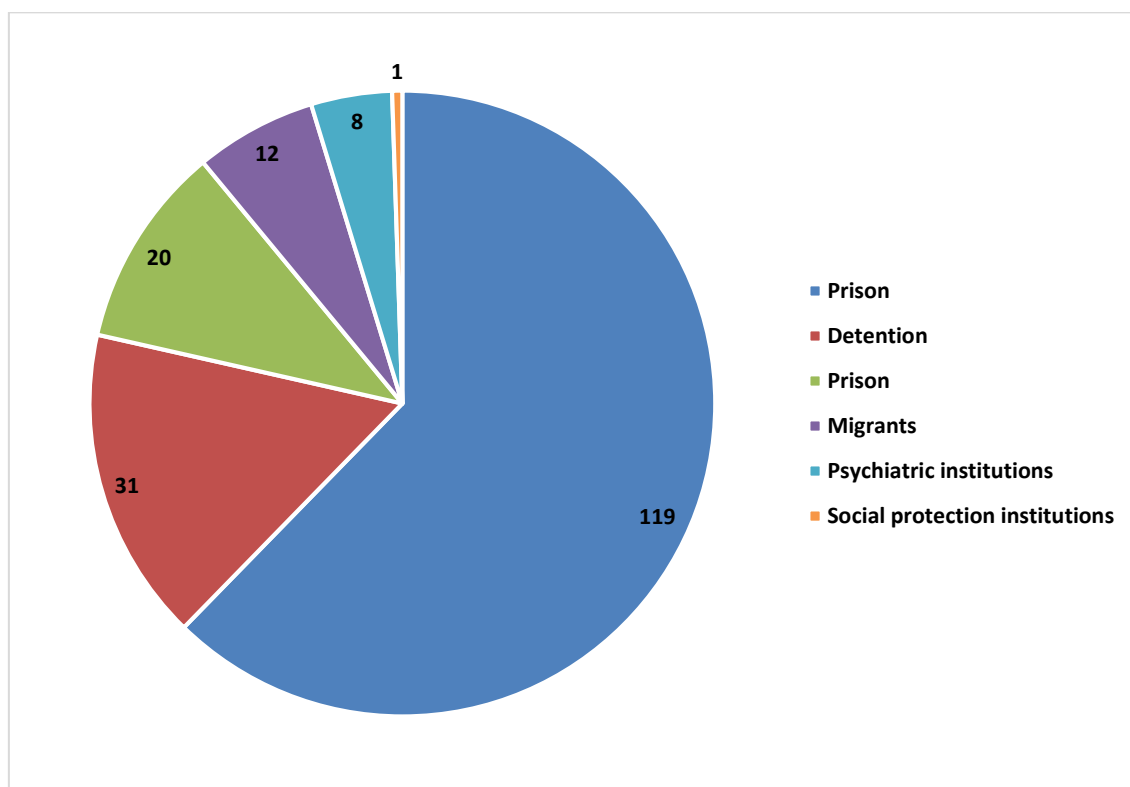
### STATISTICS

In the area of the rights of persons deprived of their liberty, the Protector of Citizens considered 196 cases in 2022, of which there were 191 citizens' complaints and five own-initiative investigations. Out of the 196 cases considered in 2022, the Protector of Citizens completed work on 180 cases. In 2022, work was completed on 58 cases from previous years.

Cases in this area make up 5.44% of the total number of cases considered in 2022, specifically: 119 complaints about the treatment of persons who were serving a prison sentence, 31 complaints about the treatment of persons who were in custody, 20 complaints about the treatment of persons in custody and persons towards whom police powers were applied, 12 complaints about the treatment of migrants, eight complaints about the treatment of persons undergoing treatment in psychiatric institutions and one complaint about the treatment of persons undergoing treatment in social welfare institutions.

The Protector of Citizens issued 60 recommendations to administrative authorities, of which 38 were due for execution in the reporting period. Out of that, the administrative authorities accepted 38 recommendations, which is 100%. The cases considered in the reporting period, the outcome of the handling of completed cases and the outcome of the handling of recommendations are shown in the chart and tables below.

**Chart 7 – Overview of received cases**



**Table 23 - Overview of the considered cases in 2022**

<b>Number of cases in 2022</b>	<b>196</b>	<b>%</b>
Number of completed cases in 2022	180	91.84%
Number of cases in progress in 2022	16	8.16%

**Table 24 - Outcome of the handling of recommendations**

<b>Number of issued recommendations</b>	<b>Number of due recommendations</b>	<b>Number of accepted recommendations</b>	<b>% accepted</b>
<b>60</b>	<b>38</b>	<b>38</b>	<b>100%</b>

**Table 25 - Outcome of the handling of completed cases in 2022**

	<b>number</b>	<b>percentage</b>
<b>1. Inadmissible complaints</b>	<b>132</b>	<b>73.33%</b>
1.1. Unused legal remedies	43	32.57%
1.2. Incompetence	65	49.24%
1.3. Formally deficient complaint	22	16.67%
1.4. Anonymous complaint	2	1.51%
<b>2. Unfounded complaints</b>	<b>39</b>	<b>21.67%</b>
<b>3. Cases covered by recommendations arising from the expedited control investigation</b>	<b>5</b>	<b>2.78%</b>
<b>4. Informed and advised complainant</b>	<b>2</b>	<b>1.11%</b>
<b>5. Cases covered by recommendations arising from the control investigation</b>	<b>2</b>	<b>1.11%</b>
<b>Total</b>	<b>180</b>	<b>100%</b>

The Protector of Citizens rejects a number of received complaints because the legally prescribed conditions for acting on them are not met. Complaints are rejected due to lack of competence, untimeliness, prematurity, anonymity and formal deficiency.

A very important segment of the handling of complaints of the Protector of Citizens is the provision of advisory and legal assistance, which the Protector of Citizens provides even when it rejects a complaint due to lack of competence or prematurity. Such advisory assistance was provided to citizens in **81,82%** of rejected cases (108) in this area. The Protector of Citizens referred the complainant to the competent authority or advised him/her on the available legal remedies.

## ACTIVITIES OF THE PROTECTOR OF CITIZENS

The institutions where persons deprived of their liberty are located, and against which the Protector of Citizens conducted control investigations, have achieved good cooperation with this independent state body, thereby enabling unhindered exercise of competences in protecting the rights of persons deprived of their liberty, through control of the work of administrative authorities.

Taking into account the handling of the recommendations from the previous reporting period, as well as the handling of recommendations issued in this reporting period, the Protector of Citizens notes that the competent authorities mostly accepted the recommendations issued.

After the performed control investigation into the work of the Ministry of Interior, the Police Directorate, the Police Administration for the City of Belgrade, the Protector of Citizens established that the procedure before the Commission for Resolving Complaints regarding the Police of the Department for the City of Belgrade was not carried out within 30 days as prescribed by the Law on Police and issued a recommendation to the Ministry of Interior to ensure the functioning of the Commission<sup>85</sup> without delay. The Protector of Citizens also issued a recommendation to this Ministry to take all measures and activities in order to ensure timely actions in the complaint procedures in the future, with compliance with the legally prescribed deadlines and submission of a written response to the complainant.

In its response on the handling of the aforementioned recommendations, the Ministry of Interior informed the Protector of Citizens that, after the City Administration of the City of Belgrade submitted a proposal for a public representative as a member of the Commission for Resolving Complaints, a decision was made on the formation of the Commission for Resolving Complaints in the Police Administration for the City of Belgrade.

After the performed control investigation into the legality and regularity of work of the Ministry of Interior, during which shortcomings were established in connection with the conduct of police officers on 8<sup>th</sup> and 9<sup>th</sup> July 2020 in Novi Sad towards a citizen, which, among other things, included inflicting injuries on the head and body and illegal treatment during his deprivation of liberty, thereby violating his right to inviolability of physical and mental integrity and the right to dignity, the Protector of Citizens issued recommendations<sup>86</sup> so that the established shortcomings would be eliminated, with the aim of improving the work of the administrative authorities and preventing similar shortcomings in the future.

All recommendations were accepted and, among other things, the Police Directorate sent a written notification to the complainant about the possibility of exercising the right to compensation for damages, regarding the violation of his rights during the deprivation of liberty in Novi Sad, and informed all the organizational units within its composition of the content of the recommendations. The Police Administration in Novi Sad conducted trainings for police officers on the applicable regulations and standards related to the treatment of persons deprived of their liberty, the application of police powers and the manner of documenting and recording them.

After the Protector of Citizens established that the Ministry of Interior did not initiate disciplinary proceedings against police officers in accordance with the Report of the Internal Control Sector, and that in the meantime, the statute of limitations for initiating disciplinary proceedings against the responsible police officers of the Police Administration in Novi Sad, as well as against the then head of the Police Administration in Novi Sad has expired, the Protector of Citizens pointed out the need to take necessary actions to prevent such conduct in the future and thus contribute to building a culture in which punishments are imposed for the illegal and improper conduct, and issued a recommendation to the Ministry of Interior in order to eliminate the aforementioned shortcomings.

In its response to the issued recommendation, the Ministry of Interior informed the Protector of Citizens that the Internal Control Sector will undertake all necessary actions and measures

---

<sup>85</sup> Available at: <https://ombudsman.rs/index.php?start=90>.

<sup>86</sup> Available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6974-u-vr-di-i-dg-v-rn-s-z-n-z-ni-i-n-pr-viln-p-s-up-nj-p-lici-s-ih-sluzb-ni>.

within its competence in its future work, while respecting the recommendations of the Protector of Citizens issued in this case. Also, the Police Directorate sent a written apology to the complainant.

After the performed control investigation into the work of the Police Administration Jagodina, Svilajnac Police Station, the Protector of Citizens established that the police officers of the Svilajnac Police Station, when applying their police powers, did not check the identity of the apprehended person, did not establish that it was a minor, did not inform the apprehended person of the reasons for the apprehension, the right to notify a close person, as well as the right to a defence attorney, nor did they prepare a report on the applied powers.

Bearing in mind the above, the Protector of Citizens issued nine recommendations to the administrative authority with the aim of improving the work of the administrative authority and preventing similar omissions in the future.<sup>87</sup> The deadline for the statements on the handling of the recommendations has not passed by the end of the reporting period.

After the performed control investigation into the legality and regularity of work of the Administration for the Enforcement of Penal Sanctions, the Penal-Correctional Institution in Belgrade, the Protector of Citizens determined that there are shortcomings in this institution in relation to the application of coercive measures against convicted persons. The main shortcomings were observed in the fact that the reports on the application of coercive measures do not contain all the relevant circumstances of importance for an objective assessment of the validity of their application and that the medical examinations of the convicts, carried out after the application of coercive measures, were attended by non-medical staff, even though the doctor who examined the convict did not request it, thereby violating the convicted person's right to privacy and confidentiality of the medical examination. In this regard, the Protector of Citizens issued recommendations to the Penal-Correctional Institution in Belgrade in order to improve their actions in their future work, and a recommendation to the Administration for the Enforcement of Penal Sanctions to familiarize all institutions for the enforcement of penal sanctions with the content of those recommendations and to ensure their implementation, since only complete and detailed reports on the application of coercive measures enable the control of legality, justifiability and regularity of their application, as well as that the performance of the medical examination in accordance with applicable regulations and standards represents an important segment in the prevention of violence against persons deprived of their liberty, whether it is a matter of inter-convict violence or illegal conduct of officials<sup>88</sup>.

All the aforementioned recommendations were accepted, and the director of the institute issued an order stipulating that all employees of the Security Service, in the coming period, must attend continuous training on the conditions and procedures for the proper application and documentation of the use of coercive measures, and in particular training in martial arts, as well as training in verbal techniques to calm violent and agitated convicts down, with skills that allow minimal use of coercion, prevention techniques and de-escalation skills. Also, it is stated that all future health examinations will be performed in accordance with the recommendation.

In the reporting period, the Protector of Citizens established that the illegal and improper work of the Penal-Correctional Institution in Belgrade, during the application of coercive measures against the convicted, caused a violation of his rights to inviolability of physical and

---

<sup>87</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7640-z-sh-i-ni-gr-d-n-u-vr-di-n-d-s-u-r-du-p-lici-s-s-nic-svil-n-c-n-sh-u-pr-v-l-l-n-g-lic>.

<sup>88</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7456-z-sh-i-ni-gr-d-n-u-vr-di-n-d-s-u-r-du-pz-b-gr-d-u-v-zi-s-pri-n-r-prinud>.

mental integrity, the right to dignity, the right to privacy and protection from retaliation. In order to determine responsibility and prevent similar shortcomings in the future, the Protector of Citizens issued a total of 17 recommendations to the Administration for the Enforcement of Penal Sanctions and the Penal-Correctional Institution in Belgrade, for the elimination of identified shortcomings and improvement of work<sup>89</sup>, which were accepted.

Finally, analysing the addresses that the Protector of Citizens received in this reporting period from persons who are serving prison sentences for organized crime offences, this body determined, among other things, that the current regulations relating to the enforcement of prison sentences in the Special Department for the serving of the prison sentence for organized crime offences do not closely regulate treatment, the implementation of a treatment program and the classification of convicts into groups based on the treatment program, and that during the enforcement of the prison sentence in the Special Department, regardless of the degree of implementation of the treatment program, the treatment program is not changed by subsequently classifying the convicted person into the appropriate group. In this regard, at the end of the reporting period, the Protector of Citizens sent an Opinion<sup>90</sup> to the Ministry of Justice, pointing out the need for a closer normative regulation of the treatment, the treatment program and classification of convicts into groups based on the treatment program.

Taking the above-mentioned position, the Protector of Citizens had in mind the fact that treatment is an obligation of the state, given that only by implementing a treatment program, can the purpose of serving a prison sentence be achieved. A convicted person who demonstrates good governance, commitment and results in the implementation of the treatment program, should not be denied the opportunity to progress in treatment. In the described manner, the goals of special prevention would also be achieved, considering that, if the convicted person does not believe that there is hope that he will be able to progress in the treatment and exercise special rights in this regard, one cannot expect improvement, nor re-education, nor any other active attitude of the convicted person towards the treatment that is carried out towards him.

In this reporting period as well, the Protector of Citizens received a negligible number of complaints from persons deprived of their liberty regarding the work of psychiatric institutions and social welfare homes, but this cannot be considered a realistic indicator of the situation in terms of respect for the rights of persons deprived of their liberty in these institutions.

In order to improve the treatment of persons with mental disabilities, the Protector of Citizens points out that, when a patient who has been accommodated on the basis of his statement of consent to placement expresses the will to revoke his consent, such a patient must be discharged, and if, in the meantime, health problems occur that require the patient to be accommodated without consent, it is necessary to start the procedure for detention without consent, in accordance with the relevant regulations.

In this reporting period, the recommendations<sup>91</sup> issued to the Special Hospital for Psychiatric Diseases "Dr. Slavoljub Bakalović" in Vršac in 2021 were accepted. The hospital informed the Protector of Citizens that, in its future work, it will strictly adhere to the Law on the Protection of Persons with Mental Disabilities and act in accordance with the recommendations of the Protector of Citizens.

---

<sup>89</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7542-u-upn-s-d-n-s-pr-p-ru-ui-s-u-i-pz-u-b-gr-d-z-l-nj-nj-u-vrd-nih-n-d-s-u-r-du-i-su-p-vr-d-n-pr-v-sud-n-g>.

<sup>90</sup> Available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7651-a>.

<sup>91</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7321-sbpb-dr-sl-v-ljub-b-l-vic-u-vrshcu-vish-d-s-c-d-n-p-ci-n-z-drz-l-n-s-sh-u-i-l-c-nju-b-z-pr-vn-g-sn-v>.



In the reporting period, the Protector of Citizens received five complaints and one notification concerning the position of migrants in the Republic of Serbia. The complaints referred to access to asylum and accommodation conditions in the accommodation room for foreigners who were denied entry to Serbia at the "Nikola Tesla" Airport. In specific cases, the Protector of Citizens did not establish illegalities and irregularities in the work of the Ministry of Interior, the Border Police Directorate, because the persons were granted access to asylum, while, after receiving notification/information about the poor housing conditions in which the persons who were refused entry to the country reside, the National Preventive Mechanism made an extraordinary visit to the "Nikola Tesla" Airport and drafted a Report with recommendations<sup>92</sup> on the visit.

Finally, bearing in mind that the Protector of Citizens, in all regular annual reports since 2011, has been drawing attention to the need for the Administration for the Enforcement of Penal Sanctions to ensure that all persons with mental disabilities who are serving a prison sentence are removed from the regular prison regime and provided with health care appropriate to their illness and the need for treatment, in an inpatient health care unit within the institution, the Special Prison Hospital or in another appropriate health care institution, the Protector of Citizens highlights as particularly significant that the Strategy for the Development of the System of Enforcement of Penal Sanctions for the period 2022-2027, among other things, envisages the construction of a new facility for the Special Prison Hospital in Belgrade, as well as the construction of facilities for the accommodation of sick persons in the Penal-Correctional Institution in Niš and the Penal-Correctional Institution in Požarevac-Zabela, which would also have a special department for the accommodation of persons with mental disabilities.

In this reporting period, the Deputy Protector of Citizens for the Protection of Human Rights and Freedoms and the Protection of Rights of Persons Deprived of their Liberty participated in the meeting of the Steering Committee of the Program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey 2019-2022" and as a member of the Steering Committee of the project "Strengthening the protection of human rights of persons deprived of their liberty and convicted persons in Serbia", phase II, she presented the progress and results of this project within this phase. Also, as a member of the Committee, she participated in the meetings of the Independent Police Complaints Authorities' Network (IPCAN).

On the occasion of the International Human Rights Day, 10<sup>th</sup> December 2022, organized by the Ministry of Human and Minority Rights and Social Dialogue, the Deputy Protector of Citizens for the Protection of Human Rights and Freedoms and the Protection of Rights of Persons Deprived of their Liberty participated in the panel "Who is invisible in Serbia?", pointing out on that occasion the position of persons deprived of their liberty and the activities of the Protector of Citizens in connection with the improvement of the situation in the area of the protection of the rights of persons deprived of their liberty.

In the reporting period, a meeting was held with representatives of the Office for Fundamental Rights of the European Border and Coast Guard Agency (Frontex) regarding the treatment of migrants at the borders. A Memorandum of Understanding was also concluded with Frontex, which provides for cooperation between the two complaint mechanisms – the Protector of

---

<sup>92</sup> Available at: <https://ombudsman.rs/attachments/article/7683/Izvestaj.pdf>.  
<https://ombudsman.rs/attachments/article/7683/Odgovor%20organa%20o%20postupanju.PDF>.

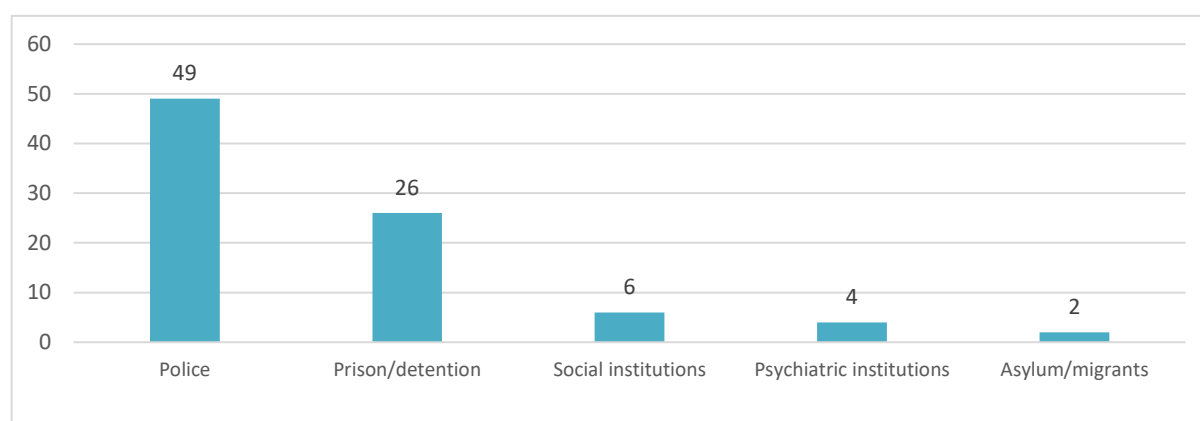
Citizens and the Office for Fundamental Rights, and at the same time the exchange of information regarding allegations of violations of fundamental rights during the operational activities of Frontex.

#### 4.5.1. NATIONAL PREVENTIVE MECHANISM

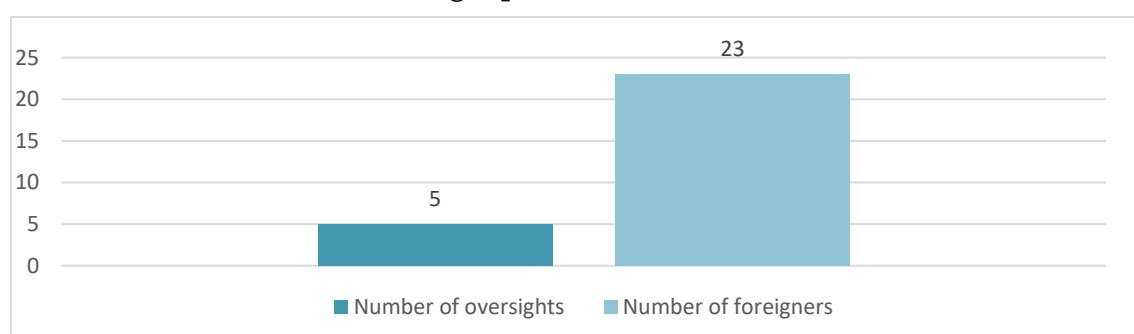
##### ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANISM

During the reporting period, the National Preventive Mechanism (hereinafter: the NPM) conducted 87 visits to institutions which accommodate persons deprived of their liberty and five oversights of the procedures of forced removal of foreigners. 49 visits were conducted to police administrations, i.e., police stations within them, 26 visits to institutions for the enforcement of penal sanctions, six visits to social welfare homes and four visits to psychiatric institutions. Also, two visits were conducted in order to monitor the treatment of refugees and migrants and five oversights of the procedures of forced removal of 23 foreigners.

**Chart 8 - NPM visits in 2022**



**Chart 9 - NPM oversight procedures of forced removals in 2022**

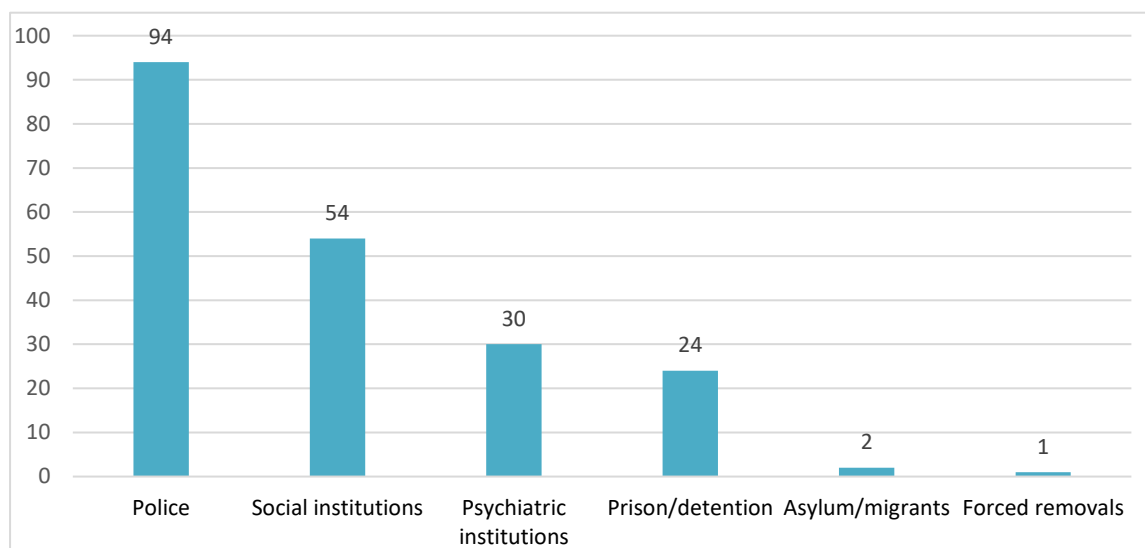


During the reporting period, a total of 29 reports were made on the conducted visits. In connection with the oversight of the forced removal of foreigners, two group reports were prepared. In some cases, unified reports were prepared for several visited institutions, due to the need for a systematic consideration of a particular problem. Accordingly, 15 reports were made on the basis of visits conducted to police administrations and police stations within them, eight reports were made on the basis of visits to institutions for the enforcement of penal sanctions, five reports were made on the basis of visits to social welfare institutions, three reports were made on the basis of visits to psychiatric institutions, while one report refers to the treatment of migrants by the competent authorities.



A total of 205 recommendations were issued, of which 204 were from the report on visits to places where persons deprived of their liberty are or may be accommodated, and one recommendation in the field of oversight of the forced removal of foreigners.

**Chart 10 – NPM recommendations issued in 2022**



In order to establish a continuous dialogue regarding possible measures to implement the recommendations of the NPM and improve cooperation in the field of torture prevention, individual meetings were held in the reporting period with representatives of the Administration for the Enforcement of Penal Sanctions and the Ministry of Interior.

Representatives of the NPM participated in two meetings of the South Eastern Europe NPM Network, chaired by the NPM of Austria. The first meeting was dedicated to the position of the elderly and persons with physical disabilities in places of deprivation of liberty, and the second to the accommodation and treatment of children and adolescents with predominantly mental health problems and mental and physical disabilities, i.e., the application of coercive measures against minors and persons with mental disabilities.

Also, three online meetings of the Asylum and Migration Working Group of the European Network of National Human Rights Institutions (ENNHRI) were held, in the work of which a representative of the NPM participates. During 2022, the emphasis of the work of the Working Group was placed on improving responsibility for human rights at the borders, within which two meetings of the Working Group were held, two reports were prepared and published, and one conference was held.

