



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Serbia



Serbia Country Report

Overview

Name of NHRI and mandate:

- Protector of Citizens of the Republic of Serbia (PCRS)
- Multi-mandate NHRI. Also: Ombuds-institution, NPM, NMM

Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Serbia Country Report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report October 2021](#)
- CoE Independent Bodies: [ECRI Country Report on Serbia \(2017\)](#), [CPT Country Report on Serbia \(2021\)](#)

Good practices and improvements:

- **CM Principle 1: establishment of an NHRI in full compliance with the Paris Principles:** The PCRS is an NHRI accredited with A-status.
- **CM Principle 2: constitutional basis:** the functioning of the PCRS is entrenched in the national constitution as well as in the Law on the Protector of Citizens, and includes a broad mandate and independence safeguards.

- **CM Principle 9: obligation to follow-up NHRI recommendations:** The Law on the Protector of Citizens includes strong provisions obliging addressees to follow up on and respond to the NHRI's recommendations. The Authorities are obliged to provide within deadlines which can be set by the SOO on how and when intend to comply with the recommendations.

Key areas where improvement is needed:

- **CM Principle 3§3-4 & 12: unfettered access, awareness and cooperation:** The NHRI reports that the awareness by state authorities of its mandate, independence could be improved, as well as cooperation of state authorities for the NHRI to carry out its mandate. Including, among others, ensuring that authorities comply with their obligation to give the NHRI unfettered access to relevant places and information.
- **CM Principle 4: broad and participatory selection and appointment:** In line with the SCA recommendation (2021), the legislative framework governing the selection and appointment of the head of institution should be amended to safeguard the requirement for broad participation in the process. On a positive note, the NHRI reports that in 2023 the National Assembly passed the decision on announcing a public call for applications for a candidate for the Protector of Citizens.
- **CM Principle 6, 7 and 10: adequate resources, including for additional mandates:** In line with the SCA findings (2021), national authorities should provide the NHRI with sufficient funding to ensure that it can fulfill the full breadth of its mandate, including its additional mandates received, and that it has sufficient staff and can provide these staff with adequate training. Moreover, the PCRS particularly flags the lack of adequate premises of the NHRI.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<i>SCA Report October 2021, p. 24</i> ‘The SCA recommends that the PCRS be re-accredited with A status.’
Principle 2	Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI’s Sub-Committee on Accreditation.

Assessment of implementation by the NHRI	<i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i> The Protector of Citizens of the Republic of Serbia continues to function on a constitutional basis.
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II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'In addition to the right to initiate and conduct proceedings, the Protector of Citizens has the right to act preventively by providing good services, mediating and giving advice and opinions on issues within his competence, in order to improve the work of administrative bodies and improve the protection of human rights and freedoms.'</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>The Ministry of Labour, Employment, Veteran and Social Affairs accepted the opinion of the Protector of Citizens, in which this independent state body indicated 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 in order to amend the Regulation on closer conditions and the manner of exercising the right to funds for participation in the purchase, i.e. for the purchase of a family – residential building or apartment based on the birth of a child, in</p>

	<p>order to prescribe shorter deadlines, both for deciding on the requests of citizens and in connection with the deadlines for transfer of approved funds to a dedicated account. It was also proposed to consider the possibility of taking measures with the aim of amending this Regulation, in order to enable citizens who, due to a misunderstanding of the prescribed procedure, concluded a purchase contract before submitting a request for a subsidy, to exercise their right to financial resources based on the birth of a child. Also, the need was pointed out for the competent ministries to send all municipal/city administrations an instruction in which the procedure, conditions and documentation required 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.</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 11</i></p> <p>The Protector of Citizens has been closely monitoring the state of human rights and, in accordance with the situation, has been trying to ensure the accessibility and visibility of the institution for all citizens who believe that their human rights are endangered.'</p>

Information provided by the NHRI in 2023

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

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

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

A child's complaint cannot be rejected even if it is submitted before all available legal remedies were exhausted before the administrative authorities, and even if it does not contain all the information necessary for starting the investigation.

