

# Constitution of the Republic of Serbia

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(Decision on the Promulgation of the Constitutional Law for the Implementation of the  
Act Amending the Constitution of the Republic of Serbia - Amendments I - XXIX -  
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Starting from the state tradition of the Serbian people and the equality of all citizens and ethnic communities in Serbia, starting also from the fact that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has a position of substantial autonomy within the sovereign state of Serbia and that from such a position of the Province of Kosovo and Metohija follow the constitutional obligations of all state bodies to represent and protect the state interests of Serbia in Kosovo and Metohija in all internal and external political relations, the citizens of Serbia adopt

## CONSTITUTION OF THE REPUBLIC OF SERBIA

### PART ONE

#### PRINCIPLES OF THE CONSTITUTION

Republic of Serbia

#### Article 1.

The Republic of Serbia is a state of the Serbian people and all citizens who live in it, based on the rule of law and social justice, the principles of civil democracy, human and minority rights and freedoms, and adherence to European principles and values.

Sovereignty bearers

#### Article 2.

Sovereignty originates from the citizens, who exercise it through referendum, popular initiative and through their freely elected representatives. No state body, political organization, group or individual may usurp sovereignty from the citizens, nor establish power beyond the freely expressed will of the citizens.

#### Rule of law

##### Article 3.

The rule of law is a fundamental premise of the Constitution and is based on inalienable human rights. The rule of law is achieved through free and direct elections, constitutional guarantees of human and minority rights, the separation of powers, an independent judiciary, and the submission of government to the Constitution and the law.

#### Separation of powers

##### Article 4.

The legal system is unified. The organization of power is based on the division of powers into legislative, executive and judicial. The relationship between the three branches of power is based on mutual checks and balances. The judiciary is independent.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment I)

#### Political parties

##### Article 5.

The role of political parties in the democratic formation of the political will of citizens is guaranteed and recognized.

The establishment of political parties is free. The activities of political parties aimed at the violent overthrow of the constitutional order, the violation of guaranteed human or minority rights, or the incitement of racial, national, or religious hatred are

prohibited.

Political parties may not directly exercise power or subjugate it to themselves.

#### Prohibition of conflicts of interest

##### Article 6.

No one may perform a state or public function that conflicts with his or her other functions, affairs or private interests.

The existence of a conflict of interest and the responsibility for resolving it shall be determined by the Constitution and the law.

#### Coat of arms, flag and anthem

##### Article 7.

The Republic of Serbia has its own coat of arms, flag and anthem.

The coat of arms of the Republic of Serbia is used as the Great Coat of Arms and as the Small Coat of Arms.

The flag of the Republic of Serbia exists and is used as the National Flag and as the State Flag.

The anthem of the Republic of Serbia is the ceremonial song "God of Justice".

The appearance and use of the coat of arms, flag and anthem are regulated by law.

#### Territory and border

##### Article 8.

The territory of the Republic of Serbia is unique and indivisible.

The border of the Republic of Serbia is inviolable and may be changed in accordance with the procedure provided for amending the Constitution.

#### Capital city

##### Article 9.

The capital of the Republic of Serbia is Belgrade.

## Language and script

### Article 10.

In the Republic of Serbia, the Serbian language and the Cyrillic script are in official use. The official use of other languages and scripts is regulated by law, based on the Constitution.

## Secularity of the state

### Article 11.

The Republic of Serbia is a secular state. Churches and religious communities are separate from the state. No religion may be established as a state or mandatory religion.

## Provincial autonomy and local self-government

### Article 12.

State power is limited by the right of citizens to provincial autonomy and local self-government. The right of citizens to provincial autonomy and local self-government is subject only to supervision of constitutionality and legality.

## Protection of citizens and Serbs abroad

### Article 13.

The Republic of Serbia protects the rights and interests of its citizens abroad. The Republic of Serbia develops and improves relations between Serbs living abroad and their home country.

## Protection of national minorities

### Article 14.

The Republic of Serbia protects the rights of national minorities.  
The state guarantees special protection to national minorities in order to achieve full equality and preserve their identity.

#### Gender equality

##### Article 15.

The state guarantees equality between women and men and develops a policy of equal opportunities.

#### International relations

##### Article 16.

The foreign policy of the Republic of Serbia is based on generally recognized principles and rules of international law.

Generally accepted rules of international law and ratified international treaties are an integral part of the legal order of the Republic of Serbia and are directly applicable. Ratified international treaties must be in accordance with the Constitution.

#### The position of foreigners

##### Article 17.

Foreigners, in accordance with international agreements, have all rights guaranteed by the Constitution and law in the Republic of Serbia, with the exception of rights that, according to the Constitution and law, only citizens of the Republic of Serbia have.

## PART TWO - HUMAN AND MINORITY RIGHTS AND FREEDOMS

### 1. Basic principles

#### Direct application of guaranteed rights

##### Article 18.

Human and minority rights guaranteed by the Constitution shall be directly applicable. The Constitution shall guarantee, and as such, shall directly apply, human and minority rights guaranteed by generally accepted rules of international law, confirmed by international treaties and laws. The law may prescribe the manner of exercising these rights only if this is expressly provided for in the Constitution or if this is necessary for the exercise of a particular right due to its nature, and the law may in no case affect the essence of the guaranteed right. The provisions on human and minority rights shall be interpreted in favor of the advancement of the values of a democratic society, in accordance with applicable international standards of human and minority rights, as well as the practice of international institutions that supervise their implementation.

#### The purpose of constitutional guarantees

##### Article 19.

The guarantees of inalienable human and minority rights in the Constitution serve to preserve human dignity and achieve full freedom and equality of every individual in a just, open and democratic society, based on the principle of the rule of law.

#### Restrictions on human and minority rights

##### Article 20.

Human and minority rights guaranteed by the Constitution may be limited by law if the limitation is permitted by the Constitution, for the purposes for which the Constitution permits it, to the extent necessary to achieve the constitutional purpose of the limitation in a democratic society and without affecting the essence of the guaranteed right. The achieved level of human and minority rights may not be reduced. When limiting human and minority rights, all state bodies, and in particular the courts, are obliged to take into account the essence of the right being limited, the importance of the purpose of the limitation, the nature and scope of the limitation, the relationship of the limitation to the purpose of the limitation and whether there is a way to achieve the purpose of the limitation with a lesser restriction of the right.

## Prohibition of discrimination

### Article 21.

Everyone is equal before the Constitution and the law. Everyone has the right to equal legal protection, without discrimination. Any discrimination, direct or indirect, on any ground whatsoever, is prohibited, and in particular on the grounds of race, sex, nationality, social origin, birth, religion, political or other opinion, property, culture, language, age and mental or physical disability. Special measures that the Republic of Serbia may introduce for the purpose of achieving full equality of persons or groups of persons who are essentially in an unequal position with other citizens shall not be considered discrimination.

## Protection of human and minority rights and freedoms

### Article 22.

Everyone has the right to judicial protection if any human or minority right guaranteed by the Constitution is violated or denied, as well as the right to have the consequences of the violation removed. Citizens have the right to turn to international institutions for the protection of their freedoms and rights guaranteed by the Constitution.

## 2. Human rights and freedoms

### Dignity and free development of the personality

#### Article 23.

Human dignity is inviolable and everyone is obliged to respect and protect it. Everyone has the right to free development of their personality, provided that this does not violate the rights of others guaranteed by the Constitution.

### The right to life

#### Article 24.

Human life is inviolable.  
There is no death penalty in the Republic of Serbia.  
Cloning of human beings is prohibited.

#### Inviolability of physical and psychological integrity

##### Article 25.

Physical and psychological integrity is inviolable.  
No one may be subjected to torture, inhuman or degrading treatment or punishment, or to medical or scientific experiments without their freely given consent.

#### Prohibition of slavery, conditions similar to slavery and forced labor

##### Article 26.

No one shall be held in slavery or servitude.  
All forms of trafficking in human beings shall be prohibited.  
Forced labor shall be prohibited. Sexual or economic exploitation of a person in a disadvantaged position shall be considered forced labor.  
Forced labor shall not include work or service performed by a person serving a sentence of deprivation of liberty if their work is based on the principle of voluntariness, with monetary compensation, work or service performed by a person in military service, or work or service performed during a state of war or emergency in accordance with the measures prescribed when a state of war or emergency is declared.

#### Right to liberty and security

##### Article 27.

Everyone has the right to liberty and security of person. Deprivation of liberty shall be permitted only for reasons and in accordance with a procedure established by law.  
A person who is deprived of his liberty by a public authority shall be informed promptly, in a language which he understands, of the reasons for his deprivation of liberty, of the charge against him and of his rights, and shall have the right to have his deprivation of liberty informed without delay to a person of his choice.



Everyone who is deprived of his liberty shall have the right to appeal to a court, which shall decide promptly on the lawfulness of his deprivation of liberty and order his release if the deprivation of liberty was unlawful. A sentence involving deprivation of liberty may be imposed only by a court.

#### Treatment of a person deprived of liberty

##### Article 28.

A person deprived of his or her liberty must be treated humanely and with respect for the dignity of his or her person.

Any violence against a person deprived of his or her liberty is prohibited.

Extortion of statements is prohibited.

#### Additional rights in the event of deprivation of liberty without a court decision

##### Article 29.

A person deprived of liberty without a court decision shall be immediately informed of his right to remain silent and of the right not to be questioned without the presence of a lawyer of his own choosing or of a lawyer who will provide him with free legal assistance if he cannot afford it.

A person deprived of liberty without a court decision must be brought before a competent court without delay, and no later than within 48 hours, failing which he shall be released.

#### Detention

##### Article 30.

A person suspected of having committed a criminal offence may be detained only on the basis of a court decision, if detention is necessary for the conduct of criminal proceedings.

If he was not heard when the decision on detention was made or if the decision on detention was not implemented immediately after it was made, the detained person must be brought before the competent court within 48 hours of deprivation of liberty, which will then decide again on detention.

The written and reasoned decision of the court on detention shall be served on the detainee no later than

12 hours after detention. The court shall make and deliver the decision on an appeal against detention to the detainee within 48 hours.

#### Duration of detention

##### Article 31.

The court shall reduce the duration of detention to the shortest necessary time, taking into account the reasons for the detention. Detention ordered by a decision of the first instance court shall last for a maximum of three months during the investigation, and a higher court may, in accordance with the law, extend it for another three months. If an indictment is not filed by the end of this period, the defendant shall be released.

After the indictment is filed, the court shall reduce the duration of detention to the shortest necessary time, in accordance with the law.

The detainee shall be released to defend himself from liberty as soon as the reasons for which the detention was ordered cease to exist.

#### The right to a fair trial

##### Article 32.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, in the determination of his rights and obligations, the validity of the suspicion which gave rise to the proceedings, and the charges against him.

Everyone is guaranteed the right to a free interpreter if he does not speak or understand the language used in court, and the right to an interpreter if he is blind, deaf or mute.

The public may be excluded from the proceedings in whole or in part only in the interests of national security, public order or morals in a democratic society, or in the interests of minors or the privacy of the participants in the proceedings, in accordance with the law.

#### Special rights of the accused

##### Article 33.

Everyone charged with a criminal offence has the right to be informed promptly, in a language which he understands, in detail and according to law, of the nature and cause of the charge against him and of the evidence against him.

Everyone charged with a criminal offence has the right to defence and to have legal assistance of his own choosing, to communicate freely with him and to have adequate time and facilities for the preparation of his defence.

A person who cannot afford legal assistance shall have the right to legal assistance free of charge if the interests of justice so require, in accordance with the law.

Everyone charged with a criminal offence who is available to appear before a court shall have the right to be tried in his presence and shall not be punished unless he has been given the opportunity to be heard and to defend himself.

Everyone who is being tried for a criminal offence has the right, either personally or through a lawyer, to present evidence in his or her own behalf, to examine witnesses on his or her behalf and to request that witnesses on his or her behalf be examined under the same conditions as witnesses for the prosecution and in his or her presence.

Everyone who is being tried for a criminal offence has the right to be tried without delay.

A person accused or tried for a criminal offence is not obliged to give evidence against himself or herself or against persons close to him or her, nor to admit guilt.

A natural person against whom proceedings are being conducted for another criminal offence shall have all the rights of a person accused of a criminal offence, in accordance with and in accordance with the law.