In terms of international cooperation, the NPM also participated in numerous international conferences organized by the Council of Europe, the Association for the Prevention of Torture (APT), the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), etc. The NPM maintained regular communication with the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

As part of the project "Strengthening the protection of human rights of persons deprived of their liberty and convicted persons in Serbia", phase II, the deputy protector of citizens and the head of the NPM, as well as the employees of the NPM, together with the consultants of the Council of Europe, participated in the trainings of health care workers and employees in

social protection institutions on the treatment of persons placed in psychiatric institutions and social welfare homes.

In the reporting period, following a public call, the Protector of Citizens issued a Decision on the selection of associations with which it will cooperate in performing the tasks of the NPM, and, accordingly, agreements on cooperation were concluded with associations with which the NPM has cooperated so far: Human Rights Committee Valjevo, the Centre for Youth Integration, the Victimology Society of Serbia, the Helsinki Committee for Human Rights in Serbia, the Lawyers' Committee For Human Rights, as well as with one new association, Klikaktiv – Centre for Development of Social Policies, thereby increasing the number of associations with which the Protector of Citizens cooperates in carrying out the tasks of the NPM to six.

## FINDINGS OF THE NATIONAL PREVENTIVE MECHANISM

During this reporting period, the NPM continued to visit police administrations and police stations within them in order to monitor the treatment of apprehended and persons in custody regarding the respect of their fundamental rights, which are also a guarantee against abuse: the right to access a lawyer and a doctor, the right to inform a close person about the deprivation of liberty and the right to be acquainted with the rights. At the same time, the NPM visited detention facilities in order to check whether they are in accordance with the prescribed conditions, i.e., valid standards. All conducted visits were unannounced, and the cooperation of police officers with the NPM team during all visits was complete and professional. Also, during visits to institutions for the enforcement of penal sanctions, the NPM conducted interviews with the detained persons, who were brought for the enforcement of that measure after the police custody, in order to collect information on the conduct of police officers towards them during their detention, as well as when applying other police powers.

Progress was noticed in terms of exercising the rights of apprehended and persons in custody, which is confirmed by the written documentation, the allegations of police officers in charge of dealing with apprehended and persons in custody, but also the numerous allegations of persons deprived of their liberty with whom the NPM conducted interviews. Also, the NPM did not encounter cases where persons who requested medical assistance before or during custody were not provided with it.

As a result of acting on the recommendations of the NPM from previous years, the records kept by police stations for persons in custody were improved. The new record forms, which have been in use since the middle of the year, enable a more complete entry and a clearer overview of the necessary data in connection with the exercise of the rights of detained persons, and during visits to police stations, the NPM increasingly found that information about the time of informing a close person about the deprivation of liberty is entered into the custody records, as well as a note that police officers attended a medical examination at the request of a doctor, and the reasons why the person in custody refused to sign the custody records. The improvement of electronic records was carried out according to the recommendation issued to the Ministry of Interior in 2021,<sup>93</sup> in which the NPM pointed out that it is necessary to improve the recording of the exercise of the right of access of apprehended and detained persons to a defence attorney, so the police stations started recording data on the defence attorney, the time when he was contacted, the time when he approached the person apprehended and in custody and the time when he conducted a confidential interview with the person.

---

<sup>93</sup> No. 4110-44/2021 dated 7<sup>th</sup> April 2021.

Further efforts should be focused on the continuation of the adaptation of existing and the construction of new custody facilities, in accordance with the current standards, as well as on the implementation of activities to equip interrogation rooms with technical equipment for audio and/or video recording.

During the visits, the NPM conducted interviews with over 200 persons deprived of their liberty, both the detained and persons in custody, on the conduct of police officers towards them during the deprivation of their liberty, during custody, and in the exercise of other police powers. In this regard, the fact that during these visits, most of the interviewed persons did not complain about the conduct of police officers and the possibility of exercising their rights is encouraging, and after the inspection of the documentation, it was established that these rights are respected in most cases.

During visits to institutions for the enforcement of penal sanctions, the cooperation of the management of the institutions and the prison officials with the NPM team was also complete and professional.

In this period, the NPM conducted the first systematic visit to the Penal-Correctional Institution in Požarevac – Zabela – Special Department for the serving of the prison sentence for organized crime offences. During the visit, a systematic control of the situation was carried out, in terms of respect of the rights of persons deprived of their liberty who are serving their prison sentences in a special regime. The NPM observed that convicted persons in this department are treated professionally, with respect for human dignity and in a daily regime that includes extra-cellular and purposeful activities. However, shortcomings in the implementation of treatment were observed, and recommendations<sup>94</sup> were issued in order to improve the actions in this part.

In the reporting period, thematic visits were also conducted to institutions for the enforcement of penal sanctions, in order to monitor the treatment of persons deprived of their liberty who are in solitary confinement, i.e., in any form of isolation from other persons deprived of their liberty.

Also, a control visit was conducted to the Penal-Correctional Institution for Women in Požarevac, during which it was determined that all the recommendations issued by the NPM in the Report on the visit conducted in 2021<sup>95</sup> had been accepted, as well as a thematic visit to the Penal-Correctional Institution in Šabac, during which the NPM checked for the existence of torture and other cruel, inhuman or degrading treatment and punishment.

According to the findings of the NPM, the Administration for the Enforcement of Penal Sanctions continued to invest in the material conditions for the accommodation of persons deprived of their liberty and to increase the capacity of the Administration for the Enforcement of Penal Sanctions. In the reporting period, the newly built Penal-Correctional Institution in Kragujevac began operating, and works were started on the construction of a new facility for the closed department of the Penal-Correctional Institution for Women in Požarevac.

Also, the Administration for the Enforcement of Penal Sanctions undertook significant activities aimed at strengthening the capacities of prison officials for the development and implementation of new specialized programs for group work with prisoners. Further efforts should be focused on hiring a sufficient number of employees for the treatment, implementing the aforementioned programs and improving the treatment of persons deprived of their liberty, which would, among other things, enable a mechanism for advancement in treatment,

---

<sup>94</sup> Available at: <https://ombudsman.rs/attachments/article/7560/Izvestaj.pdf>.

<sup>95</sup> No. 411-37/21 dated 31<sup>st</sup> May 2021.

that would facilitate the transition of convicted persons to more favourable educational groups.

There is still a need to provide to all detained and convicted persons housed in the closed wards of the institution with sufficient available activities, as well as the possibility to stay during the day in common areas with other convicts, that is, detainees with whom the court did not limit their contact due to criminal proceedings. Also, there is a need to improve the treatment of convicts who are in the Special Department for the serving of the prison sentence for organized crime offences, in the sense of undertaking activities towards closer normative regulation of treatment, treatment programs and classification of convicts into groups based on the treatment program.

When it comes to visits to psychiatric institutions, four visits were conducted in the reporting period, three of which were announced because they were the first systematic visits of the NPM to the visited institutions, while one control visit was unannounced.<sup>96</sup>

During visits to psychiatric institutions, it was observed that often, the individual treatment plans of patients are not individualized, they are not managed properly, they do not contain therapeutic and rehabilitation activities to be carried out for a specific patient, and not enough different modalities of psychosocial activities are organized for patients. There are still no continuous specialist educations for medical nurses in the field of mental health and work with people with mental disabilities, which may affect the quality of health care and psychosocial rehabilitation of patients. Also, there is a lack of special trainings for healthcare workers for the application of physical restraint measures to patients. The NPM observes that it is often the case that, in the application of physical restraint measures, contrary to valid regulations and standards, in addition to health workers, non-medical staff – security workers also participate. Records on the application of physical restraint measures to persons with mental disabilities are often incomplete and do not provide reliable data on the frequency of their application, duration and other significant data.

Finally, activities in the field of deinstitutionalization are still taking place slowly, and in this respect, no progress has been achieved as foreseen by the adopted strategic documents, and it is necessary to intensify intersectoral cooperation in order to implement the planned activities.

Out of the six conducted visits to social welfare homes, two visits were unannounced. In most of the institutions visited, the lack of staff to work with the beneficiaries is still evident, which can negatively affect the quality of provided health care and psychosocial services. A large number of beneficiaries are still housed in large social welfare institutions for a long period of time because the conditions for their stay have not been provided in the community. Also, it was observed that there is a need to strengthen the capacities of centres for social work, as well as to undertake activities aimed at improving the actions of centres for social work in terms of providing effective guardianship protection to beneficiaries in institutions. Finally, although at the end of the previous reporting period, the Law on the Protection of Rights of Beneficiaries of Temporary Accommodation Services under Social Protection was adopted, which, among other things, prohibited the application of all coercive measures and treatment without the consent of the beneficiary, certain institutions did not harmonize their actions with the current regulations in this part. An additional problem is also the fact that, although it is prescribed by law, a by-law has not yet been adopted that would regulate the manner and closer conditions of the institution's actions in incident situations.

---

<sup>96</sup> Psychiatry Clinic of the University Clinical Centre Kragujevac.

In this reporting period, the NPM paid special attention to the position of children in conflict with the law and, in connection with this, conducted the first visit to the Institution for the Education of Children and Youth in Knjaževac.

In the reporting period, the NPM also conducted the first two-day systematic visit to the newly opened Reception Centre for Foreigners in Dimitrovgrad. In addition, an extraordinary unannounced visit was conducted to the Belgrade "Nikola Tesla" Airport, due to the information received by the NPM about the inadequate conditions in which foreigners who have been refused entry to the country reside, and in connection with which, recommendations were issued in order to eliminate the identified shortcomings.

As part of the process of oversight of the forced removal of foreigners in the reporting period, the NPM notes a positive development in relation to ensuring access to legal assistance for foreigners who have been ordered to stay in a shelter. Namely, in the dialogue that the NPM held with the Bar Association of Serbia on this occasion, an agreement was reached that the Bar, in accordance with the recommendation of the NPM, would send an invitation to interested lawyers to apply for the purpose of providing legal assistance to foreigners placed in shelters for foreigners, which was done on 22<sup>nd</sup> December 2022.<sup>97</sup> The Bar will form lists of lawyers according to the order of application and the headquarters of the law office and the bar association, which will be available to foreigners who have been assigned to stay in a reception centre.

#### PROPOSALS FOR IMPROVING THE POSITION OF PERSONS DEPRIVED OF THEIR LIBERTY IN RELATION TO ADMINISTRATIVE AUTHORITIES

- **The Ministry of Interior** should continue implementing activities within its competence in order to adapt the existing and build new custody facilities;
- **The Ministry of Interior** should continue implementing activities to equip rooms for the interrogation of persons with technical equipment for audio and/or video recording, as well as to more closely regulate the actions of police officers when conducting interrogations in the mentioned premises;
- **The Ministry of Interior** should make additional efforts towards the proper application of the Methodology for conducting investigations into cases of ill-treatment by the police;
- **The Ministry of Interior** should provide continuous trainings, to ensure that all police officers, when applying police powers, act in accordance with the law and other regulations and respect the standards set by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the European Code of Police Ethics and other international acts that relate to the police;
- **The Ministry of Justice** should, without further delay, carry out activities within its competence in order to harmonize the provisions of the Criminal Code with the generally accepted definition of torture from Article 1 of the United Nations Convention against Torture;
- **The Administration for the Enforcement of Penal Sanctions** should provide convicted persons assigned to closed prison departments and detainees with sufficient available activities, as well as the possibility to stay during the day in common rooms with other convicts, that is, detainees with whom the court did not limit their contact;

---

<sup>97</sup> Available at: <https://aks.org.rs/cir/позив-адвокатима-за-пријаву-ради-пруж/>.

- **The Administration for the Enforcement of Penal Sanctions** should continue to improve treatment in order, among other things, to create opportunities for the convicted persons to be transferred to a more favourable educational group;
- **The Administration for the Enforcement of Penal Sanctions** should ensure that all persons with mental disabilities who are serving a prison sentence are removed from the regular prison regime and provided with health care appropriate to their illness and the need for treatment, in an inpatient health care unit within the institution, the Special Prison Hospital or in another appropriate health care institution;
- **The Ministry of Health** should continue to improve the material conditions of patient accommodation in those institutions where these conditions are not fully in line with the applicable standards;
- **The Ministry of Health** and the **Ministry of Labour, Employment, Veteran and Social Affairs** should intensify their activities in order to implement effective deinstitutionalization;
- **The Ministry of Health** should intensify activities aimed at developing community-based centres for the protection of mental health that will provide comprehensive mental health care, with as less restrictions as possible and as close as possible to the patient's place of residence or their family;
- **The Ministry of Health** should take measures within its competence in order to improve the application of the measure of physical restraint of patients by binding in all healthcare institutions in which this measure is applied;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should improve the conduct of centres for social work in terms of providing effective guardianship protection to beneficiaries in institutions;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should, in accordance with the Law on the Protection of Rights of Beneficiaries of Temporary Accommodation Services under Social Protection, adopt a bylaw regulating the manner and closer conditions of the institution's actions in incident situations;
- **Competent authorities** should increase the number of employees in authorities/institutions in order to enable persons deprived of their liberty to be treated in full compliance with the regulations and standards.

## 5. OTHER ACTIVITIES IN THE AREAS OF WORK OF THE PROTECTOR OF CITIZENS

### 5.1. AREA OF CIVIL AND POLITICAL RIGHTS

#### ACTIVITIES OF THE PROTECTOR OF CITIZENS

##### **Justice and judiciary**

The largest number of complaints in this area related to the work of public bailiffs and judicial authorities. Among the complaints about the work of judicial authorities, the most numerous ones were the complaints about the work of the courts. Citizens most often expressed dissatisfaction with court decisions and the length of court proceedings. Certain complaints were also related to dissatisfaction with the actions of public prosecutor's offices. As the Protector of Citizens does not have the authority to control the work of courts and public prosecutor's offices, complaints about the work of these bodies were rejected, and citizens were provided with general information about the procedures, legal remedies and competent authorities which they can turn to.

As in the previous years, in this reporting period as well, a large number of complaints was related to the enforcement procedures and the work of public bailiffs, although the Protector of Citizens is not authorized to control their work. Citizens continue to point out problems related to the delivery of supporting documents in the enforcement procedure (they usually find out about the decision on enforcement only when the deadline for filing a legal remedy has expired), to doubts about the compliance with the restrictions of the enforcement against earnings/salaries and pensions, to violations of the rights related to the enforcement against immovable property. In a certain number of complaints, citizens do not even dispute the debt, nor the actions of public bailiffs, but point to poor financial conditions and request a different collection dynamic than the one which is prescribed by law.

The Protector of Citizens directs citizens who complain about the work of public bailiffs to use legal remedies and address the Ministry of Justice and the Public Bailiffs Chamber, which supervise their work. In this area, there were fewer complaints about the work of the Ministry of Justice and the Public Bailiffs Chamber. These complaints most often point out the untimely actions of those authorities on complaints about the work of public bailiffs, as well as doubts about the correctness of conducting oversight of their work. Shortcomings were eliminated through control investigations.

##### **Finances**

In the finance department, during the reporting period, the largest number of citizens' complaints referred to the work of the Tax Administration as an administrative authority within the Ministry of Finance and the Ministry of Finance, as a second-instance authority. The control investigations into the legality and regularity of work of the Tax Administration and the Ministry of Finance were suspended in the majority of cases, because those authorities, during the control investigations launched by the Protector of Citizens, eliminated the shortcomings pointed out in the complaints.

Complaints against the work of the Tax Administration referred to actions contrary to the rules of the procedure, most often to failure to make a decision within the legal deadlines on requests/tax returns of citizens, or to the untimely decision making in the retrial after the decision of the second-instance authority to annul the first-instance tax administrative act and return the case for a retrial and repeat decision-making.

Complaints against the work of the Ministry of Finance were submitted due to failure to make a decision on appeals against the decisions of the Tax Administration and the Agency for Restitution. In addition to failure to make a decision on appeals, complaints against the work of this authority also related to the failure to act on citizens' requests for opinions on the application of regulations and the requests of citizens addressed to the Ministry of Finance to perform supervision over the work of the authorities within it. Opinions on the application of regulations were issued after the launching of a control investigation by the Protector of Citizens. The practice observed in the actions of the Ministry of Finance, when citizens turn to it for the purpose of performing internal supervision over the work of the authorities within it, is that it forwards the citizen's request to the authority whose work it applies to.

Complaints sent by citizens against the work of the Tax Administration and local tax administrations concern problems with the launching of the procedure for regular and forced collection of tax obligations after citizens have been informed about the existence of such tax obligations and their amount, because the tax administrative acts were never delivered to them.

Acting on citizens' complaints in several situations when the deadlines for the use of extraordinary legal remedies prescribed by the Law on General Administrative Procedure<sup>98</sup> have expired, in an investigation, the Protector of Citizens established the illegality of tax administrative acts and, by applying the extraordinary legal remedy "Annulment, revocation or amendment of a decision on the recommendation of the Protector of Citizens", which is not limited by a deadline, issued several recommendations to the Tax Administration in order to annul or amend the illegal decision. Acting on the recommendations of the Protector of Citizens, the Tax Administration annulled and/or amended its decisions in order to comply with the law.

After a conducted control investigation into the regularity and legality of work of the Tax Administration, it was established that the complainant's status as an insured person on the basis of performance of agricultural activities was cancelled, and that the decisions, according to which she was indebted for pension and disability insurance contributions on that basis, that is, the decision on the indebtedness for health insurance contributions on the basis of performance of agricultural activities for the period from 1<sup>st</sup> January 1994 to 3<sup>rd</sup> October 2002, are not in accordance with the law. After the recommendation<sup>99</sup> of the Protector of Citizens, the Tax Administration cancelled the decisions and reversed the obligations on that basis.

In the conducted control investigation, it was established that, upon the establishment of an employment relationship, the complainant's obligation to determine contributions for pension and disability insurance on the basis of the performance of agricultural activities ceased, and that the decisions on determining contributions for pension and disability insurance for the period from 2010 to 2015 are not in accordance with by law, because they were adopted contrary to the provisions of Article 12, paragraph 2 of the Law on Contributions for Mandatory Social Insurance, which stipulate that the obligation to calculate and pay contributions for mandatory pension and disability insurance on the basis of employment, that is, on the basis of self-employment, excludes the obligation to pay contributions on the basis of agricultural activities. On the recommendation<sup>100</sup> of the Protector of Citizens, the Tax Administration cancelled, that is, amended, the decisions by which the complainant was indebted for pension and disability insurance contributions on the basis of the performance of agricultural activities.

---

<sup>98</sup> Article 185, paragraph 1 and paragraph 2 of the Law on General Administrative Procedure.

<sup>99</sup> no. 3110-971/21 dated 11<sup>th</sup> February 2022 ref. no. 3659.

<sup>100</sup> no. 3110-147/22 dated 23<sup>rd</sup> June 2022 ref. no. 16356.



## **Internal affairs**

During the reporting period, the Protector of Citizens received a number of complaints in which citizens pointed out the failure to act by the Ministry of Interior on their complaints submitted in accordance with the Law on Police. After launching an investigation, the Protector of Citizens established that the reason for the failure to act was the fact that the Commission for deciding on complaints was not formed because the City of Belgrade did not appoint a representative of the public. After a recommendation of the Protector of Citizens, the Commission was formed and the Ministry fully accepted the issued recommendations.

The Protector of Citizens observed, based on the citizens' complaints, that there are a large number of requests for admission to citizenship of the Republic of Serbia, determination of citizenship or release from citizenship, which have not been decided. After the Protector of Citizens launched the control investigations, the Administrative Affairs Directorate eliminated shortcomings in its work, and the investigations were suspended.

In 2022, the Protector of Citizens received complaints from citizens related to detention at border crossings, who expressed dissatisfaction with the work of the Border Police Directorate. In certain cases, citizens were instructed to file complaints in accordance with the Law on Police, while in other cases, the Protector of Citizens launched investigations that were suspended after the Protector of Citizens and the complainant were informed of the reasons for detention.

Investigations launched on the basis of complaints due to failure to make a decision on requests for obtaining identity cards, travel documents, vehicle registration, issuance of driver's licenses, ended with a suspension, since immediately after the launching of the control investigations, the Ministry of Interior issued public documents or made decisions on the rejection of requests.

In this reporting period as well, a significant number of complaints referring to the implementation of the Law on Weapons and Ammunition were received. Citizens mostly expressed dissatisfaction with the adoption of decisions on the confiscation of firearms and firearms permits for "security reasons". The Protector of Citizens believes that, in the following period, the Ministry of Interior should pay special attention to the rejection of requests or the confiscation of firearms based exclusively on a "security check", bearing in mind that its content, form and competence of the person performing the security check are not regulated by law or bylaws for these cases, and that it is a matter of a discretionary assessment.

The Protector of Citizens believes that the competent misdemeanour court should decide on the responsibility of persons against whom misdemeanour charges have been filed, and that the Ministry of Interior should continuously monitor the outcome of initiated misdemeanour proceedings, as well as the case law of misdemeanour courts, in order to improve the quality of the work of its officials.

In the previous year, the Protector of Citizens received two complaints from dissatisfied complainants who completed their studies at the University of Criminal Investigation and Police Studies, but due to a negative security check, they could not establish a working relationship in the Ministry of Interior. In both cases, the Protector of Citizens launched a control investigation and the Ministry informed the complainants that they do not meet the conditions for admission to employment due to a negative security check, and the procedures were suspended.

When it comes to procedures for the return of funds that were not used for the purpose for which they were intended, after the Protector of Citizens launched a control investigation, the funds were returned to the complainants, and the investigations were suspended.

In the investigations on citizens' complaints, after the launching of an investigation by the Protector of Citizens, the Ministry of Interior issued second-instance decisions.

In this reporting period as well, dissatisfied citizens addressed the Protector of Citizens because their requests to obtain a license to perform the duties of a security officer with or without a weapon were rejected, with a "security check" being stated as the basis for the rejection. One complaint was also received in which the complainant expressed her displeasure due to the failure to act on her request for the issuance of a license to perform the duties of a security officer with a weapon, even though she already possessed a license to perform the duties of a security officer without a weapon. However, after the conducted control investigation of the Protector of Citizens, the complainant's request for a license to perform the duties of a security officer with a weapon was rejected, and the license to perform the duties of a security officer without a weapon was revoked, citing the "security check" as the reason. The Protector of Citizens suspended the investigation, and the complainant was informed of her right to appeal.

The Protector of Citizens also received complaints from citizens dissatisfied with the failure to make a decision on their requests for inspection of case files, in accordance with the Law on Administrative Procedure. The investigations ended with a suspension because the shortcomings were eliminated.

In the previous reporting period, the Protector of Citizens received several complaints from retired police officers because the Ministry failed to decide on their requests for the issuance of certificates of engagement in the execution of tasks for the purpose of defending the sovereignty, independence and territorial integrity of the Republic of Serbia during 1999 on the territory of Kosovo and Metohija, and in order to exercise the rights that belong to them in accordance with the Law on the Rights of War Veterans, War Military Disabled People, Civilian War Military Disabled People and Members of their Families. After launching the control investigations of the Protector of Citizens, the shortcomings were eliminated by having the certificates issued to the citizens, and a number of complainants thanked the Protector of Citizens for its engagement and the measures taken, which significantly contributed to the realization of the rights of veterans from the Ministry of Interior.

In 2022, a large number of complaints were received from police officers dissatisfied with the fact that their requests were not decided in the form of an administrative act but in the form of a notification. For this reason, the Protector of Citizens issued two recommendations<sup>101</sup> to the Ministry of Interior, to decide on citizens' requests in the form of an administrative act and thus enable them the right to appeal or to another legal remedy. The recommendations were accepted.

The Protector of Citizens received a large number of complaints from the Police Union "Sloga" regarding the initiation of disciplinary proceedings, mobbing, transfer to another workplace or to another city, not knowing the job descriptions due to the impossibility of viewing the Rulebook on the systematization of job positions, etc. On the basis of these complaints, the Protector of Citizens launched control investigations into the work of the Ministry of Interior, which were suspended after the authority eliminated the shortcomings. In one case, a recommendation<sup>102</sup> was issued to the Ministry of Interior for failure to act on the enforcement

---

<sup>101</sup> Act of the Protector of Citizens ref. no. 3312-44/22 and 3310-291/22.

<sup>102</sup> Act of the Protector of Citizens ref. no. 3310-182/22.

decision of the Commissioner for Information of Public Importance and Personal Data Protection from 2019 and on the final decision of the Administrative Court from 2021. The authority was recommended to act on the aforementioned decision and the final decision without delay. The deadline for acting on this recommendation has still not passed.

## **Defence**

In 2022 as well, in their complaints, citizens most often expressed dissatisfaction with the unresolved housing issues. They also indicated that they did not receive timely information from the Ministry of Defence that they needed in order to exercise their rights. After the engagement of the Protector of Citizens, the Ministry of Defence provided the complainants with the requested information.

## **Health**

In the reporting period, in several conducted investigations, the Protector of Citizens determined violations of citizens' rights to health care and health insurance by the healthcare institutions and the Republic Health Insurance Fund, and made reports on cases in which it determined systematic irregularities and omissions in the work and actions of the controlled authorities and issued recommendations for their elimination.

A citizen addressed the Protector of Citizens with a submission<sup>103</sup> indicating that, regardless of the fact that in April 2021, a Rulebook was adopted according to which, due to the nature of sensitive personal data, it is no longer needed to enter the disease code in the documentation sent to the employer, the Republic Health Insurance Fund violates the regulations and requests the entry of a disease code.

On the basis of the available evidence that indicates the possible actions of authorities contrary to imperative norms, which may lead to the violation of human rights or freedoms, the Protector of Citizens launched an own-initiative investigation into the legality and regularity of work of the Republic Health Insurance Fund and the Ministry of Health.

In the conducted investigation, the Protector of Citizens established that the report on temporary incapacity for work (medical certificate) is still, fourteen months after the change in the regulations, made on an invalid form that also contains information about the diagnosis, which the controlled authorities did not dispute. Based on the statements received from both controlled authorities, the Protector of Citizens concluded that it is indisputable that the technical conditions for the smooth electronic exchange of data contained in the report on temporary incapacity for work (medical certificate) were not provided, and that the chosen doctors must fill out the certificates in paper form. However, the Protector of Citizens believes that the manner in which the Republic Health Insurance Fund tried to overcome the problems that arose due to technical impossibility is unsustainable and unacceptable. Obliging the chosen doctors by the RHIF to act in the way they have done so far and to enter a diagnosis in the report on temporary incapacity for work and submit the completed report to the insured person and the insured person to his employer, resulted in actions that were not in accordance with the regulations, and it made the data on the health condition of the employed insured person, which represent particularly sensitive data about the patient's personality, available to a large number of persons. In this particular case, due to the lack of mutual cooperation and coordination, the Ministry of Health and the Republic Health Insurance Fund failed to ensure a quick and high-quality solution to the problem and to eliminate shortcomings in their work,

---

<sup>103</sup> Case 311-396/22.

as well as to prevent further violations of citizens' rights to comply with regulations and protect data on their health status.