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

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

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

<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>See also the SCA Principle 3§3 on strengthening the accessibility of the institution to the public.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report October 2021, p. 23</i></p> <p>The SCA encourages the PCRS to continue to address all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected. The SCA further encourages the PCRS to ensure that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in Serbia</p>

<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp.12-13</i></p> <p>On 14 February 2022, the Protector of Citizens was not allowed to carry out an unannounced visit to the Institution for Adults and Elderly "Gvozden Jovancevic" in Veliki Popovac, which was foreseen in its 2022 Visit Plan as NPM.</p> <p>The Protector of Citizens reminds that in performing the activities of the NPM, he may freely visit all places and institutions where persons deprived of their liberty are or may be found, and that preventing him from exercising his mandate in social protection institutions represents a violation of legal regulations, international standards and the obligation of administrative bodies to cooperate with the Protector of Citizens, which as a consequence makes it impossible to control the respect of basic rights of persons in social protection institutions and deter state bodies and officials from actions that could have the character of abuse.'</p>

<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Country Report on Serbia 2021, p. 12 (Para.11)</i></p> <p>‘In terms of activities, the NPM conducted a total of 83 visits in the course of 2020.’ CPT, 2021, p. 11</p> <p>At the outset of its visit, the CPT’s delegation was informed that two NGOs had withdrawn in 2018 from the memorandum of understanding between the NPM and NGOs over their dissatisfaction with the methodology employed for visiting police establishments and assessing alleged police misconduct of detained persons.</p> <p>Further, in the light of the CPT’s findings in relation to police ill-treatment (see paragraph 17) during its 2021 periodic visit, the Committee would also like to receive the comments of the NPM in relation to its methodology on the monitoring of the treatment of persons in police custody.</p>
<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 2-3</i></p> <p>‘The PCRS is authorized to submit to the National Assembly, i.e., the Government and the administrative authority, an initiative to amend laws and other regulations and general acts, if he</p>

	<p>considers that the violations of citizens' rights are a result of deficiencies of such regulations, as well as to initiate the adoption of new laws, other regulations and general acts, if he considers it significant for exercising and protecting citizens' rights. Also, in the process of drafting of regulations, he is authorized to give his opinion to the National Assembly, i.e., the Government and the administrative authority on draft laws and other regulations if they concern the issues relevant for the protection of citizens' rights.'</p> <p><i>Information provided by the NHRI in 2023</i></p> <p><i>The Protector of Citizens notes that it is necessary to enable the implementation of the provision of the Law on Gender Equality, 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 (at home – running a household, taking care of raising children, taking care of other family members, work on the agricultural household, etc.). Due to unpaid domestic work, 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 realize the right to agricultural pension.</i></p>
<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>‘The Serbian NHRI has a mandate to contribute to access to justice for individuals, including through complaints handling and awareness-raising. The Protector of Citizens initiates procedures following complaints of the citizens or on his own initiative.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>‘He is also authorized to initiate proceedings before the Constitutional Court to assess the constitutionality and legality of laws, other regulations and general acts.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>‘He is authorized to recommend in writing the dismissal of an official, i.e., to initiate disciplinary proceedings against an employee of the administrative authorities who is responsible for the violation of rights of a citizen or made an omission which caused material or other serious damage to that citizen.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘The new 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.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>‘The Protector of Citizens recommends the competent authorities to strengthen the role of NHRIs in the system of checks and balances through the authorization of special regulations for undertaking procedural and other actions in proceedings before state and other bodies and organizations.’</p>
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<p>Assessment of implementation by CoE independent bodies</p>	<p>ECRI <i>Country Report on Serbia 2017</i>, p. 25</p> <p>‘ECRI recommends that the Commissioner for the Protection of Equality and the Ombudsperson continue assisting victims of hate speech to bring cases before the courts.’</p>
<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States’ compliance with them.</p>
<p><i>No information</i></p>	
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘The new Law envisages greater transparency and involvement of the public in the election of the Protector of Citizens and Deputy Protectors of Citizens, by regulating the procedure of election by public invitation more closely. The Protector of Citizens is elected for a term of eight years, without the possibility of re-election to this position.’</p> <p><i>Information provided by the NHRI in 2023</i></p> <p><i>On 10 February 2023, the National Assembly passed the Decision on announcing a public call for applications for a candidate for the Protector of Citizens. At the session held on 24 March 2023, the Committee on Constitutional and Legislative Issues passed the Decision on determining the list of registered persons who meet the conditions for election to the position of the Protector of Citizens.</i></p> <p>The Law on the Protector of Citizens stipulates that the Committee determines the list of candidates who meet the conditions for the PoC and invites parliamentary groups to propose candidates, but only after the expiration of a period of 15 days from the date of publication of the list of candidates who meet the conditions for the PoC. This period of 15 days is precisely intended as a period in which lobbying with parliamentary groups by all interested participants is enabled.</p> <p>Before determining the proposal for the appointment of the Protector of Citizens, the Committee shall conduct a public interview with the candidates proposed by the parliamentary groups, at which the candidates shall be allowed to express their views on the role and manner of exercising the function of the Protector of Citizens.</p> <p>The proposal of the Committee for appointment of the Protector of Citizens shall be adopted by majority of votes of all the members of the Committee.</p>
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	<p><i>At the session held on 13 April 2023, the Committee on Constitutional and Legislative Issues, having interviewed the candidates, the Committee then formulated the Proposal of the Decision on the election of the Ombudsman. At the session held on 20 April 2023 the National Assembly elected Zoran Pašalić as the Protector of Citizens of the Republic of Serbia</i></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report October 2021, p. 25</i></p> <p>The SCA is of the view that the draft Law, in its current version, partially addresses its previous concerns with respect to the selection and appointment process of the Protector. However, the SCA remains concerned that the new process would not be fully participatory.</p> <p>The SCA encourages the PCRS to continue to advocate for the formalization and application of a process that among others, promotes broad participation in the procedure.</p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The Protector of Citizens shall be dismissed from office by the National Assembly, by the majority of votes of all members of parliament, following the substantiated proposal of the Committee or at least one third of the total number of members of parliament.</p>