#### Legal certainty in criminal law

##### Article 34.

No one may be found guilty of an act which, before it was committed, was not provided for as punishable by law or other regulation based on law, nor may he be sentenced to a penalty which was not provided for that act.

Penalties shall be determined in accordance with the regulation in force at the time the act was committed,

except when a later regulation is more favourable to the perpetrator. Criminal acts and criminal sanctions shall be determined by law.

Everyone shall be presumed innocent of a criminal act until his guilt is established by a final court decision.

No one may be prosecuted or punished for a criminal act for which he has been acquitted or convicted by a final judgment, or for which the charge has been finally dismissed or the proceedings have been finally suspended, nor may a court decision be changed to the detriment of the accused in proceedings under an extraordinary legal remedy. The same prohibitions shall apply to proceedings for any other criminal act.

Exceptionally, the repetition of the proceedings is permitted in accordance with the penal regulations, if evidence of new facts is discovered which, if known at the time of the trial, could have significantly influenced its outcome or if a significant violation occurred in the previous proceedings that could have influenced its outcome.

The prosecution and execution of the sentence for war crimes, genocide and crimes against humanity are not subject to a statute of limitations.

#### The right to rehabilitation and compensation for damages

##### Article 35.

Anyone who has been unjustly or unlawfully deprived of their liberty, detained or convicted of a criminal offence has the right to rehabilitation, compensation for damage from the Republic of Serbia and other rights established by law.

Everyone has the right to compensation for material or non-material damage caused to them by unlawful or improper action by a state body, a holder of public authority, an autonomous province body or a local self-government unit.

The law determines the conditions under which the injured party has the right to claim compensation for damage directly from the person who caused the damage.

#### The right to equal protection of rights and to a legal remedy

##### Article 36.

Equal protection of rights is guaranteed before the courts and other state bodies, holders of public authority and bodies of the autonomous region and local self-government units. Everyone has the right to appeal or other legal remedy against a decision determining his right, obligation or legally established interest.

#### The right to legal personality

##### Article 37.

Every person has legal capacity. Upon reaching the age of majority, a person acquires the ability to independently decide on their rights and obligations. Majority occurs upon reaching the age of 18. The choice and use of one's personal name and the names of one's children are free.

#### The right to citizenship

##### Article 38.

The acquisition and termination of citizenship of the Republic of Serbia is regulated by law. A citizen of the Republic of Serbia may not be expelled, nor deprived of citizenship or the right to change it. A child born in the Republic of Serbia has the right to citizenship of the Republic of Serbia, if the conditions for acquiring citizenship of another state are not met.

#### Freedom of movement

##### Article 39.

Everyone has the right to move and reside freely in the Republic of Serbia, to leave it and to return to it. Freedom of movement and residence and the right to leave the Republic of Serbia may be restricted by law if necessary for the purposes of conducting criminal proceedings, protecting public order and peace, preventing the spread of infectious diseases or defending the Republic of Serbia. The entry of foreigners into the Republic of Serbia and their stay therein shall be regulated by law. A foreigner may be expelled only on the basis of a decision of a competent authority, in a procedure

prescribed by law and if he has been provided with the right to appeal, and only where he is not threatened with persecution on account of his race, sex, religion, nationality, citizenship, membership of a particular social group, political opinion or where he is not threatened with a serious violation of the rights guaranteed by this Constitution.

#### Inviolability of the apartment

##### Article 40.

The apartment is inviolable.

No one may, without a written court decision, enter another's apartment or other premises against the will of their owner, nor conduct a search in them. The owner of the apartment or other premises has the right to attend the search himself or through his representative and with two other adult witnesses. If the owner of the apartment or his representative is not present, the search is permitted in the presence of two adult witnesses.

Without a court decision, entry into another's apartment or other premises, exceptionally a search without the presence of witnesses, is permitted if it is necessary for the immediate deprivation of liberty of the perpetrator of a criminal offense or to eliminate an immediate and serious danger to people or property, in the manner prescribed by law.

#### Secrecy of letters and other means of communication

##### Article 41.

The confidentiality of letters and other means of communication is inviolable. Deviations are permitted only for a certain period of time and based on a court decision, if they are necessary for the conduct of criminal proceedings or the protection of the security of the Republic of Serbia, in the manner prescribed by law.

#### Personal data protection

##### Article 42.

The protection of personal data is guaranteed. The collection, storage, processing and use of personal data are regulated by law. The use of personal data beyond the purpose for which they were collected is prohibited and punishable, in accordance with the law, except for the purposes of conducting criminal proceedings or protecting the security of the Republic of Serbia, in the manner prescribed by law. Everyone has the right to be informed of the collected personal data about him, in accordance with the law, and the right to judicial protection for their misuse.

#### Freedom of thought, conscience and religion

##### Article 43.

Freedom of thought, conscience, belief and religion is guaranteed, as is the right to maintain one's belief or religion or to change it according to one's own choice. No one shall be obliged to declare one's religious or other beliefs. Everyone is free to manifest his or her religion or belief by performing religious rites, attending religious services or classes, individually or in community with others, and to express his or her religious beliefs in private or public. Freedom to manifest one's religion or belief may be restricted by law only if it is necessary in a democratic society, for the protection of life and health of people, the morals of a democratic society, the freedoms and rights of citizens guaranteed by the Constitution, public safety and public order, or for the prevention of incitement to religious, national or racial hatred. Parents and legal guardians have the right to provide their children with a religious and moral education in accordance with their beliefs.

#### Churches and religious communities

##### Article 44.

Churches and religious communities are equal and separate from the state. Churches and religious communities are equal and free to independently regulate their internal

organization, religious affairs, to publicly perform religious rites, to establish religious schools, social and charitable institutions and to manage them, in accordance with the law. The Constitutional Court may prohibit a religious community only if its activities threaten the right to life, the right to mental and physical health, the rights of children, the right to personal and family integrity, the right to property, public security and public order, or if it provokes and incites religious, national or racial intolerance.

#### Conscientious objection

##### Article 45.

A person shall not be obliged, contrary to his religion or beliefs, to perform military or other service involving the use of weapons.

A person who invokes conscientious objection may be called upon to perform military service without the obligation to bear arms, in accordance with the law.

#### Freedom of opinion and expression

##### Article 46.

Freedom of opinion and expression is guaranteed, as well as the freedom to seek, receive and impart information and ideas through speech, writing, painting or any other means. Freedom of expression may be restricted by law if necessary to protect the rights and reputation of others, to maintain the authority and impartiality of the courts, and to protect public health, morals in a democratic society and the national security of the Republic of Serbia.

#### Freedom of expression of nationality

##### Article 47.

Expression of national affiliation is free.

No one is obliged to declare their nationality.

#### Encouraging respect for differences



#### Article 48.

Through measures in education, culture and public information, the Republic of Serbia encourages understanding, appreciation and respect for the differences that exist due to the specific ethnic, cultural, linguistic or religious identity of its citizens.

#### Prohibition of inciting racial, national and religious hatred

#### Article 49.

Any incitement and incitement of racial, national, religious or other inequality, hatred and intolerance is prohibited and punishable.

#### Freedom of the media

#### Article 50.

Everyone is free to establish newspapers and other means of public information without permission, in the manner prescribed by law. Television and radio stations shall be established in accordance with the law. There shall be no censorship in the Republic of Serbia. The competent court may prevent the dissemination of information and ideas through the means of public information only if this is necessary in a democratic society to prevent calls for the violent overthrow of the order established by the Constitution or the violation of the territorial integrity of the Republic of Serbia, to prevent the propagation of war or incitement to direct violence, or to prevent advocacy of racial, national or religious hatred, which incites discrimination, hostility or violence. The exercise of the right to correction of untrue, incomplete or inaccurately transmitted information that violates someone's right or interest, and the right to reply to published information shall be regulated by law.

#### Right to information

#### Article 51.

Everyone has the right to be informed truthfully, fully and in a timely manner on matters of public importance, and the media are obliged to respect this right. Everyone has the right to access data held by state bodies and organizations entrusted with public authority, in accordance with the law.

#### Electoral law

##### Article 52.

Every adult, legally capable citizen of the Republic of Serbia has the right to vote and to be elected. Suffrage is universal and equal, elections are free and direct, and voting is secret and personal. Suffrage enjoys legal protection in accordance with the law.

#### The right to participate in the management of public affairs

##### Article 53.

Citizens have the right to participate in the management of public affairs and to enter public services and public functions under equal conditions.

#### Freedom of assembly

##### Article 54.

Peaceful assembly of citizens is free. Gatherings in closed spaces are not subject to approval or registration. Assemblies, demonstrations and other gatherings of citizens in open spaces are registered with a state authority, in accordance with the law. Freedom of assembly may be restricted by law only if necessary to protect public health, morals, the rights of others or the security of the Republic of Serbia.

#### Freedom of association

##### Article 55.

Freedom of political, trade union and any other association is guaranteed, as well as the right to remain outside any association. Associations are established without prior approval, with entry in the register kept by a state authority, in accordance with the law. Secret and paramilitary associations are prohibited. The Constitutional Court may prohibit only an association whose activities are aimed at the violent overthrow of the constitutional order, the violation of guaranteed human or minority rights, or the incitement of racial, national or religious hatred. Judges of the Constitutional Court, judges, public prosecutors, the Ombudsman, members of the police and members of the military may not be members of political parties.

#### Right to petition

##### Article 56.

Everyone has the right, alone or together with others, to submit petitions and other proposals to state bodies, organizations entrusted with public powers, bodies of an autonomous province and bodies of local self-government units and to receive a response from them when requested. No one may suffer harmful consequences for submitting petitions and proposals. No one may suffer harmful consequences for the views expressed in the submitted petition or proposal, unless he has committed a criminal offense.

#### Right to asylum

##### Article 57.

A foreigner who has a well-founded fear of persecution on account of his or her race, sex, language, religion, nationality or membership of a particular group, or political opinion, has the right to asylum in the Republic of Serbia. The procedure for obtaining asylum is regulated by law.

#### Right to property

#### Article 58.

The peaceful enjoyment of property and other property rights acquired by law is guaranteed. The right to property may be taken away or restricted only in the public interest determined by law, for compensation that may not be lower than the market price. The law may limit the manner in which property may be used. The taking away or restriction of property for the purpose of collecting taxes and other duties or penalties shall be permitted only in accordance with the law.

#### Right of inheritance

#### Article 59.

The right of inheritance is guaranteed, in accordance with the law. The right of inheritance may not be excluded or restricted due to failure to fulfill public obligations.

#### The right to work

#### Article 60.

The right to work is guaranteed, in accordance with the law. Everyone has the right to free choice of work. All jobs are accessible to everyone, under equal conditions. Everyone has the right to respect for the dignity of their person at work, safe and healthy working conditions, necessary protection at work, limited working hours, daily and weekly rest, paid annual leave, fair remuneration for work and legal protection in the event of termination of employment. No one may waive these rights. Women, young people and the disabled are provided with special protection at work and special working conditions, in accordance with the law.

#### The right to strike

#### Article 61.

Employees have the right to strike, in accordance with the law and collective agreement.  
The right to strike may only be limited by law, in accordance with the nature or type of activity.

#### The right to marry and equality of spouses

##### Article 62.

Everyone has the right to freely decide on the conclusion and dissolution of marriage.  
Marriage is concluded on the basis of the freely given consent of a man and a woman before a state authority.

The conclusion, duration and dissolution of marriage are based on the equality of men and women.  
Marriage and relations in marriage and the family are regulated by law.  
An extramarital union is equated with marriage, in accordance with the law.

#### Freedom to decide about childbirth

##### Article 63.

Everyone has the right to freely decide on having children.  
The Republic of Serbia encourages parents to decide to have children and assists them in doing so.

#### Child rights

##### Article 64.

Children enjoy human rights appropriate to their age and mental maturity.  
Every child has the right to a personal name, to be registered in the birth register, to know their origins and to preserve their identity.  
Children are protected from psychological, physical, economic and any other exploitation or abuse.  
Children born out of wedlock have the same rights as children born in wedlock.  
The rights of the child and their protection are regulated by law.

#### Rights and duties of parents

##### Article 65.

Parents have the right and duty to support, raise and educate their children, and they are equal in this. All or some of these rights may be taken away or restricted from one or both parents only by court decision, if this is in the best interests of the child, in accordance with the law.