Based on the identified shortcomings in its work, the Protector of Citizens issued recommendations<sup>104</sup> to the Ministry of Health to immediately repeal the instructions contained in the act of the Republic Health Insurance Fund and to inform that authority in a clear and unambiguous manner, as well as the healthcare centres, to stop entering data on the diagnosis in the reports on temporary incapacity for work (medical certificates). Also, it was recommended to the Ministry of Health to draw up an instruction without delay, which will determine the manner in which the Republic Health Insurance Fund and the chosen doctors in healthcare centres, as public authority holders, will implement certain provisions of the regulations that prescribe the possibilities of issuing reports on temporary incapacity for work (medical certificates) in paper form and to prepare a draft of the form of the report on temporary incapacity for work that the chosen doctor in a healthcare centre will issue in paper form in situations where, due to technical impossibility, the issuance and exchange of reports in electronic form does not work, and to ensure that the Minister of Health prescribes the appearance of the form through amendments to the Rulebook on forms in the health care system. The Ministry of Health did not act on the issued recommendations.

At the same time, the Republic Health Insurance Fund was recommended to stop refusing to calculate (control the calculation) and pay the compensation of incomes to employed insured persons during their temporary incapacity for work due to the fact that the report on temporary incapacity for work (medical certificate) does not contain information about the diagnoses of the insured employee, and to immediately inform the Provincial Health Insurance Fund, as well as other branches, about the content of the previous recommendation, in order to prevent the same or similar illegal actions in the future. The Republic Health Insurance Fund accepted the issued recommendations.

In one case, the Protector of Citizens established that there was a violation of the patient's right to available health care in the form of a multi-year wait for the necessary surgical intervention. Specifically, the complainant pointed out to the Protector of Citizens that she was unable to exercise her rights based on health insurance.<sup>105</sup> During the conducted control investigation, the Protector of Citizens established as an indisputable fact that the complainant, based on the estimated need for hip endoprosthesis surgery, was on the waiting list for this medical intervention since 14<sup>th</sup> April 2014, first on the waiting list of the Military Medical Academy, and then on the list of Institute for Orthopaedic and Surgical Diseases "Banjica". So, the complainant has continuously been on the waiting list for artificial hip replacement for eight and a half years, and has been waiting for the necessary health service for that long.

Starting from the fact that waiting lists are formed for certain medical interventions and procedures from certain areas, including orthopaedics, which are not urgent, the fact that must also be taken into account is that for the provision of this health care service, the prescribed waiting time on the waiting list is the longest. Specifically, for the placement of implants in orthopaedics (hips and knees), depending on the degree of priority, the required procedures are classified into two groups according to the length of the wait – up to six months and up to twelve months. Also, it was established that on 5<sup>th</sup> October 2020, the complainant was placed on the waiting list of the "Banjica" Orthopaedic Institute for left hip surgery and that at the time of her placement, the expected date of admission was 5<sup>th</sup> October 2022. Therefore, at the moment of being placed on the waiting list, the healthcare institution could

---

<sup>104</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7503-rfz-i-inis-rs-v-zdr-vlj-rsh-pr-v-n-p-v-rljiv-s-p-d-zdr-vs-v-n-s-nju-p-ci-n>.

<sup>105</sup> Case no. 311-1382/22.

not comply with the prescribed longest waiting time for the provision of this health care service, and the healthcare institution recorded this in the waiting list application.

At the same time, the Protector of Citizens emphasizes that one cannot ignore the epidemiological situation in the previous period, which certainly affected the length of wait for medical interventions, but believes that the epidemiological situation only further prolonged the waiting time, which had already exceeded the prescribed maximum length of wait. Based on the allegations of the healthcare institution that the Republic Health Insurance Fund obtained and submitted to the Protector of Citizens, considering her current placement on the list (748th), as well as the fact that the healthcare institution currently primarily works on emergency cases and patients with malignancy, and that elective surgery is not being performed a lot, and in accordance with the available capacity, it can be concluded that the complainant cannot be provided with the necessary health care service in the near future in this healthcare institution.

Based on the available information and the obtained documentation, and bearing in mind the positive regulations, the Protector of Citizens concluded that the Republic Health Insurance Fund does not act in accordance with the binding regulations, does not supervise the waiting lists and does not carry out tasks within its competence, which results in violations of citizens' right to accessible and quality health care and violations of the right to comply with regulations.

Based on the identified shortcomings in its work, the Protector of Citizens issued a recommendation<sup>106</sup> to the Republic Health Insurance Fund to review all the circumstances of the specific case and reconsider its position, and a recommendation to the insured person to, in order to overcome the problem, submit a statement to the Institute for Orthopaedic-Surgical Diseases "Banjica" that she wants to be removed from the waiting list of that healthcare institution, and then to contact another healthcare institution in order to be placed on its waiting list for the same medical service. Also, the Republic Health Insurance Fund was asked to immediately conduct supervision over the waiting lists for medical interventions in the field of orthopaedics – hip endoprosthesis surgery, and to pay special attention to the control of information entered by the healthcare institution on the maximum deadline for admission to the intervention. The deadline for the handling of the recommendation has expired, and the authority has not informed the Protector of Citizens on its actions in this regard.

At the same time, considering that by giving an opinion, it will contribute to the improvement of the protection of guaranteed human freedoms and rights, the Protector of Citizens sent an opinion to the Republic Health Insurance Fund to review, without delay, data on the waiting lists of all healthcare institutions where implants are being placed in orthopaedics and to perform a comprehensive analysis of the average length of wait for this type of medical intervention, as well as to obtain data on the available staffing resources in each of these healthcare institutions and to submit a proposal to the Ministry of Health on the specific measures necessary to reduce the waiting time for this type of medical service. In order to ensure the realization of rights of insured citizens to accessible and quality health care within the framework of mandatory health insurance, in cooperation with other competent authorities, the Republic Health Insurance Fund should examine the need, possibilities and conditions for possibly concluding contracts with providers of health care services that are not included in the Healthcare Facilities Network Plan. In doing so, the Republic Health Insurance Fund will take into account past experiences regarding waiting lists in certain areas,

---

<sup>106</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7641-rfz-ign-rishuci-b-v-zu-uc-pr-pis-n-spr-v-di-n-dz-r-n-d-lis-c-nj>.

where, in the previous period, it was made possible for insured persons to be provided with these services in private healthcare institutions at the expense of the Republic Health Insurance Fund.<sup>107</sup> The deadline for the authority to act on the submitted opinion has expired, and the authority did not inform the Protector of Citizens about the acceptance of the opinion.

In an investigation on the complaint of the joint attorney of the descendants of a deceased patient, the Protector of Citizens established shortcomings in the work of the Ministry of Health because, according to their report, it did not conduct adequate and effective inspection supervisions over the work of the Military Medical Academy and the Clinical Hospital Centre Zvezdara in Belgrade. In addition to the evident failure of the Military Medical Academy to immediately, and at the latest within six hours of determining the patient's death, inform an adult family member about the time and cause of the patient's death and to provide the adult family member with immediate access to the body of the deceased person for the purpose of identity verification, the acting health inspector did not submit the request for the initiation of misdemeanour proceedings, nor did he look at the available information on the basis of which he would assess whether the conditions for the implementation of supplementary inspection supervision were met. The Ministry of Health neglected and even tried to justify the failure to act of the healthcare institution in accordance with the explicit legal obligation to inform the family about the time of the patient's death, although it was aware of the consequence of the illegal action of the healthcare institution – the deceased was buried as a person without relatives at the Orlovača Cemetery without the presence of family members and without performed religious ceremonies, which violated the complainants' right to the respect for the law and the right to privacy.

Based on the identified shortcomings in its work, the Protector of Citizens issued recommendations<sup>108</sup> to the Ministry of Health to take all measures without delay to mitigate the consequences of the damage caused by the omission of the Military Medical Academy, and to ensure, in agreement with the descendants of the deceased patient and in cooperation with other competent authorities, all the necessary conditions, including financial resources, for the exhumation of the remains of the deceased from the Orlovača Cemetery and reburial in the family tomb. It also recommended the Ministry of Health to compose and publish on the official website an act on the application of relevant regulations for the actions of healthcare institutions after the death of a patient has been determined (notifying a family member of the time and cause of death, allowing access to the body of the deceased patient), with the aim of acting preventively and preventing the occurrence of probable adverse consequences caused by the failure to notify the family of the patient's death, as well as to make a plan, without delay, for the implementation of official advisory visits and preventive inspection supervisions of publicly owned healthcare institutions that perform inpatient health care activities and are included in the Healthcare Facilities Network Plan. The Ministry of Health acted according to the recommendations of the Protector of Citizens for the most part, while until the date of writing of this report, it had not provided all the necessary conditions, including financial resources, for the purpose of exhuming the remains of the deceased and reburying them in the family tomb.

A complaint<sup>109</sup> was submitted to the Protector of Citizens by a complainant who moved from Belgrade to Zagreb in October 2020 with the intention of living there permanently for family reunification. She received a permit to stay in Croatia on 7<sup>th</sup> July 2021, valid until 7<sup>th</sup> July 2023. She submitted a request to the Republic Health Insurance Fund to obtain a form in accordance

---

<sup>107</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7641-rfz-ign-rishuci-b-v-zu-uc-pr-pis-n-spr-v-di-n-dz-r-n-d-lis-c-nj>.

<sup>108</sup> Act of the Protector of Citizens ref. no. 334-48/21.

<sup>109</sup> Case no. 311-848/22.



with the Agreement concluded between the Republic of Croatia and the Federal Republic of Yugoslavia on social insurance, on the basis of which she would exercise the right to mandatory health insurance in Croatia. She attached the necessary documentation with the request. However, the branch of the Republic Health Insurance Fund for the city of Belgrade, contrary to the opinion of the Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia that the complainant has residence on the territory of the Republic of Croatia in accordance with the provisions of the Agreement, refused to issue the prescribed form.

Respecting the standards of domestic and international law, facts and evidence, after the conducted control investigation, the Protector of Citizens established that there were shortcomings in the work and actions of the controlled authority, which are reflected in illegal and irregular actions, because the Republic Health Insurance Fund, by disregarding the interpretation of the relevant provisions of the Agreement, caused a legal uncertainty for the complainant, as well as other citizens. Also, by failing to consider the received submission and not notifying the complainant about the reasons that prevented the authority from considering it, the complainant was not enabled to use an effective legal remedy in order to exercise and protect her rights. The established shortcomings in the work of the Republic Health Insurance Fund were made to the detriment of the rights of the complainant, because her right to respect for the law and the right to good governance were violated, and as a final consequence, the realization of her right to health insurance was made difficult or impossible. In order to eliminate the identified shortcomings, the Protector of Citizens issued recommendations to the controlled authority to, after reviewing all the circumstances and relevant documentation, reassess the fulfilment of the conditions for the implementation of the Agreement and, accordingly, issue an appropriate certificate of the right to benefits in kind for persons residing in Croatia. The Republic Health Insurance Fund informed the Protector of Citizens that it acted on the issued recommendations.

In this reporting period as well, the Protector of Citizens received several complaints from citizens indicating that the Ministry of Health does not comply with requests for the implementation of an extraordinary external control of the quality of professional work or that it does not comply with legal obligations.<sup>110</sup> In one of the conducted investigations<sup>111</sup>, the Protector of Citizens established that the Ministry of Health did not take action based on the received request of the Higher Public Prosecutor's Office in Novi Sad from 2019 for the implementation of an extraordinary external control of the quality of professional work at the Institute of Oncology of Vojvodina in Sremska Kamenica, which it is obliged to do upon receipt of the request, in the manner and within the deadlines prescribed by law. After the issuance of the recommendation<sup>112</sup>, the Ministry of Health informed the Protector of Citizens that the extraordinary external control of the quality of professional work of health workers in that healthcare institution was carried out and that the report was submitted to the Higher Public Prosecutor's Office.

As an example of good conduct, the Protector of Citizens would like to point out the actions of the Ministry of Health, which, in accordance with the opinion sent by the Protector of Citizens,<sup>113</sup> drafted an appropriate act with guidelines for the actions of advisors for the protection of patients' rights in situations where there are circumstances that create doubts about the advisor's objectivity, and recommended the local self-government units to appoint

---

<sup>110</sup> Law on Health Care, "Official Gazette of RS", number 25/19.

<sup>111</sup> Case 311 – 594 /22.

<sup>112</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7591-inis-rs-v-zdr-vlj-ni-p-s-upil-ni-p-z-h-vu-uzil-sh-v-ni-p-s-ps-v-n-r-sh-nju>.

<sup>113</sup> Case 311-1041/-21.

another person with appropriate professional qualifications and work experience, in addition to the existing advisor for the protection of patients' rights, who will perform the tasks of the advisor in the event of his or her absence or in the event that the complainants or the healthcare worker to whom the complaint refers, are members of the advisor's immediate family.

#### PROPOSALS FOR IMPROVING THE POSITION OF CITIZENS IN RELATION TO ADMINISTRATIVE AUTHORITIES

- **The Ministry of Finance** should provide staffing and financial conditions for deciding on citizens' complaints within the legally prescribed deadline;
- **The Tax Administration** should ensure that organizational units formally and substantially act in accordance with the law on the requests of citizens, and in the repeated proceedings, in a timely manner and in accordance with the views and legal understandings of higher instances;
- **The Tax Administration** should consistently implement all measures and activities within its competence, aiming to ensure timely and efficient collection of contributions for mandatory social insurance in situations where the employer does not do so;
- **The Tax Administration** should determine ex officio the fulfilment of the conditions for the termination of the tax liability on the basis of statute of limitations;
- **The Tax Administration and local tax administrations**, should pay special attention to the application of regulations on the submission of tax administrative acts. When deciding on the method of delivery of tax acts, the Tax Administration should act with particular care, taking into account the interests of citizens who want to be familiar the content of the sent acts;
- **Local self-government units** should take into account the economic situation and material circumstances of taxpayers when planning source revenues, and local tax administrations should pay more attention to legal and proper decision-making on citizens' requests;
- **The Ministry of Interior** should ensure full and consistent application of all regulations from the field of internal affairs, as well as regulations on administrative procedure when deciding on the rights, obligations and legal interests of citizens, both in the first and second instance proceedings;
- **The Ministry of Interior** should qualify the received submissions according to their content and, by properly applying positive legal regulations, undertake measures and activities within its competence, as well as decide on the submissions in the form prescribed by law;
- **The Ministry of Interior** should ensure the conditions for lawful, timely and proper performance of work and tasks by police officers;
- **The Ministry of Interior** should regularly conduct educations in order to improve the conduct of police officers in accordance with the principles of good governance;
- **The Ministry of Interior** should, when deciding on its own discretion, take into account the purpose of its powers, especially when it comes to "security checks";
- **The Ministry of Interior** should develop and strengthen mechanisms for control of its work, that is, should further improve the complaint procedure in the formal and material sense and it should complete complaint procedures in a timely and efficient manner;



- **The Ministry of Interior** should decide more efficiently on applications for citizenship of the Republic of Serbia and on other cases from the area of administrative affairs;
- **The Ministry of Interior** should act without delay on final and enforceable judgments of competent courts in order to avoid initiating enforcement procedures, bearing in mind that the costs of the enforcement procedures are borne by the budget of the Republic of Serbia;
- **The Ministry of Health** should ensure that chosen doctors in healthcare centres stop writing data on the diagnosis according to the international classification of diseases in the reports on temporary incapacity for work (medical certificates);
- **The Ministry of Health** should actively participate in the empowerment of advisors for the protection of patients' rights and organize and/or initiate, in cooperation with local self-government units, periodic educations regarding the rights and obligations of patients, also with the aim of encouraging advisors to exchange experiences with each other in order to harmonize practices;
- **The Ministry of Health** should propose to the Government the adoption of a decree which will prescribe the amount of compensation for necessary costs paid by the patients, that is, their legal representatives, for the preparation of medical documentation, to which they are entitled according to the Law on Patients' Rights.

## 5.2. AREA OF ECONOMIC AND PROPERTY RIGHTS

### ACTIVITIES OF THE PROTECTOR OF CITIZENS

#### Construction

Considering the complaints of citizens related to the non-enforcement of administrative decisions on demolition, it can be concluded that the competent municipal and city administrative authorities, even after the issued recommendation<sup>114</sup>, and in cases where the request for legalization was legally rejected, failed to ensure the consistent application of the Law on Planning and Construction<sup>115</sup> and the Rulebook on the procedure for the adoption and the content of the building demolition program<sup>116</sup>, in terms of enforcing the decision on the demolition of illegally built facilities.

By failing to provide funds from the budget, necessary for the enforcement of the decisions of the building inspectors, the image is created that the competent authorities do not have the capacity to implement their own decisions, which is why investors of illegal buildings continue to ignore the regulations in this area, while the vagueness of the positive regulations<sup>117</sup>, especially the interpretation of the "public interest" standard, creates space for selective actions when deciding which solution will be enforced as a priority, which results in a growing impression among citizens of the existence of legal uncertainty and inequality before the law.

---

<sup>114</sup> Recommendation of the Protector of Citizens ref. no. 17437 dated 19<sup>th</sup> June 2014.

<sup>115</sup> Article 171, paragraph 4 of the Law on Planning and Construction, "Official Gazette of RS", No. 72/09, 81/09 – corr., 64/10 – CC decision, 24/11, 121/12, 42/13 – CC decision, 50/13 – CC decision and 98/13 – CC decision 50/13 – CC decision, 98/13 – CC decision, 132/14, 145/14, 83/18, 31/19, 37/19, 9/20 and 52/21.

<sup>116</sup> "Official Gazette of RS", number 27/15.

<sup>117</sup> Rulebook on the procedure for the adoption and the content of the building demolition program, "Official Gazette of RS", number 27/15.

From the addresses to the Protector of Citizens in 2022, it can be concluded that citizens believe that the quality of life has declined, especially in urban areas, given that the adopted planning documents in most cases allow the construction of new buildings at the expense of reducing green areas and endangering natural wealth. Citizens who live in the areas covered by the new planning solutions point to the lack of transparency of the plan development process itself, which prevents them from timely informing the creators and adopters of planning documents of the views and needs of the local community.

The Protector of Citizens notes that the level of cooperation of the City Administration of the City of Belgrade, especially the Secretariat for Urban Planning and Construction Affairs<sup>118</sup>, with this independent state body, despite the issued recommendation<sup>119</sup>, was not achieved in the manner prescribed by law.

### **Mining and energy**

In this reporting period as well, in the area of energy, the most numerous complaints were those about the work of the public enterprises “Elektroprivreda Srbije” Belgrade and “Elektro distribucije Srbije” d.o.o. Belgrade. As in the previous years, complaints most often referred to dissatisfaction with the received invoices for consumed electricity, the handling of complaints/objections to the received invoices, the manner of keeping records of payments and debts for the consumed electricity, suspension of electricity supply and disconnection from the electricity distribution system, as well as with enforcement procedures that the Public Enterprise “Elektroprivreda Srbije” initiates for the purpose of forced collection of claims.

It can be concluded from the complaints that many citizens are not aware that the enforcement creditor can collect the claim even after the expiration of the statute of limitations, that the authorities that carry out the enforcement procedure do not ex officio take into account the statute of limitations and that, if the enforcement procedure has been initiated, it is necessary for the debtor to file an objection concerning the statute of limitations within the prescribed period, in order for the collection of the barred debt not to occur. The principle of barred debt becomes especially important in situations where, due to an outstanding debt for consumed electricity, there has been a suspension of supply, that is, disconnection of the consumer from the electricity distribution system, because in that case, the trader is not allowed to condition the consumer to settle the barred debt in order to reconnect him to the distribution network or continue the provision of services<sup>120</sup>.

In a control investigation into the work of the Public Enterprise “Elektroprivreda Srbije”, launched on a complaint of a citizen, the Protector of Citizens established that, after issuing the approval for connection, based on a request for reconnection, the company fails to conclude a contract for the supply of electricity with citizens, if at the metering point, there is an outstanding claim for consumed electricity. Also, the company does not take into account whether the statute of limitations for the claims has passed, even though the citizens referred to it in their addresses. In its statements, this company points out that it is not competent to decide on the statute of limitations, but the court, if the debtor raises an objection concerning the statute of limitations in court proceedings. However, as in the specific case, the problem occurred because the citizens did not have the opportunity to make a statement about the claim in the proceedings before the court, and to possibly raise an objection concerning the

---

<sup>118</sup> Even after several issued urgencies, the Secretariat for Urban Planning and Construction Affairs of the City Administration of the City of Belgrade did not provide the Protector of Citizens with the requested information necessary to determine the position on the merits of the complaints in question.

<sup>119</sup> Recommendation of the Protector of Citizens 3121-387/19 dated 5<sup>th</sup> December 2019.

<sup>120</sup> Art. 85, para. 8 of the Law on Consumer Protection, "Official Gazette of RS", number 88/21.

statute of limitations, because the public enterprise "Elektroprivreda Srbije" as a creditor did not take adequate actions, that is, did not initiate proceedings for the collection of claims before the court, or the public bailiff. In this sense, such actions (or failure to act) of the public company can be seen as an instrument that conditions the debtor to settle the barred debt in order to reconnect him, that is, to continue the provision of services, which is contrary to the provisions of the Law on Consumer Protection. In connection with the stated problem, the Protector of Citizens sent an opinion to the mentioned public enterprise<sup>121</sup>.

In connection with the suspension of electricity supply due to outstanding debt, the Protector of Citizens sent an opinion<sup>122</sup> to the Public Enterprise "Elektroprivreda Srbije" pointing out the obligation that the warning before the suspension of electricity supply due to non-fulfilment of obligations under the contract for the sale of electricity must be composed in accordance with the Law on Energy<sup>123</sup> and that it must contain all the elements prescribed by the Regulation on the conditions of delivery and supply of electricity<sup>124</sup>.

In a control investigation launched on the basis of a citizen's complaint, in which he pointed out that the Public Enterprise "Elektroprivreda Srbije", even after the submitted request, did not provide him with invoices that would enable him to pay for the electricity consumed, the Protector of Citizens established that the consumption is not monitored, nor is the billing for the delivered electricity carried out for those users whose supply contract was terminated due to the disconnection from the power distribution system, and who were subsequently connected to the system again on the basis of a temporary court order, without an authorization to access the system by the system operator in an administrative procedure. The public enterprise "Elektroprivreda Srbije" pointed out that the above is a consequence of the legal regulations in the field of energy and that the electricity thus consumed represents a loss for the distribution system operator. In connection with the established problem, the Protector of Citizens sent an Opinion<sup>125</sup> to the public enterprises "Elektroprivreda Srbije" Belgrade and "Elektro distribucija Srbije" doo Belgrade, and an initiative to the Ministry of Mining and Energy, with the aim of considering possibilities and taking measures to ensure the collection of consumed electricity in the aforementioned situations. The Ministry of Mining and Energy informed the Protector of Citizens that when amending the Law on Energy, which is planned for the end of 2023, it will consider and accept the submitted initiative.

In complaints about the work of "Elektro distribucija Srbije" doo, citizens most often pointed out that the control of metering cabinets and metering devices is not performed in accordance with regulations, that the company does not deliver electricity meters to the Directorate of Measures and Precious Metals in order to act on citizens' requests for an extraordinary inspection of electricity meters in use, as well as that "Elektro distribucija", upon receiving notifications from citizens about disturbances and damage to metering devices, does not act in a timely manner, that is, it does not take measures within the prescribed deadlines in order to eliminate the disturbances/damages and ensure correct measurement. After the launching of investigations by the Protector of Citizens, "Elektro distribucija Srbije" doo eliminated the shortcomings related to the handling of reports of malfunctions on the metering devices.

---

<sup>121</sup> Available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7505-p-l-r-privr-d-srbi-prili-p-n-vn-g-pri-ljuc-nj-b-n-dis-ribu-ivnu-r-zu-d-v-di-r-cun-z-s-r-l-s-i-dug-v-nj>.

<sup>122</sup> Available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7391-ps-prv-d-p-nudi-sp-r-zu-izvrsh-v-nju-b-v-z-pr-bus-v-isp-ru-l-ricn-n-rgi-gr-d-ni>.

<sup>123</sup> "Official Gazette of RS", no. 145/14, 95/18 – as amended.

<sup>124</sup> "Official Gazette of RS", no. 63/13 and 91/18.

<sup>125</sup> Available at: <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7657-z-sh-i-ni-gr-d-n-upu-i-ishlj-nj-p-l-r-privr-d-srbi-d-b-gr-d-u-v-zi-n-pl-isp-ruc-n-l-ricn-n-rgi>.

A number of complaints referred to the failure of “Elektro distribucija Srbije” to make a decision on the approval of the submitted applications for connection. After the launched investigations, “Elektro distribucija Srbije” eliminated the above-mentioned shortcomings.

In a control investigation launched on the basis of citizens' complaints due to the failure of “Elektro distribucija Srbije” to act according to the court decision – a decision on a temporary measure, which ordered it to establish uninterrupted supply of electricity and carry out the installation and connection of meters to the electricity network for the needs of a family building, the Protector of Citizens issued a recommendation<sup>126</sup> to this company. The recommendation was not accepted.

### **Real Estate Cadastre**

The reason for complaints to the Protector of Citizens about the work of the Republic Geodetic Authority remains the exceeding of deadlines for acting on the requests of parties in the first instance, that is, according to the declared legal means in the second instance. In the individual recommendations issued to the Republic Geodetic Authority so far, the Protector of Citizens pointed out the obligations of compliance with legal deadlines, both by the real estate cadastre service and by the Department for the Second Instance Procedure of this special organization.