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

The Protector of Citizens may be dismissed in the following cases: Due to incompetence or negligence in discharging his/her duties; If he/she is elected, appointed or designated to another public position; If he/she engages in an activity or a task without the approval of the state authority competent for ruling on conflict on interests in the holding of public office; If he/she does not take the office of the Protector of Citizens within 30 days of the date of taking the oath, without justified reason.

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

Following a proposal of the Committee, the National Assembly may reach a decision to suspend the Protector of Citizens in the following situations: If he/she is placed in detention or home detention; If he/she is sentenced to imprisonment of minimum six months by a court decision that has not yet become final and enforceable.

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

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

A decision on the suspension of the Deputy Protector of Citizens in the case provided for in paragraph 1 of this Article shall be made and repealed by the Protector of Citizens. The Protector of Citizens shall decide on the dismissal from office and other reasons for the termination of the function of the Deputy Protector of Citizens.

<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.5</i></p> <p>As regards resources, the existing premises in which the Secretariat of the Protector of Citizens is located do not have adequate capacities to correspond to the number of employees or enable efficient organization of work. The Protector of Citizens has repeatedly pointed out to the competent authorities the need to provide adequate premises for the permanent accommodation of the institution.</p> <p><i>Information provided by the NHRI in 2023</i></p> <p><i>The Protector of Citizens has not yet been assigned premises for permanent accommodation of the institution. In May 2022, the Protector of Citizens sent a letter to the Government of the Republic of Serbia for support and assistance in solving the problem of the temporary premises where the Secretariat of the Protector of Citizens has been located since 2010.</i></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>The SCA notes that the draft Law provides for additional responsibilities for the PCRS, including as the National Rapporteur on human trafficking and National Monitoring Mechanism under the CRPD.</p> <p>The SCA encourages the PCRS to advocate for additional funding to ensure it is able to carry out its new mandates, as well as to attract and retain adequately qualified and experienced staff through competitive and attractive salaries.</p>

<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>See Principle 6 on sustainable, adequate and sufficient resources</i></p> <p><i>Information provided by the NHRI in 2023</i></p> <p>The Protector of Citizens adopts a general act on the organization and job classification of the Secretariat in accordance with the budget funds allocated for its work.</p> <p>The Protector of Citizens notifies the National Assembly about the adoption of the general act within 15 days following the day of its adoption.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>See Principle 6 on sustainable, adequate and sufficient resources</i></p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Country Report on Serbia 2021, p. 11 (Para.10)</i></p> <p>‘The CPT’s delegation noted that the NPM now formed an independent department of the Office of the Protector of Citizens staffed by six full-time advisors who carried out exclusively NPM-related tasks. Further, the NPM continued to avail itself of the assistance of experts such as psychiatrists and forensic doctors and a memorandum on co-operation with non-governmental organizations (NGOs) had been renewed in 2018.’</p>

