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**THE ROLE OF INDEPENDENT INSTITUTIONS IN THE
PROTECTION OF THE RIGHT TO HEALTHY
ENVIRONMENT¹**

At the time of intense rising of environmental awareness and increased environmental risks caused by the impact of negative anthropogenic factors, the protection of human right to healthy environment is given more and more attention. The protection of this right is guaranteed by the Constitution, laws and subordinate legislation and, depending on the gravity of its violation or endangerment, it can be achieved in criminal, misdemeanour, civil or administrative procedure. Special role in this belongs to independent institutions such as: Ombudsperson, Commissioner for Information of Public Importance and Personal Data Protection, as well as to the Environment Protection Agency that functions as legal person within the Ministry of Environment Protection. In this paper, the author highlights the importance of providing an adequate, prompt, efficient and comprehensive protection of the right to healthy environment in Serbia, with special focus on the aforementioned institutions and offers recommendations directed towards the improvement of conditions in this field.

Keywords: *independent institutions, ombudsperson, environment, human rights, legal protection*

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¹ This paper is a result of research Project "Crime in Serbia: phenomenology, risks and the possibilities of social intervention" (47011), financed by the Ministry of Education, Science and Technological Development of Republic of Serbia.

1. Introduction - the Right to Healthy Environment as a Human Right

The right to healthy and ecologically balanced environment represents one of so-called “solidarity rights” or “third generations rights”, together with, for example, the right to development, the right to peace and international safety, the right to the common heritage of mankind (in its cultural dimension), the right to communication and the right to international humanitarian assistance (UNESCO, 1980). These human rights obtained their international recognition in 1981, with the adoption of African Charter on Human and Peoples' Rights (also known as the Banjul Charter)², which proclaimed the principle of solidarity in its Article 23 within the right to national and international peace and security. According to Article 23 of the Charter: *“The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States”*. Moreover, in its Article 29, the Charter introduces the obligation of an individual *“to preserve and strengthen social and national solidarity, particularly when the latter is threatened”*. The solidarity rights or the third generation rights are also referred to as the “proclaimed rights” or the rights that still cannot be efficiently enforced, i.e. applied. However, this still does not diminish their importance and recognition within the palette of all other human rights (Paunović, Krivokapić, Krstić, 2018: 244-245).

Due to the increase in environmental pollution, the negative consequences of climate change and serious environmental disasters that have been occurring in the past couple of decades, the right to healthy environment, as one of solidarity rights, has been getting more and more attention of both - experts and general public. This right is referred to in several international legal documents, either directly or indirectly. For example, the aforementioned African Charter on Human and Peoples' Rights in its Article 24 claims that *“all peoples shall have the right to a general satisfactory environment favourable to their development”*.

Although the International Covenant on Economic, Social and Cultural Rights adopted in 1966³ does not explicitly mention the right to healthy environment, its provisions

² African Charter on Human and Peoples' Rights (the Banjul Charter), adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986), available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf, accessed 15.08.2018.

³ International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27, available at: <https://www.ohchr.org/en/professionalinterest/pages/ceschr.aspx>, accessed 15.08.2018.

indicate that this source of international law indirectly promotes this human right. Namely, in its Article 7, it proclaims “*the right to safe and healthy working conditions*”, whereas in Article 12 it emphasises that “*the States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*” and obliges them to take the steps necessary for, *inter alia*, “*the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child*”. It is obvious that the goals set by these provisions of the Covenant cannot be fully accomplished without the healthy and relatively preserved living and working environment.

The Declaration of the United Nations Conference on the Human Environment adopted in 1972⁴ confirms in its first principle that the right to healthy environment represents one of human rights by proclaiming that “*a man is both – creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth*” and by confirming that “*both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself.*”

In its Article 1, the Rio Declaration on Environment and Development adopted in 1992⁵ claims that human beings are “*entitled to a healthy and productive life in harmony with nature*”. However, the Declaration does not seem to emphasise strongly enough the fact that the right to healthy environment should be considered a human right, which led to further debates and arguments about the position of human rights in the course of development of international environmental law (Paunović, Krivokapić, Krstić, 2018: 247).

