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Law On The Ombudsman

(Official Gazette no. 60/1992)

I. GENERAL PROVISIONS

Article 1.

The law regulates the scope, manner of work, conditions for election and the dismissal of the ombudsman and his deputies.

Article 2.

The ombudsman is independent and self-reliant in his or her work. Nobody can give him or her instructions or order in his work.

The ombudsman functions within the framework of constitutional and legal regulations and international legal acts on human rights and freedoms adopted by the Republic of Croatia.

The ombudsman is obligated in his work to follow the principles of equality and morals.

Article 3.

The ombudsman is chosen and dismissed by the House of Representatives of the Sabor of the Republic of Croatia.

The ombudsman has three deputies.

The deputy ombudsmen are chosen and dismissed by the House of Representatives of the Sabor of the Republic of Croatia upon the proposal of the ombudsman.

The ombudsman and his deputies are elected for a term of eight years and are eligible for re-election.

Article 4.

While performing the tasks in his jurisdictions, the ombudsman can request assistance of scientists and experts from universities, institutes and similar institutions, and they are obligated to offer the requested assistance within an appropriate time period.

The ombudsman has a professional function.

II. JURISDICTION AND MANNER OF WORK

Article 5.

The ombudsman examines individual cases of civil rights violations committed by organs of the state authorities, bodies with public authority, or officials in those organs or bodies during the execution of their duties in their jurisdiction.

The ombudsman also examines other questions of interest to the protection of constitutional and legal rights which are based on other media sources (via the mass media), and relate to the irregular work of the organs and the bodies from Paragraph 1 of this Article.

Article 6.

The ombudsman, by rule, does not deal with cases under legal or other proceedings.

Article 7.

The ombudsman warns, informs, suggests and gives recommendations.

If he determines that a violation of rights with elements of a criminal act, an offence or a violation of working discipline has occurred, the ombudsman can recommend the initiation of criminal, misdemeanor or disciplinary proceedings.

The organs of the state authority and the body of the public authority must immediately, i.e. within a period of 30 days, inform the ombudsman about the undertaken measures related to his warning, suggestion or recommendation.

If the organs and the bodies from Paragraph 3 of this Article do not undertake such measures within the designated time period as requested by the ombudsman or they fail to act according to his recommendations, the ombudsman will inform the Sabor of the Republic of Croatia and the public about those violations.

The ombudsman can inform the public about his warnings, notices, suggestions, recommendations, and reports through the media which are obligated to report about it.

Article 8.

The ombudsman shall submit a report to the Sabor of the Republic of Croatia annually.

In his report, the ombudsman shall report the information he collected regarding the degree the constitutional and legal rights of the citizens are respected.

Article 9.

In the event of a violation of a higher degree in issues of interest to the protection of constitutional and legal rights, the ombudsman can submit a report to the Sabor of the Republic of Croatia and the authorized Ministry in addition to the annual report.

Article 10.

The ombudsman can initiate the Sabor of the Republic of Croatia to bring changes to a law connected to the protection of constitutional and legal rights of the citizens.

Article 11.

The ombudsman shall have access to all the data and information and has the right to access all the documentation of the authority of the Republic of Croatia, and all the acts of the organs of the state authority and the bodies with public authority and even to those which were decided upon based on the rights of discretion, regardless of the level of their confidentiality. The regulations on maintaining the confidentiality bind the ombudsman and his deputies even upon the termination of the service.

The organs of the state authority and the bodies of public authority are obligated to provide the ombudsman with access to information and documentation referred to in Paragraph of this Article, as well as to offer any other form of assistance as requested by the ombudsman.

The officials in the organs of the state authority and the bodies of legal authority are obligated to cooperate with the ombudsman and on his request submit reports and respond to the questions posed to them.

III. PRODEDURAL PROVISIONS

Article 12.

The ombudsman shall investigate the individual violations of the constitutional and legal rights of citizens, the neglect or other irregularities in the work of the organs of the state authority or the bodies of public authority on his own initiative or on the request of a citizen.

Everyone has the right to file a grievance to the ombudsman whether the violation of the constitutional and legal rights of the citizens caused direct injury to the citizen or not, and the ombudsman shall freely decide if he shall take the grievance into consideration and in which capacity.

Article 13.

There is no fee for filing a grievance to the ombudsman.

Article 14.

When the ombudsman completes proceedings initiated at the request of citizen, the ombudsman must inform the submitter of the grievance about the actions undertaken.

The ombudsman must submit an opinion in regard to the violation of the constitutional authority, including a warning, suggestion, or recommendation.

Article 15.

The ombudsman can at any time inspect correctional institutions and other institutions in which there is a restriction of movement. The ombudsman has the right to gain access and examine all the rooms in those institutions.

After the inspection, the ombudsman, if necessary, shall compile a report which he shall submit to the organ supervising those institutions. If the report includes

objections to the work of the institution, the supervising organ shall immediately, within thirty days, inform the ombudsman about measures undertaken in regard to the report.

IV. THE ELECTION AND DISMISSAL OF THE OMBUDSMAN

Article 16.

To be elected ombudsman, the individual must be a citizen of Croatia, a graduate lawyer, with at least 15 years of working experience in the legal profession, distinguishing themselves in that profession, and known to the public for this personal commitment in the field of the protection of human rights.

Article 17.

Before taking office, the ombudsman and his deputies must be sworn in before the House of Representatives of the Sabor of the Republic of Croatia.

The oath states:

“I pledge to abide by the Constitution and the law in my work and that I will respect the legal order of the Republic of Croatia and that I will perform my duty in a legal, honorable and conscientious way.

Article 18.

To be deputy ombudsman, the individual must meet the conditions mentioned in Article 16 of this Law.

Article 19.

The ombudsman and his or her deputies shall be dismissed before the expiration of the term for which they were elected if:

1. they tender a resignation which is accepted by the House of Representatives of the Sabor of the Republic of Croatia;
2. they lose their Croatian citizenship;
3. if the House of Representatives of the Sabor of the Republic of Croatia decides so.

V. THE TRANSITIONAL AND CONCLUDING PROVISIONS

Article 20.

The ombudsman shall adopt the rules of procedure of his work, which stipulates the organization and the conduct of work, which shall be confirmed by the House of Representatives of the Sabor of Republic of Croatia.

Article 21.

The funds for the work of the ombudsman, his deputies and expert service are provided from the budget of the Republic of Croatia.

Article 22.

This Law goes into effect eight day after it is published and in the "National Gazette".

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Zagreb, September 25, 1992

HOUSE OF REPRESENTATIVES OF THE
SABOR OF REPUBLIC OF CROATIA

Speaker of the Sabor

House of Representatives

Stjepan Mesic