For the most part, the Republic Geodetic Authority and the real estate cadastre service respect the obligation prescribed by law to cooperate with the Protector of Citizens. They act according to the issued recommendations, and often in the course of the investigation itself, they eliminate the shortcoming pointed out by the complaint. However, there are also situations where the Protector of Citizens obtains the requested statement relevant to the subject of the complaint or an own-initiative control investigation, only after the repeated urgencies and appeals to the Department of Legal Affairs of the Republic Geodetic Authority, that is, the Ministry of Construction, Transport and Infrastructure. Because of the above, investigations before the Protector of Citizens take longer than necessary, as a result of which citizens also suffer.

Bearing in mind that the Protector of Citizens received complaints due to the exceeding of the legal deadline for making decisions on submitted appeals against the decisions of the real estate cadastre service in 2022 as well, and that, in this regard, it has already issued a significant number of individual recommendations, which were not acted on, and since the Republic Geodetic Authority took the position that the cases in the second instance will be resolved in the order in which they were received, the Protector of Citizens decided to launch an own-initiative investigation to determine what obstacles exist for the up-to-date actions of the Department for the Second Instance Procedure.

Namely, after resuming the second-instance jurisdiction for deciding on appeals against the decisions of the real estate cadastre service at the beginning of 2016, the Republic Geodetic Authority did not achieve promptness in its actions. According to the data obtained from the Republic Geodetic Authority in an own-initiative investigation, the Protector of Citizens concluded that the lack of staffing capacities of the Republic Geodetic Authority contributed to a significant extent to the fact that the total number of unfinished second-instance cases, which were formed before the Republic Geodetic Authority as of 2021, exceeds the number of 19.000. Acknowledging the fact that this is a problem that requires a systemic solution with the participation of all relevant state authorities, primarily the Government of the Republic of Serbia and the competent Ministry of Construction, Transport and Infrastructure, as well as the Republic Geodetic Authority itself, the Protector of Citizens established in an own-

---

<sup>126</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7660-l-r-dis-ribuci-srbi-ign-ris-l-dlu-u-sud-u-b-gr-du>.

initiative investigation, among other things, that there were certain positive developments in solving the described problem.

At the end of 2022, the Government of the Republic of Serbia adopted the proposal of the Rulebook on the internal organization and systematization of job positions in the Republic Geodetic Authority, which foresees an increase in the number of independent advisors and advisors from the current 24 to 40 civil servants in the Department for the Second Instance Procedure, which would achieve the optimal minimum for solving new second-instance cases. According to the data obtained from the Republic Geodetic Authority in an own-initiative investigation, the Protector of Citizens established that the Republic Geodetic Authority, with the consent of the State Audit Institution, adopted the Program for resolving old first and second instance cases in March 2021, thanks to which in the period April 2016 - March 2019, the number of incomplete cases decreased, which in the period before 2016 was 26,500. After establishing all the relevant facts and circumstances, the Protector of Citizens sent a report with recommendations to the Republic Geodetic Authority and the competent Ministry of Construction, Transport and Infrastructure<sup>127</sup>.

More specifically, the Protector of Citizens recommended taking measures to determine the factual situation regarding the backlog of unsolved "old" cases, the sequence of solving them within a general and reasonable deadline, according to the date of receipt of the case, as well as to determine an adequate way to make the sequence available to all parties in those procedures and the persons who are interested in their outcome. Furthermore, in accordance with the approved Draft Rulebook, the Republic Geodetic Authority was recommended to take all measures within its jurisdiction, as soon as possible, in order to fill the staffing capacities of the Department for the Second Instance Procedure. The Protector of Citizens will continue to monitor the handling of the issued recommendation.

### **Environmental protection**

In a control investigation into the legality and regularity of work of the local inspections for environmental protection, the Protector of Citizens assessed that the parts of the inspection supervision procedure, that concern the ordering and implementation of the measurement of noise coming from the performance of various economic activities in the environment are not covered by the law, but concern the method of work of local inspections for environmental protection, as a result of which different actions and uneven practices may occur, which may also affect the measurements performed. In this regard, acting on a complaint regarding the performance of inspection supervision over the work of a gym located in the semi-basement of a residential building, below the complainant's apartment, the Protector of Citizens launched a control investigation into the regularity and legality of work of the Environmental Inspection Department of the City Administration for Inspection Affairs of the city of Novi Sad. However, as it was assessed during the investigation that the inspection authority took measures in this specific case in accordance with the legal regulations, but that the noise level measurement was not carried out in the complainant's apartment, as a result of which it was not established whether the complainant was threatened by noise or not, in its opinion to the Ministry of Environmental Protection, the Protector of Citizens pointed out the need for the Ministry to compose an instruction on the application of the Law on Environmental Noise Protection, which will include the method of work of local inspectors when ordering and conducting environmental measurements. More specifically, it was pointed out that the given instruction needs to stipulate that the measurement should be attended by an inspector who will first determine the fulfilment of conditions for carrying out the measurement, that it

---

<sup>127</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7648-z-sh-i-ni-gr-d-n-upu-i-sis-s-u-pr-p-ru-u-r-public-g-g-s-z-v-du-i-inis-rs-vu-gr-d-vin-rs-v-s-br-c-i-infru-s-ru-ur>.

should be performed in the living space of the complainant if it can be considered a relevant place, as well as that the instruction should foresee all other details, in order to improve inspection supervision and achieve its goal and comprehensively assess the level of noise in the environment, as well as the disturbance and harmful effects of noise on human health.<sup>128</sup>

During 2022, the Protector of Citizens participated in regional trainings for local environmental protection inspectors, organized by the Standing Conference of Towns and Municipalities and the Ministry of Environmental Protection<sup>129</sup>, with the aim of providing local environmental protection inspectors with additional support and specifying the actions when it comes to noise and unpleasant odours from catering facilities.

The importance and expediency of the preventive role of the inspection authorities in the environmental impact assessment procedure was also pointed out by the investigation before the Protector of Citizens, which was launched on a complaint pointing out that the Republic Environmental Protection Inspectorate did not take all the measures it was authorized to take by law in relation to the supervised entity, who started his metalworking activity in an illegal facility – a workshop, without the consent of the competent authority. In the conducted investigation, the Protector of Citizens assessed that the Ministry of Environmental Protection did not take all measures and activities with the aim of preventive action, in order to prevent or eliminate possible harmful consequences for the environment, given that the workshop, which may have harmful consequences and negative impact on the environment, is still allowed to work without hindrance, regardless of the established fact that in the specific case there are no necessary permits and approvals from the competent authorities. The Protector of Citizens issued recommendations to the Ministry of Environmental Protection in order to consider the application of the authority to impose a ban on the execution of the project in question and the performance of the activity in question, until the assessment of the impact of the situation is completed. Special emphasis was placed on the need for the Ministry of Environmental Protection, through the republic environmental protection inspector, to always be guided by the principle of prevention and precaution in its future work, when it comes to projects that were implemented without an impact assessment study and do not have a construction permit, or are used without a permit. After the issued recommendation, the Ministry of Environmental Protection prohibited the use of the facility in question, until environmental protection measures and conditions were met, and submitted a request for the initiation of misdemeanour proceedings.<sup>130</sup>

In an own-initiative investigation, and upon learning about the pollution of the Great Bačka Canal and the appearance of ten tons of dead fish from Srbobran to Bečej, which happened in October 2019, the Protector of Citizens stated that, since responsibility was not established for this incident, whereby disturbances in the water regime in this channel were noted in 2020 and 2021 as well, there is still a risk of new consequences of the pollution of this watercourse, for which the immediate cause cannot be determined if, in the meantime, the discharge of untreated wastewater continues. Accordingly, during 2022, the Protector of Citizens sent an opinion to the competent authorities that it is necessary for the competent inspection authorities to strengthen mutual cooperation and coordination and to take all necessary and

---

<sup>128</sup> Opinion of the Protector of Citizens, <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7548-inis-rs-v-d-s-cini-ins-ru-ci-u-pri-ni-z-n-z-sh-i-i-d-bu-u-ziv-n-sr-dini>.

<sup>129</sup> "Completed cycle of regional trainings for local environmental protection inspectors", SCTM, 14<sup>th</sup> November 2022, <http://www.skgo.org/vesti/detaljno/3046/završen-ciklus-regionalnih-obuka-za-lokalne-inspektore-zastite-zivotne-sredine>

<sup>130</sup> Report with recommendations of the Protector of Citizens and the authority's response on its actions, <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7581-inis-rs-v-z-sh-i-ziv-n-sr-din-prv-d-prib-vi-s-udi-u-pr-c-ni-u-ic>.



available measures as a matter of priority that will lead to the final cessation of the discharge of untreated wastewater into the canal network of the Great Bačka Canal, as well as to sanction all polluters. At the same time, the Protector of Citizens pointed out that it is necessary to engage all available resources, in order to successfully and, as soon as possible, implement the already started project of remediation and revitalization of the Great Bačka Canal, and thus ensure the realization of the right to a healthy environment for all those who are affected by this watercourse.<sup>131</sup>

Acting on a complaint of civil society organizations for environmental protection, which referred to the failure of the city of Valjevo to act in order to solve the problem of air quality in that city and the failure to adopt the planning instruments prescribed by law, the Protector of Citizens launched a control investigation in order to assess the legality and regularity of work of that local self-government. After receiving the statement, the Protector of Citizens stated that for the territory of the city of Valjevo, for nine years in a row, the third category of air quality has been determined, from which it can be concluded that the previously planned measures were either not adequate or were not implemented, and that the City of Valjevo made an omission in its work by not fulfilling its legal obligation to adopt an air quality plan and a short-term action plan, to the detriment of citizens' right to a healthy environment. In this regard, the City of Valjevo was sent a Report with recommendations<sup>132</sup>, suggesting it, among other things, in the further process of passing and adopting the Air Quality Plan of the City of Valjevo for the period from 2022 to 2027, to take all other measures, without delay, provided for in the Regulation on public participation in the development of certain plans and programs in the field of environmental protection<sup>133</sup>, and to draft the proposal and adopt the Air Quality Plan of the city of Valjevo for the period from 2022 to 2027, as well as the Action Plan for improving air quality in the city of Valjevo, with the aim of achieving appropriate limit values or target values established by regulations<sup>134</sup>.

During the reporting period, the Protector of Citizens also controlled the implementation of previously issued recommendations in this area. In the process of controlling the implementation of the recommendation issued to the Ministry of Environmental Protection<sup>135</sup> in 2021, which concerns determining whether the Spatial Plan of the municipality of Bačka Palanka contains the planned protection, organization and use and development of natural and cultural assets and the environment, as an integral part of the documentation base for the planning document, the Protector of citizens assessed in the reporting period that the Ministry of Environmental Protection did not take into account the position and recommendations of this independent state body. With a full understanding of the allegations presented and the possible immediate impossibility of acting on the issued recommendations, the Protector of Citizens maintained the position that it is necessary for the Ministry of Environmental Protection to take measures with the aim of establishing more effective supervision over the implementation of the Law on Strategic Environmental Impact Assessment and finding an appropriate mechanism in order to ensure the expedient application of all regulations in the area of environmental protection and achieve a preventive role.

---

<sup>131</sup> Opinion of the Protector of Citizens, <https://ombudsman.rs/index.php/2011-12-11-11-34-45/7580-insp-ci-s-i-rg-ni-d-p-c-u-dus-bnu-s-r-dnju-i-rdin-ci-u-i-z-sh-i-v-li-i-b-c-i-n-l-d-d-lj-g-z-g-d-nj>.

<sup>132</sup> Report of the Protector of Citizens with recommendations ref. number 32991 dated 30<sup>th</sup> December 2022, in case number 3115-1682/22.

<sup>133</sup> "Official Gazette of RS", number 117/21.

<sup>134</sup> Regulation on conditions for monitoring and air quality requirements, "Official Gazette of RS", no. 11/10, 75/10 and 63/13.

<sup>135</sup> Established facts and recommendations of the Protector of Citizens, <https://ombudsman.rs/index.php/2012-02-07-14-03-33/6960-u-vrd-n-n-pr-viln-s-i-u-r-du-inis-rs-v-z-sh-i-ziv-n-sr-din-n-sh-u-s-v-riv-nj-pr-v-gr-d-n>.

Also, in a control investigation into the implementation of the recommendation issued by the Protector of Citizens to the City Administration of Loznica in 2021<sup>136</sup>, regarding flood protection from the Korenita River, the City Administration of Loznica informed the Protector of Citizens about the meeting held with the complainant and the offered options that will be used to resolve the issue of damage that the complainant has been suffering for years due to the change in the course of the Korenita River, which has been passing through his plot since 2014. However, since the Protector of Citizens did not receive a statement on the final outcome of the agreements made, nor on the handling of other recommendations regarding the undertaking of measures aimed at the reconstruction, rehabilitation and maintenance of water facilities and flood protection from the Korenita River, the Protector of Citizens established that the City Administration of the city Loznica did not accept the position and recommendations of this authority.

### **Local self-government**

During the reporting period, in their complaints, citizens most often expressed dissatisfaction with performance of activities of municipal services, i.e., local public companies, regarding the performing of communal activities such as the supply of thermal energy, water supply, sewerage, disposal of municipal waste, parking and public transportation in the city. In these cases, citizens were clearly and in detail informed about which competent authorities they can turn to in order to protect their rights, or the complaints were forwarded to the local ombudsman of the local self-government unit, where such a body is established.

In the work of local self-government unit bodies and services, problems are still present that characterize bad administration, most often the untimely handling of requests of parties and legal remedies filed against the decisions of municipal or city administration bodies. As a rule, the control investigations into the work of the authorities are suspended because the shortcomings are eliminated after the initiation of the investigation by the Protector of Citizens.

A number of complaints also referred to dissatisfaction with the actions of managers of housing communities, and citizens were informed in detail about the possibilities available to them in accordance with the law governing the area of housing and maintenance of buildings.

The problem of non-enforcement of final and enforceable decisions is still present, especially the decisions of local self-government inspection authorities in the performance of inspection supervision, due to the lack of financial resources for the enforcement of administrative decisions.

### **Agriculture**

During the reporting period, the Protector of Citizens received complaints from the area of agriculture, which, according to the submissions of citizens, mostly pointed to the silence of the Ministry of Agriculture, Forestry and Water Management, as well as the authorities within it (Republic Water Directorate, Veterinary Administration, Agricultural Land Administration). Investigations were generally concluded by suspension, bearing in mind that the aforementioned authorities eliminated the shortcomings upon learning that the Protector of Citizens had launched an investigation.

Acting on an individual complaint due to the failure to act of the Veterinary Administration of the Ministry of Agriculture, Forestry and Water Management on the complainant's submission in which dissatisfaction was expressed with the work of the acting veterinary

---

<sup>136</sup> Recommendation ref. number 25601 dated 27<sup>th</sup> September 2021 in case number 3114 – 1059/19.



inspector, after the end of the investigation, the Protector of Citizens sent a Report on the case with recommendations. In the given act, it was stated that the Veterinary Administration failed to act on the aforementioned submission, as well as to inform the complainant about the legal actions he should take in order to exercise his right to file a complaint about the work of the inspector, that is, to indicate to him how he should edit the submission so that it can be acted upon.<sup>137</sup> The deadline for the handling of the given recommendations has still not passed.

## PROPOSALS FOR IMPROVING THE POSITION OF CITIZENS IN RELATION TO ADMINISTRATIVE AUTHORITIES

- **The Ministry of Construction, Transport and Infrastructure** should ensure more efficient work of authorities responsible for legalizing illegally built facilities;
- **Ministry of Construction, Transport and Infrastructure and municipal and city building inspections** should, in a timely manner, efficiently and effectively, apply the rights, obligations and powers prescribed by the Law on Planning and Construction in order to suppress illegal construction, especially in the territory of the city of Belgrade;
- **The Ministry of Construction, Transport and Infrastructure and the municipal and city organizational units responsible for the execution of demolition decisions** should, without delay, take all necessary measures, in accordance with positive legal regulations, in order to implement enforceable decisions on demolition;
- **Local self-government units** should, in order to more efficiently implement their own decisions, consider the possibility of establishing public companies that would also deal with the enforced implementation of decisions within their activities, that is, they should entrust the enforcement of these tasks to existing public companies that meet the legal, staffing and technical conditions for the enforced implementation of decisions;
- **The City of Belgrade** should, in accordance with the competences entrusted to it<sup>138</sup>, ensure the creation of financial and staffing conditions in order to enable the competent organizational unit to consistently sanction illegally constructed buildings, especially taking into account the need for administrative enforcement of the previously adopted decisions on demolition as a priority;
- **The Secretariat for Urban Planning and Construction Affairs of the City Administration of the City of Belgrade**, in its future work, should respond in a timely manner to the acts of the Protector of Citizens and make available to it all the data that are important for the investigations it conducts;
- **City Administration of the City of Belgrade** should ensure that the organizational units within its composition, in their future work, fulfil their obligation to cooperate with the Protector of Citizens in the manner prescribed by law, and in the event that cooperation is absent, that they determine the identity of the person who is directly responsible for

---

<sup>137</sup> Case report with recommendations ref. number 29391 dated 22<sup>nd</sup> November 2022, in case number 3118-1161/22.

<sup>138</sup> Article 172, paragraph 5 of the Law on Planning and Construction stipulates that the City of Belgrade is entrusted with inspection supervision in the area of construction of buildings up to 800 m<sup>2</sup>, i.e., over the construction of buildings for which a decision on a building permit is issued by the city municipality within the City of Belgrade, while Article 171 of the same law prescribes that the decision on the demolition of the building, i.e., part of it, which is made on the basis of this law, is enforced by the republic, provincial, or local self-government unit body, competent for construction inspection affairs.

the violation of the obligation to cooperate with the Protector of Citizens and take measures to initiate appropriate procedures against that person;

- **The Belgrade City Council** should, in accordance with the competences and obligations prescribed by the Law on Local Self-Government, in its future work, take all measures to establish the effective performance of the supervisory function over the work of the City Administration of the City of Belgrade;
- **The issuers of planning documents** should, when preparing these documents, more carefully consider the needs of the local community to which the planning solutions refer, especially taking into account the protection of the existing natural environment and the creation of more humane conditions for life in urban areas, and should establish effective mechanisms, so that, at each stage of the preparation of planning documents, citizens are timely and adequately informed about the essential importance of certain planning solutions and their consequences for the environment within which they are implemented;
- **“Elektroprivreda Srbije” Belgrade and “Elektro distribucija Srbije” doo Belgrade** should, within the prescribed competences, ensure legal, efficient and timely handling of requests, objections, complaints and other appeals from citizens;
- **“Elektroprivreda Srbije” Belgrade and “Elektro distribucija Srbije” doo Belgrade**, as well as the **Ministry of Mining and Energy** should ensure monitoring of the monthly consumption and payment of the delivered electricity for objects that, after being disconnected from the electrical distribution system, were connected to the system again based on a court decision – a decision on a temporary measure, and the distribution system operator did not issue a decision on approval for connection;
- **“Elektro distribucija Srbije” doo Belgrade** should respect court decisions and voluntarily fulfil obligations established by court decisions;
- **The Ministry of Construction, Transport and Infrastructure** should improve cooperation with the Republic Geodetic Authority in order to strengthen its staffing and organizational capacities;
- **The Republic Geodetic Authority** should ensure greater accessibility of the real estate cadastre service to citizens and take the necessary measures within its competence in order to achieve timely actions on the requests and submitted complaints of parties;
- **The Ministry of Environmental Protection** should use all available mechanisms, in order to further provide financial support to local self-government units in the performance of delegated tasks in the area of environmental protection;
- **The Ministry of Environmental Protection** should take all necessary measures in order to adopt the Air Protection Strategy, as well as to implement the adopted Air Protection Program of the Government of the Republic of Serbia for the period from 2022 to 2030 with an Action Plan, in order to establish tolerant and limit values of pollutants in the air;
- **Local self-government units** should take all necessary measures within their competence in order to ensure protection against the harmful effects of waters, and to take all necessary measures in a timely manner for the purpose of construction, reconstruction, rehabilitation and maintenance of water facilities and flood protection;
- **Local self-government units**, which have not yet done so, should make decisions on the designation of acoustic zones;

- **Local self-government units**, which have not yet done so, should make decisions on how to control the level of noise from catering establishments in their territory;
- **Local self-government units**, which have a legal obligation and have not yet done so, should draft and adopt air quality plans and short-term action plans;
- **Local self-government units** should engage more effectively in solving communal problems faced by citizens in their areas;
- **Local self-government units** should inform citizens about their rights and ways of exercising them, and inform them about the possibilities of filing complaints if they are dissatisfied with the actions of employees in local self-government unit bodies;
- **Local self-government units**, in their future work, should take into account more efficient handling of requests, letters, reports and complaints of citizens, and they should act on them within the legally prescribed deadlines;
- **Local self-government units** should fully respect the administrative procedures and principles of good governance when deciding on the rights, obligations and legal interests of natural and legal persons;
- **Local self-government units** should take all necessary measures, in accordance with positive legal regulations, in order to implement enforceable decisions, with the prior provision of financial resources;
- **Veterinary Administration of the Ministry of Agriculture, Forestry and Water Management** should provide answers to all letters indicating dissatisfaction with the work of civil servants / inspectors, at the same time informing citizens about the manner of exercising the right to file a complaint, in accordance with the relevant regulations.<sup>139</sup>

---

<sup>139</sup> Law on Inspection Supervision, "Official Gazette of RS", no. 35/15, 44/18 – as amended and 95/18 and the Law on Public Administration, "Official Gazette of RS", no. 79/05, 101/07, 95/10, 99/14, 47/18 и 30/18 – as amended.

## 5.3. AREA OF SOCIAL AND CULTURAL RIGHTS

### ACTIVITIES OF THE PROTECTOR OF CITIZENS

#### **Labour rights**

The largest number of complaints in the area of labour relations related to non-payment and irregular payment of wages, non-payment of social security contributions, abuse at work, termination of employment contracts, as well as violations of rights of unemployed persons by the National Employment Service. In this reporting period as well, citizens complained about the lack of promptness of the Labour Inspectorate. The efficiency and quality of inspections is greatly affected by the insufficient number of labour inspectors.

The imposition of sanctions by the labour inspectorate and the Tax Administration against employers is often ineffective, especially in situations involving employees of bankrupt companies whose accounts have been blocked. In a large number of cases, workers do not have effective mechanisms to protect their rights, especially when it comes to monetary claims based on employment, for which court protection is provided, which is often ineffective for citizens, bearing in mind the length of the court proceedings.

Acting on the complaints of geodetic organizations, which pointed out that the Republic Geodetic Authority terminated their access to the e-desk and e-cadastral services without any notice or explanation, thereby preventing their work, the Protector of Citizens established that the Republic Geodetic Authority violated the Law on General Administrative Procedure to the detriment of the aforementioned geodetic organizations, because it executed the decisions on annulment and deletion of the aforementioned organizations from the records before they became enforceable, thereby cancelling their access to the e-desk and e-cadastral services, that is, before the second-instance authority decided on the submitted appeals. The Protector of Citizens issued recommendations to the Authority to provide the aforementioned geodetic organizations with access to the e-desk and e-cadastral without delay, until the decisions on annulment and deletion from the records become enforceable. After the Protector of Citizens submitted the recommendation, the second-instance authority decided on the submitted appeals, after which the decisions on annulment and deletion of geodetic organizations from the records became enforceable.<sup>140</sup>

#### **Pension and disability insurance**

During this reporting period as well, through submitted complaints, citizens pointed to the same problems in the work and actions of the Republic Pension and Disability Insurance Fund that they faced in the previous years. The largest number of citizens' complaints still refers to untimely actions on submitted requests for the realization of the right to a pension, as well as on appeals against first-instance decisions, to the absence of data on earnings and paid contributions for pension and disability insurance in the registry of the Republic Pension and Disability Insurance Fund, as a result of which it is impossible for them to exercise the right to a pension (or to a pension in the final amount). Bearing in mind the consequences of the problem of determining the length of service, on which the amount of the pension depends, the Protector of Citizens, in each individual case, through obtaining information from other authorities (Tax Administration, Historical Archives, National Bank, Treasury Administration), tried to contribute to the determination of the length of service for periods that were not entered in the registry of the Republic Pension and Disability Insurance Fund.

---

<sup>140</sup> Recommendation available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7539-z-sh-i-ni-gr-d-n-r-zi-d-rgz-guci-pris-up-s-ru-i-sh-l-ru>.

In a large number of control investigations, the Protector of Citizens established that employers did not pay pension and disability insurance contributions to citizens for certain periods of service, and that the competent control authorities did not take the legally prescribed measures (initiation of misdemeanour proceedings against negligent employers, control of the payment of contributions), which is why citizens bore the consequences.

During 2022 as well, the Protector of Citizens received a number of complaints from citizens who were obliged by the Republic Pension and Disability Insurance Fund to refund the so-called overpaid pension amount, due to the non-up-to-date keeping of the registry records and the untimely determination of relevant facts of importance for adopting/amending the decision. In this way, the Republic Pension and Disability Insurance Fund caused damage to pension beneficiaries and obliged them to return the debt, i.e., the pension amounts they received on the basis of final and enforceable decisions of the Republic Pension and Disability Insurance Fund, which were later amended.

Acting on the submitted complaints, and based on the facts and data collected by conducting the control, the Protector of Citizens established that the Republic Pension and Disability Insurance Fund made omissions in its work, to the detriment of the rights of the complainants, because it did not keep the registry records up-to-date, did not timely establish all the facts of importance for adopting/amending the decision on the right to pension, as a result of which, overpaid pension amounts occurred, that were cumulated unjustifiably and without the fault of the pension beneficiary, in specific cases up to the amount of 887,038.82 dinars, or 772,716.05 dinars. In this way, the Republic Pension and Disability Insurance Fund violated the principles of legality and legal certainty and acted illegally, irregularly, contrary to the principles of good governance, putting citizens' existence in question. In order to eliminate the identified shortcomings, the Protector of Citizens issued recommendations<sup>141</sup> to the Republic Pension and Disability Insurance Fund, to keep proper and up-to-date records on insured persons, contribution payers and beneficiaries of rights, and to check the accuracy of the data entered in the applications for civil registry, in the manner prescribed by law, as well as to obtain data and make decisions within the legally prescribed deadline. Also, the Republic Pension and Disability Insurance Fund was recommended to determine the reasons for the shortcomings and to take appropriate measures against the responsible persons in case of shortcomings in the work of the authorities that led to the overpayment of the pension amount. The above-mentioned recommendations were not accepted.