Another international convention relevant to the affirmation of the right to healthy environment as a human right is the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, also known as the Aarhus Convention, adopted in 1998⁶. In its Preamble, this Convention recognises that “*every person has the right to live in an environment adequate to his or*

⁴ Declaration of the United Nations Conference on the Human Environment, from Report of the United Nations Conference on the Human Environment, Stockholm, June 1972., available at: <http://www.un-documents.net/unchedec.htm>, accessed 15.08.2018.

⁵ The Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I); 31 ILM 874 (1992), available at: http://www.unesco.org/education/pdf/RIO_E.PDF, accessed 15.08.2018.

⁶ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, available at: <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>, 15.08.2018.

her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations”. The Convention guarantees the right to information on various aspects of environment as the access to justice in matters related to environmental protection and clearly points out the link between environmental protection and fundamental human rights, including the right to life (Paunović, Krivokapić, Krstić, 2018: 248).

The United Nations sustainable development agenda named Transforming our world: the 2030 Agenda for Sustainable Development⁷, which includes a set of goals aimed to end poverty, protect the planet and ensure prosperity, explicitly reaffirms the principles of the Rio Declaration in its Article 12. The principle that sustainable development has got three mutually interrelated aspects: social, economic and environmental is promoted throughout this international document. In its introductory part, the Agenda also confirms that the United Nations are “*determined to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment*”. It also states that they envisage the world “*in which democracy, good governance and the rule of law, as well as an enabling environment at the national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger*” (Article 9). Furthermore, the Agenda recognises “*the link between sustainable development and other relevant ongoing processes in the economic, social and environmental fields*” in its Article 55, which is particularly important for the protection of the environment and the right to healthy environment as one of human rights.

2. The Right to Healthy Environment in the Constitution of the Republic of Serbia

The right to healthy environment is recognised as one of fundamental human rights in the legislative framework of the Republic of Serbia. As such, it is guaranteed by Article 74 of the Constitution of the Republic of Serbia⁸, entitled as “*Healthy Environment*”. According to this constitutional provision, “*everyone shall have the right to healthy environment and the right to timely and full information about the state of environment*” (Article 74, Paragraph 1). Moreover, the Constitution declares that environmental

⁷ Resolution adopted by the General Assembly on 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development A/RES/70/1, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, 15.08.2018.

⁸ Constitution of the Republic of Serbia, Official Gazette of RS, No. 98/06.

protection represents the duty of all natural and legal persons by claiming that *“everyone, especially the Republic of Serbia and autonomous provinces, shall be accountable for the protection of environment”* (Article 74, Paragraph 2). Finally, the Constitution also prescribes some duties and obligations regarding environmental protection by saying that *“everyone shall be obliged to preserve and improve the environment”* (Article 74, Paragraph 3).

Apart from explicitly proclaiming the right to healthy environment in Article 74, the Constitution of the Republic of Serbia contains some other provisions pertinent to environmental protection by which this right is re-affirmed as one of fundamental human rights. Namely, in Article 83, regulating the freedom of entrepreneurship, it is stated that *“entrepreneurship may be restricted by the Law, for the purpose of protection of people's health, environment and natural goods and security of the Republic of Serbia”*. Furthermore, in Article 97, dealing with the competences of the Republic of Serbia, it is proclaimed that the Republic of Serbia organises and provides for, *inter alia* the *“system of protection and improvement of environment”* as well as the *“protection and improvement of flora and fauna”* (Article 97, Paragraph 1, Subparagraph 9). Article 183, dedicated to the competences of autonomous provinces prescribes that autonomous provinces shall, in accordance with the Law, regulate the matters of provincial interest in several fields enumerated in the text of the Constitution including environmental protection (Article 183, Paragraph 2, Subparagraph 2). The Constitution, in its Article 190, also proclaims that the municipality (through its bodies and in accordance with the Law) is responsible for *“environmental protection, protection against natural and other disaster and the protection of cultural heritage of the municipal interest”* (Article 190, Paragraph 1, Subparagraph 6).