#### Special protection of the family, mother, single parent and child

##### Article 66.

The family, mother, single parent and child in the Republic of Serbia enjoy special protection, in accordance with the law.

The mother is provided with special support and protection before and after childbirth. Special protection is provided to children who are not cared for by their parents and to children who are mentally or physically disabled.

Children under the age of 15 may not be employed, nor, if they are under the age of 18, may they work in jobs harmful to their health or morals.

##### Right to legal aid

##### Article 67.

Everyone is guaranteed the right to legal aid under the conditions determined by law. Legal aid is provided by the legal profession, as an autonomous and independent service, and by legal aid services established in local self-government units, in accordance with the law. The law determines when legal aid is free of charge.

##### Health care

##### Article 68.

Everyone has the right to protection of their physical and mental health. Children, pregnant women, mothers on maternity leave, single parents with children under the age of seven and the elderly shall receive health care from public funds, unless they receive it in another way, in accordance with the law.

Health insurance, health care and the establishment of health funds shall be regulated by law.  
The Republic of Serbia shall support the development of health and physical culture.

#### Social protection

##### Article 69.

Citizens and families who need social assistance to overcome social and life difficulties and create conditions for meeting basic life needs have the right to social protection, the provision of which is based on the principles of social justice, humanism and respect for human dignity. The rights of employees and their families to social security and insurance are regulated by law. An employee has the right to compensation for wages in the event of temporary incapacity for work, as well as the right to compensation in the event of temporary unemployment, in accordance with the law. The disabled, war veterans and victims of war are provided with special protection, in accordance with the law.

Social insurance funds are established in accordance with the law.

#### Pension insurance

##### Article 70.

Pension insurance is regulated by law.

The Republic of Serbia ensures the economic security of pensioners.

#### The right to education

##### Article 71.

Everyone has the right to education.

Primary education is compulsory and free of charge, and secondary education is free.

All citizens have equal access to higher education. The Republic of Serbia shall provide successful and talented students from disadvantaged backgrounds with free higher education, in accordance with the law.

The establishment of schools and universities shall be regulated by law.

## University autonomy

### Article 72.

The autonomy of universities, higher education and scientific institutions is guaranteed. Universities, higher education and scientific institutions independently decide on their organization and work, in accordance with the law.

## Freedom of scientific and artistic creation

### Article 73.

Scientific and artistic creation is free. Authors of scientific and artistic works are guaranteed moral and material rights, in accordance with the law.

The Republic of Serbia encourages and assists the development of science, culture and art.

## Healthy environment

### Article 74.

Everyone has the right to a healthy environment and to timely and complete information about its condition.

Everyone, and in particular the Republic of Serbia and the autonomous province, is responsible for the protection of the environment.

Everyone is obliged to preserve and improve the environment.

## 3. Rights of members of national minorities

### Basic provision

### Article 75.

In addition to the rights guaranteed to all citizens by the Constitution, members of national minorities are guaranteed additional, individual or collective rights. Individual rights are exercised individually, and collective rights in community with others, in accordance with the Constitution, law and international



treaties.

Through collective rights, members of national minorities, directly or through their representatives, participate in decision-making or decide on their own on certain issues related to their culture, education, information and the official use of language and script, in accordance with the law. In order to exercise the right to self-government in culture, education, information and the official use of language and script, members of national minorities may elect their own national councils, in accordance with the law.

#### Prohibition of discrimination against national minorities

##### Article 76.

Members of national minorities are guaranteed equality before the law and equal legal protection. Any discrimination on the grounds of belonging to a national minority is prohibited. Special regulations and temporary measures that the Republic of Serbia may introduce in economic, social, cultural and political life, in order to achieve full equality between members of a national minority and citizens belonging to the majority, shall not be considered discrimination if they are aimed at eliminating particularly unfavorable living conditions that particularly affect them.

#### Equality in the conduct of public affairs

##### Article 77.

Members of national minorities have, under the same conditions as other citizens, the right to participate in the management of public affairs and to hold public office. When employing people in state bodies, public services, bodies of autonomous provinces and units of local self-government, account shall be taken of the national composition of the population and of the appropriate representation of members of national minorities.

#### Prohibition of forced assimilation

##### Article 78.

The forcible assimilation of members of national minorities is prohibited. The protection of members of national minorities from any action aimed at their forcible assimilation shall be regulated by law. It is prohibited to take measures that would cause an artificial change in the national composition of the population in areas where members of national minorities live traditionally and in significant numbers.

#### The right to preserve individuality

##### Article 79.

Members of national minorities have the right: to express, preserve, nurture, develop and publicly express their national, ethnic, cultural and religious identity; to use their symbols in public places; to use their language and script; to conduct proceedings in their language in areas where they constitute a significant population, state bodies, organizations entrusted with public powers, bodies of autonomous regions and local self-government units; to receive education in their own language in state institutions and institutions of autonomous regions; to establish private educational institutions; to use their first and last name in their own language; to have traditional local names, street names, settlements and topographic marks written in their own language in areas where they constitute a significant population; to receive full, timely and impartial information in their own language, including the right to express, receive, send and exchange information and ideas; to establish their own means of public information, in accordance with the law. In accordance with the Constitution, on the basis of the law, provincial regulations may establish additional rights for members of national minorities.

#### The right to association and cooperation with compatriots

##### Article 80.

Members of national minorities may establish educational and cultural associations, which they finance voluntarily.

The Republic of Serbia recognizes the special role of educational and cultural associations of national minorities in the exercise of the rights of members of national minorities.

Members of national minorities have the right to unhindered relations and cooperation with compatriots outside the territory of the Republic of Serbia.

#### Developing a spirit of tolerance

##### Article 81.

In the fields of education, culture and information, Serbia encourages the spirit of tolerance and intercultural dialogue and takes effective measures to promote mutual respect, understanding and cooperation among all people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity.

### PART THREE - ECONOMIC REGULATION AND PUBLIC FINANCES

#### 1. Economic regulation

##### Basic principles

##### Article 82.

The economic system in the Republic of Serbia is based on a market economy, an open and free market, freedom of entrepreneurship, independence of economic entities and equality of private and other forms of property.

The Republic of Serbia is a single economic area with a single market for goods, labor, capital and services.

The impact of the market economy on the social and economic position of employees is coordinated through social dialogue between trade unions and employers.

##### Freedom of enterprise

##### Article 83.

Entrepreneurship is free.

Entrepreneurship may be restricted by law, for the purpose of protecting human health, the environment and natural resources, and for the security of the Republic of Serbia.

##### Market position

#### Article 84.

Everyone has an equal legal position in the market. Acts that, contrary to the law, restrict free competition, by creating or abusing a monopoly or dominant position, are prohibited. Rights acquired by investing capital on the basis of the law cannot be reduced by law. Foreign persons are equal in the market with domestic persons.

#### Property rights of foreigners

#### Article 85.

Foreign individuals and legal entities may acquire ownership of real estate, in accordance with the law or international treaty. Foreigners may acquire the right to concession on natural resources and goods of general interest, as well as other rights determined by law.

#### Equality of all forms of property

#### Article 86.

Private, cooperative and public property are guaranteed. Public property is state property, property of an autonomous province and property of a local self-government unit. All forms of property have equal legal protection. Existing social property is converted into private property under the conditions, in the manner and within the time limits prescribed by law. Funds from public property are alienated in the manner and under the conditions established by law.

#### State property

#### Article 87.

Natural resources, assets designated by law as being of general interest, and property used by the authorities of the Republic of Serbia are state property. State property may also include other things and

rights, in accordance with the law.  
Natural and legal persons may acquire individual rights to certain assets in general use, under the conditions and in the manner prescribed by law.  
Natural resources are used under the conditions and in the manner prescribed by law.  
The property of autonomous provinces and local self-government units, the manner of its use and disposal, shall be regulated by law.

#### Land

##### Article 88.

The use and disposal of agricultural land, forest land and urban construction land in private ownership is free.

The law may limit the forms of use and disposal, or prescribe conditions for use and disposal in order to eliminate the risk of causing damage to the environment or to prevent the violation of the rights and legally based interests of other persons.

#### Heritage preservation

##### Article 89.

Everyone is obliged to preserve natural rarities and scientific, cultural and historical heritage, as goods of general interest, in accordance with the law.  
The Republic of Serbia, autonomous provinces and local self-government units have a special responsibility for the preservation of heritage.

#### Consumer protection

##### Article 90.

The Republic of Serbia protects consumers.  
Actions directed against the health, safety and privacy of consumers, as well as all unfair practices in the market, are particularly prohibited.

## 2. Public finances

### Taxes and other revenues

#### Article 91.

The funds from which the competencies of the Republic of Serbia, autonomous provinces and local self-government units are financed are provided from taxes and other revenues established by law. The obligation to pay taxes and other duties is general and is based on the economic power of the taxpayer.

### Budget

#### Article 92.

The Republic of Serbia, autonomous provinces and local self-government units have budgets that must show all revenues and expenditures used to finance their competencies. The law shall determine the deadlines within which the budget must be adopted and the method of temporary financing. The implementation of all budgets shall be controlled by the State Audit Institution. The National Assembly shall consider the draft final budget statement upon obtaining the opinion of the State Audit Institution.

### Public debt

#### Article 93.

The Republic of Serbia, autonomous provinces and local self-government units may borrow. The conditions and procedure for borrowing shall be regulated by law.

### Equalization of development

#### Article 94.

The Republic of Serbia shall ensure balanced and sustainable regional development, in accordance with the law.

## National Bank of Serbia

### Article 95.

The National Bank of Serbia is the central bank of the Republic of Serbia, independent and subject to the supervision of the National Assembly, to which it is accountable. The National Bank of Serbia is managed by a Governor, who is elected by the National Assembly. A law shall be passed on the National Bank of Serbia.

## State auditing institution

### Article 96.

The State Audit Institution is the highest state body for the audit of public funds in the Republic of Serbia, it is independent and subject to the supervision of the National Assembly, to which it is accountable. A law shall be adopted on the State Audit Institution.

## PART FOUR - JURISDICTION OF THE REPUBLIC OF SERBIA

### Jurisdiction of the Republic of Serbia

#### Article 97.

The Republic of Serbia regulates and ensures:

1. the sovereignty, independence, territorial integrity and security of the Republic of Serbia, its international position and relations with other states and international organizations;
2. the exercise and protection of freedoms and rights of citizens; constitutionality and legality; proceedings before courts and other state bodies; liability and sanctions for violations of freedoms and rights of citizens established by the Constitution and for violations of laws, other regulations and general acts; amnesties and pardons for criminal offenses;
3. the territorial organization of the Republic of Serbia; the system of local self-government;
4. the defense and security of the Republic of Serbia and its citizens; measures in case of a state of

emergency;

5. the system of border crossing and control of the movement of goods, services and passenger traffic across the border; the status of foreigners and foreign legal entities;
6. the single market; the legal status of economic entities; the system of performing certain economic and other activities; commodity reserves; monetary, banking, foreign exchange and customs system; economic relations with foreign countries; system of credit relations with foreign countries; tax system;
7. property and obligation relations and protection of all forms of property;
8. system in the field of labor relations, occupational safety, employment, social insurance and other forms of social security; other economic and social relations of general interest;
9. sustainable development; system of environmental protection and improvement; protection and improvement of flora and fauna; production, trade and transport of weapons, poisonous, flammable, explosive, radioactive and other dangerous substances;
10. system in the fields of health, social protection, veterans and disabled people's protection, childcare, education, culture and protection of cultural property, sports, public information; system of public services;
11. control of the legality of the disposal of funds of legal entities; financial audit of public funds; collection of statistical and other data of general interest;
12. development of the Republic of Serbia, policy and measures to encourage the balanced development of individual parts of the Republic of Serbia, including the development of underdeveloped areas; organization and use of space; scientific and technological development;
13. regime and safety in all types of transport;
14. holidays and decorations of the Republic of Serbia;
15. financing the exercise of the rights and duties of the Republic of Serbia, established by the Constitution and law;
16. organization, competence and work of republican bodies;
17. other relations of interest to the Republic of Serbia, in accordance with the Constitution.

## PART FIVE - ORGANIZATION OF GOVERNMENT

### 1. National Assembly



## Position of the National Assembly

### Article 98.

The National Assembly is the highest representative body and the bearer of constitutional and legislative power in the Republic of Serbia.