Also, on the basis of the control investigations carried out so far, the Protector of Citizens established that the Republic Pension and Disability Insurance Fund, when asked by the Protector of Citizens about the reasons that caused the untimely actions, i.e., the delay in the adoption of decisions, and therefore the overpaid amounts of the pension and accumulation of the owed amount, indicated that it cannot make a statement about the mentioned facts, considering the amount of time passed.

## **Education**

In this reporting period as well, the Protector of Citizens received several complaints from citizens who pointed to the administrative silence, i.e., that the Ministry of Education did not decide in a timely manner, or did not decide at all, on the requests submitted by citizens in order to exercise or protect their rights. After the launching of the control investigation into the legality and regularity of work of the Ministry of Education, in a large number of cases, citizens received answers to their requests.

---

<sup>141</sup> Recommendation, available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7539-z-sh-i-ni-gr-d-n-r-zi-d-rgz-guci-pris-up-s-ru-i-sh-l-ru>.

Students, scholarship recipients of the "World in Serbia" project addressed the Protector of Citizens regarding the delay in the payment of scholarships and the request to increase the amount of the scholarship, the delay in organizing the Serbian language course for foreign students and the decision that students over the age of 26 are obliged to pay a compensation for health insurance. In the complaint, it was pointed out that the students did not receive an answer to their appeal to the Ministry of Education regarding the mentioned problems. After the launching of the investigation into the legality and regularity of work, the complainants were provided with an explained response by the Ministry of Education to their address and information on the measures taken to eliminate shortcomings in accordance with positive regulations, i.e., on the payment of scholarships and the organization of a Serbian language course.

In this reporting period, in relation to the content of other addresses in the area of education, the Protector of Citizens received a smaller number of complaints from employees in educational institutions that indicated violations of labour rights, as well as the untimely actions of the Education Inspectorate on submitted reports. Employees in educational institutions also expressed their dissatisfaction with the way the Education Inspectorate acts on reports, pointing out that it does not determine the correct factual situation, as well as that it does not perform the control inspection oversight within the legal deadline.

During the reporting period, the Protector of Citizens received a complaint in which it was stated that the Technical School of Leather Design in Belgrade acted illegally and improperly when determining the employees whose work is no longer needed for the 2021/2022 school year, as the three-member commission for compiling the score list, whose president was the complainant, was ordered to compile a list of employees whose work is no longer needed three times. In the complaint, it was pointed out that when making a decision about the employee whose work is no longer needed, employees were not treated equally, since the first created list was applied to some employees, and the third created score list to other employees whose work is no longer needed. The Protector of Citizens established that between the Ministry of Education and the Ministry of Labour, Employment, Veteran and Social Affairs, there is a conflict regarding the competence for conducting inspection oversight over the work of the Commission for scoring employees whose work is no longer needed, whether they work full-time or part-time, due to which, it sent an opinion<sup>142</sup> to the Ministry of Education and the Ministry of Labour, Employment, Veteran and Social Affairs to take measures, in mutual cooperation, in order to reach an agreement on the competence for conducting inspection oversight by a certain inspection authority, and especially in order to contribute to the protection of the rights of employees in primary and secondary education institutions, as well as in students' homes, and thus achieve legal certainty.

Acting on a complaint, during the conducted investigation into the legality and regularity of work of the Secretariat for Education and Children's Welfare of the City Administration of the City of Belgrade, the Protector of Citizens composed a report on the case, in which it established that the Education Inspectorate of the Secretariat for Education and Children's Welfare of the City Administration of the City of Belgrade did not properly apply the law, because it did not order the School Board of the Technical School of Leather Design in Belgrade to take measures to eliminate the shortcoming, even though it had previously established in the performed inspection that the School Board had not decided on the appeals of the employees to the decision on determining the person whose work is no longer needed in the 2021/2022 school year, stating that imposing measures on the School Board, to decide

---

<sup>142</sup> Act of the Protector of Citizens ref. no. 31918 dated 21<sup>st</sup> December 2022.

on individual employee complaints and the complainant's complaint, would be ineffective due to the amount of time passed since the complaints were received. Based on the established factual situation, the Protector of Citizens issued a recommendation<sup>143</sup> to the Education Inspectorate of the Secretariat for Education and Children's Welfare of the City Administration of the City of Belgrade, that it is necessary for the Education Inspectorate to take measures within its competence, so that the School Board of the Technical School of Leather Design in Belgrade may decide on the complainant's complaint. The deadline for acting on this recommendation has still not passed in the reporting period.

In a control investigation into the legality and regularity of work of the Ministry of Education and the Qualifications Agency, launched on a citizen's complaint, the Protector of Citizens established that the Ministry of Education acted improperly and illegally, because it did not decide on the complainant's request for the recognition of a foreign higher education document for more than three years, and after the separation of the ENIC/NARIC Centre from the Ministry of Education, which became an organizational unit of the Qualifications Agency, the Agency did not do that either. The Protector of Citizens made a report on the case and issued a recommendation<sup>144</sup> to the Ministry of Education and the Qualifications Agency, ordering that the Ministry of Education ought to submit to the Qualifications Agency all the documentation related to the complainant's request for the recognition of a foreign higher education document, submitted to the Ministry of Education, and that the Qualifications Agency should decide on the complainant's request within the deadline prescribed by the Law on General Administrative Procedure<sup>145</sup>, in order to enable the complainant to successfully and fully exercise and protect her rights and legal interests. The deadline for acting on this recommendation has still not passed in the reporting period.

## **Social welfare**

In the reporting period, the largest number of complaints in the area of social protection related to untimely and ineffective work of social welfare institutions when deciding on rights in the area of social protection, as well as to the work of second-instance authorities when deciding on appeals against first-instance decisions. A number of complaints also related to the content of the decisions themselves, which were often not clearly, argumentatively and comprehensibly explained.

Acting on a complaint against the work of the City Centre for Social Work, Stari Grad Department and the Secretariat for Social Welfare of the City Administration of the City of Belgrade, after conducting an investigation and analysing the positive legal regulations, the Protector of Citizens established that the City Centre for Social Work in Belgrade, in the procedure of passing a decision on the termination of the complainant's right to increased financial social assistance, incorrectly applied substantive law when determining the income of the complainant's family, that is, income based on foregone earnings, while the Secretariat for Social Welfare of the City Administration of the City of Belgrade, in the process of deciding on an appeal against the decision of the Centre for Social Work in Belgrade, failed to establish that the first-instance authority, when passing the aforementioned decision, incorrectly applied substantive law in relation to the income of the complainant's family, i.e. income based on foregone earnings. Due to the mentioned omissions in work, the City Centre for Social Work in Belgrade and the Secretariat for Social Welfare of the City Administration of the City of Belgrade violated the complainant's right to a proper decision based on law.

---

<sup>143</sup> Act of the Protector of Citizens ref. no. 31919 dated 21<sup>st</sup> December 2022.

<sup>144</sup> Act of the Protector of Citizens ref. no. 32085 dated 21<sup>st</sup> December 2022.

<sup>145</sup> "Law on General Administrative Procedure of the RS", No. 18/2016 and 95/2018 – authentic interpretation

In order to improve the work of the City Centre for Social Work in Belgrade and the Secretariat for Social Welfare of the City Administration of the City of Belgrade, and to realize the complainant's right to a correct, law-based decision, the Protector of Citizens issued a recommendation to the Secretariat for Social Welfare to use the appropriate extraordinary legal means to annul the illegal and irregular decision, and to the aforementioned institution to make a new, law-based decision. The Secretariat for Social Welfare of the City Administration of the City of Belgrade and the City Centre for Social Work did not act on the issued recommendations.<sup>146</sup>

After the completion of the control investigation against the City Centre for Social Work – Čukarica Department, the Protector of Citizens established that the mentioned social welfare institution made an omission in its work, when acting on the complainant's request for exercising the right to one-time financial assistance, because it did not decide in the form of an administrative act, but instead, it sent the complainant a notice that his request was rejected. In this way, the Centre for Social Work caused a violation of the law, rules and principles of administrative procedure and violated the complainant's right to equal protection of rights and to a legal remedy. In order to improve the work of the City Centre for Social Work in Belgrade and prevent similar omissions in the future, the Protector of Citizens issued a recommendation<sup>147</sup> to the City Centre for Social Work, Čukarica Department, to decide on the complainant's request in the form of an administrative act, without delay, and to deliver it to the complainant as soon as possible. The City Centre for Social Work in Belgrade acted on the issued recommendation.

#### PROPOSALS FOR IMPROVING THE POSITION OF CITIZENS IN RELATION TO ADMINISTRATIVE AUTHORITIES

- **The Ministry of Labour, Employment, Veteran and Social Affairs** should take measures to increase the number of labour inspectors;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should take measures and activities aimed at expanding the competence of the labour inspectorate;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should ensure that social welfare institutions adopt decisions in an up-to-date and timely manner;
- **The Ministry of Labour, Employment, Veteran and Social Affairs** should ensure that decisions on rights in the area of social protection are clear, complete and reasoned;
- **The Ministry of Labour, Employment, Veteran and Social Affairs**, in cooperation with all competent authorities, should continue to continuously take all necessary measures in order to ensure an adequate number of professionals in social welfare institutions;
- **The Ministry of Labour, Employment, Veteran and Social Affairs and the Republic Institute for Social Protection** should provide trainings and professional development for employees;
- **The Tax Administration, the Republic Pension and Disability Insurance Fund and the Labour Inspectorate** should achieve effective and efficient cooperation and promptly exchange information concerning the labour rights of employees, in order to protect

---

<sup>146</sup> Recommendation, available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7447-u-vrd-ni-pr-pus-i-gr-ds-g-c-n-r-z-s-ci-lni-r-d-u-b-gr-du-i-s-r-ri-z-s-ci-lnu-z-sh-i-u-gr-ds-upr-v-gr-d-b-gr-d>.

<sup>147</sup> Recommendation, available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7511-z-sh-i-ni-gr-d-n-u-vrdi-pr-pus-u-r-du-gr-ds-g-c-n-r-z-s-ci-lni-r-d>.



employees and pay earnings and contributions for mandatory social insurance to employees in a timely manner;

- **The Tax Administration** should, to the greatest possible extent and in a timely manner, perform control and collection of social security contributions;
- **The Republic Pension and Disability Insurance Fund** should keep proper and up-to-date records on insured persons, contribution payers and beneficiaries of rights, and check the accuracy of the data entered in applications for civil registry, in the manner prescribed by law;
- **The Republic Pension and Disability Insurance Fund** should take measures and activities so that each submitted request is acted upon in a timely manner and within the legally prescribed deadline;
- **The Republic Pension and Disability Insurance Fund** should take measures and activities to, in case of omissions in the work of the Fund's officials that negatively affect the rights and interests of citizens, remove the consequences as quickly as possible, and to inform citizens of their right to an appropriate legal remedy;
- **The Republic Pension and Disability Insurance Fund** should ensure that every decision that may negatively affect the rights, obligations and legally based interests of citizens, contains the legal basis for the decision, the relevant facts and circumstances and specific reasons for which such a decision was made;
- **The Republic Pension and Disability Insurance Fund** should take all available measures to obtain information about the years of service, earnings and compensation of incomes of citizens, on which the exercise of the right to a full pension depends;
- **The Republic Pension and Disability Insurance Fund** should take all available measures to improve the work of legal aid services and train officials who provide professional assistance to citizens in the area of pension and disability insurance;
- **The Republic Pension and Disability Insurance Fund** should, in the case when the proceedings are initiated before the Administrative Court, provide copies of case files, in order to enable unhindered actions on the requests of the complainants, the further conduct of the proceedings and the legally prescribed cooperation with the Protector of Citizens;
- **The Ministry of Education** should act in a timely manner and in accordance with the law on every request submitted for the purpose of realizing and protecting citizens' rights;
- **The Education Inspectorate of the Ministry of Education** should act on applications submitted for the purpose of realizing and protecting citizens' rights within the legal deadlines.

## 6. SECTOR FOR THE RECEPTION OF CITIZENS

In this reporting period, 10,240 citizens addressed the Protector of Citizens, of which 1,645 were admitted for an interview, while contacts were made with 8,595 citizens (telephone conversations and contacts by mail).

After reviewing and sorting the received written addresses of citizens, 2,710 complaints were submitted to other organizational units of this body for the purpose of conducting investigations on complaints. During the reporting period, the Sector for the reception of citizens received 891 complaints, of which 874 were closed by sending an act on the dismissal of the complaints, because they did not meet the conditions for further action, given the prescribed competences of this independent body. The Sector for the reception of citizens acted in 98.10% of the cases it received during 2022.

The reasons for the dismissal of the complaints were, above all, lack of competence and prematurity. Other reasons for the dismissal of the complaints were that the complaints were not supplemented within the given deadline, they were untimely, anonymous, offensive, or the decision on merits has already been made. Also, work was completed on all 89 remaining cases which were received during 2021.

Based on the analysis of the received complaints during the reporting period, it can be concluded that the citizens, in order to protect or realize their rights, first turn to the Protector of Citizens, which is one of the indicators that they have a high degree of trust in this independent institution. In situations in which control investigations into the work of administrative authorities were not launched, citizens were referred to the competent authorities and procedures for the protection or realization of their rights. The requests that citizens sent to the Protector of Citizens, which are primarily within the competence of other authorities, indicate that citizens are still not sufficiently familiar with the competences and powers of this body.

Citizens also had the opportunity to talk directly with the Protector of Citizens, Zoran Pašalić, MSc, in the scheduled time according to the request submitted in advance.

In the reporting period, citizens turned to the Sector for the reception of citizens mainly because of the violations of economic and social rights. They complained about the realization and protection of their labour rights, expecting to be regularly paid their earnings and other income based on labour. The trend of submitting complaints regarding the availability and quality of health care continued. Vulnerable groups of citizens faced problems in exercising their rights in the area of health, pension and disability insurance and social protection.

Complaints filed in the area of justice and judiciary indicate violations of the right to a fair trial and the right to a trial within a reasonable time, the amount of costs of the enforcement procedure and to other irregularities during this procedure, as well as to the impossibility of exercising the right to free legal aid.

In their addresses, citizens demanded the fulfilment of conditions for the legal, efficient and correct actions of public authorities, when it comes to conducting procedures on their requests or applications, and they had the highest expectations from the inspection services, authorities, bodies and local self-government companies, the real estate cadastre service and the Republic Geodetic Authority. They expected local self-governments to be in the service of citizens, by performing their permanent and entrusted tasks in a quality, professional and efficient manner.

When it comes to the exercise of labour rights in the public sector, the complaints mainly related to the implementation of competitions for employment and the impossibility of

advancement in the service. Citizens complained about the work of private employers, mainly because of unpaid earnings and other incomes on the basis of labour, unpaid contributions, as well about working for a definite period of time for longer than the law prescribes. Since the Protector of Citizens is not competent to act in cases where citizens seek protection from abuse at work, they were referred to the competent authorities and procedures. When it comes to other complaints from the area of labour, citizens were referred to the labour inspection, i.e., the administrative inspection, the Republic Agency for Peaceful Settlement of Labour Disputes, or to the competent court, depending on the violation of rights they pointed to and the employer. Employed women complained about the issue of exercising their right to maternity leave and leave from work for childbirth, especially in situations where they are employed for a definite period of time.

Complaints from citizens were also received in order to exercise the right to a certain type of material support due to difficult material and living conditions. Citizens also complained about the work of centres for social work, in cases of requests for some form of financial support, due to the inefficient and incorrect actions of these authorities and the impossibility of registering residence at the address of the centre for social work in the area of which the citizen is located. Complaints from the area of pension and disability insurance were most often submitted due to failure to adopt a decision within the legal deadline, or dissatisfaction with the decisions made at the requests of citizens.

When it comes to complaints in the area of the right to health, citizens mostly pointed to inadequate health care, incorrect actions of the medical staff, the work of chosen doctors, the impossibility of scheduling an appointment with a specialist doctor, and they were also interested in the duration of isolation and treatment for the COVID-19 infectious disease. Citizens asked for advice on the procedure for verifying the health insurance card, the right to compensation of incomes during sick leave, the provision of patient transport and the exercise of the right to compensation of the transport costs.

When it comes to the work of local self-government unit bodies, citizens most often addressed this institution because of improper or untimely actions of inspection services, dissatisfaction with the procedure of legalization of buildings, adopted urban plans, and other issues. In complaints about the work of the communal militia, citizens pointed out the irregular and incorrect handling of reports that referred to the communal order, noise coming from catering establishments and parking control. Complaints due to violation of regulations and general regulations adopted by the local self-government unit, were forwarded to the competent local ombudsman. Where the local ombudsman has not been established, the Protector of Citizens instructed the complainants to contact the competent local self-government unit body, with the instruction that they can also contact the Protector of Citizens again, in the event that they do not receive a response to the submitted requests from the competent local self-government unit body.

As in the previous reporting period, in 2022 as well, citizens submitted complaints in the area of consumer protection, which referred to the actions of certain companies regarding the price for services provided within their activities, the actions of telecommunications operators, the work of cable operators, as well as the realization of tourist arrangements and the obligation to pay the fee for the public media service. Citizens had objections to the quality of the services provided by public utility companies, as well as the high bills.

Citizens expected the competent inspections to improve the efficiency of their actions and to inform them in a timely manner about the procedure for handling the reports and the outcome of extraordinary inspection oversights. It is noticeable that citizens, when complaining about the employers, first turn to the Protector of Citizens, instead of the Labour Inspectorate,

expecting that in this way, they will solve the problem faster without complicated procedures, as well as that they will not suffer any possible adverse consequences for it by the employer at work.

During this reporting year, complaints were received about the work of the Statistical Office of the Republic of Serbia, in connection with the activities on the implementation of the 2022 census of population, households and apartments. The complaints referred to allegations of illegalities and irregularities in the implementation of the procedure for the selection of candidates for enumerators, as well as the uneven distribution of jobs given to individual enumerators depending on the settlements they are in charge of and their employment status. Citizens also inquired whether they were obliged to provide enumerators with certain personal data, such as the unique master citizen number or ID card number.

Similar as in the previous years, in this reporting period as well, citizens were interested in personal data protection issues, and especially in giving away data related to health conditions and the unique master citizen number. They also had dilemmas as to whether they are obliged to give a copy of their ID card or passport to their employer, residential community manager or the bank, and vaccination information to their employer. These addresses indicate that citizens are increasingly aware of their rights in the area of personal data protection as a segment of the right to privacy, but, on the other hand, they do not see the difference between the competences of the Protector of Citizens and the Commissioner for Information of Public Importance and Personal Data Protection.

Complaints were also received about the work of the Ministry of Interior regarding the application of police powers, police measures and actions, as well as regarding the procedures for issuing personal and other documents. There is a noticeable upward trend in the number of appeals from citizens asking for assistance and advice on how they can register their residence and at which address, in a situation where the owner of the apartment has not registered them at the address at which they live.

Complaints about the work of the Republic Geodetic Authority and the real estate cadastre service mainly related to the duration of administrative procedures.

During this reporting year as well, citizens expressed dissatisfaction with the work of the courts due to the violation of the right to a fair trial, the length of court proceedings, the length of proceedings before the Administrative Court, the work of notaries public when notarizing contracts and conducting probate proceedings, the amount of the tariffs of public bailiffs in enforcement procedures, the exceeding of the legally allowed amount of enforcement against pensions or earnings and the irregular submission of acts.

Persons with disabilities expressed dissatisfaction with the work of guardianship authorities, exercising the right to health care, and were also interested in exercising the right to vote and the right to a discount when buying a vehicle. The elderly indicated abuse and neglect by certain family members, as well as the lack of basic means of living due to low income. Older citizens were also dissatisfied with the exercise of their rights in the area of pension insurance. They pointed to discrimination on the basis of age, against citizens over the age of 65 who do not exercise the right to a pension, compared to pension beneficiaries, during the distribution of vouchers for the subsidized use of catering and accommodation services (tourist vouchers).

The Protector of Citizens was also addressed by convicted and detained persons and their family members, pointing out inadequate accommodation conditions, in order to obtain advice on the possibility of obtaining early or conditional release and exercising the right to health care, primarily in terms of receiving prescribed therapy at the expense of the institution.

Citizens of the municipalities of Bujanovac, Preševo and Medveđa, who have the opportunity to address the local offices of the Protector of Citizens in those municipalities, in the reporting period, most often indicated violations of rights in connection with the initiation and conduct of court proceedings. Citizens of Preševo and Bujanovac complained about the length of the proceedings and the decisions made by the Qualifications Agency in the procedures for recognizing higher education documents for employment in a certain profession, at the same time expressing dissatisfaction with the length of the proceedings and the decisions made by the Qualifications Agency. Citizens of Preševo also complained about the large crowds that are created during the summer months in front of the Preševo Police Station in connection with the issuance of personal and other documents.

## 7. EMERGENCY RESPONSE DEPARTMENT

In this reporting period, the Protector of Citizens received a large number of complaints that referred to the dissatisfaction of tenants of apartments for an indefinite period of time, owned by citizens, due to the dynamics of the eviction procedure and relocation from apartments owned by citizens, as well as to the availability of public housing stock, which indicated that the problem of tenants of apartments for an indefinite period of time, owned by citizens, will hardly be solved within the legally prescribed deadline, i.e., by the end of 2026. On that occasion, in 2020, the Protector of Citizens sent the Ministry of Construction, Transport and Infrastructure an initiative to amend the Law on Housing and Building Maintenance.<sup>148</sup> In 2022, the Protector of Citizens addressed the Ministry of Construction, Transport and Infrastructure again, indicating the necessity of amending the Law in order to finally solve the long-standing problem of this group of citizens.

In 2022, the Protector of Citizens again received complaints from a large group of citizens facing the problem of not being able to connect to the electricity distribution network, given that their apartments are in illegally built residential buildings (for which the legalization procedure is being conducted), for which the law excludes the possibility of connection until the legalization procedure is completed. Considering that in this way, the right to the standard of living of citizens is threatened, and that a group of citizens is put in an unequal position in relation to the other owners of illegal buildings that have been connected to the infrastructure, in 2021, this independent body sent the Ministry of Construction, Transport and Infrastructure an initiative to amend the Law on Legalization of Buildings.<sup>149</sup> As these amendments have not yet been adopted, the Protector of Citizens once again pointed out to the competent ministry the need for the urgent adoption of the amendments to the law.

In 2022, the work of the Emergency Response Department was marked, among other things, by the handling of complaints about irregularities in the procedure of applying for and collecting one-time financial assistance intended for citizens of the Republic of Serbia, the handling of complaints due to violations of rights of apprehended and detained or convicted persons by police officers of the Ministry of Interior and employees in institutions for the enforcement of penal sanctions, as well as the difficult cooperation of the Republic Geodetic Authority and the real estate cadastre service with the Protector of Citizens in the control investigations launched on citizens' complaints.

When it comes to the area of internal affairs, in the reporting period, the Protector of Citizens continued to conduct several control investigations into the work of the Ministry of Interior, based on citizens' complaints about the conduct of police officers during the November 2021 protest on the bridge on the Sava in Šabac. In one of the launched investigations, it was established that the police officers of the Šabac Police Department, Šabac Police Station, acted belatedly, negligently and inefficiently on the reports of citizens, which is reflected in the fact that, since the moment of learning that circumstances have arisen that could result in the endangerment of life and physical integrity of a large number of citizens, until the arrival at the scene and the undertaking of actions that fall under police powers, an inappropriately long period of time passed, during which a serious violation of public order and peace occurred and the possible commission of several criminal offences. It was also established that the Ministry of Interior did not provide the recording of citizens' phone calls to the telephone number "192" of the emergency service of the Šabac Police Department. For the above-

---

<sup>148</sup> "Official Gazette of RS" no. 104/16 and 9/20 – as amended.

<sup>149</sup> "Official Gazette of RS" no. 96/15, 83/18, 81/20 – CC decision and 1/23 – CC decision.

mentioned reasons, recommendations<sup>150</sup> were issued to the Ministry of Interior, which were acted upon, except for one, for which the statute of limitations for action has expired.

In a control investigation into the work of the Ministry of Interior, the Police Directorate, the Police Administration for the City of Belgrade, Savski Venac Police Station, acting on a complaint, the Protector of Citizens established that the illegal actions of police officers during the stay of the complainant in the premises of the Savski Venac Police Station, caused him injuries, thereby violating his right to inviolability of physical and mental integrity and the right to dignity. After that, the police officers whom the complainant turned to for help, failed to instruct him on how to exercise his right to a legal remedy, i.e., to take his report that he wanted to file against the police officers who had caused him injuries, and they failed to make a corresponding report and notify the public prosecutor thereof. For the above reasons, recommendations were issued to the Ministry of Interior.<sup>151</sup> The recommendations are still within the deadline for action.

After receiving information about the conduct of the police officers of the Zvezdara Police Station towards a person deprived of liberty, the Protector of Citizens launched an own-initiative control investigation into the legality and regularity of work of the Ministry of Interior. During the investigation, it was established that there were shortcomings in the conduct of the police officers of the Zvezdara Police Station towards the person deprived of his liberty, which consisted in inflicting injuries on his head and body during his stay in the premises of the police station, thereby violating his right to inviolability of physical and mental integrity and the right to dignity. For the aforementioned reasons, recommendations were issued to the Ministry of Interior, which were fully accepted.<sup>152</sup>

In the area of the rights of persons deprived of their liberty, after launching an own-initiative control investigation into the work of the Penal-Correctional Institution in Niš, the Administration for the Enforcement of Penal Sanctions of the Ministry of Justice, the Protector of Citizens established that a convicted person serving a prison sentence in the mentioned institution suffered physical injuries, which occurred due to illegal and irregular conduct of members of the Security Service during the application of coercive measures, which led to a violation of the convict's right to inviolability of physical and psychological integrity and the right to dignity. After the application of coercive measures, his statements about the manner in which the injuries occurred were not included in the medical report on the examination of the convicted person. The acting doctor failed to perform the mandatory medical examination of the convicted person after the application of coercive measures, as well as the repeated examination between the twelfth and the twenty-fourth hour after the application of the measure, as prescribed by law, and instead performed the medical examination in order to separate him and place him in the Enhanced Surveillance Department. The members of the Security Service did not search the convicted person with due care when placing him in the Enhanced Surveillance Department, as a result of which the convicted person managed to bring into his premises a razor, with which he later injured himself on the neck, on the inside of the elbow of the left and right hand and the left knee. In the end, the medical examinations of the convicted person carried out in the premises of the Niš University Clinical Centre were attended by members of the Security Service of the Penal-Correctional Institution in Niš,

---

<sup>150</sup> Recommendation available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7626-z-sh-i-ni-gr-d-n-u-vdi-pr-pus-u-r-du-inis-rs-v-unu-r-shnjih-p-sl-v-srbi>.