<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>‘During 2021, the Protector of Citizens received 41 requests from lawmakers to give opinions on draft laws and proposals of other acts that the Government proposes to the National Assembly and the President of the Republic of Serbia. However, the deadlines in which the Protector of Citizens was requested to act were usually shorter than the ones prescribed by the Rules of Procedure of the Government, which the Protector of Citizens repeatedly pointed out to the lawmaker.</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>In the process of drafting of regulations, the Protector of Citizens shall have <i>the power to give his/her opinion to the National Assembly, or to the Government and administrative authorities, on bills and other draft regulations if they concern issues relevant for the protection of citizens' rights.</i></p> <p><i>Draft regulations shall be submitted to the Protector of Citizens in accordance with regulations governing the procedures for drafting or adopting draft regulations.</i></p> <p><i>If no opinion is submitted within the deadlines provided by special regulations, it shall be deemed that there were no objections.</i></p>

<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the NHRI</p>	<p>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 5-6</p> <p>The Serbian NHRI confirms that the addressees of its recommendations are legally obliged to provide a timely and reasoned reply. According to the new Law on the Protector of Citizens, public authorities are obliged to, within a deadline that cannot be shorter than 15 or longer than 90 days from the day of receiving the case report, submit a notification to the Protector of Citizens on whether and how they acted on the recommendation. The new Law will improve the efficiency of the work of the Protector of Citizens including through shortening the deadline for the response of authorities within a procedure initiated by the Protector of Citizens'</p> <p>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</p> <p>'The Protector of Citizens recommends the competent authorities: [...] • to establish an effective mechanism for monitoring the implementation of the recommendations of the Protector of Citizens.'</p>

Information provided by the NHRI

When issuing recommendations, the Protector of Citizens leaves authorities a deadline for action and for submitting notices and evidence (e.g. decisions, records, reports, official communication between authorities, draft by-laws, training programs, studies, etc.) on the handling of the recommendations. Based on the authority's statement, the Protector of Citizens evaluates the handling of the recommendations, and records those for which the authority has submitted evidence and notices of action upon them. The Protector of Citizens informs the public about the failure to act on recommendations through its official website and annual and special reports. The Protector of Citizens actively monitors the handling of the issued recommendations in order to have an overview of the situation in the area of the realization and improvement of the human rights of citizens, the success of its work, but also for the purpose of monitoring the work of government agencies. In addition, it uses the mechanisms provided for by law – notifications to the public, the Assembly and the Government.

This mechanism was further improved by the new Law on the Protector of Citizens, which stipulates that the Annual Report of the Protector of Citizens contains data on recommendations for improving practice and normative regulation of individual areas, as well as data on the implementation of recommendations and proposals from previous reports. The Protector of Citizens leaves a deadline for the authorities to act depending on the character of the recommendation. If the administrative authority does not submit to the Protector of Citizens a notification about acting on the recommendation within the specified period, if it does not act on the recommendation, or if it only partially fulfills it, as well as if it does not fulfill the recommendation to dismiss the official who is responsible for the violation of rights or the initiative to initiate disciplinary proceedings against an employee who is responsible for a violation of rights, the Protector of Citizens informs the immediately superior authority thereof, the National Assembly, the Government and the public.

	<p><i>In 2022 the Protector of Citizens in control activities issued 344 recommendations of which public authorities acted in 64% of due recommendations</i></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report October 2021, p. 23</i></p> <p>The SCA encourages the PCRS to continue to address all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected.'</p>
<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>As the new Law on the Protector of Citizens stipulates that the Protector of Citizens also performs the work of the National Independent Mechanism for monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities and the work of the National Rapporteur on Trafficking in Human Beings, the Protector of Citizens requested to be provided with funds from the current budget reserve for the employment of four employees in 2022 for an indefinite period of time, as senior advisors who would be engaged in these job positions.'</p>

	<p><i>Information provided by the NHRI in 2023</i></p> <p>It is expected that in the following period, after the election of the new Protector of Citizens, a new Rulebook on internal organization and systematization of job positions in the Secretariat of the Protector of Citizens will be adopted. In this regard, after the adoption of the Rulebook, in accordance with the available funds, the Protector of Citizens will employ, for an indefinite period of time, civil servants who have the appropriate knowledge and experience to perform the tasks of the National Rapporteur on Trafficking in Human Beings and the Independent Mechanism for Monitoring the Implementation of the CRPD.</p> <p>So far, the activities on the drafting of the new Rulebook on internal organization and systematization of job positions have included, among other things, the definition of the job description of civil servants who would work on the tasks within the scope of the new competences provided for by the new Law on the Protector of Citizens, which is why this process is taking longer than expected.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>See also details of the SCA's recommendations under section 6, in relation to additional mandates.</i></p>