### Jurisdiction

### Article 99.

The National Assembly:

1. adopts and amends the Constitution,
2. decides on changes to the borders of the Republic of Serbia,
3. calls a republican referendum,
4. ratifies international treaties when the law provides for the obligation to ratify them,
5. decides on war and peace and declares a state of war and emergency,
6. supervises the work of the security services,
7. adopts laws and other general acts within the competence of the Republic of Serbia,
8. gives prior consent to the statute of an autonomous province,
9. adopts the defense strategy,
10. adopts the development plan and spatial plan,
11. adopts the budget and final accounts of the Republic of Serbia, at the proposal of the Government,
12. grants amnesty for criminal offenses.

Within the framework of its electoral rights, the National Assembly:

1. elects the Government, supervises its work and decides on the termination of the mandate of the Government and ministers,
2. elects and dismisses judges of the Constitutional Court,
3. Elects four members of the High Judicial Council, four members of the High Prosecutorial Council, and elects the Supreme Public Prosecutor and decides on the termination of his/her function,

4. elects and dismisses the Governor of the National Bank of Serbia and supervises his work,
5. elects and dismisses the Ombudsman and supervises his work,
6. elects and dismisses other officials determined by law.

The National Assembly also performs other duties specified by the Constitution and law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment II)

#### Composition of the National Assembly

##### Article 100.

The National Assembly consists of 250 members of parliament, who are elected in direct elections, by secret ballot, in accordance with the law.

The National Assembly ensures equality and representation of genders and representatives of national minorities, in accordance with the law.

#### Election of Members of Parliament and constitution of the National Assembly

##### Article 101.

The elections for members of the National Assembly shall be called by the President of the Republic 90 days before the expiry of the term of office of the National Assembly, so that the elections shall be concluded within the next 60 days.

The first session of the National Assembly shall be called by the President of the National Assembly from the previous convocation, so that the session shall be held no later than 30 days from the date of the announcement of the final election results.

The National Assembly shall confirm the mandates of the members of the National Assembly at its first session.

The National Assembly shall be constituted by confirming the mandates of two-thirds of the members of the National Assembly.

An appeal may be lodged against the decision taken in connection with the confirmation of the mandates to the Constitutional Court, which shall decide on it within 72 hours.

By confirming the mandates of two-thirds of the members of the National Assembly, the mandate of the previous convocation of the National Assembly shall cease.

#### Position of MPs

##### Article 102.

The mandate of a Member of Parliament shall commence on the day of confirmation of the mandate in the National Assembly and shall last for four years, or until the termination of the mandate of the Members of Parliament of that convocation of the National Assembly.

A Member of Parliament shall be free to, under the conditions specified by law, irrevocably place his mandate at the disposal of the political party on whose proposal he was elected as a Member of Parliament.

A Member of Parliament may not be a Member of Parliament in the Assembly of an autonomous province, nor an official in the bodies of executive power and the judiciary, nor may he perform other functions, tasks and duties that are determined by law to constitute a conflict of interest.

The election, termination of the mandate and position of Members of Parliament shall be regulated by law.

#### Immunity of a Member of Parliament

##### Article 103.

A Member of Parliament shall enjoy immunity.

A Member of Parliament may not be held criminally or otherwise liable for an opinion expressed or a vote cast in the performance of his or her parliamentary function.

A Member of Parliament who has invoked immunity may not be detained, nor may criminal or other proceedings be initiated against him or her in which a prison sentence may be imposed, without the approval of the National Assembly.

A Member of Parliament who is caught committing a criminal offence punishable by imprisonment for a term exceeding five years may be detained without the approval of the National Assembly.

In criminal or other proceedings in which immunity has been established, the time limits prescribed for that procedure shall not run.

Failure to invoke immunity on a Member of Parliament shall not exclude the right of the National Assembly to establish immunity.

#### President and Vice-Presidents of the National Assembly

##### Article 104.

The National Assembly, by a majority vote of all members of the National Assembly, elects the President and one or more Vice-Presidents of the National Assembly.

The President of the National Assembly represents the National Assembly, convenes its sessions, presides over them and performs other duties specified by the Constitution, law and the Rules of Procedure of the National Assembly.

#### Decision-making process in the National Assembly

##### Article 105.

The National Assembly makes decisions by a majority vote of the members of the National Assembly at a session at which a majority of the members of the National Assembly are present.

By a majority vote of all members of the National Assembly, the National Assembly:

1. grants amnesty for criminal offenses,
2. declares and terminates a state of emergency,
3. prescribes measures of derogation from human and minority rights during a state of war and emergency,
4. enacts a law by which the Republic of Serbia entrusts certain issues within its jurisdiction to autonomous provinces and local self-government units,
5. gives prior consent to the statute of an autonomous province,
6. decides on its Rules of Procedure,
7. waives the immunity of members of the National Assembly, the President of the Republic, members of the Government and the Protector of Citizens,
8. adopts the budget and final accounts,
9. elects members of the Government and decides on the termination of the mandate of the Government

and ministers,  
10. decides on the response to an interpellation,

11. elects judges of the Constitutional Court and decides on their dismissal and termination of their mandate,

*Items 12 and 13 have been deleted (see Amendment III - 115/2021-3)*

14. elects and dismisses the Governor of the National Bank of Serbia, the Council of Governors and the Ombudsman,

15. exercises other electoral powers of the National Assembly.

By a majority vote of all members of the National Assembly, the National Assembly decides on laws regulating:

1. referendum and popular initiative,
2. enjoyment of individual and collective rights of members of national minorities,
3. development plan and spatial plan,
4. public borrowing,
5. territory of autonomous provinces and local self-government units,
6. conclusion and ratification of international treaties,
7. other issues determined by the Constitution.

By a two-thirds majority of all deputies, the National Assembly elects four members of the High Judicial Council and four members of the High Prosecutorial Council, and by a three-fifths majority of all deputies, it elects the Supreme Public Prosecutor and decides on the termination of his or her function.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment III)

#### Sessions

#### Article 106.

The National Assembly meets in two regular sessions per year. The first regular session begins on the first working day in March, and the second regular session begins on the first working day in October. A regular session may not last longer than 90 days.

The National Assembly meets in extraordinary session at the request of at least one third of the members of the National Assembly or at the request of the Government, with a pre-determined agenda. The National Assembly meets without a summons after the declaration of a state of war or emergency.

#### The right to propose laws

##### Article 107.

The right to propose laws, other regulations and general acts is vested in every member of parliament, the Government, the assembly of an autonomous province or at least 30,000 voters. The Ombudsman and the National Bank of Serbia have the right to propose laws within their jurisdiction.

#### Referendum

##### Article 108.

At the request of a majority of all members of parliament or at least 100,000 voters, the National Assembly shall call a referendum on a matter within its competence, in accordance with the Constitution and the law. The subject of a referendum may not be obligations arising from international treaties, laws relating to human and minority rights and freedoms, tax and other financial laws, the budget and final accounts, the introduction of a state of emergency and amnesties, or issues relating to the electoral competences of the National Assembly.

#### Dissolution of the National Assembly

##### Article 109.

The President of the Republic may, upon a reasoned proposal from the Government, dissolve the National Assembly.

The Government may not propose the dissolution of the National Assembly if a motion of no confidence has been submitted or if it has raised a question of its own confidence.

The National Assembly shall be dissolved if it fails to elect a Government within 90 days of its constitution.

The National Assembly may not be dissolved during a state of war or emergency.

The President of the Republic shall be obliged to dissolve the National Assembly by decree in cases specified

by the Constitution.  
Simultaneously with the dissolution of the National Assembly, the President of the Republic shall call elections for members of the National Assembly, so that the elections shall be concluded no later than 60 days from the date of the call.  
The National Assembly that has been dissolved shall perform only current or urgent business, as specified by law. In the event of a declaration of a state of war or emergency, its full jurisdiction is re-established, which lasts until the end of the state of war or emergency.

#### Law on the National Assembly

##### Article 110.

A law is being passed on the National Assembly.

#### 2. President of the Republic

##### Position of the President of the Republic

##### Article 111.

The President of the Republic expresses the state unity of the Republic of Serbia.

##### Jurisdiction

##### Article 112.

The President of the Republic:

1. represents the Republic of Serbia at home and abroad,
2. promulgates laws by decree, in accordance with the Constitution,
3. proposes to the National Assembly a candidate for Prime Minister, after hearing the opinion of the representatives of the elected electoral lists,
4. proposes to the National Assembly office holders, in accordance with the Constitution and the law,
5. appoints and recalls ambassadors of the Republic of Serbia by decree based on the proposal of the Government,

6. receives letters of credence and recall from foreign diplomatic representatives,
7. grants pardons and decorations,
8. performs other duties specified by the Constitution.

The President of the Republic, in accordance with the law, commands the Army and appoints, promotes and dismisses officers of the Serbian Army.

#### Proclamation of the law

##### Article 113.

The President of the Republic is obliged to issue a decree promulgating the law no later than 15 days from the date of adoption of the law, or no later than seven days if the law was adopted under an urgent procedure, or to return the law, with a written explanation, to the National Assembly for reconsideration. If the National Assembly decides to vote again on the law that the President of the Republic has returned for reconsideration, the law shall be adopted by a majority of the total number of deputies. The President of the Republic is obliged to promulgate the re-voted law. If the President of the Republic fails to issue a decree promulgating the law within the time limit provided for by the Constitution, the decree shall be issued by the President of the National Assembly.

#### Choice

##### Article 114.

The President of the Republic is elected in direct elections, by secret ballot, in accordance with the law. The elections for the President of the Republic are called by the President of the National Assembly 90 days before the expiration of the term of office of the President of the Republic, so that the elections are concluded within the next 60 days, in accordance with the law. Upon assuming office, the President of the Republic takes an oath before the National Assembly, which reads:

"I swear that I will devote all my efforts to preserving the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its integral part, as well as to exercising human and



minority rights and freedoms, respecting and defending the Constitution and law, preserving peace and the well-being of all citizens of the Republic of Serbia, and that I will conscientiously and responsibly fulfill all my duties."

#### Function incompatibility

##### Article 115.

The President of the Republic may not perform any other public function or professional activity.

#### Mandate

##### Article 116.

The term of office of the President of the Republic shall be five years and shall commence on the day of taking the oath before the National Assembly.

If the term of office of the President of the Republic expires during a state of war or emergency, it shall be extended until the expiration of three months from the date of the cessation of the state of war or emergency.

No one may be elected President of the Republic more than twice.

The term of office of the President of the Republic shall terminate upon the expiration of the term for which he was elected, upon resignation or dismissal.

The President of the Republic shall submit his resignation to the President of the National Assembly.

#### Resignation

##### Article 117.

When the President of the Republic resigns, he shall notify the public and the President of the National Assembly thereof.

On the day of resignation, the term of office of the President of the Republic shall cease.

#### Resolution

##### Article 118.

The President of the Republic shall be dismissed for violation of the Constitution by a decision of the National Assembly, by a vote of at least two-thirds of the members of the National Assembly. The procedure for dismissal may be initiated by the National Assembly, upon a proposal by at least one-third of the members of the National Assembly. The Constitutional Court shall be obliged to decide on the existence of a violation of the Constitution within 45 days of the initiated procedure for dismissal.

#### Immunity

##### Article 119.

The President of the Republic enjoys immunity as a member of the people's parliament. The immunity of the President of the Republic is decided by the National Assembly.

#### Replacing the President of the Republic

##### Article 120.

When the President of the Republic is prevented from performing his duties or his term of office ends before the expiration of the term for which he was elected, he shall be replaced by the President of the National Assembly.

The President of the National Assembly may replace the President of the Republic for a maximum of three months.

The President of the National Assembly is obliged to call elections for the President of the Republic so that they are held no later than three months from the occurrence of the President of the Republic's prevention or the termination of the term for which he was elected.

#### Law on the President of the Republic

##### Article 121.

A law shall be passed on the President of the Republic.

### 3. Government

## Government position

### Article 122.

The Government is the holder of executive power in the Republic of Serbia.

### Jurisdiction

### Article 123.

The Government:

1. establishes and conducts policy,
2. implements laws and other general acts of the National Assembly,
3. adopts regulations and other general acts for the purpose of implementing laws,
4. proposes laws and other general acts to the National Assembly and gives its opinion on them when they are submitted by another proposer,
5. directs and coordinates the work of state administration bodies and supervises their work,
6. performs other tasks specified by the Constitution and law.