<sup>151</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7438-u-vrd-ni-pr-pus-i-inis-rs-v-unu-r-shnjih-p-sl-v-dir-ci-p-lici-p-lici-s-upr-v-z-gr-d-b-gr-d>.

<sup>152</sup> Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/7512-z-sh-i-ni-gr-d-n-upu-i-pr-p-ru-inis-rs-vu-unu-r-shnjih-p-sl-v-zb-g-pr-pus-u-r-du>.

although the doctor who conducted the examination did not request that, which led to a violation of the convicted person's right to privacy and confidentiality of the medical examination. Recommendations<sup>153</sup> were issued to the Administration for the Enforcement of Penal Sanctions and the Penal-Correctional Institution in Niš, which were fully accepted.

In the control investigations into the work of the Penal-Correctional Institution in Sremska Mitrovica, the Protector of Citizens established the same shortcomings in the work of the institution's Health Protection Service, i.e., in the report on the medical examination of the convict after the application of coercive measures, the institution's doctor did not describe the established injuries in detail, did not photograph the injuries and draw them in the body diagram, did not enter the statements of the person against whom the coercive measure was applied, about the manner in which the injuries occurred, nor did he enter an opinion about the connection between the allegations as to how the injuries occurred and the observed injuries. In the case of one of the two convicted persons, the Security Service failed to isolate and save a video recording showing the application of coercive measures against the convicted person, which prevented the effective determination of facts relevant to the protection against abuse. After the observed shortcomings, recommendations were issued to the Administration for the Enforcement of Penal Sanctions and the Penal-Correctional Institution in Sremska Mitrovica, which were fully accepted.<sup>154</sup>

After learning from the media about a suspicion that a possible harassment of students occurred at the Faculty of Architecture of the University of Belgrade by employees of that higher education institution, the Protector of Citizens launched an own-initiative control investigation into the work of this faculty. After establishing during the investigation that the consistent application of the Rulebook on the prevention and protection against sexual harassment at the University of Belgrade, from 7<sup>th</sup> July 2021, may result in secondary victimization of the submitters of reports, the Protector of Citizens issued an opinion<sup>155</sup> to all higher education institutions in the Republic of Serbia, stating that the procedure for the protection against discrimination, abuse and sexual harassment and blackmail at higher education institutions, should be prescribed in a way that will not lead to additional traumatization (secondary victimization) of the submitters of reports, i.e., that such a procedure should not prescribe a joint conversation between a student, employee or a hired person who believes that he was exposed to discrimination and abuse, and a student, employee or a hired person who is accused of such conduct. It was also pointed out that it should be prescribed that the procedure for the protection against discrimination, abuse and sexual harassment and blackmail should be conducted with full respect for the principles of confidentiality and privacy protection. The Protector of Citizens closed the investigation into the work of the Faculty of Architecture and sent a case report with recommendations, in which it identified shortcomings in the work of that higher education institution in the process of protecting students from possible sexual harassment by an employee at the faculty. The Faculty of Architecture of the University of Belgrade acted on the issued recommendations.

Acting on complaints in the area of healthcare, the Protector of Citizens identified shortcomings in the work of the Court of Honour and the Supreme Court of Honour of the Medical Chamber of Serbia because, contrary to the provisions of the Law on Chambers for

---

<sup>153</sup> Act of the Protector of Citizens 4227-241/21, ref. no. 22028 dated 26<sup>th</sup> August 2022.

<sup>154</sup> Available at: <https://ombudsman.rs/index.php/2012-02-07-14-03-33/7346-l-rs-i-pr-gl-di-d-s-spr-v-d-u-s-l-du-s-is-nbuls-i-pr-l>.

<sup>155</sup> Available at: <https://www.ombudsman.rs/index.php/2011-12-11-11-34-45/7506-un-pr-di-i-h-niz-spr-c-v-nj-i-z-sh-i-d-s-su-ln-g-uzn-ir-v-nj-n-f-ul-i>.



Health Workers<sup>156</sup> and the Statute of the Medical Chamber of Serbia<sup>157</sup>, in their decisions, they established that the complainant's proposals for initiating disciplinary proceedings against doctors who performed extraordinary internal and external quality control of the professional work of doctors of the Clinic for Psychiatry of the Clinical Centre of Serbia are inadmissible, and that as such, they cannot be the subject of discussion before the Court of Honour, which they justified by the position that the violation of professional ethics, i.e., the Code of Ethics, can only occur during the direct performance of healthcare activities.

In the area of health, the Protector of Citizens also issued a recommendation<sup>158</sup> pointing out the shortcomings in the work of the Ministry of Health when acting on the citizens' complaints related to the possible existence of an omission in the actions of health workers when caring for patients. Namely, in the conducted control investigation, the Protector of Citizens established that the health inspector, in an inspection carried out at the initiative of a complainant, did not establish any deficiencies in the medical documentation, nor did he make a record of the inspection carried out, which would contain an explicit statement about the legality/illegality of work and the legality of acts, from which it can be concluded that comprehensive and effective inspection supervision over the legality of actions of the doctor whose work the complaint refers to, was not carried out. In addition, comprehensive and objective control by the Ministry of Health, with the aim of eliminating even the slightest doubt in the work and actions of healthcare workers, was also absent in the implemented internal and external procedures of control of professional work, primarily due to violations of the rules of procedure prescribed by law and by-laws, which justifiably caused the complainant to doubt the correctness, legality and objectivity of the final assessment. In view of this, the Protector of Citizens issued a recommendation to the Ministry of Health that it is necessary for the health inspector, in accordance with his competences, to carry out a comprehensive and effective inspection supervision over the work of doctors at the Clinic for Psychiatry of the Clinical Centre of Serbia, on the complaint, and to conduct another extraordinary external quality control of the professional work of the healthcare institution, which was the subject of the complaint. Monitoring the handling of the recommendation of the Protector of Citizens by the Ministry of Health is in progress.

When it comes to the area of local self-government, as in the previous reporting period, the Protector of Citizens had good cooperation with the local self-government bodies during the procedures for controlling their handling of the complaints that required an urgent response, but these bodies, in some cases, still avoid acting according to the issued recommendations after the control investigations have been carried out.

During the reporting period, in a control investigation, the Protector of Citizens established a shortcoming in the work of the City Administration of the City of Belgrade, which caused a violation of the law, the principles of good governance and the principles of administrative procedure, due to the fact that it did not pay pension insurance contributions for a complainant, from 16 February 1988 until 31 December 1993, although the city of Belgrade assumed the obligation to pay the mentioned contributions, by the decision of the city self-governing interest community in culture of Belgrade and the decision of the Secretariat for Culture of the City of Belgrade. After the control investigation was conducted, the Protector of Citizens issued recommendations to the controlled authority to take all necessary measures, without delay, to provide funds for the payment of pension insurance contributions to the

---

<sup>156</sup> "Official Gazette of RS" no. 107/05, 99/10 and 70/17 – CC decision.

<sup>157</sup> "Official Gazette of RS" no. 111/06, 68/08, 14/10, 36/11 – CC decision, 43/11, 22/12, 70/17 – CC decision and 63/22.

<sup>158</sup> Act of the Protector of Citizens 311-1262/2021, ref. no. 19040 dated 21th July 2022.

complainant and to make the payment of the contributions, which it is obliged to do according to the aforementioned decisions. The City Administration of the city of Belgrade did not act on the recommendations of the Protector of Citizens.

In another case, the Protector of Citizens sent a case report with a recommendation to the City Administration of the City of Belgrade, the Secretariat for Administration, to delete the record on the death of one citizen from the register of deaths in the registry area of New Belgrade. Namely, the Protector of Citizens received a complaint from a citizen of the Republic of Serbia who pointed out that, when determining the difference in the amount of property tax of natural persons, he found out that in the registers of the Republic of Serbia, he was registered as deceased for more than twenty years. During the control investigation into the work of several administrative authorities, the Protector of Citizens established that this citizen was mistakenly entered in the register of deaths instead of a person with the same first and last name and the same year of birth, but on a different date. Acting on the recommendation, the City Administration of the City of Belgrade issued a decision by which the citizen was deleted from the register of deaths and the omission pointed out by the Protector of Citizens was corrected.

In the area of social protection, in the reporting period, the focus was on the actions of centres for social work in fulfilling their obligations towards beneficiaries of social protection services. Acting on his own initiative, the Protector of Citizens established a shortcoming in the work of an expert of the Centre for Social Work Majdanpek because, for more than eight months since he became aware of the impaired health condition of a resident, he did not take activities and perform observations, in order to protect her rights and interests, in accordance with work standards and norms. Acting on the recommendation from the case report, the Centre for Social Work Majdanpek conducted disciplinary proceedings against the employee, who, after the completion of the proceedings, was declared responsible for violating work obligations.

In a control investigation into the legality and regularity of work of the City Centre for Social Work Belgrade – Čukarica Department, acting on a citizen's complaint, the Protector of Citizens learned about the conduct of workers of this social welfare institution, which was contrary to the Regulation on office operations of state administration authorities. When submitting a request for a referral for an assessment to the premises of the Republic Pension and Disability Insurance Fund – Belgrade Branch, in order to determine the right to care and assistance of another person, the employee on duty at the reception office received the complainant's submission and then cancelled it by crossing it out. The Protector of Citizens drafted a case report with a recommendation<sup>159</sup> in which it asked the manager of the institution to send a written apology to the complainant, particularly pointing out that it is necessary that the workers of the reception office, as well as all employees in social welfare institutions, must be sensitized to work with persons with disabilities and they must have the appropriate professional knowledge to teach the parties about their rights and to indicate how they can help. The City Centre for Social Work Belgrade – Čukarica Department accepted the recommendation of the Protector of Citizens.

When it comes to the real estate cadastre, the untimely and non-up-to-date actions of the real estate cadastre service continue to be the most frequent violation of rights, for which a large number of citizens turned to the Protector of Citizens. In particular, the complaints point to the untimely decision-making of the Republic Geodetic Authority on appeals filed against the decisions of the real estate cadastre service. In this reporting period, unlike the previous ones, cooperation with the Protector of Citizens has become noticeably more difficult, because after the launched control investigation and issued recommendations, the Republic Geodetic

---

<sup>159</sup> Act of the Protector of Citizens 428-269/2022, ref. no. 27651 dated 1 November 2022.

Authority did not eliminate the shortcomings in its work, justifying such actions not only by the lack of staff, but also by interpreting that the deadline of 60 days, prescribed by Article 44, paragraph 1 of the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities<sup>160</sup>, does not apply to cases of appeals against decisions made in procedures that were not conducted through the E-desk, i.e., that the handling of cases based on appeals against decisions adopted in procedures conducted through the E-desk has priority.

Since the Republic Geodetic Authority did not achieve appropriate, legally prescribed cooperation with the Protector of Citizens, neither during the control investigation into the regularity and legality of its work, nor after the issued recommendation, and since after the repeated requests to submit a statement on the reasons for not acting on the reported complaint, it did not take any actions in order to eliminate the shortcomings in its work or to justify its failure to act with reasons based on law, the Protector of Citizens sent an initiative<sup>161</sup> to the Republic Geodetic Authority to initiate disciplinary proceedings against the acting official who is directly responsible for the illegal and improper actions in the complainant's case. However, even after the submitted initiative, the Republic Geodetic Authority did not show willingness to act.

In the area of finance, the subject of the Protector of Citizen's investigations were the problems of citizens when applying for and collecting the financial aid intended for citizens of the Republic of Serbia in accordance with the Law on the Temporary Register of Citizens of the Republic of Serbia aged 16 to 29, to whom financial aid is paid to alleviate the consequences of the pandemic of the COVID-19 infectious disease caused by the SARS-COV-2 virus.<sup>162</sup> Citizens who were not paid one-time assistance addressed the Protector of Citizens. All launched control investigations into the work of the Treasury Administration resulted in citizens managing to exercise their right, and most of the omissions referred to the fact that the new ID cards issued to citizens immediately before submitting the request for assistance, were not activated in the system.

In a control investigation into the work of the Ministry of Finance – Department for Property and Legal Affairs, due to the failure to act on an appeal of a complainant, the Protector of Citizens established an illegality in the work of the Ministry of Finance, reflected in the failure to adopt a decision on the appeal within the legally prescribed deadline, which cannot be longer than 60 days from the day the formal appeal was submitted. The complainant submitted an appeal to the Ministry of Finance – Department for Property and Legal Affairs against the Decision of the Department for Urban Planning, Construction, Property and Legal and Communal Housing Affairs of the Municipal Administration of the Municipality of Bela Palanka on 3<sup>rd</sup> June 2021, but until March 2022, the decision on the appeal has not been made, when the complaint was filed. The Protector of Citizens issued recommendations to the Ministry of Finance to decide on the complainant's appeal without delay and that the decision in the subject administrative matter must be meritorious, considering that the administrative procedure in the specific case has been going on for twelve years. The Ministry of Finance informed the Protector of Citizens that it had not issued a meritorious decision in the administrative matter, but instead annulled the decision of the first-instance authority and sent the case back to the first-instance authority for a new decision.

---

<sup>160</sup> "Official Gazette of RS" no. 41/18, 95/18, 31/19 и 15/20.

<sup>161</sup> Act of the Protector of Citizens 4216-74/2021, ref. no. 5312 dated 2<sup>nd</sup> March 2022.

<sup>162</sup> "Official Gazette of RS" no. 3/22 и 20/22.

## 8. COOPERATION BY THE PROTECTOR OF CITIZENS

### 8.1. COOPERATION WITH PUBLIC AUTHORITIES EXCLUDED FROM THE CONTROL BY THE PROTECTOR OF CITIZENS

In the second half of December 2022, two committees of the National Assembly - the Committee on Human and Minority Rights and Gender Equality and the Committee on the Judiciary, Public Administration and Local Self-Government considered the Regular Annual Report of the Protector of Citizens for 2021 and adopted the draft conclusions that were sent to the National Assembly for further consideration and adoption.

In the reporting period, the National Assembly did not consider the Regular Annual Report of the Protector of Citizens for 2021 in the plenum. The regular annual report of the Protector of Citizens for 2021 was discussed at the Second Extraordinary Session of the National Assembly of the Republic of Serbia on 24<sup>th</sup> February 2023. On Voting Day, 27<sup>th</sup> February 2023, the National Assembly adopted the Conclusion Proposal regarding the consideration of the Regular Annual Report of the Protector of Citizens for 2021, which was submitted by the Committee on Human and Minority Rights and Gender Equality and the Committee on the Judiciary, Public Administration and Local Self-Government.

### 8.2. INTERNATIONAL COOPERATION AND PROJECTS

As a national human rights institution in the "A" status, which was confirmed by re-accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) at the end of 2021, the Protector of Citizens continued to maintain intensive regional and international cooperation on a bilateral and multilateral level, with relevant partners in the field of human rights protection as well as with representatives of international and regional organizations.

In the capacity of the national human rights institution, in January 2022, the Protector of Citizens submitted a report to the United Nations Committee on Economic, Social and Cultural Rights, on the implementation of the International Covenant on Economic, Social and Cultural Rights ahead of the consideration of the Third Periodic Report of the Republic of Serbia at the 71st session Committee, and in December 2022, a report to the United Nations Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on the implementation of the priority recommendations from the Concluding Observations of 2021.

As part of the fourth cycle of the Universal Periodic Review, which is carried out under the auspices of the United Nations Human Rights Council, the Protector of Citizens submitted a report on the state of human rights in the Republic of Serbia, which is based on relevant information on the state of human rights and the implementation of recommendations from the Third Cycle of the Universal Periodic Review. The Universal Periodic Review is an interstate mechanism for monitoring the observance of human rights in United Nations member states. This unique mechanism allows each member state of the United Nations to make a statement on the situation and challenges in the realization of human rights, and at the same time, represents the sharing of best practices in the field of protection and realization of human rights.

During the reporting period, the Protector of Citizens continued to cooperate with other United Nations human rights protection mechanisms, primarily through the reporting process, and by responding to various thematic questionnaires of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the special procedures, it

presented its observations, primarily on the exercise of human rights of particularly vulnerable groups.

In addition to membership in the Global Alliance of National Human Rights Institutions (GANHRI), the Protector of Citizens is a member of the European Network of National Human Rights Institutions (ENNHRI), the International Ombudsman Institute (IOI), the Association of Mediterranean Ombudsmen (AOM), the European Network of Ombudsmen (ENO), the European Network of Ombudspersons for Children (ENOC), the South East Europe Children's Rights Ombudspersons' Network (CRONSEE), the Ombudspersons Network for Environmental Protection and the Eurasian Ombudsman Alliance (EOA).

As part of the activities of professional international networks, the Protector of Citizens took part in an online conference organized by the Eurasian Ombudsman Alliance in November 2022 on the topic of legal education on human rights and freedoms.

In order to exchange experiences in the protection of human rights, the Protector of Citizens participated in an international conference organized by the National Human Rights Institution of the Kingdom of Bahrain, where alternative sanctions and experiences in criminal legislation were discussed. At the invitation of the Ombudsman of Uzbekistan, the Protector of Citizens also attended an online conference dedicated to ensuring human rights and freedoms.

In order to encourage further cooperation on a bilateral level, the Protector of Citizens also held a meeting with the chairman of the National Human Rights Institution of the Kingdom of Bahrain, at which the prospects of future cooperation and challenges in the protection of human rights were discussed, as well as a meeting with the Ombudsman for Human Rights and Freedoms of Montenegro, at which there were talks about strengthening the capacities of the two institutions.

The Protector of Citizens continued its continuous cooperation with organizations for the protection of human rights. As part of the third round of evaluation of the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings, in May 2022, the Protector of Citizens held a meeting with GRETA experts, at which the planned activities of the Protector of Citizens as the National Rapporteur on trafficking in human beings were discussed. Also, for the first time, the Protector of Citizens participated in the annual meeting of national anti-trafficking coordinators and rapporteurs held in Vienna, organized by the OSCE and the Council of Europe.

The Protector of Citizens continuously participates in the reporting of the Republic of Serbia in the process of accession to the European Union.

## PROJECTS

In this reporting period as well, the Protector of Citizens participated in the implementation of the joint project of the Council of Europe and the European Union entitled "Horizontal Facility for the Western Balkans and Turkey". More specifically, within the "Promotion of Diversity and Equality in Serbia" component, leaflets were printed to familiarize the public with the competences of the Protector of Citizens in achieving gender equality and promoting and protecting the rights of LGBTI persons. Also, training was held to strengthen the capacities of members of the Youth Advisory Panel of the Protector of Citizens to conduct research in their schools on the perceptions of students and teachers about violence against persons with disabilities, persons of the Roma national minority, elderly persons and members of the LGBTI population. The key findings and conclusions of the research conducted in mid-2022 will be an integral part of the Special Report of the Protector of Citizens

on violence in schools with recommendations to the competent authorities, which will be published in 2023.

Within the component "Strengthening the protection of human rights of persons deprived of their liberty and convicted persons in Serbia" of the same project, in 2022, four trainings for healthcare workers on the Council of Europe standards were held in Belgrade, Vršac and Niš. Each of the trainings was attended by about 20 participants, and on that occasion, the work methodology and recommendations of the NPM were presented, as well as the standards of the Council of Europe and the recommendations of the Council of Europe Committee for the Prevention of Torture in connection with the protection of rights of persons placed in psychiatric institutions and social welfare institutions. Also, in Požarevac and Novi Sad, trainings on the Council of Europe standards were held for employees in social welfare institutions, and on that occasion, the work methodology and recommendations of the NPM were presented.

The Protector of Citizens and the Forum of Judges of Serbia were partners in the long-term project of the Autonomous Women's Centre entitled "Effective policies and unified practice in support and protection of victims from domestic violence", funded by the Embassy of the Kingdom of the Netherlands, the aim of which is to contribute to the full implementation of the legal framework and the improvement of institutional practices related to the protection of victims of domestic violence. Based on information collected from the centres for social work from Niš, Aleksinac, Gadžin Han, Svrlijig, Ražanj, Sokobanja and Doljevac, in mid-2022, the Protector of Citizens published a Special Report on the work of coordination and cooperation groups in the area of the Higher Public Prosecutor's Office in Niš. The report also contains recommendations for improving the actions of authorities responsible for the prevention and protection against domestic violence, as well as for improving intersectoral cooperation and coordination between all relevant authorities in the system of protection of victims of domestic violence.

In 2022, the project "Children to children – know your rights" was completed, which was funded by the Bulgarian Development Aid and the goal of which was to promote the participation of children as one of the four basic all-pervading principles of the United Nations Convention on the Rights of the Child, as the key international legal act that regulates this area. As part of the project, the Protector of Citizens published the *Child Protection Policy* document, which contains a set of principles and guidelines for employees of the Secretariat of the Protector of Citizens who work directly with children, which represents an important step towards achieving best practices in child protection, followed by a brochure in which key articles and principles of the Convention are presented in a children-friendly manner, a brochure presenting the competences of the Protector of Citizens in the area of promotion and protection of children's rights, as well as a pamphlet on the Youth Advisory Panel of the Protector of Citizens. Training was also held in order to strengthen the capacities of the selected members of the Youth Advisory Panel to hold peer workshops for the participants of the Summer School of the Protector of Citizens on the rights of the child.

The Summer School of the Protector of Citizens on the rights of the child, which was held in Novi Sad in September last year, was attended by 18 primary and secondary school students from municipalities and cities across Serbia. During the Summer School, the participants had the opportunity to get acquainted with various topics in the field of child rights, such as the position of children who live and work on the street, the protection of children from sexual violence and violence in schools, and the protection of children from human trafficking, as well as the rights and the position of particularly vulnerable social groups, such as persons with disabilities and the elderly. At the end of the Summer School, three participants held workshops in their schools where they presented the United Nations Convention on the

Rights of the Child to their peers. In order to promote peer education as a form of learning, as well as the activities of the Youth Advisory Panel, the Educational Program team of Radio Television of Serbia prepared a report that was shown on the Second Program of that television in early 2023.

In February 2022, a Special Report of the Protector of Citizens was published on the impact of measures and regulations to prevent the spread of the COVID-19 infectious disease on the exercise of children's rights, especially the child's right to maintain personal relations with a parent with whom he/she does not live and the right of children with developmental delays to the social protection service – day care. The report was prepared with the support of UNICEF as part of the regional initiative of the child rights impact assessment, which was implemented in partnership with the European Network of Ombudspersons for Children (ENOC).

In cooperation with the Network of Organizations for Children of Serbia (MODS), and with the financial support of the Ignite Philanthropy organization, the Protector of Citizens implemented the project "Joining forces against sexual exploitation and child abuse" with the aim of improving the legislative framework in the area of protection of children from sexual exploitation. As part of the project, an analysis of the legal framework in the area of protection against child sexual exploitation in Serbia was prepared, as well as a comparative analysis of legal solutions in this area in the region and beyond. Training was also held for MODS member organizations on sexual abuse of children and mechanisms for the protection of children from abuse, as well as bilateral meetings with representatives of the Serbian Chamber of Commerce and the Ministry of Family Welfare and Demography, in order to assess the situation in the area and organize possible joint activities aimed at preventing sexual exploitation and child abuse. As a final activity within the project, a national dialogue on the protection of children from sexual exploitation and abuse was held, at which, among other things, the Out of the Shadows Index for 2022 was presented, which is the result of a large global survey on sexual violence against children in which the Republic of Serbia also participated.

In cooperation with the association "Strength of Friendship - Amity", and with the financial support of the Council of Europe, a project was implemented to strengthen the capacity of the Protector of Citizens in the promotion of economic and social rights, with a special focus on the rights of elderly women living in rural areas. As part of the project, a mechanism was established for monitoring the realization of economic and social rights of elderly women in the countryside, in order to protect their rights, through reporting on the implementation of the Revised European Social Charter, and a Register of associations dealing with the promotion and protection of economic and social rights of elderly women in the countryside was also created. Also, training was organized for employees of the Secretariat of the Protector of Citizens in order to strengthen their capacity for reporting on the implementation of the Revised European Social Charter, as well as a round table that brought together relevant authorities and civil society organizations dealing with this topic, and two workshops with women living in rural areas.

### 8.3. PROTECTOR OF CITIZENS IN THE MEDIA

Media coverage of human rights and the activities of the Protector of Citizens in 2022 has slightly increased compared to the previous year, which confirms the continuity of the systematic and efficient work of this independent state institution for the protection of human rights. During the reporting year, electronic, print and internet media published 5,688 reports on human rights and the actions of the Protector of Citizens, which is several tens of publications more than in 2021, when 5,657 media reports were published.

Media reports about the activities of the Protector of Citizens in the protection of human rights are important for familiarizing the citizens of the Republic of Serbia with the work of this independent institution and its competences, because based on the visibility of the Protector of Citizens in the media, citizens can recognize situations in their daily lives in which their rights are threatened and in which they can turn to this institution for protection.

In the reporting year, the activities of the Protector of Citizens in the protection of children's rights, the protection of women from domestic violence and the protection of rights of national minorities, as well as the promotion of human rights, attracted the most attention of the media, about which almost two thirds of the total number of reports were published. In these areas, based on information from the media, the Protector of Citizens launched a large number of own-initiative investigations, confirming its proactivity and efficiency in dealing with issues of public interest.

Most reports on human rights and the work of the Protector of Citizens in 2022 were published in the internet media - 3,799. Both electronic (radio, television, news agencies) and print media expressed a significant interest in the protection of human rights and the work of the Protector of Citizens, so in the reporting year, they published 1,651 texts, audio and video features. 238 posts and comments were recorded on social networks that mentioned the protection of human rights and the Protector of Citizens.