III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 1</i></p> <p>‘The Protector of Citizens notes that the adoption of the new Law on the Protector of Citizens has significantly strengthened the independence and efficiency of the institution.’</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>The new law additionally strengthened the independence of the Protector of Citizens, among other things, also through the provisions of the Law relating to the election of the Protector of Citizens, the means for work and the passing of a general act on the organization and systematization of jobs within the secretariat.</p> <p>The new Law specifies that the Protector of Citizens, in addition to performing the tasks of the National Preventive Mechanism, will perform the tasks of the National Independent Mechanism for Monitoring the Implementation of the Convention on the Rights of People with Disabilities, as well as the National Rapporteur for Trafficking in Human Beings. Furthermore, the Protector of Citizens has the status of a Special Body that protects, promotes and improves child rights.</p> <p>The new Law, inter alia, improves the efficiency of work of the Protector of Citizens in handling complaints, as well as the accountability and transparency of administrative authorities’ work primarily through the provisions relating to shortening the deadline for the authority to submit its response in</p>

	<p>an investigation launched by the Protector of Citizens. During 2022 the Protector of Citizens completed the work on 92% received cases in the same year so in the stated period efficiency of this independent public authority was increased by over 5% in comparison to 2021.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Serbia 2017, pp. 16-17 (Para.18)</i></p> <p>'In its previous report, ECRI considered that there was a need to increase the independence of the Protector of Citizens (Ombudsman), who is responsible for dealing with discrimination by public authorities. In 2015, the Council of Europe Commissioner for Human Rights expressed serious concerns at reports indicating that certain politicians and some media in Serbia had attempted to cast doubt over the Ombudsman's independence and moral stature. He also referred to reports that the Ombudsman and his advisers were prevented by the Minister of Defence from completing their inspection of the Military Security Service, which was being carried out within the framework of the Ombudsman's mandate. During its country visit to Serbia, ECRI received information indicating that these issues have not been resolved. Reminding both sides of Principle 7 of its GPR No. 2, ECRI considers that the authorities and public officials should concentrate on the substance of the Ombuds' reports and recommendations and avoid endangering the institution's independence.'</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>'The Protector of Citizens believes that there is room for improvement when it comes to state authorities' awareness of the NHRIs' mandate, independence and role, and their efforts to support the Protector's work.'</p> <p><i>Information provided by the NHRI in 2023</i></p> <p><i>The Protector of Citizens organized a round table on the topic of protecting the rights of elderly women in the countryside through monitoring the implementation of the Revised European Social Charter, in which representatives of the relevant ministries, state and provincial authorities, local self-governments, the city of Belgrade and the non-governmental sector participated, in order to consider the key challenges in monitoring the implementation economic and social rights of elderly women in the countryside and discussed the possibilities of successful cooperation and data exchange related to this particularly sensitive group.</i></p>
<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>'Measures necessary to protect and support the NHRI against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place.'</p>

	<p><i>The new Law on the Protector of Citizens stipulates that the Protector of Citizens and his deputies enjoy the same immunity as Members of Parliament. The National Assembly shall decide on the abolition of the immunity of the Protector of Citizens and his deputies, by a majority vote of all Members of Parliament.'</i></p>
<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p><i>Administrative authorities shall cooperate with the Protector of Citizens and grant him/her access to their premises and information available to them which are relevant for the investigation conducted by the Protector of Citizens or for the achievement of the objective of his/her preventive acting, regardless of the classification level of such information, except where this is contrary to the law.</i></p> <p><i>The Protector of Citizens shall have power to interview any employee of administrative authorities when relevant for the proceedings he/she conducts.</i></p>

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘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.’</p>

	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>Representatives of civil society organisations participate in the work of the NPM. Also, representatives of civil society organisations are members of the Council of Protector of Citizens.'</p> <p><i>Information provided by the NHRI in 2023</i></p> <p><i>In 2022, after a public call, the Protector of Citizens issued a Decision on the selection of associations with which to cooperate in the performance of tasks of the NPM, and in accordance with the above, cooperation agreements were concluded with associations with which the NPM has cooperated so far: the 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, which increases the number of associations with which the Protector of Citizens cooperates in performance of tasks of the NPM to six.</i></p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report October 2021, p. 26</i></p> <p>'The SCA welcomes the inclusion of Article 42 of the draft Law, which stipulates that the PCRS shall establish and maintain cooperation with civil society organizations. The SCA encourages the PCRS to continue to enhance and formalize its working relationships and cooperation with the widest range of civil society organizations and human rights defenders.'</p>

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'The PCRS is encouraged to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue to strengthen its institutional framework and working methods.'