## Government Responsibility

### Article 124.

The Government is responsible to the National Assembly for the policy of the Republic of Serbia, for the implementation of laws and other general acts of the National Assembly, and for the work of state administration bodies.

## Prime Minister and members of the Government

### Article 125.

The Government consists of the Prime Minister, one or more Deputy Prime Ministers and ministers. The Prime Minister leads and directs the work of the Government, ensures the uniform political action of the Government, coordinates the work of the members of the Government and represents the Government.

Ministers are responsible for their work and for the situation in the area within the scope of their ministry to the Prime Minister, the Government and the National Assembly.

#### Function incompatibility

##### Article 126.

A member of the Government may not be a member of the National Assembly, a member of the Assembly of an autonomous province, or a councilor of a local self-government unit, nor a member of the executive council of an autonomous province or the executive body of a local self-government unit. The law shall regulate which other functions, jobs, or private interests conflict with the position of a member of the Government.

#### Election of the Government

##### Article 127.

The candidate for Prime Minister shall be proposed to the National Assembly by the President of the Republic, after hearing the opinions of the representatives of the elected electoral lists. The candidate for Prime Minister shall present the Government's programme to the National Assembly and propose its composition. The National Assembly shall simultaneously vote on the Government's programme and on the election of the Prime Minister and members of the Government. The Government shall be elected if a majority of the total number of Members of Parliament have voted in favour of its election.

#### Beginning and end of the mandate of the Government and members of the Government

##### Article 128.

The mandate of the Government shall last until the expiration of the mandate of the National Assembly that elected it. The mandate of the Government shall begin on the day of taking the oath before the National Assembly. The mandate of the Government shall terminate before the expiration of the term for which it was elected,

by a vote of no confidence, the dissolution of the National Assembly, the resignation of the Prime Minister and in other cases established by the Constitution. The Government whose mandate has expired may only perform the duties specified by law, until the election of a new Government. The Government whose mandate has expired may not propose the dissolution of the National Assembly. The mandate of a member of the Government shall terminate before the expiration of the term for which he was elected, by the declaration of resignation, a vote of no confidence in the National Assembly and dismissal by the National Assembly, at the proposal of the Prime Minister.

#### Interpellation

##### Article 129.

At least 50 members of parliament may submit an interpellation regarding the work of the Government or an individual member of the Government. The Government is obliged to respond to the interpellation within 30 days. The National Assembly shall discuss and vote on the response submitted to the interpellation by the Government or the member of the Government to whom the interpellation was addressed. By voting to accept the response, the National Assembly shall continue to work according to the adopted agenda.

If the National Assembly does not accept the response of the Government or a member of the Government by voting, a vote of no confidence in the Government or a member of the Government shall be held, unless the Prime Minister or a member of the Government has previously resigned after the response to the interpellation was not accepted. The issue that was the subject of the interpellation may not be discussed again before the expiry of the 90-day period.

#### Vote of no confidence in the Government or a member of the Government

##### Article 130.

A vote of no confidence in the Government or an individual member of the Government may be requested by at least 60 Members of Parliament. The National Assembly shall consider a motion of no confidence in the Government or an individual member of the Government at the first subsequent session, and no earlier than five days after the motion is submitted. After the discussion, a vote on the motion shall be taken. The National Assembly shall have accepted a motion of no confidence in the Government or a member of the Government if more than half of all Members of Parliament have voted for it. If the National Assembly votes no confidence in the Government, the President of the Republic shall initiate the procedure for the election of a new Government. If the National Assembly fails to elect a new Government within 30 days of the vote of no confidence, the President of the Republic shall dissolve the National Assembly and call elections. If the National Assembly votes no confidence in a member of the Government, the President of the Government shall initiate the procedure for the election of a new member of the Government, in accordance with the law. If the Government or a member of the Government is not voted on by a vote of no confidence, the signatories of the motion may not submit a new motion for a vote of no confidence before the expiration of the 180-day period.

#### Vote of confidence in the Government

##### Article 131.

The Government may request a vote of confidence in itself. A motion for a vote of confidence in the Government may, at the request of the Government, also be considered at a session of the National Assembly that is in progress, and if the Government has not submitted such a request, the motion shall be considered at the first subsequent session, and no earlier than five days after its submission. After the end of the debate, a vote on the motion shall be taken. The National Assembly shall have accepted a motion for a vote of confidence in the Government if more than half of all members of the National Assembly have voted for it.

If the National Assembly does not vote of confidence in the Government, the Government's term of office shall cease, and the President of the Republic shall be obliged to initiate the procedure for the election of a new Government. If the National Assembly does not elect a new Government within 30 days of the date of the non-vote of confidence, the President of the Republic shall be obliged to dissolve the National Assembly and call elections.

#### Resignation of the Prime Minister

##### Article 132.

The Prime Minister may submit his resignation to the National Assembly. The Prime Minister shall submit his resignation to the President of the National Assembly and shall simultaneously notify the President of the Republic and the public thereof. The National Assembly shall, at its first subsequent session, acknowledge the resignation of the Prime Minister. The term of office of the Government shall end on the date of the acknowledgement of the resignation of the Prime Minister. When the National Assembly acknowledges the resignation of the Prime Minister, the President of the Republic shall initiate the procedure for the election of a new Government. If the National Assembly fails to elect a new Government within 30 days of the date of the acknowledgement of the resignation of the Prime Minister, the President of the Republic shall dissolve the National Assembly and call elections.

#### Resignation and dismissal of a member of the Government

##### Article 133.

A member of the Government may submit his resignation to the Prime Minister. The Prime Minister shall submit the resignation of the member of the Government to the President of the National Assembly, and the National Assembly shall, at its first subsequent session, acknowledge the resignation.

The Prime Minister may propose to the National Assembly the dismissal of an individual member of the

Government.

The National Assembly shall consider and vote on the proposal for the dismissal of a member of the Government at its first subsequent session.

A decision to dismiss a member of the Government shall be adopted if a majority of the total number of deputies voted in favour of it.

The term of office of a member of the Government who has submitted his resignation shall terminate on the date of the acknowledgement of the resignation, and of a member of the Government who has been dismissed, on the date of the decision on dismissal.

The position and powers of a member of the Government who has submitted his resignation or in respect of whom a proposal for dismissal has been submitted, until the termination of his term of office, shall be regulated by law.

The Prime Minister is obliged, upon the termination of the mandate of a member of the Government due to resignation or dismissal, to initiate the procedure for the election of a new member of the Government, in accordance with the law.

#### Immunity of the President and members of the Government

##### Article 134.

The Prime Minister and a member of the Government shall not be held liable for the opinion expressed at a session of the Government or the National Assembly, or for voting at a session of the Government.

The Prime Minister and a member of the Government shall enjoy immunity as a member of the People's Assembly. The Government shall decide on the immunity of the Prime Minister and a member of the Government.

#### Law on Government

##### Article 135.

A law is passed on the Government.

#### Position of state administration



#### Article 136.

The state administration is independent, bound by the Constitution and the law, and is responsible for its work to the Government.

The affairs of the state administration are carried out by ministries and other state administration bodies determined by law. The affairs of the state administration and the number of ministries are determined by law.

The internal organization and organization of ministries and other state administration bodies are prescribed by the Government.

#### Delegation of public powers and public service

#### Article 137.

In the interest of more efficient and rational exercise of the rights and obligations of citizens and meeting their needs of immediate interest for life and work, the law may entrust the performance of certain tasks within the competence of the Republic of Serbia to an autonomous province and a unit of local self-government.

Certain public powers may also be entrusted by law to enterprises, institutions, organizations and individuals.

Public powers may also be entrusted by law to special bodies through which the regulatory function is exercised in certain areas or activities.

The Republic of Serbia, autonomous provinces and units of local self-government may establish public services.

The activities and tasks for which public services are established, their organization and operation shall be prescribed by law.

#### 5. Ombudsman

#### Article 138.

The Ombudsman is an independent state body that protects the rights of citizens and controls the work of state administration bodies, the body responsible for the legal protection of property rights and interests of the Republic of Serbia, as well as other bodies and organizations, enterprises and institutions entrusted with public powers.

The Ombudsman is not authorized to control the work of the National Assembly, the President of the Republic, the Government, the Constitutional Court, courts and public prosecutor's offices.

The Ombudsman is elected and dismissed by the National Assembly, in accordance with the Constitution and law.

The Ombudsman is accountable to the National Assembly for his work.

The Ombudsman enjoys immunity as a member of the people. The National Assembly decides on the immunity of the Ombudsman.

A law shall be adopted on the Ombudsman.

## 6. Serbian Army

### Jurisdiction

#### Article 139.

The Serbian Armed Forces defend the country from external armed threats and carry out other missions and tasks, in accordance with the Constitution, law and principles of international law regulating the use of force.

### Use of the Serbian Armed Forces outside the borders

#### Article 140.

The Serbian Armed Forces may be used outside the borders of the Republic of Serbia only upon the decision of the National Assembly of the Republic of Serbia.

### Control over the Serbian Army

#### Article 141.

The Serbian Army is under democratic and civilian control.  
A law is being passed on the Serbian Army.

## 7. Courts

### Principles of the judiciary

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment IV)

#### Article 142.

Judicial power belongs to the courts, which are independent.  
Judicial power is unique on the territory of the Republic of Serbia.  
Judicial decisions are made in the name of the people.  
A judicial decision may be reviewed only by the competent court in a procedure prescribed by law, as well as by the Constitutional Court in a procedure based on a constitutional complaint.  
A sentence imposed by pardon or amnesty may be remitted in whole or in part, without a court decision.  
Hearings before the court are public, and the public may be excluded in accordance with the Constitution.  
The law may prescribe that, in addition to judges, lay judges also sit in judgment.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment IV)

### Court Regulation

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment V)

#### Article 143.

The establishment, abolition, types, jurisdiction, areas and seats of courts, the composition of the court and the procedure before the courts shall be regulated by law.  
The highest court in the Republic of Serbia is the Supreme Court.  
The establishment of special, temporary or extraordinary courts is prohibited.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment V)

### Independence of judges

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VI)

Article 144.

A judge is independent and judges on the basis of the Constitution, ratified international treaties, laws, generally accepted rules of international law and other general acts, adopted in accordance with the law. Any undue influence on a judge in the performance of his or her judicial function is prohibited.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VI)

Conditions for the selection of judges

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VII)

Article 145.

The conditions for the election of judges and the conditions for the election and term of office of lay judges shall be regulated by law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VII)

Permanence of judicial office

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VIII)

Article 146.

The judicial office is permanent.

The judicial office lasts from the time of election until the judge completes his/her term of office.

A judge's office shall cease before the completion of his/her term of office: if he/she so requests, if he/she permanently loses his/her capacity to perform judicial office, if his/her citizenship of the Republic of Serbia ceases, or if he/she is dismissed.

A judge shall be dismissed if he/she is convicted of a criminal offense punishable by imprisonment for at least six months, or if it is established in disciplinary proceedings that he/she has committed a serious disciplinary offense which, in the opinion of the High Judicial Council, seriously harms the reputation of the

judicial office or public trust in the courts.

The decision on the termination of judicial office shall be made by the High Judicial Council.

A judge has the right to appeal to the Constitutional Court against the decision of the High Judicial Council on the termination of office, which excludes the right to a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment VIII)

#### Irremovability of judges

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment IX)

#### Article 147.

A judge has the right to perform his/her judicial function in the court to which he/she was elected and may only be permanently transferred or temporarily assigned to another court with his/her consent, except in the case provided for by the Constitution.

In the event of the abolition of a court, a judge shall be transferred to the court that assumes the jurisdiction of the abolished court.

In the event of the abolition of the predominant part of the jurisdiction of a court, a judge may exceptionally, without his/her consent, be permanently transferred or temporarily assigned to another court of the same level that assumed the predominant part of the jurisdiction.

A judge who is permanently transferred or temporarily assigned to another court shall have the right to retain the salary he/she had in the court from which he/she was transferred or assigned, if it is more favorable to him/her.

A court shall have its predominant part of its jurisdiction abolished if, due to a change in the actual jurisdiction of the court, the establishment of a new court or other case provided for by law, the required number of judges in the court has been reduced.