Reports and information about human rights and the activities of the Protector of Citizens in the media and on social networks were mostly placed in a positive context (5,324 posts), announcements about activities in which the Protector of Citizens was one of the participants were neutral (190), while 167 reports contained a critical or different view of the role and manner of work of this independent state institution. Newspaper texts and media reports on the initiatives of the Protector of Citizens were in most cases affirmative.

The protection of human rights and the activities of the Protector of Citizens had the highest visibility during the reporting year in media based in Belgrade (4,390 publications). In 2022, local media in the Republic of Serbia published 1,185 reports on the work of this independent state institution, which is an increase compared to 939 reports during the previous year. Certain own-initiative control investigations into the regularity and legality of work of the competent institutions in the Republic of Serbia, launched by the Protector of Citizens, were also interesting to the media from the region and the diaspora, which published 106 reports on human rights and the work of the Protector of Citizens.

The media regularly published announcements and transmitted statements of the Protector of Citizens, Zoran Pašalić, MSc, regarding various areas of human rights protection. Primarily, they reported on the basis of the investigations and the results of the control of regularity and legality of work of the competent institutions regarding the protection of rights of the most vulnerable social groups, as well as on the activities and statements of the Protector of Citizens and his deputies.

One of the topics that particularly occupied the attention of the media in the reporting year is the control investigation into the work of the competent authorities, which the Protector of Citizens launched in early June 2022 due to sexual harassment of male and female students by employees of the Faculty of Architecture of the University of Belgrade. In its opinion, the Protector of Citizens asked all higher education institutions in Serbia to adopt, as soon as possible, internal rulebooks on prevention and protection against sexual harassment of students and employees, which would define the concept of discrimination and sexual harassment and prescribe preventive measures and procedures for the protection against such forms of behaviour. Also, the Protector of Citizens stated that the procedure for the protection against discrimination, abuse and sexual harassment and blackmail at higher education



institutions should be prescribed in a way that will not lead to re-traumatization (secondary victimization) of the submitter of the report, i.e., that such a procedure should not prescribe a conversation between a student, employee or a hired person who believes he was exposed to discrimination and abuse, and a student, employee or a hired person who is accused of such behaviour. The Protector of Citizens invited all students who contacted the administration of the Faculty of Architecture regarding potential sexual harassment to contact this institution as well.

The media also reported on the activities of the Protector of Citizens regarding the work of homes for the elderly, especially illegal ones. At the end of March 2022, the Protector of Citizens, Zoran Pašalić, MSc, held a meeting with the members of the Association of private social welfare institutions, homes for the accommodation of adults and the elderly, who told him that they had the most problems with the length of the licensing procedure and the existing tax regulations. In September 2022, the Protector of Citizens, through a recommendation, asked the Ministry of Labour, Employment, Veteran and Social Affairs to promptly carry out inspection supervision over the operation of illegal homes for the accommodation of adults and elderly, and to take all measures, in cooperation with other competent authorities, to eliminate the observed irregularities. Also, the competent ministry should monitor more closely whether unregistered homes initiate, without delay, the procedure for obtaining a license and registration in the records, whether they promptly implement the pronounced emergency measures, i.e., whether they eliminate other illegalities in their work, as well as whether unregistered homes adhere to the ban on performing activities, or on performing activities until the prescribed conditions are met.

The Protector of Citizens also received significant media space when, at the beginning of the reporting year, it requested the Ministry of Education, Science and Technological Development to withdraw the textbook for the Serbian language for the eighth grade of primary school from use, by the beginning of the 2022/23 school year, which denies the existence of the Croatian, Bosnian and Montenegrin languages. In the opinion to the competent authorities, after a control investigation into the work of the competent ministry from October 2021 on complaints from the national councils of the Croatian and Bosniak national minorities due to discrimination, the Protector of Citizens states that by approving this textbook, the rights of members of national minorities were violated, because the existence of these languages is denied, of which the Croatian and Bosnian language and script are in official use in the Republic of Serbia. In April 2022, the Ministry of Education, Science and Technological Development asked the publishers of Serbian language textbooks for the eighth grade of elementary school to change the disputed part of the content regarding the names of South Slavic languages by mid-May.

The Protector of Citizens also received a lot of attention from the Belgrade and local media in January 2022, when the Republic Health Insurance Fund, acting on the recommendation<sup>163</sup> of this independent state institution, included drugs for raising oestrogen levels, that are necessary to maintain the health of trans women and other women who have low oestradiol levels, in the list of medicines that are issued at the expense of mandatory health insurance. After finding out that since 2012, no medicine for maintaining hormonal status has been on the market, in July 2019, the Protector of Citizens, on his own initiative, asked the Republic Health Insurance Fund to provide the conditions to include drugs for raising oestrogen levels in the list of medicines that are issued at the expense of mandatory health insurance and during the two-year control investigation, constantly communicated with the Ministry of

---

<sup>163</sup>Available at: <https://ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7327-p-pr-p-ruci-z-sh-i-ni-gr-d-n-l-vi-z-p-diz-nj-s-r-g-n-n-lis-i-l-v-i-s-izd-u-n-r-c-p>.

Health, representatives of the Medicines and Medical Devices Agency and the Republic Health Insurance Fund<sup>164</sup>.

During the reporting year, the media were also interested in the reactive work of the Protector of Citizens in the area of protection of victims of human trafficking, because this institution, in addition to reactive work, according to the new Law on the Protector of Citizens, also performs the tasks of the national rapporteur for the area of human trafficking. On the basis of the launched own-initiative control investigations, the Protector of Citizens, for the first time, sent two reports to the Centre for Human Trafficking Victims' Protection<sup>165</sup>, on the basis of which several victims of human trafficking were identified.

Control investigations of the competent authorities launched by the Protector of Citizens in order to protect children from violence, abuse and exploitation, as well as the protection of women from violence in family and in intimate partner relations, almost always filled the media space. In the reporting year, the efficient and proactive work of the Protector of Citizens in the area of human and minority rights protection contributed to the significant visibility of the institution in the media, as well as an increased interest of the media in the area of human rights protection of citizens of the Republic of Serbia.

---

<sup>164</sup>Available at: <https://ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7327-p-pr-p-ruci-z-sh-i-ni-gr-d-n-l-vi-z-p-diz-nj-s-r-g-n-n-lis-i-l-v-i-s-izd-u-n-r-c-p>.

<sup>165</sup>Available at: <https://centarzztlj.rs/statisticki-podaci/>.

# ANNEX I – LEGAL FRAMEWORK AND THE SCOPE OF WORK OF THE PROTECTOR OF CITIZENS

## LEGAL FRAMEWORK

The Protector of Citizens of the Republic of Serbia is an independent and autonomous government body introduced into the legal order of the Republic of Serbia in 2005 by the Law on the Protector of Citizens.<sup>166</sup> The new Law on the Protector of Citizens<sup>167</sup> was adopted on 3rd November 2021, and entered into force on 16th November 2021. The position of the institution has been strengthened by the Constitution of the Republic of Serbia<sup>168</sup> from 2006, in accordance with the best international experiences. The Constitution guarantees the Protector of Citizens principled independence. The Protector of Citizens is subject, pursuant to the provisions of the Constitution, to the oversight of the National Assembly. The National Assembly, in exercising oversight, the same as any other body, organization or individual, is not authorized to influence the work and actions of the Protector of Citizens.<sup>169</sup>

**The Constitution of the Republic of Serbia** determines the nature and competence of the Protector of Citizens, the circle of public authorities that are excluded from the control function of this body, prescribes that the Protector of Citizens is elected and dismissed by the National Assembly, to which he is responsible for his work, guarantees immunity to the Protector of Citizens as a Member of Parliament and refers to the adoption of a special (organic) Law on the Protector of Citizens. The Constitution also prohibits the Protector of Citizens from joining political parties and authorizes him to submit draft laws within his competence.

**The Constitutional Law on the Implementation of the Constitution of the Republic of Serbia**<sup>170</sup>, among other things, prescribes the obligation of the newly elected members of the National Assembly to, during the first session after the election of the Government, harmonize with the Constitution the law governing the Protector of Citizens and to elect (first, prim. PoC) the Protector of Citizens.

**The new Law on the Protector of Citizens**<sup>171</sup> prescribes in detail the competence of the Protector of Citizens, election and termination of office, the procedure before the Protector of Citizens, the obligation to report to the National Assembly and cooperation with other authorities, civil society organizations and international organizations, the right to a salary, funds for the work and the work of the Secretariat of the Protector of Citizens.

**The Law on Amendments to the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**<sup>172</sup>, adopted on 28th July 2011, stipulates that the Protector of Citizens performs the work of the National Preventive Mechanism in cooperation with the ombudsmen of the

---

<sup>166</sup> "Official Gazette of RS", no. 79/05 and 54/07.

<sup>167</sup> "Official Gazette of RS", number 105/21.

<sup>168</sup> "Official Gazette of RS", number 98/06 (Part Five – Regulation of Government, Section 5. Protector of Citizens, Article 138).

<sup>169</sup> Article 3, paragraph 1 of the Law on the Protector of Citizens.

<sup>170</sup> Article 5, paragraph 1 of the Constitutional Law for the Implementation of the Constitution of the Republic of Serbia, "Official Gazette of the RS", number 98/06.

<sup>171</sup> "Official Gazette of RS", number 105/21.

<sup>172</sup> Law on Amendments to the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "Official Gazette of RS – International Agreements", no. 7/2011.

autonomous provinces and associations whose statute envisages that the intended aim of association is the promotion and protection of human rights and freedoms.

**The Law on Foreigners**<sup>173</sup> stipulates that the Protector of Citizens, in accordance with the competencies from the Law on the Protector of Citizens and the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, performs oversight of the procedure of forced removal of foreigners.

**The Law on the National Assembly**<sup>174</sup> stipulates, among other things, that the National Assembly, in exercising its electoral function, elects and dismisses the Protector of Citizens, and within its control capacity, it performs oversight of the work of the Protector of Citizens.

**The Law on the Serbian Armed Forces**<sup>175</sup> stipulates that the Protector of Citizens exercises democratic and civilian control of the Armed Forces, as well as that the regulations on the Protector of Citizens relating to the protection and exercise of rights of citizens, also apply to professional members of the Serbian Armed Forces.

**The Law on Police**<sup>176</sup> stipulates that when the work of the Internal Control Sector determines that during the conduct of a police officer, police powers have been exceeded, thereby violating the rights that are protected by the Protector of Citizens, in addition to the minister and the public prosecutor's office, the Protector of Citizens is also informed thereof.

**The Criminal Procedure Code**<sup>177</sup> stipulates that the Protector of Citizens has the right to freely visit detainees and to talk to them without the presence of other persons, as well as that a detainee may not be prohibited from corresponding with the Protector of Citizens. The law also stipulates the obligation of the judge for the enforcement of penal sanctions or another judge appointed by the president of the court, to inform the Protector of Citizens about the observed irregularities during the visit to an institution, without delay.

**The Law on the Enforcement of the Prison Sentence for Criminal Offences of Organized Crime**<sup>178</sup> stipulates, inter alia, that: oversight of the work of the Special Department is to be carried out by authorized persons of the Administration and the National Assembly committees, in accordance with the Law on the Enforcement of Penal Sanctions, as well as the Protector of Citizens in accordance with the Law on the Protector of Citizens; that the convict has the right to be visited by the Protector of Citizens once a month, which is exempt from the statutory obligation of audio-visual surveillance and recording, as well as that the convict has the right to correspond with the Protector of Citizens and that this correspondence is not supervised.

---

<sup>173</sup> Article 82 of the Law on Foreigners, "Official Gazette of RS", no. 24/18 and 31/19.

<sup>174</sup> Article 15, para. 2, item 6) and para. 3, item 4) of the Law on the National Assembly, "Official Gazette of RS", number 9/10.

<sup>175</sup> Article 29, paragraphs 3 and 4 of the Law on the Serbian Armed Forces, "Official Gazette of the RS", no. 116/07, 88/09, 101/10, - as amended, 10/15, 88/15 – CC decision, 36/18, 94/19 and 74/21 – CC decision.

<sup>176</sup> Article 227 of the Law on Police, "Official Gazette of RS", no. 6/16, 24/18 and 87/18.

<sup>177</sup> Art. 219, para. 3, 220, paras. 2 and 222, para. 2 of the Criminal Procedure Code, "Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – CC decision and 62/2021 – CC decision.

<sup>178</sup> Art. 35, para. 2, 37, paras. 4. and 54, para. 1 of the Law on the Enforcement of the Prison Sentence for Criminal Offences of Organised Crime, "Official Gazette of RS", no. 72/09 and 101/10.

**The Law on Civil Servants**<sup>179</sup> stipulates that a civil servant is removed from office, inter alia, if the body or authority responsible for appointing a civil servant accepts the public recommendation of the Protector of Citizens for the dismissal of a civil servant from office.

**The Data Secrecy Law**<sup>180</sup> prescribes in which cases the Protector of Citizens, as a state body appointed by the National Assembly, has the right to access data of all levels of secrecy, which are necessary for him to be able to perform tasks within his competence, without a security check, as well as in which cases the security check is required.

**The Law on the Appearance and Use of the Coat of Arms, Flag and Anthem of the Republic of Serbia**<sup>181</sup> prescribes that the Large Coat of Arms is used on the building, in official premises, as part of seals, while the Small Coat of Arms is used on official invitations of the Protector of Citizens, greeting cards and the like.

**The Law on Seal of Government and Other Authorities**<sup>182</sup> regulates the purpose, content, appearance and use of the seal used by the Protector of Citizens in the performance of tasks within its competence.

**The Law on Political Parties**<sup>183</sup> stipulates that the Protector of Citizens cannot be a member of a political party.

**The Law on Establishing Facts on the Status of New-born Children Suspected to Have Gone Missing from Maternity Wards in the Republic of Serbia**<sup>184</sup> prescribes, inter alia, that a proposal to initiate proceedings **to establish the facts on the status of a new-born child suspected to have gone missing from a maternity ward in the Republic of Serbia** may be submitted by the parent of the new-born child, if before the day of entry into force of this Law he/she addressed the state authorities or the maternity ward regarding the status of the new-born child suspected to have gone missing from the maternity ward in the Republic of Serbia; that if no parent is alive, the proceedings may be initiated by the brother, sister, grandfather or grandmother of the missing new-born child, regardless of whether they have addressed the state authorities or the maternity ward regarding the status of the new-born child; that a person who has doubts about his/her origin may also submit the proposal, regardless of whether he/she already addressed the state authorities regarding his/her family status; and that the proposal on behalf of these persons may also be submitted by the Protector of Citizens.

**The Law on Patients' Rights**<sup>185</sup> stipulates that the Health Council, formed in a local self-government unit, shall submit its annual report on the work and measures taken to protect patients' rights to the Protector of Citizens, for the purpose of informing and achieving the necessary cooperation.

---

<sup>179</sup> Article 78, paragraph 2 of the Law on Civil Servants, "Official Gazette of RS", No. 79/05, 81/05 – corr., 83/05 – corr., 64/07, 67/07 – corr., 116/08, 104/09, 99/14, 94/17, 95/18, 157/20 and 142/22.

<sup>180</sup> Article 38 of the Data Secrecy Law, "Official Gazette of RS", number 104/09.

<sup>181</sup> Art. 13 and 15 of the Law on the Appearance and Use of the Coat of Arms, Flag and Anthem of the Republic of Serbia, "Official Gazette of RS", number 36/09.

<sup>182</sup> Article 1 of the Law on Seal of Government and Other Authorities, "Official Gazette of RS", no. 101/2007 and 49/2021.

<sup>183</sup> Article 21 of the Law on Political Parties, "Official Gazette of RS", no. 36/09 and 61/15 – CC decision.

<sup>184</sup> Article 15 of the Law on Establishing Facts on the Status of New-born Children Suspected to Have Gone Missing from Maternity Wards in the Republic of Serbia, "Official Gazette of RS", number 18/20.

<sup>185</sup> Article 42 of the Law on Patients' Rights, "Official Gazette of RS", no. 45/13. and 25/19 – as amended.

**The Law on Public Property**<sup>186</sup> stipulates that, in the sense of that law, the state bodies and organizations, among others, also include the Protector of Citizens.

**The Law on the Budget System**<sup>187</sup> stipulates that the Protector of Citizens needs the consent of the National Assembly committee responsible for administrative and budget-related matters for the engagement, that is, employment of each new person.

**The Law on General Administrative Procedure**<sup>188</sup> envisages an extraordinary legal remedy in the administrative procedure – Annulment, revocation or amendment of a final decision on the recommendation of the Protector of Citizens. The provisions of the Law stipulate that, upon the recommendation of the Protector of Citizens, the body may, in order to comply with the law, annul, repeal or amend its final decision with a new decision, if the party whose rights or obligations have been decided on, as well as the opposing party, agree to that and if it does not offend the interests of a third party. If the body does not consider that it should act on the recommendation of the Protector of Citizens, it shall immediately inform the Protector of Citizens about it. The annulment, revocation or amendment of the decision on the recommendation of the Protector of Citizens is not limited by a deadline.

**The Action Plan for Chapter 23**<sup>189</sup>, determines the reports of the Protector of Citizens, annual and special, as well as the reports of the National Preventive Mechanism, as indicators of the impact on the basis of which the implementation of activities planned in the process of Serbia's accession to the European Union is assessed.

In the Screening Report for Chapter 23, the European Commission issued a recommendation to the Republic of Serbia "on the further strengthening of the capacity of the Protector of Citizens, the provincial ombudsman and local ombudsman services" (recommendation 3.2.1 of the Action Plan for Chapter 23). In order to implement the recommendation 3.2.1., the Action Plan contains measures that refer to the further strengthening of the capacity of the Protector of Citizens, through amendments to the Law on the Protector of Citizens – strengthening its independence and specifying powers in accordance with the achieved level of development of this institution (new Law on the Protector of Citizens was adopted); through the strengthening of the staffing capacities of the institution in terms of the adoption of a new rulebook on internal organization and systematization of job positions in the Secretariat of the Protector of Citizens; through the provision of permanent and adequate premises for the institution of the Protector of Citizens; as well as through sending reports to the European Commission on the handling of recommendations of the public authorities which were issued by this independent state body, both in the mandate of the Protector of Citizens and in the mandate of the National Preventive Mechanism.

The Protector of Citizens is mentioned in over 20 strategies and action plans, for example: the Public Administration Reform Strategy of the Republic of Serbia for the period from 2021 to 2030,<sup>190</sup> the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025<sup>191</sup>, Strategy for the Development of the Public Information

---

<sup>186</sup> Article 47, paragraph 1 of the Law on Public Property, "Official Gazette of RS", no. 72/11, 88/13, 105/14, 104/16 – as amended, 108/16, 113/17, 95/18 and 153/20.

<sup>187</sup> Article 27k. of the Law on the Budget System, "Official Gazette of RS", no. 54/09, 73/10, 101/10, 101/11, 93/12, 62/13, 63/13 – corr., 108/13, 142/14, 68/15 – as amended, 103/15, 99/16, 113/17, 95/18, 31/19, 72/19, 149/20, 118/21, 138/22 and 118/21 – as amended.

<sup>188</sup> Article 185 of the Law on General Administrative Procedure, "Official Gazette of RS", no. 18/16, 95/18 – authentic interpretation and 2/23 – CC decision.

<sup>189</sup> Available at: <https://www.mpravde.gov.rs/files/Revidirani%20AP23%202207.pdf>.

<sup>190</sup> "Official Gazette of RS", number 42/21.

<sup>191</sup> "Official Gazette of RS", number 26/16.

System in the Republic of Serbia for the period from 2020 to 2025<sup>192</sup>, Strategy for Prevention and Protection against Discrimination<sup>193</sup>, Strategy for Improvement of Position of Persons with Disabilities in the Republic of Serbia for the period from 2020 to 2024<sup>194</sup>, Strategy for Implementing the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters – The Aarhus Convention<sup>195</sup>, the National Strategy for Prevention and Protection of Children from Violence<sup>196</sup>, Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the period 2021-2025<sup>197</sup>, Strategy for the Development of Education in the Republic of Serbia by 2030<sup>198</sup>, Action Plan for Implementing the Strategy for the Implementation of the Aarhus Convention<sup>199</sup>, Action Plan for the Exercise of Rights of National Minorities, Action Plan for Implementing the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025, Action Plan for Implementing the Strategy for the Improvement of Position of Persons with Disabilities in the Republic of Serbia for the period from 2020 to 2024 in the period from 2021 to 2022<sup>200</sup>, etc. This Action Plan designates the Protector of Citizens as the authority which performs the tasks of the National Independent Mechanism for monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities.

During 2022 as well, action plans were adopted, which foresee significant activities of the Protector of Citizens: Action Plan for 2022 and 2023 for implementing the Gender Equality Strategy for the period from 2021 to 2030,<sup>201</sup> Action Plan for the period 2022-2024 for Implementing the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2022-2030<sup>202</sup>, Action Plan for Implementing the Strategy for creating an enabling environment for the development of civil society in the Republic of Serbia for the period from 2022 to 2030, for the period 2022-2023<sup>203</sup>, Action plan for the period 2022-2023 for implementing the Strategy for Prevention and Protection against Discrimination for the period from 2022 to 2030.<sup>204</sup>

The legal framework for the work of the Protector of Citizens consists of numerous bylaws that closely regulate the actions and the work of this institution, some of which are: Rules of Procedure of the National Assembly<sup>205</sup>, Rules of Procedure of the Government<sup>206</sup>, Decision on the Formation and Operation of the Secretariat of the Protector of Citizens<sup>207</sup>, Decision on the formation of local offices in Preševu, Bujanovac and Medveđa<sup>208</sup>, Decree on the internal and public competition procedures for filling vacancies in state authorities<sup>209</sup>, Special collective

---

<sup>192</sup> "Official Gazette of RS", number 11/20.

<sup>193</sup> "Official Gazette of RS", number 60/13.

<sup>194</sup> "Official Gazette of RS", number 44/20.

<sup>195</sup> "Official Gazette of RS", number 103/11.

<sup>196</sup> "Official Gazette of RS", number 122/08.

<sup>197</sup> "Official Gazette of RS", number 47/21.

<sup>198</sup> "Official Gazette of RS", number 63/21.

<sup>199</sup> "Official Gazette of RS", number 103/11.

<sup>200</sup> "Official Gazette of RS", number 37/21.

<sup>201</sup> "Official Gazette of RS", number 99/22.

<sup>202</sup> "Official Gazette of RS", number 105/2022.

<sup>203</sup> "Official Gazette of RS", number 109/2022.

<sup>204</sup> "Official Gazette of RS", number 112/22.

<sup>205</sup> Rules of Procedure of the National Assembly, "Official Gazette of RS", number 20/12 – consolidated text.

<sup>206</sup> Art. 39a and 46 of the Rules of Procedure of the Government, "Official Gazette of RS", no. 61/06 – consolidated text, 69/08, 88/09, 33/10, 69/10, 20/11, 37/11, 30/13, 76/14 and 8/19 – as amended.

<sup>207</sup> "Official Gazette of RS", number 126/21.

<sup>208</sup> "Official Gazette of RS", number 91/09.

<sup>209</sup> "Official Gazette of RS", no. 2/19 and 67/21.



agreement for state authorities<sup>210</sup>, Rulebook on the administration in public prosecutor's offices<sup>211</sup>, Rulebook on house rules of penal-correctional institutions and district prisons<sup>212</sup>, Rulebook on house rules of penal-correctional institutions for juveniles<sup>213</sup>, etc.

In its work, the Protector of Citizens adheres to the principles and standards adopted among ombudsmen and national human rights institutions, such as, for example, the "Belgrade Principles on the Relationship between the National Human Rights Institutions and Parliaments"<sup>214</sup> and the "Ljubljana Conclusions on the Relationship between the Ombudsmen and the Judicial Bodies".

Most of the standards contained in key international documents that regulate, that is, promote and propose standards for ombudsmen and national human rights institutions have been included into the Constitution of the Republic of Serbia and the Law on the Protector of Citizens.<sup>215</sup> In 2010, the Protector of Citizens was accredited as a national human rights institution in the highest "A" status by the International Coordinating Committee of National Human Rights Institutions (now the Global Alliance of National Human Rights Institutions), for the achieved results, its independence in work and the full compliance with the Paris Principles.<sup>216</sup> This status was confirmed to the Protector of Citizens in 2015 and 2021.

International documents especially emphasize the importance of financial independence and the need to provide adequate resources for the smooth and efficient work of the Ombudsman. This is supported by the Report of the Secretary General<sup>217</sup> and the Resolution of the United Nations General Assembly<sup>218</sup> from 2017 on the establishment and functioning of the ombudsman, that is, the national institutions for the protection of human rights. The Paris Principles, adopted as an annex to the United Nations General Assembly Resolution 48/134 in December 1993, are the most comprehensive document to date that deals with national human rights institutions. They clearly proclaim the importance of financial independence.<sup>219</sup>

In its Recommendation 1615 from 2003, adopted by the Parliamentary Assembly, the Council of Europe "concludes that certain characteristics are essentially important for the effective

---

<sup>210</sup> "Official Gazette of RS", no. 38/19 and 55/20.

<sup>211</sup> Article 60, paragraph 1 of the Rulebook on administration in public prosecutor's offices, "Official Gazette of RS", no. 110/09, 87/10, 5/12, 54/17, 14/18 and 57/19.

<sup>212</sup> "Official Gazette of RS", no. 110/14 and 79/16.

<sup>213</sup> "Official Gazette of RS", number 71/06.

<sup>214</sup> Available at: [http://www.ombudsman.rs/attachments/2181\\_Beogradski%20principi.pdf](http://www.ombudsman.rs/attachments/2181_Beogradski%20principi.pdf).

<sup>215</sup> UN General Assembly Resolution 48/134, the so-called "Paris Principles" available at: <http://www.un.org/documents/ga/res/48/a48r134.htm>; UN General Assembly Resolution 66/169 on National Institutions for the Protection and Promotion of Human Rights, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/468/96/PDF/N1146896.pdf?OpenElement>; General Assembly Resolution 67/163 on the role of ombudsmen, mediators and other national institutions for the protection and promotion of human rights, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/488/38/PDF/N1248838.pdf?OpenElement>; Parliamentary Assembly Resolution 1959/13 on strengthening the institution of the Ombudsman in Europe, available at: <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=20232&lang=en>; Parliamentary Assembly Recommendation 1615/03 on the Ombudsman institution, available at: <http://assembly.coe.int/main.asp?link=/documents/adoptedtext/ta03/erec1615.htm>; Venice Commission of the Council of Europe, Collection of documents on the institution of the Ombudsman, available at: [http://www.venice.coe.int/webforms/documents/CDL\(2011\)079-e.aspx](http://www.venice.coe.int/webforms/documents/CDL(2011)079-e.aspx).

