

## LOCAL GOVERNMENT AND HUMAN RIGHTS QUESTIONNAIRE

Legal framework for the functioning and improvement of local self-government system in the Republic of Serbia has been established under the Constitution of the Republic of Serbia, based on the principles and in accordance with the adopted provisions of the European Charter on Local Self-Government (ratified by the Republic of Serbia in 2007), the Local Self-Government Act, the Territorial Organisation of the Republic of Serbia Act, the Local Elections Act, the Capital City Act and the Local Self-Government Funding Act. The right of citizens to provincial autonomy and local self-government is exercised directly or through their freely elected representatives, which is guaranteed under Article 176 of the Constitution of the Republic of Serbia, while the local self-government units functioning system, the scope of their competences, territorial organisation, electoral system and the funding are regulated by the following acts:

- Local Self-Government Act (*Official Gazette of the Republic of Serbia*, No. 129/07),
- Territorial Organisation of the Republic of Serbia Act (*Official Gazette of the Republic of Serbia*, No. 129/07),
- Local Elections Act (*Official Gazette of the Republic of Serbia*, No. 129/07, 34/10 – Constitutional Court Decision and 54/2011);
- Capital City Act (*Official Gazette of the Republic of Serbia*, No. 129/07),
- Local Self-Government Funding Act (*Official Gazette of the Republic of Serbia*, Nos. 62/06, 47/2011, 93/2012 and 99/2013),
- Establishing Competences of the Autonomous Province of Vojvodina Act (*Official Gazette of the Republic of Serbia*, Nos. 99/09 and 67/2012 - Constitutional Court Decision).

Local self-government is the right of citizens to, directly or through freely elected representatives, administer public affairs of direct, common and general interest to the local population, as well as the right and ability of local self-government bodies to, within the limits of the law, administer affairs and manage public affairs which fall within the scope of their competences and which are of interest to the local population, as defined under Article 2 of the Local Self-Government Act. This Act defines local self-government units, criteria for their formation, competences and bodies, the monitoring of their work, the protection of local self-government and other relevant matters for the exercise of rights and obligations of local self-government units. A local self-government is exercised in a municipality, city and the City of Belgrade, i.e. in units of local self-government. A municipality is the basic territory of territorial units where local self-government is exercised, able to independently exercise all rights and obligations falling within its competence through its bodies. A municipality has at least 10,000 citizens. A city is a unit of local self-government defined by law and it represents an economic, administrative, geographical and cultural centre of a wider territory. A city has over 100,000 citizens. A city performs competences of a municipality, including other by law delegated competences and responsibilities of public administration authorities. Local self-government system in the Republic of Serbia has 174 units of local self-government, in accordance with the Act, covering 150 municipalities, 23 towns and the City of Belgrade. The City of Belgrade is a special territorial unit defined by the Constitution and the Capital City Act.

Local self-government funding, as well as conditions under which local self-government units may seek loan are regulated by the Local Self-Government Funding Act (*Official*

*Gazette of the Republic of Serbia*, Nos. 62/06, 47/2011, 93/2012 and 99/2013). Local self-government funding system for conducting own-source and delegated responsibilities covers three basic types of revenues: own-source public revenues, shared public revenues and (dedicated and non-dedicated) transfer sources from the Serbian State Budget. The amount of own-source revenues is set by the local self-government unit in accordance with the law (for example, administration fees and payments), while the amount of delegated revenues and transfer sources is determined by the Republic. Delegated revenues are Republic revenues which are partly or entirely delegated to municipalities and cities on the territory of which they were generated. Transfers from the State Budget are equalisation transfers belonging to municipalities with revenues generated from delegated taxes, calculated per capita, lower than 90% of the average in the Republic. Own-source revenues generated on the territory of a local self-government unit belong to that unit and the type of these revenues is defined under Article 6 of the Local Self-Government Funding Act. Competence for the funding of local self-governments and autonomous provinces falls with the Ministry of Finance.

Constitution of the Republic of Serbia and the Local Self-Government Act bind local self-governments to ensure the protection and the promotion of human, individual and collective rights of members of national minorities and ethnic groups. The Self-Government Act defines the competences of local self-government units, with Article 20(1)(32)) prescribing that a Municipality, acting in accordance with the law and through its bodies, shall: ensure the exercise, protection and promotion of human, individual and collective rights of members of national minorities and ethnic groups, and define languages and scripts of national minorities in official use on the territory of a municipality (point 33), provide public information of local importance and do so in Serbian and national minority languages used on the territory of a municipality, open TV and radio stations for the purpose of informing the public in national minority languages in official use in the respective municipality, as well as in those which are not in official use when such informing represents the achieved level of minority rights (point 34).

Article 97 of the Local Self-Government Act states that an Ombudsman may be established in a unit of local self-government who will be authorised to control citizens' rights being respected, determine violations of local self-government units' regulations and general acts by actions or omissions of administration authorities and public services. Article 98 of the same Act allows for an Inter-Ethnic Relations Council to be formed in ethnically mixed units of local self-government, as well as an independent working body composed of representatives of the Serbian people and national minorities, in accordance with this Act and the Statute.