A judge has the right to appeal to the Constitutional Court against a decision on permanent transfer or temporary assignment, which excludes the right to a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment IX)

## Immunity and incompatibility

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment X)

### Article 148.

A judge may not be held liable for an opinion given in connection with the performance of judicial duties and for voting in the rendering of a judicial decision, except in the event of a criminal act of violation of the law by a judge or public prosecutor.

A judge may not be deprived of liberty without the approval of the High Judicial Council in proceedings initiated for a criminal act committed in the performance of judicial duties.

The law shall regulate which functions, jobs or private interests are incompatible with the function of a judge and lay judge.

Political activity by judges is prohibited.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment X)

### President of the Supreme Court and court presidents

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XI)

### Article 149.

The President of the Supreme Court is elected by the High Judicial Council, upon the opinion of the general session of the Supreme Court, for a term of five years.

The same person may not be re-elected as President of the Supreme Court.

The Presidents of other courts are elected by the High Judicial Council, for a term of five years.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XI)

### High Judicial Council

#### Competence of the High Judicial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XII)

#### Article 150.

The High Judicial Council is an independent state body that ensures and guarantees the independence of courts, judges, court presidents and lay judges. The High Judicial Council elects judges and lay judges and decides on the termination of their functions, elects the President of the Supreme Court and the presidents of other courts and decides on the termination of their functions, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other issues concerning the position of judges, court presidents and lay judges, and exercises other powers specified by the Constitution and law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XII)

#### Composition of the High Judicial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIII)

#### Article 151.

The High Judicial Council shall consist of 11 members: six judges elected by the judges, four eminent lawyers elected by the National Assembly and the President of the Supreme Court. The election of members of the High Judicial Council from among judges shall be regulated by law. When electing judges to the High Judicial Council, the widest possible representation of judges shall be taken into account. The National Assembly shall elect members of the High Judicial Council from among eminent lawyers with at least ten years of experience in the legal profession, from eight candidates proposed by the competent committee of the National Assembly, after a public competition, by the votes of two-thirds of all deputies, in accordance with the law. If the National Assembly does not elect all four members within the period specified by law, the remaining members shall be elected after the expiry of the period specified by law from among all candidates who meet the conditions for election by a commission consisting of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor

and the Ombudsman, by a majority of votes. Presidents of courts may not be elected to the High Judicial Council. A member of the High Judicial Council elected by the National Assembly must be worthy of that office. A member of the High Judicial Council elected by the National Assembly may not be a member of a political party. Other conditions for election and incompatibility with the office of a member of the High Judicial Council elected by the National Assembly shall be regulated by law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIII)

Mandate of members of the High Judicial Council and the President and Vice-President of the High  
Judicial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIV)

Article 152.

A member of the High Judicial Council shall be elected for a term of five years. The same person may not be re-elected to the High Judicial Council. The High Judicial Council shall have a president and a vice-president. The president of the High Judicial Council shall be elected by the High Judicial Council from among its members who are judges, and the vice-president from among its members elected by the National Assembly, for a term of five years. The president of the Supreme Court may not be elected as the president of the High Judicial Council. Before the expiration of the term for which he was elected, the mandate of a member of the High Judicial Council shall terminate if he so requests or if he is convicted of a criminal offense to a prison sentence of at least six months. The mandate of a member who is a judge shall also terminate upon the termination of his function as a judge, and of a member who is not a judge - if he permanently loses his ability to perform the function of a member of the High Judicial Council. The decision on the termination of the mandate of a member of the High Judicial Council shall be made by



the High Judicial Council. An appeal to the Constitutional Court is permitted against the decision, which excludes the right to a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIV)

*The designation for Section 8 and the title Section 8 have been deleted (see Amendment XV - 115/2021-3)*

#### Legal remedy against the decision of the High Judicial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XV)

#### Article 153.

An appeal to the Constitutional Court against a decision of the High Judicial Council is permitted, in cases prescribed by the Constitution and law. An appeal to the Constitutional Court excludes the right to file a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XV)

#### Immunity of members of the High Judicial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVI)

#### Article 154.

Members of the High Judicial Council may not be held accountable for opinions given in connection with the performance of their duties as members of the High Judicial Council and for voting in decisions of the High Judicial Council.

Members of the High Judicial Council may not, without the approval of the High Judicial Council, be deprived of their liberty in proceedings initiated for a criminal offense committed by them as members of the High Judicial Council.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVI)

#### 8. Public Prosecutor's Offices

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVII)

## Position

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVII)

### Article 155.

The Public Prosecutor's Office is a single and independent state body that prosecutes perpetrators of criminal and other punishable offenses and exercises other powers to protect the public interest determined by law.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution, ratified international treaties, laws, generally accepted rules of international law and other general acts, adopted in accordance with the law.

No one outside the Public Prosecutor's Office may influence the Public Prosecutor's Office and the holders of the public prosecutor's office in the conduct and decision-making in a particular case.

The establishment, abolition, organization and powers of the Public Prosecutor's Office are regulated by law.

The highest public prosecutor's office in the Republic of Serbia is the Supreme Public Prosecutor's Office, headed by the Supreme Public Prosecutor.

The function of the Public Prosecutor's Office is performed by the Supreme Public Prosecutor, chief public prosecutors and public prosecutors.

The Supreme Public Prosecutor and the Chief Public Prosecutor in the management of public prosecutors' offices have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.

Hierarchical powers and legal remedies against them are regulated in more detail by law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVII)

*The designation for Section 9 and the title Section 9 have been deleted (see Amendment XVIII - 115/2021-3)*

## Responsibility

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVIII)

Article 156.

The Supreme Public Prosecutor is accountable for the work of the Public Prosecutor's Office and his/her own work to the National Assembly. The Supreme Public Prosecutor is not accountable to the National Assembly for the conduct of an individual case.

The Chief Public Prosecutor is accountable for the work of the Public Prosecutor's Office and his/her own work to the Supreme Public Prosecutor and the immediately superior Chief Public Prosecutor, in accordance with the law.

Public prosecutors are accountable for their work to the Chief Public Prosecutor, in accordance with the law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XVIII)

Mandatory instructions for the conduct of the Chief Public Prosecutor and public prosecutors

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIX)

Article 157.

The Supreme Public Prosecutor shall issue general mandatory instructions for the conduct of all Chief Public Prosecutors in order to achieve legality, efficiency and uniformity in proceedings.

The immediately superior Chief Public Prosecutor may issue a mandatory instruction to a lower Chief Public Prosecutor for proceedings in a particular case if there is doubt about the efficiency or legality of his proceedings. The Supreme Public Prosecutor may issue such an instruction to any Chief Public Prosecutor.

The Chief Public Prosecutor may issue a mandatory instruction for work and proceedings to a public prosecutor.

The Chief Public Prosecutor and a public prosecutor are obliged to act in accordance with the mandatory instruction.

A lower Chief Public Prosecutor or public prosecutor who considers that the mandatory instruction is illegal or unfounded has the right to object, in accordance with the law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XIX)

Election and termination of the function of the Supreme Public Prosecutor and the Chief Public  
Prosecutor

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XX)

Article 158.

The Supreme Public Prosecutor is elected by the National Assembly for a term of six years, upon the proposal of the High Prosecutorial Council after a public competition, by the votes of three-fifths of all deputies of the People's Republic, in accordance with the law. The High Prosecutorial Council proposes to the National Assembly one candidate for the Supreme Public Prosecutor.

If the National Assembly does not elect the Supreme Public Prosecutor within the deadline, after the expiration of the following ten days, he shall be elected, from among all candidates who meet the conditions for election, by a commission consisting of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor and the Ombudsman, by a majority vote.

The same person may not be re-elected as the Supreme Public Prosecutor.

The Chief Public Prosecutor is elected by the High Prosecutorial Council for a term of six years.

Before the expiration of the term for which he was elected, the office of the Supreme Public Prosecutor and the Chief Public Prosecutor shall cease: if he so requests, if the Public Prosecutor's Office is abolished, if he permanently loses his ability to perform the function of Chief Public Prosecutor, if his citizenship of the Republic of Serbia ceases, or if he is dismissed.

The Supreme Public Prosecutor and the Chief Public Prosecutor shall be dismissed if they are convicted of a criminal offense punishable by imprisonment for at least six months or if any of the reasons for dismissal provided for by law occur.

The Chief Public Prosecutor has the right to appeal to the Constitutional Court against the decision of the High Prosecutorial Council on the termination of office, which excludes the right to a constitutional appeal.

The Supreme Public Prosecutor and the Chief Public Prosecutor whose office ceases shall remain in the office of public prosecutor, in accordance with the law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XX)

#### Conditions for the election of the Chief Public Prosecutor and Public Prosecutor

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXI)

#### Article 159.

The conditions for the election of the Chief Public Prosecutor and the Public Prosecutor shall be regulated by law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXI)

#### Permanence of the public prosecutor's office

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXII)

#### Article 160.

The function of the public prosecutor is permanent.

Before reaching the end of his/her working life, the public prosecutor's office shall cease: if he/she so requests, if he/she permanently loses his/her ability to perform the function of public prosecutor, if his/her citizenship of the Republic of Serbia ceases, or if he/she is dismissed. A public prosecutor shall be dismissed if he/she is convicted of a criminal offence punishable by imprisonment for at least six months, or if it is established in disciplinary proceedings that he/she has committed a serious disciplinary offence which, in the opinion of the High Prosecutorial Council, seriously harms the reputation of the Public Prosecutor's Office or the public's trust in the Public Prosecutor's Office. The decision on the termination of the public prosecutor's office shall be made by the High Prosecutorial Council.

The public prosecutor has the right to appeal to the Constitutional Court against the decision of the High Prosecutorial Council on the termination of the office, which excludes the right to a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXII)

#### Immunity and incompatibility

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXIII)

#### Article 161.

The Supreme Public Prosecutor, the Chief Public Prosecutor and a public prosecutor may not be held liable for an opinion given or a decision taken in connection with the performance of their duties, except if they commit a criminal act of violation of the law by a judge or a public prosecutor. The Supreme Public Prosecutor, the Chief Public Prosecutor and a public prosecutor may not, without the approval of the High Prosecutorial Council, be deprived of their liberty in proceedings initiated for a criminal act committed in connection with the performance of their duties. The law shall regulate which functions, jobs or private interests are incompatible with the functions of the Supreme Public Prosecutor, the Chief Public Prosecutor and a public prosecutor.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXIII)

#### High Prosecutor's Council

##### Competence of the High Prosecutorial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXIV)

#### Article 162.

The High Prosecutorial Council is an independent state body that ensures and guarantees the independence of the Public Prosecutor's Office, the Supreme Public Prosecutor, chief public prosecutors and public prosecutors. The High Prosecutorial Council proposes to the National Assembly the election and termination of the function of the Supreme Public Prosecutor, appoints the acting Supreme Public Prosecutor, elects chief

public prosecutors and public prosecutors and decides on the termination of their function, decides on other issues of the position of the Supreme Public Prosecutor, chief public prosecutors and public prosecutors and exercises other powers determined by the Constitution and law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXIV)

#### Composition of the High Prosecutorial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXV)

#### Article 163.

The High Prosecutorial Council consists of 11 members: five public prosecutors elected by the chief public prosecutors and public prosecutors, four prominent lawyers elected by the National Assembly, the Supreme Public Prosecutor and the Minister responsible for justice.

The Minister responsible for justice does not vote in the procedure for determining the disciplinary liability of a public prosecutor.

The election of members of the High Prosecutorial Council from among public prosecutors shall be regulated by law.

When electing public prosecutors to the High Prosecutorial Council, account shall be taken of the broadest representation of public prosecutors.

The National Assembly shall elect four members of the High Prosecutorial Council from among prominent lawyers with at least ten years of experience in the legal profession, from eight candidates proposed by the competent committee of the National Assembly, after a public competition, by the votes of two-thirds of all deputies, in accordance with the law.

If the National Assembly does not elect all four members within the period specified by law, the remaining members after the expiry of the period specified by law shall be elected by a commission consisting of the President of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor and the Ombudsman, by a majority vote.

The Chief Public Prosecutor may not be elected to the High Prosecutorial Council.

A member of the High Prosecutorial Council elected by the National Assembly must be worthy of that office.