<sup>216</sup> The status is confirmed by the Global Alliance of National Human Rights Institutions, whose accreditation process is supervised by the United Nations.

<sup>217</sup> Available at: [https://digitallibrary.un.org/record/1301905/files/A\\_72\\_230-EN.pdf](https://digitallibrary.un.org/record/1301905/files/A_72_230-EN.pdf).

<sup>218</sup> Available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/72/186](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/186).

<sup>219</sup> Resolution 48/134 containing the Paris Principles, available at: <http://www.un.org/documents/ga/res/48/a48r134.htm>.



functioning of the ombudsman institutions" and it includes among them the "guaranteed sufficient resources for performing all tasks entrusted to the Ombudsman and the full autonomy of its budget and services."<sup>220</sup> The Parliamentary Assembly resolution on the ombudsman institution, adopted in October 2013, reaffirms this position by calling on the member states to "provide the ombudsman institutions with sufficient financial and human resources to enable them to carry out their tasks effectively."<sup>221</sup> In light of the economic crisis, "the Assembly calls on the member states to make maximum effort to avoid budget cuts that would lead to the loss of independence of the ombudsman institutions."<sup>222</sup> The Venice Commission of the Council of Europe is also firmly convinced that the financial independence of the ombudsman must be ensured as concretely and completely as possible by a legal text.<sup>223</sup>

In March 2019, the Venice Commission of the Council of Europe adopted a set of 25 guidelines, key to the establishment and functioning of the ombudsman institutions in a democratic society, called "Principles on the Protection and Promotion of the Ombudsman Institution", or the "Venice Principles". The purpose of the principles is to consolidate and strengthen the ombudsman institutions that play a key role in strengthening democracy, the rule of law, good governance and the protection and promotion of human and minority rights.

In December 2020, the United Nations General Assembly adopted a Resolution on the role of the ombudsman institutions and mediators in the promotion and protection of human rights, good governance and the rule of law. The Resolution offers strong support to the key principles of the functioning of the ombudsman institutions, such as independence, autonomy, fairness and transparency, and it represents an important first step towards ensuring international recognition of the work of the ombudsman institutions in promoting human rights, rule of law and the principle of good governance.

## LAW ON THE PROTECTOR OF CITIZENS

The Law on the Protector of Citizens stipulates that the Protector of Citizens performs the work of the National Independent Mechanism for monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, pursuant to the Law on Ratification of the Convention on the Rights of Persons with Disabilities, the work of the National Rapporteur in the field of trafficking in human beings, in accordance with the Law on Ratification of the Convention on Action against Trafficking in Human Beings of the Council of Europe, as well as the work of the National Preventive Mechanism, which it has been doing since 2011, in accordance with the Law on Amendments to the Law on Ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, the Law on the Protector of Citizens envisages that the Protector of Citizens has the position of a special body that protects, promotes and improves the rights of the child, thereby building on the long-term successful work of this institution in this area. For the performance of these tasks, special funds would be allocated from the budget, within the budget of the Protector of Citizens.

The new Law on the Protector of Citizens envisages greater transparency, public involvement in the election of the Protector of Citizens and Deputy Protectors of Citizens, by regulating the election procedure by public invitation in more detail. The Protector of Citizens is elected for

---

<sup>220</sup> Parliamentary Assembly Recommendation 1615/03 on the Ombudsman institution, available at: <http://assembly.coe.int/main.asp?link=/documents/adoptedtext/ta03/erec1615.htm>.

<sup>221</sup> Resolution in Serbian and English available at: <http://www.zastitnik.rs/index.php/lang-sr/2011-12-25-10-17-15/3057-2013-10-25-10-34-49>.

<sup>222</sup> *The same*.

<sup>223</sup> See the Collection of documents on the Ombudsman institution of the Venice Commission, available at: [http://www.venice.coe.int/webforms/documents/CDL\(2011\)079-e.aspx](http://www.venice.coe.int/webforms/documents/CDL(2011)079-e.aspx).

a term of eight years, without the possibility of re-election to this position, which is in accordance with the Venice Principles for the protection and promotion of the ombudsman institution, while the term of office of the Deputy Protector of Citizens who will be elected under the new law is linked to the mandate of the Protector of Citizens.

The Law on the Protector of Citizens contains provisions that enable a wider circle of citizens to exercise their rights in proceedings before the Protector of Citizens by allowing a complaint to be submitted by an association that deals with human rights protection, on behalf of a natural person, with his/her consent. Complaints about the violation of a child's right may be submitted by his or her parent or guardian, as well as by an association that deals with the protection of children's rights, with the consent of the child's parent or guardian, or with the consent of a child older than ten. A child can file a complaint on his/her own if he/she has reached the age of 10. A child's complaint cannot be rejected even if it is submitted before the use of all available legal remedies before the administrative authorities and even if it does not contain the data necessary for action and the complainant does not eliminate the deficiencies within the subsequent deadline of five working days specified for supplementing the complaint.

The new Law also stipulates that a complaint may be filed within three years after the violation of citizens' rights, that is, since the last action or non-action of the administrative authority in connection with the violation of the citizens' right, instead of within one year, as was provided by the previous Law on the Protector of Citizens. It also contains provisions that will improve the efficiency of handling complaints, by defining shorter deadlines for completing the procedures before the Protector of Citizens, from the moment the complaint is received.

It is expected that the new law will improve the accountability and transparency of work of the administrative authorities, primarily through provisions related to shortening the deadline for response of authorities upon an investigation launched by the Protector of Citizens, as well as through provisions that stipulate that the Protector of Citizens is to directly inform the immediate superior body, the National Assembly, the Government and the public that the administrative authority, among other things, did not submit to the Protector of Citizens within the set deadline a notice on whether and in what manner it acted on the recommendation, or on the reasons why it did not act on the recommendation, as well as if the authority did not act on the recommendation on dismissal of the official responsible for the violation of rights, or it did not act on the recommendation of the Protector of Citizens in which the launching of disciplinary proceedings against the employee responsible for the violation of rights was initiated.

The novelty introduced by the Law is that the Protector of Citizens may also undertake procedural and other actions in proceedings before state and other bodies and organizations, when it is authorized to do so by special regulations.

In support of strengthening the independence of the Protector of Citizens, the new Law stipulates that the Protector of Citizens adopts a general act on the organization and systematization of the work of the Secretariat in accordance with the budget funds allocated for its work. The Protector of Citizens notifies the National Assembly on the adoption of a general act, within 15 days from the day of its adoption.

The new Law stipulates that the funds for the work of the Protector of Citizens are provided in the budget of the Republic of Serbia and that they cannot be reduced, unless the reduction of the funds for work is also applied to other beneficiaries of budget funds.

The new Law also envisages that the Protector of Citizens establishes and maintains cooperation with civil society organizations, international organizations and mechanisms for the protection and promotion of human and minority rights.

## COMPETENCE AND MANNER OF WORK

In performing the tasks within its competence, the Protector of Citizens acts within the framework of the Constitution, laws and other general acts, as well as ratified international agreements and generally accepted rules of international law<sup>224</sup>. The task, that is, the competence of the Protector of Citizens is determined by the Constitution and the Law, and it is twofold: to **protect** the rights of citizens and to **control** the work of government agencies, authorities responsible for legal protection of property rights and interests of the Republic of Serbia, as well as other bodies and organizations, enterprises and institutions which have been delegated public authority.<sup>225</sup> The Law on the Protector of Citizens also specifies that the Protector of Citizens "takes care of the **protection** and **promotion** human and minority rights and freedoms".<sup>226</sup>

There is no right and freedom of citizens before administrative authorities that is exempt from the protective, control and promotional role of the Protector of Citizens.

In practical work, the Protector of Citizens is guided by the principle of fairness within the framework of positive law. Much more than formal respect for the law, the Protector of Citizens investigates ethics, conscientiousness, impartiality, expertise, purposefulness, efficiency, respect for the dignity of a party and other qualities that should characterize the public administration, making it the way citizens rightfully expect it to be.

The Protector of Citizens controls the work of government agencies, authorities responsible for legal protection of property rights and interests of the Republic of Serbia, as well as other bodies and organizations, enterprises and institutions which have been delegated public authority. According to the provisions of the Constitution and the Law, the Protector of Citizens is not authorized to control only the work of the National Assembly, the President of the Republic, the Government, the Constitutional Court, courts and public prosecutor's offices.<sup>227</sup> The Protector of Citizens may undertake procedural and other actions in proceedings before state and other bodies and organizations, when it is authorized to do so by special regulations.<sup>228</sup>

The Protector of Citizens, with the appropriate personal security clearance certificate, is guaranteed access to data of all levels of secrecy, which are necessary for the performance of tasks within its competence.<sup>229</sup>

In addition to the right to initiate and conduct investigations, the Protector of Citizens has the right to act preventively, by providing good services, mediating and giving advice and opinions on issues within its competence, in order to improve the work of administrative authorities and improve the protection of human rights and freedoms.<sup>230</sup> The authorization of the Protector of Citizens to act preventively especially comes to the fore in the performance of work of the National Preventive Mechanism, in accordance with the Law on Amendments to the Law on Ratification of the Optional Protocol to the Convention against Torture and Other

---

<sup>224</sup> Article 3, paragraph 2 of the Law on the Protector of Citizens.

<sup>225</sup> Article 138, paragraph 1 of the RS Constitution, Article 1, paragraph 1 of the Law on the Protector of Citizens.

<sup>226</sup> Article 1, paragraph 2 of the Law on the Protector of Citizens.

<sup>227</sup> Article 138 paragraph 2 of the RS Constitution, Article 19 paragraph 2 of the Law on the Protector of Citizens.

<sup>228</sup> Article 19, paragraph 3 of the Law on the Protector of Citizens.

<sup>229</sup> Article 38, paras. 1 and 2 of the Data Secrecy Law, "Official Gazette of RS", number 104/09.

<sup>230</sup> Article 27, paragraph 2 of the Law on the Protector of Citizens.

Cruel, Inhuman or Degrading Treatment or Punishment, which will also be the case when performing work of the National Independent Mechanism for monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, pursuant to the Law on Ratification of the Convention on the Rights of Persons with Disabilities and the activities of the National Rapporteur in the area of trafficking in human beings, in accordance with the Law on Ratification of the Convention on Action against Trafficking in Human Beings of the Council of Europe.

The Protector of Citizens also has the right to propose laws within its competence. It is authorized to submit to the National Assembly, that is, the Government and the administrative authorities, an initiative to amend laws and other regulations and general acts, if it considers that the violation of citizens' rights occurs due to the shortcomings in the regulations, as well as to initiate the adoption of new laws, other regulations and general acts, when it considers that it is important for the realization and protection of the rights of citizens.<sup>231</sup> The Protector of Citizens is authorized to give opinions to the National Assembly, that is, the Government and the administrative authorities on draft laws and other regulations in the process of preparing regulations, if they regulate issues that are important for the protection of the rights of citizens.<sup>232</sup> Also, the Protector of Citizens is authorized to initiate proceedings before the Constitutional Court, to assess the constitutionality and legality of laws, other regulations and general acts.<sup>233</sup>

### Investigation

In the *sui generis* investigation (of its own kind, unique), the Protector of Citizens controls the respect of citizens' rights, determines violations committed by acts, actions or omissions of administrative authorities, if it is a violation of republic laws, other regulations and general acts. Certain phases of the investigation, as well as deadlines for the actions of the Protector of Citizens, introduced by the new Law on the Protector of Citizens, aim to improve the efficiency of the work of the Protector of Citizens.

The Protector of Citizens launches the above-mentioned investigation upon the complaints of citizens or on his own initiative.<sup>234</sup> In order to efficiently conduct the investigation, the provisions of the Law provide broad powers of the Protector of Citizens – a request for a written statement from the authorities, direct conversation with civil servants, state employees and officials, the right of unannounced access, insight to official acts and documents, etc. In his actions, the Protector of Citizens is primarily guided by the idea of cooperation with public authorities, and in the case of absence of cooperation, the Protector of Citizens assesses the need and effect of applying other powers on a case-by-case basis.

If a public authority has acted illegally and incorrectly in matters concerning the rights, freedoms or interests of citizens based on law, the Protector of Citizens identifies the omission and recommends how to eliminate it, in that case and in others.

### Legal nature of acts passed by the Protector of Citizens

The Protector of Citizens does not decide on the rights, obligations and interests of citizens based on the law, but examines (controls) the work of public authorities and organizations

---

<sup>231</sup> Article 20, paras. 1 and 2 of the Law on the Protector of Citizens.

<sup>232</sup> Article 21, paragraph 1 of the Law on the Protector of Citizens.

<sup>233</sup> Article 22 of the Law on the Protector of Citizens.

<sup>234</sup> Article 27, paragraph 1 of the Law on the Protector of Citizens.

and, in case of identifying an omission, influences them to correct it. Hence, the acts passed by the Protector of Citizens are not subject to appeals or to other legal remedies.

The recommendations, positions and opinions of the Protector of Citizens are not legally binding, nor can they be enforced. The job of the Protector of Citizens is not to force anyone into compliance, but to convince using the strength of arguments, but also the institutional and personal authority, of the necessity of eliminating omissions and improving the way of work.

Administrative authorities have the obligation to cooperate with the Protector of Citizens, to provide him with access to the premises and to make available all information at their disposal, which are relevant for the investigation he conducts, that is, for achieving the goal of his preventive actions, regardless of the level of their secrecy, except when this is contrary to the law.<sup>235</sup>

The Protector of Citizens is authorized to recommend in writing the dismissal of an official, that is, to initiate disciplinary proceedings against an employee of an administrative authority who violated the rights of citizens or made an omission that caused material or other damage to the citizen: if he/she refuses or fails to eliminate the violation or the omission upon the recommendation of the Protector of Citizens, or if he/she fails to perform another obligation provided by law in the investigation conducted by the Protector of Citizens. If he finds that the actions of officials or employees of an administrative authority contain elements of a crime or other criminal offense, the Protector of Citizens is authorized to submit a request to the competent authority, that is, an application for initiating criminal, misdemeanour or other appropriate proceedings.<sup>236</sup>

#### Relationship with the provincial protector of citizens and local ombudsmen

If the Protector of Citizens receives a complaint regarding a violation of human or minority rights committed by an act, action or failure to act of administrative authorities, where the Constitution, the international agreements on human or minority rights, or the law, other regulations or general acts of the Republic of Serbia have not been violated, but only the regulations or other general acts of the autonomous province, or a local self-government unit, it shall submit it, without delay, to the provincial protector of citizens – ombudsman or a local ombudsman, and shall notify the complainant about it in writing.

If the provincial protector of citizens – ombudsman or the local ombudsman receives a complaint due to a violation of a ratified international agreement on human or minority rights or the law, other regulations or general acts of the Republic of Serbia, it shall submit it to the Protector of Citizens, without delay, and shall notify the complainant about it in writing.<sup>237</sup>

#### Performance of activities outside the seat of the body

The Law on the Protector of Citizens prescribes that the Protector of Citizens may, by its decision, establish offices outside its seat.<sup>238</sup> The ability of the Protector of Citizens to do so is objectively limited by the size of the Secretariat, which is defined by the act on the systematization of job positions and the budget.

The Protector of Citizens regularly performs activities within its competence from its seat and from three offices outside the seat (in Bujanovac, Preševo and Medveđa).

---

<sup>235</sup> Article 24, paragraph 1 of the Law on the Protector of Citizens.

<sup>236</sup> Article 23 of the Law on the Protector of Citizens.

<sup>237</sup> Article 41, paras. 1 and 2 of the Law on the Protector of Citizens.

<sup>238</sup> Article 5, paragraph 2 of the Law on the Protector of Citizens.

In order to conduct control investigations, preventive and educational activities, the Protector of Citizens and the employees of the Secretariat travel daily to cities and towns throughout the Republic.

## ANNEX II – FINANCIAL STATEMENT

The Protector of Citizens was provided with funds in the amount of 229,738,000.00 dinars by the Law on Amendments to the Budget Law of the Republic of Serbia for 2022, which is an increase of 6% compared to 216,650,000.00 dinars of funds provided in 2021.

In 2022, the Protector of Citizens spent a total of 205,061,671.69 dinars, or 89.26% of the provided budget funds, which is the same percentage of the expenditure of the budget funds as in the previous year, 2021, when it amounted to 89.87%. In the conditions of rising prices, the institution of the Protector of Citizens managed to reduce expenses in relation to the previous budget year through rational operations.

The funds provided by the budget were used to finance the regular activities of the Protector of Citizens, in accordance with the financial plan.

**Table 26 – Budget execution for 2022**

Account position	Description	Approved	Accomplished	%
411	Salaries			
411111	Salaries based on the labour cost		114,368,406.13	73.13
411112	Bonus for work longer than full working hours		5,288,668.21	3.38
411114	Bonus for work during the night		416.62	0.00
411115	Bonus for the time spent at work (years of service)		6,643,995.75	4.25
411117	Sick leave up to 30 days		3,550,254.74	2.27
411118	Earning compensation for the time of absence from work – annual vacation, paid leave		21,993,893.39	14.06
411119	Other bonuses and compensations for employees		3,254,260.28	2.08
<b>Total 411</b>		<b>156,396,000.00</b>	<b>155,099,895.12</b>	<b>99.17</b>
412	Contributions			

412111	Contributions for PDI		16,382,830.23	67.50
412211	Contributions for health insurance		7,670,143.37	31.60
<b>Total 412</b>		<b>24,270,000.00</b>	<b>24,052,973.60</b>	<b>99.11</b>
413	Compensations in kind			
413000	Compensations in kind		364,050.00	91.01
<b>Total 413</b>		<b>400,000.00</b>	<b>364,050.00</b>	<b>91.01</b>
414	Social benefits to employees			
414121	Sick leave over 30 days		-0.03	0.00
414311	Severance pay upon retirement		195,329.27	8.64
414314	Assistance in case of the death of an employee or an immediate family member		381,405.00	16.86
414411	Assistance in medical treatment of an employee or an immediate family member		324,103.16	14.33
414419	Other forms of assistance to employees		74,981.00	3.31
<b>Total 414</b>		<b>2,262,000.00</b>	<b>975,818.40</b>	<b>43.14</b>
415	Compensations for employees			
415112	Commuting transportation compensation		2,515,555.62	62.89
<b>Total 415</b>		<b>4,000,000.00</b>	<b>2,515,555.62</b>	<b>62.89</b>
416111	Jubilee awards		613,249.58	68.14
<b>Total 416</b>		<b>900,000.00</b>	<b>613,249.58</b>	<b>68.14</b>

421	Constant expenses			
421121	Costs of bank services		12,841.19	0.20
421211	Electric power services		28,746.09	0.44
421225	Central heating		108,372.95	1.66
421323	Property protection services		1,167,290.76	17.89
421411	Telephone, telex and fax		412,781.57	6.33
421412	Internet and similar		127,545.15	1.95
421414	Cell phone services ( <i>Cell phones, internet</i> )		1,208,482.72	18.52
421422	Delivery services		800,185.00	12.26
421512	Vehicle insurance		82,687.00	1.27
421513	Equipment insurance		34,537.00	0.53
421521	Employee insurance in case of accident at work		45,375.00	0.70
421522	Health insurance		166,160.00	2.55
421523	Liability insurance		33,450.00	0.51
421612	Lease of non-residential space		39,493.00	0.61
421911	TV and radio subscription		3,501.37	0.05
<b>Total 421</b>		<b>6,525,000.00</b>	<b>4,271,448.80</b>	<b>65.46</b>
421 NPM				
421622	Administrative equipment lease		0	0



<b>Total 421 NPM</b>		<b>200,000.00</b>	<b>0</b>	<b>0</b>
422	Travel costs			
422111	Business trip daily allowance costs		4200	0.12
422121	Domestic business trip transportation costs		50,463.60	1.50
422131	Business trip accommodation costs		333,710.00	9.89
422199	Other costs for domestic business trips		85,560.50	2.54
422211	Business trip abroad daily allowance costs		22,950.01	0.68
422221	Business trip abroad transportation costs		64,800.00	1.92
422299	Other costs for business trips abroad		12,959.00	0.41
<b>Total 422</b>		<b>3,375,000.00</b>	<b>574,643.11</b>	<b>17.03</b>
422 NPM				
422111	Business trip daily allowance costs		1,050.00	0.05
422131	Domestic business trip accommodation costs		101,630.00	4.42
422199	Other costs for domestic business trips		27,137.00	1.18
422211	Business trip abroad daily allowance costs		21,187.46	0.92

422221	Business trip abroad transportation costs		42,475.36	1.85
422231	Business trip abroad accommodation costs		74,874.00	3.26
422299	Other costs for business trips abroad		8,073.00	0.35
<b>Total 422 NPM</b>		<b>2,300,000.00</b>	<b>276,426.82</b>	<b>12.02</b>
<b>Account position</b>	<b>Description</b>	<b>Approved</b>	<b>Accomplished</b>	
423	Contracted services			
423111	Translation services		982,545.60	7.96
423212	Software maintenance services		509,397.80	4.13
423221	Computer maintenance services		160,286.40	1.30
423291	Other computer services		87,680.00	0.71
423321	Seminar fee		107,600.00	0.87
423391	Expenses for professional exams		118,080.00	0.96
423399	Other expenses for professional education		19,616.80	0.16
423413	Publication printing services		315,699.89	2.56
423419	Other printing services		331,142.40	2.68
423421	Public information services		486,767.75	3.94

423432	Tender and informative advertisements publication		21,000.00	0.17
423449	Other media services		277,200.00	2.25
423539	Other legal services		29,250.00	0.24
423599	Other professional services ( <i>engagement of external associates, experts</i> )		3,603,310.36	225.35
423621	Catering services ( <i>organization of conferences, round tables, meetings</i> )		418,450.00	3.39
423711	Representation ( <i>organization of conferences, round tables, meetings</i> )		221,842.62	1.80
423712	Gifts		72,920.00	0.59
423911	Other general services		219,109.00	1.78
<b>Total 423</b>		<b>12,341,000.00</b>	<b>7,981,898.62</b>	<b>64.68</b>
423 NPM				
423111	Translation services		171,402.00	8.16
423413	Publication printing services		217,360.11	10.35
423432	Tender and informative advertisements publication		55,890.00	2.66
423531	Court expertise services		279,730.79	13.32
423621	Catering services		99,578.00	4.74
423911	Other general services		3,000.00	0.14

<b>Total 423 NPM</b>		<b>2,100,000.00</b>	<b>826,960.90</b>	<b>39.38</b>
425	Repairs and maintenance			
425219	Other repairs and maintenance of transportation equipment		256,890.72	16.07
425229	Other repairs and maintenance of administrative equipment		31,493.16	1.97
425291	Ongoing repairs and maintenance of production, motor, stationary and nonmotor equipment		170,880.00	10.69
<b>Total 425</b>		<b>1,599,000.00</b>	<b>459,263.88</b>	<b>28.72</b>
426	Material			
426111	Office supplies		810,936.10	9.87
426191	Other administrative material		242,640.00	2.95
426311	Professional reference books for regular use by employees		383,954.00	4.67
426312	Professional reference books for education of employees		457,814.00	5.57
426411	Fuel		1,650,000.00	20.07
426412	Diesel fuel		950,000.00	11.56
426491	Other material for means of transportation		10,563.60	0.13
426812	Hygiene maintenance supplies		32,030.04	0.39
426912	Spare parts		304,985.09	3.71

426919	Other material for specific purposes		34,227.62	0.42
<b>Total 426</b>		<b>8,220,000.00</b>	<b>4,877,150.45</b>	<b>59.33</b>
462	Subsidies to international organizations			
462121	Current subsidies for international memberships		1,535,814.40	94.80
<b>Total 462</b>		<b>1,620,000.00</b>	<b>1,535,814.40</b>	<b>94.80</b>
482	Taxes, mandatory fees, fines and penalties		0	0
<b>Total 482</b>		<b>100,000.00</b>	<b>0</b>	<b>0</b>
485	Damage compensation for injury or damage caused by public authorities			
485119	Other damage compensations		36,201.39	6.46
<b>Total 485</b>		<b>560,000.00</b>	<b>36,201.39</b>	<b>6.46</b>
512	Machines and equipment			
512221	Computer equipment		434,544.00	20.99
512241	Electronic equipment		56,880.00	2.75
512242	Photo equipment		108,897.00	5.26
<b>Total 512</b>		<b>2,070,000.00</b>	<b>600,321.00</b>	<b>29.00</b>
515	Intangible assets			
515111	Computer software		0	
<b>Total 515</b>		<b>300,000.00</b>	<b>0.00</b>	<b>0</b>
512 NPM	Machines and equipment		0.00	
<b>Total</b>		<b>200,000.00</b>	<b>0.00</b>	<b>0</b>

512 NPM				
TOTAL		229,738,000.00	205,061,671.69	89.26

## ANNEX III – HUMAN AND MATERIAL RESOURCES

Pursuant to Article 45, paragraph 1 of the Law on the Protector of Citizens, by Decision on the Establishment and Operation of the Secretariat of the Protector of Citizens, the Secretariat of the Protector of Citizens was established for performing professional and administrative tasks within the competence of the Protector of Citizens.

As of 31<sup>st</sup> December 2022, the Secretariat of the Protector of Citizens employs a total of 73 civil servants and state employees, namely: two civil servants in appointed positions, 68 civil servants in executive positions and three state employees. Of the mentioned number, six civil servants are employed for a definite period of time, and this does not include the Protector of Citizens, Zoran Pašalić, MSc, nor the deputies Jelena Stojanović, Nataša Tanjević, PhD, and Slobodan Tomić.

Out of the total number of civil servants and state employees in the Secretariat, 61 civil servants perform jobs with higher education, and 12 civil servants and state employees with secondary education, 59 are women and 14 are men.

In the following period, the Protector of Citizens will adopt the new Rulebook on the internal organization and systematization of job positions in the Secretariat.