A member of the High Prosecutorial Council elected by the National Assembly may not be a member of a political party.

Other conditions for election and incompatibility with the office of a member of the High Prosecutorial Council elected by the National Assembly shall be regulated by law.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXV)

Mandate of members of the High Prosecutorial Council and the President and Vice-President of the High Prosecutorial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVI)

#### Article 164.

A member of the High Prosecutorial Council is elected for a term of five years.

The same person may not be re-elected to the High Prosecutorial Council.

The High Prosecutorial Council has a President and a Vice-President. The President of the High Prosecutorial Council is elected by the High Prosecutorial Council from among its members who are public prosecutors, and the Vice-President from among its members elected by the National Assembly, for a period of five years.

Before the expiration of the term for which he was elected, the mandate of a member of the High Prosecutorial Council shall terminate if he so requests or if he is convicted of a criminal offense to a prison sentence of at least six months. The mandate of a member who is a public prosecutor shall also terminate upon the termination of the function of public prosecutor, and of a member who is not a public prosecutor - also if he permanently loses the ability to perform the function of a member of the High Prosecutorial Council.

The decision on the termination of the mandate of a member of the High Prosecutorial Council shall be made by the High Prosecutorial Council. An appeal to the Constitutional Court is permitted against the decision, which excludes the right to a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVI)



## Legal remedy against the decision of the High Prosecutorial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVII)

### Article 165.

An appeal to the Constitutional Court against a decision of the High Prosecutorial Council is permitted, in cases prescribed by the Constitution and law. An appeal to the Constitutional Court excludes the right to file a constitutional appeal.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVII)

### Immunity of members of the High Prosecutorial Council

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVIII)

### Article 165a

Members of the High Prosecutorial Council may not be held accountable for opinions given in connection with the performance of their duties as members of the High Prosecutorial Council and for voting in decisions of the High Prosecutorial Council. Members of the High Prosecutorial Council may not, without the approval of the High Prosecutorial Council, be deprived of their liberty in proceedings initiated for a criminal offense committed by them as members of the High Prosecutorial Council.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXVIII)

## PART SIX - CONSTITUTIONAL COURT

### Position

### Article 166.

The Constitutional Court is an autonomous and independent state body that protects constitutionality and legality, as well as human and minority rights and freedoms. The decisions of the Constitutional Court are final, enforceable and universally binding.

## Jurisdiction

### Article 167.

The Constitutional Court decides on:

1. the compliance of laws and other general acts with the Constitution, generally accepted rules of international law and ratified international treaties,
2. the compliance of ratified international treaties with the Constitution,
3. the compliance of other general acts with the law,
4. the compliance of statutes and general acts of autonomous regions and local self-government units with the Constitution and the law,
5. the compliance of general acts of organizations entrusted with public powers, political parties, trade unions, citizens' associations and collective agreements with the Constitution and the law.

The Constitutional Court:

1. resolves conflicts of jurisdiction between courts and other state bodies,
2. resolves conflicts of jurisdiction between republican bodies and provincial bodies or bodies of local self-government units,
3. resolves conflicts of jurisdiction between provincial bodies and bodies of local self-government units,
4. resolves conflicts of jurisdiction between bodies of different autonomous provinces or different local self-government units,
5. decides on electoral disputes for which the law does not determine the jurisdiction of the courts,
6. performs other tasks specified by the Constitution and the law.

The Constitutional Court decides on the prohibition of the work of a political party, trade union organization or citizens' association.

The Constitutional Court also performs other tasks stipulated by the Constitution.

## Assessment of constitutionality and legality

### Article 168.

The procedure for the assessment of constitutionality and legality may be initiated by state bodies, bodies of territorial autonomy or local self-government, as well as at least 25 members of parliament. The procedure may also be initiated by the Constitutional Court itself. Any legal or natural person has the right to initiate the procedure for the assessment of constitutionality and legality.

A law or other general act that is not in accordance with the Constitution or a law shall cease to be valid on the day of publication of the decision of the Constitutional Court in the Official Gazette.

The Constitutional Court may, until a final decision is rendered and under the conditions specified by law, suspend the execution of an individual act or action taken on the basis of a law or other general act whose constitutionality or legality it is assessing.

The Constitutional Court may assess the compliance of laws and other general acts with the Constitution, and of general acts with the law even after their validity has expired, if the procedure for assessing constitutionality was initiated no later than six months after their validity expired.

#### Assessment of the constitutionality of a law before its entry into force

##### Article 169.

At the request of at least one third of the deputies of the People's Republic of Serbia, the Constitutional Court shall, within seven days, review the constitutionality of a law that has been passed but has not yet been promulgated by decree.

If the law is promulgated before the decision on constitutionality is made, the Constitutional Court shall continue to act on the request, in accordance with the regular procedure for reviewing the constitutionality of laws.

If the Constitutional Court decides on the unconstitutionality of a law before its promulgation, this decision shall enter into force on the day of the promulgation of the law.

The procedure for reviewing the constitutionality may not be initiated against a law whose compliance with the Constitution has been established before its entry into force.

#### Constitutional appeal

#### Article 170.

A constitutional complaint may be filed against individual acts or actions of state bodies or organizations entrusted with public powers, which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal remedies for their protection have been exhausted or no other remedies have been provided.

#### Ensuring the execution of the decision

#### Article 171.

Everyone is obliged to respect and execute the decision of the Constitutional Court. The Constitutional Court shall, by its decision, regulate the manner of its execution, when necessary. The execution of decisions of the Constitutional Court shall be regulated by law.

Composition of the Constitutional Court. Election and appointment of judges of the Constitutional Court

#### Article 172.

The Constitutional Court consists of 15 judges who are elected and appointed for a term of nine years. Five judges of the Constitutional Court are elected by the National Assembly, five are appointed by the President of the Republic, and five by the plenary session of the Supreme Court. The National Assembly elects five judges of the Constitutional Court from among ten candidates proposed by the President of the Republic, the President of the Republic appoints five judges of the Constitutional Court from among ten candidates proposed by the National Assembly, and the plenary session of the Supreme Court appoints five judges from among ten candidates proposed by the High Judicial Council and the High Prosecutorial Council in a joint session. From each of the proposed lists of candidates, one of the selected candidates must be from the territory of the autonomous provinces. A judge of the Constitutional Court is elected and appointed from among prominent lawyers with at least 40 years of age and 15 years of experience in the legal profession. A person may be elected or appointed as a judge of the Constitutional Court no more than twice.

The judges of the Constitutional Court elect the President from among their members for a period of three years, by secret ballot.

\*Official Gazette of the Republic of Serbia, No. 115/2021 (Amendment XXIX)

#### Conflict of interest. Immunity

##### Article 173.

A judge of the Constitutional Court may not perform any other public or professional function or job, except for a professorship at a law faculty in the Republic of Serbia, in accordance with the law. A judge of the Constitutional Court enjoys immunity as a member of parliament. The Constitutional Court shall decide on his immunity.

#### Termination of office of a judge of the Constitutional Court

##### Article 174.

The office of a judge of the Constitutional Court shall cease upon the expiration of the term for which he was elected or appointed, at his request, when he meets the general conditions for retirement prescribed by law, or upon dismissal. A judge of the Constitutional Court shall be dismissed if he violates the prohibition of conflict of interest, permanently loses his capacity to perform the duties of a judge of the Constitutional Court, is sentenced to imprisonment or for a punishable act that makes him unworthy of the duties of a judge of the Constitutional Court.

The termination of the office of a judge shall be decided by the National Assembly at the request of the authorized proposers for the election, or appointment for the election of a judge of the Constitutional Court. The initiative to initiate the procedure for dismissal may be submitted by the Constitutional Court.

#### The method of decision-making in the Constitutional Court. Law on the Constitutional Court

##### Article 175.

The Constitutional Court shall make decisions by a majority vote of all judges of the Constitutional Court.

The Constitutional Court shall make a decision to independently initiate proceedings for the assessment of constitutionality or legality by a two-thirds majority vote of all judges.

The organization of the Constitutional Court and the procedure before the Constitutional Court and the legal effect of its decisions shall be regulated by law.

## PART SEVEN - TERRITORIAL ORGANIZATION

### 1. Provincial autonomy and local self-government

#### Concept

##### Article 176.

Citizens have the right to provincial autonomy and local self-government, which they exercise directly or through their freely elected representatives.

Autonomous provinces and local self-government units have the status of legal entities.

#### Delimitation of jurisdiction

##### Article 177.

Local self-government units are competent in matters that can be implemented within the local self-government unit in a purposeful manner, and autonomous provinces in matters that can be implemented within the autonomous province in a purposeful manner, in which the Republic of Serbia is not competent.

What matters are of republican, provincial and local importance shall be determined by law.

#### Delegation of authority

##### Article 178.

The Republic of Serbia may, by law, entrust certain issues within its competence to autonomous provinces and local self-government units.

An autonomous province may, by decision, entrust certain issues within its competence to local self-government units.

The means for the exercise of the entrusted competences shall be provided by the Republic of Serbia or the autonomous province, depending on who has entrusted the competences. The rights and obligations of autonomous provinces and local self-government units and the powers of the Republic of Serbia and autonomous provinces in supervising the exercise of the entrusted competences shall be regulated by law.

#### The right to self-organization

##### Article 179.

Autonomous provinces, in accordance with the Constitution and the statute of the autonomous province, and local self-government units, in accordance with the Constitution and the law, independently prescribe the organization and competence of their bodies and public services.

#### Assembly of the autonomous province and local self-government unit

##### Article 180.

The Assembly is the highest body of an autonomous province and a unit of local self-government. The Assembly of an autonomous province consists of deputies, and the Assembly of a unit of local self-government consists of councilors. Deputies and councilors are elected for a period of four years, in direct elections by secret ballot, deputies in accordance with the decision of the Assembly of the autonomous province, and councilors, in accordance with the law. In autonomous provinces and units of local self-government in which the population is of mixed national composition, proportional representation of national minorities in the assemblies is ensured, in accordance with the law.

#### Cooperation between autonomous provinces and local government units

##### Article 181.

Autonomous provinces and local self-government units cooperate with the corresponding territorial communities and local self-government units of other states, within the framework of the foreign policy of the Republic of Serbia, while respecting the territorial unity and legal order of the Republic of Serbia.

## 2. Autonomous provinces

### The concept, establishment and territory of an autonomous province

#### Article 182.

Autonomous provinces are autonomous territorial communities established by the Constitution, in which citizens exercise the right to provincial autonomy.

The Republic of Serbia has the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija. The essential autonomy of the Autonomous Province of Kosovo and Metohija shall be regulated by a special law adopted in accordance with the procedure provided for amending the Constitution.

New autonomous provinces may be established, and those already established may be abolished or merged in accordance with the procedure provided for amending the Constitution. The proposal for the establishment of new or the abolition, or merger, of existing autonomous provinces shall be determined by citizens in a referendum, in accordance with the law.

The territory of autonomous provinces and the conditions under which the border between autonomous provinces may be changed shall be determined by law. The territory of autonomous provinces may not be changed without the consent of its citizens expressed in a referendum, in accordance with the law.

### Jurisdiction of autonomous provinces

#### Article 183.

Autonomous provinces, in accordance with the Constitution and their statutes, regulate the competence, election, organization and work of the bodies and services they establish.

Autonomous provinces, in accordance with the law, regulate issues of provincial importance in the areas of:



1. spatial planning and development,
2. agriculture, water management, forestry, hunting, fishing, tourism, catering, spas and health resorts, environmental protection, industry and crafts, road, river and railway transport and road management, organization of fairs and other economic events,
3. education, sports, culture, health and social protection and public information at the provincial level.

Autonomous provinces shall ensure the exercise of human and minority rights, in accordance with the law.

Autonomous provinces shall determine the symbols of the province and the manner of their use.

Autonomous provinces manage provincial property in the manner prescribed by law.

Autonomous provinces, in accordance with the Constitution and the law, have their own revenues, provide funds to local self-government units for the performance of entrusted tasks, and adopt their own budget and final accounts.

#### Financial autonomy of autonomous provinces

##### Article 184.

The Autonomous Province has its own source of income with which it finances its competences.

The types and amount of source income of the Autonomous Provinces are determined by law.

The law determines the share of the Autonomous Provinces in the revenue of the Republic of Serbia.

The budget of the Autonomous Province of Vojvodina amounts to at least 7% of the budget of the Republic of Serbia, with three-sevenths of the budget of the Autonomous Province of Vojvodina being used to finance capital expenditures.

#### Legal acts of the autonomous province

##### Article 185.

The highest legal act of an autonomous province is the statute.

The statute of an autonomous province is adopted by its assembly, with the prior consent of the People's Assembly.

The autonomous province adopts decisions and other general acts on issues within its competence.

## Supervision over the work of the autonomous province authorities

### Article 186.

The Government may initiate proceedings before the Constitutional Court to review the constitutionality or legality of a decision of an autonomous province before it enters into force. In such a case, the Constitutional Court may, until it has rendered its decision, postpone the entry into force of the contested decision of the autonomous province.

## Protection of provincial autonomy

### Article 187.

The body designated by the statute of an autonomous province has the right to appeal to the Constitutional Court if an individual act or action of a state body or a body of a local self-government unit prevents the exercise of the competence of the autonomous province. The body designated by the statute of an autonomous province may initiate proceedings to assess the constitutionality or legality of a law and other general act of the Republic of Serbia or a general act of a local self-government unit that violates the right to provincial autonomy.

## 3. Local self-government

### Basic provisions

### Article 188.

Local self-government units are municipalities, cities and the City of Belgrade. The territory and seat of a local self-government unit shall be determined by law. The establishment, abolition and change of the territory of a local self-government unit shall be preceded by a referendum on the territory of that local self-government unit. The affairs of a local self-government unit shall be financed from the original revenues of the local self-government unit, the budget of the Republic of Serbia, in accordance with the law, and the budget of an autonomous province, when the autonomous province has entrusted the local self-government units with

the performance of affairs within its competence, in accordance with the decision of the assembly of the autonomous province.

#### Location of local government units

##### Article 189.

Municipalities are established and abolished by law.

A city is established by law, in accordance with the criteria provided for in the law regulating local self-government.

A city has the powers entrusted to a municipality by the Constitution, and may be entrusted with other powers by law.

The city statute may provide for the formation of two or more city municipalities on the territory of the city. The city statute regulates the affairs within the city's powers performed by city municipalities.

The status of the City of Belgrade, the capital of the Republic of Serbia, is regulated by the law on the capital city and the statute of the City of Belgrade. The City of Belgrade has the powers entrusted to a municipality and the city by the Constitution and law, and may be entrusted with other powers by the law on the capital city.

#### Municipality jurisdiction

##### Article 190.

The municipality, through its bodies, in accordance with the law:

1. regulates and ensures the performance and development of communal activities;
2. regulates and ensures the use of construction land and business premises;
3. takes care of the construction, reconstruction, maintenance and use of local roads and streets and other public facilities of municipal importance; regulates and ensures local transport;
4. takes care of meeting the needs of citizens in the areas of education, culture, health and social care, child protection, sports and physical culture;
5. takes care of the development and improvement of tourism, crafts, catering and trade;

6. takes care of environmental protection, protection from natural and other disasters; protection of cultural assets of importance to the municipality;
7. protection, improvement and use of agricultural land;
8. performs other tasks specified by law.

The municipality independently, in accordance with the law, adopts its budget and final accounts, urban plan and development program of the municipality, determines the symbols of the municipality and their use.

The municipality ensures the realization, protection and improvement of human and minority rights, as well as public information in the municipality.

The municipality independently manages municipal property, in accordance with the law.

The municipality, in accordance with the law, prescribes misdemeanors for violations of municipal regulations.

#### Legal acts and municipal bodies

##### Article 191.

The highest legal act of a municipality is the statute. The statute is adopted by the municipal assembly.

The municipal assembly adopts general acts within its competence, adopts the budget and final accounts of the municipality, adopts the development plan and spatial plan of the municipality, calls a municipal referendum and performs other tasks specified by law and the statute.

The municipal bodies are the municipal assembly and other bodies specified by the statute, in accordance with the law.

The municipal assembly decides on the election of the executive bodies of the municipality, in accordance with the law and the statute.

The election of the executive bodies of the city and the City of Belgrade is regulated by law.

#### Supervision of the work of the municipality

##### Article 192.

The Government is obliged to suspend the implementation of a general act of a municipality that it considers to be inconsistent with the Constitution or the law and to initiate proceedings within five days to assess its constitutionality or legality. The Government may, under the conditions specified by law, dissolve the municipal assembly. Simultaneously with the dissolution of the municipal assembly, the Government shall appoint a temporary body that shall perform the tasks within the competence of the assembly, taking into account the political and national composition of the dissolved municipal assembly.

#### Protection of local government

##### Article 193.

The body designated by the statute of a municipality has the right to appeal to the Constitutional Court if an individual act or action of a state body or a body of a local self-government unit prevents the exercise of the municipality's competence. The body designated by the statute of a municipality may initiate proceedings to assess the constitutionality or legality of laws and other general acts of the Republic of Serbia or an autonomous province that violate the right to local self-government.

#### PART EIGHT - CONSTITUTIONALITY AND LEGALITY

##### Hierarchy of domestic and international general legal acts

##### Article 194.

The legal order of the Republic of Serbia is unified. The Constitution is the highest legal act of the Republic of Serbia. All laws and other general acts adopted in the Republic of Serbia must be in accordance with the Constitution. Ratified international treaties and generally accepted rules of international law are part of the legal order of the Republic of Serbia. Ratified international treaties may not contradict the Constitution.

Laws and other general acts adopted in the Republic of Serbia may not contradict ratified international treaties and generally accepted rules of international law.

#### Hierarchy of domestic general legal acts

##### Article 195.

All secondary legislation of the Republic of Serbia, general acts of organizations entrusted with public powers, political parties, trade unions and citizens' associations, and collective agreements must comply with the law.

Statutes, decisions and all other general acts of autonomous provinces and local self-government units must comply with the law.

All general acts of autonomous provinces and local self-government units must comply with their statutes.

#### Publication of laws and other general acts

##### Article 196.

Laws and all other general acts shall be published before entering into force.

The Constitution, laws and by-laws of the Republic of Serbia shall be published in the Republic Official Gazette, and statutes, decisions and other general acts of autonomous provinces shall be published in the Provincial Official Gazette.

Statutes and general acts of local self-government units shall be published in local official gazettes.

Laws and other general acts shall enter into force no earlier than the eighth day from the day of their publication and may enter into force earlier only if there are particularly justified reasons for this, established when they were adopted.

#### Prohibition of retroactive effect of laws and other general acts

##### Article 197.

Laws and all other general acts may not have retroactive effect.

Exceptionally, only certain provisions of the law may have retroactive effect, if the general interest determined when the law was enacted so requires.

A provision of the criminal law may have retroactive effect only if it is more lenient for the perpetrator of the criminal offense.

#### Legality of the administration

##### Article 198.

Individual acts and actions of state bodies, organizations entrusted with public powers, bodies of autonomous regions and local self-government units must be based on law. The legality of final individual acts that decide on a right, obligation or interest based on law is subject to review before a court in an administrative dispute, unless the law provides for different judicial protection in a particular case.

#### Language of the procedure

##### Article 199.

Everyone has the right to use their own language in proceedings before a court, other state body or organization exercising public authority, when a decision is being made about their right or obligation. Ignorance of the language in which the proceedings are conducted must not be an obstacle to the exercise and protection of human and minority rights.

#### State of emergency

##### Article 200.

When a public danger threatens the survival of the state or citizens, the National Assembly shall declare a state of emergency.

The decision on a state of emergency shall be valid for a maximum of 90 days. After the expiry of this period, the National Assembly may extend the decision on a state of emergency for another 90 days, by a majority of the total number of deputies.

During a state of emergency, the National Assembly shall meet without a special call and may not be dissolved.

By declaring a state of emergency, the National Assembly may prescribe measures that derogate from the

human and minority rights guaranteed by the Constitution.

When the National Assembly is unable to meet, the decision on the declaration of a state of emergency shall be made jointly by the President of the Republic, the President of the National Assembly and the Prime Minister, under the same conditions as the National Assembly.

When the National Assembly is unable to meet, measures derogating from human and minority rights may be prescribed by the Government, by decree, with the countersignature of the President of the Republic.

Measures derogating from human and minority rights prescribed by the National Assembly or the Government shall be valid for a maximum of 90 days, and after the expiry of this period may be renewed under the same conditions.

When the decision on a state of emergency has not been adopted by the National Assembly, the National Assembly shall confirm it within 48 hours of its adoption, i.e. as soon as it is able to meet. If the National Assembly does not confirm this decision, the decision shall cease to be valid upon the conclusion of the first session of the National Assembly held after the declaration of a state of emergency.

When measures derogating from human and minority rights have not been prescribed by the National Assembly, the Government is obliged to submit the decree on measures derogating from human and minority rights for approval to the National Assembly within 48 hours of its adoption, i.e. as soon as the National Assembly is able to meet. Otherwise, the derogating measures cease to be valid 24 hours from the beginning of the first session of the National Assembly held after the declaration of a state of emergency.

#### State of war

#### Article 201.

A state of war shall be declared by the National Assembly.

When the National Assembly is unable to convene, the decision to declare a state of war shall be made jointly by the President of the Republic, the President of the National Assembly and the Prime Minister.

When declaring a state of war, the National Assembly may prescribe measures derogating from the human and minority rights guaranteed by the Constitution.



When the National Assembly is unable to convene, measures derogating from the human and minority rights guaranteed by the Constitution shall be determined jointly by the President of the Republic, the President of the National Assembly and the Prime Minister. All measures prescribed during the state of war shall be confirmed by the National Assembly when it is able to convene.

#### Derogations from human and minority rights in states of emergency and war

##### Article 202.

Upon the declaration of a state of emergency or war, derogations from human and minority rights guaranteed by the Constitution are permitted, and only to the extent necessary. Derogation measures may not lead to discrimination on the basis of race, sex, language, religion, nationality or social origin. Derogation measures from human and minority rights cease to be valid upon the termination of the state of emergency or war. Derogation measures are in no case permitted with regard to the rights guaranteed by Articles 23, 24, 25, 26, 28, 32, 34, 37, 38, 43, 45, 47, 49, 62, 63, 64 and 78 of the Constitution.

#### PART NINE - AMENDMENT OF THE CONSTITUTION

##### Proposal for amending the Constitution and adoption of the amendment to the Constitution

##### Article 203.

A proposal to amend the Constitution may be submitted by at least one third of the total number of deputies, the President of the Republic, the Government and at least 150,000 voters. The National Assembly decides on amendments to the Constitution. A proposal to amend the Constitution shall be adopted by a two-thirds majority of the total number of deputies. If the required majority is not achieved, amendments to the Constitution on the issues contained in the submitted proposal that has not been adopted cannot be made within the next year.

If the National Assembly adopts a proposal to amend the Constitution, the drafting, or consideration, of an act amending the Constitution shall begin. The National Assembly shall adopt an act amending the Constitution by a two-thirds majority of the total number of deputies and may decide that the citizens shall also confirm it in a republican referendum. The National Assembly is obliged to submit the act amending the Constitution to a republican referendum for confirmation if the amendment to the Constitution relates to the preamble to the Constitution, the principles of the Constitution, human and minority rights and freedoms, the organization of power, the declaration of a state of war or emergency, derogation from human and minority rights in a state of emergency or war, or the procedure for amending the Constitution. When the act amending the Constitution is submitted for confirmation, citizens shall express their opinion in a referendum no later than 60 days from the date of adoption of the act amending the Constitution. The amendment to the Constitution is adopted if the majority of voters who turned out voted for the amendment in the referendum. The act amending the Constitution that has been confirmed in a republican referendum enters into force when it is proclaimed by the National Assembly. If the National Assembly does not decide to submit the act amending the Constitution for ratification, the amendment to the Constitution is adopted by a vote in the National Assembly, and the act amending the Constitution enters into force when it is proclaimed by the National Assembly.

#### Prohibition of changing the Constitution

##### Article 204.

The Constitution cannot be amended during a state of war or emergency.

#### Constitutional law

##### Article 205.

A constitutional law shall be passed to implement changes to the Constitution. A constitutional law shall be passed by a two-thirds majority of the total number of members of parliament.

PART TEN - FINAL PROVISION

Article 206.

This Constitution shall enter into force on the day of its proclamation in the National Assembly.