3. Independent Institutions in Serbia and their Roles in the Protection of the Right to Healthy Environment

3.1. The Protector of Citizens and the Protection of the Right to Healthy Environment

In Serbia, the institution of the Protector of Citizens (also referred to as Civic Defender or Ombudsperson) is introduced by Article 138 of the Constitution of the Republic of Serbia, according to which this institution represents an independent state body that is in charge of protecting citizens' rights and monitoring the work of public administration bodies, body in charge of legal protection of proprietary rights and the interests of the Republic of Serbia, as well as other bodies and organisations, companies and

institutions to which public powers have been delegated (Article 138, Paragraph 1). However, this institution is not entitled to monitor the work of the National Assembly, President of the Republic, Government, Constitutional Court, courts and Public Prosecutor's Offices (Article 138, Paragraph 2). The Ombudsperson is elected and dismissed by the National Assembly, in accordance with the Constitution and Law (Article 138, Paragraph 3) and accounts for his/her work to the National Assembly (Article 138, Paragraph 4).

According to Article 1, Paragraph 1 of the Law on the Protector of Citizens⁹, the Protector of Citizens is established as an independent body the role of which is to protect the rights of citizens and to control the work of the following entities: government agencies, the body authorized for legal protection of property rights and interests of the Republic of Serbia and other bodies and organisations, enterprises and institutions that have been delegated public authority. The aforementioned Law obliges the Protector of Citizens to ensure that human freedoms and rights are protected and promoted (Article 1, Paragraph 2), which implies that this independent institution is also empowered and obliged to protect the right to healthy environment. It is important to highlight that the Protector of Citizens acts as an independent and autonomous body in the performance of his/her duties as well as that nobody has got the right to influence his/her work and activities (Article 2, Paragraph 1).

Previously cited legal provisions suggest that the independent and impartial position of the Protector of Citizens allow him/her to contribute to the protection of freedoms and rights, the principle of equality and the dignity of the citizens (Savić Božić, 2018: 156). This refers to all human rights, including the right to healthy environment. Moreover, the Protector of Citizens accepts the fact that the right to healthy environment belongs to the corpus of human rights and, accordingly, dedicates a significant amount of attention to that issue.¹⁰ The empowerments of the Protector of Citizens established by the Law clearly indicate that this body may have a very strong impact on the protection of the right to healthy and relatively preserved environment as well as on the work of a wide variety of state bodies whose work may produce direct or indirect environmental impact. Namely, the Protector of Citizens is empowered to: 1) control the respect of the rights of citizens, 2) discover the violations resulting from the

⁹ Law on the Protector of Citizens, Official Gazette of RS, No. 79/05 and 54/07.

¹⁰ The Protector of Citizens, Environmental Protection - the Right of the Citizens guaranteed by the Constitution and the Laws, available at: <http://www.ombudsman.rs/index.php/2014-12-08-10-08-18>, 17.08.2018.

acts of administrative authorities or their actions or failure to act if these represent the violations of the laws, regulations and other general acts of the republic (Article 17, Paragraph 1). Moreover, the Protector of Citizens is entitled to control the legality and regularity of the work of administrative bodies (Article 17, Paragraph 2).

The Protector of Citizens can also have an important role when it comes to creating the drafts and proposals of the laws pertinent to the areas he/she is in charge of (Article 18, Paragraph 1). This institution is also entitled to initiate the amendments and/or alterations of laws, other regulations and general acts if he/she holds the opinion that the violations of citizens' rights come from the imperfections of legislative acts, as well as to initiate the adoption of new laws, other regulations and general acts if he/she considers them important for the respect of citizens' rights (Article 18, Paragraph 2). The Government and the National Assembly are obliged to take into consideration the initiatives submitted by the Protector of Citizens (Article 18, Paragraph 3). The Protector of Citizens also has the authorisation to initiate the procedure before the Constitutional Court in order to assess whether a law or other regulation or general legal act pertinent to the freedoms and rights of citizens is in accordance with the provisions of relevant laws and the Constitution (Article 19).

There are several possibilities that the Protector of Citizens may use when citizens' rights, including the right to healthy environment, are violated. He/she can publicly initiate the dismissal of an official who is responsible for the violation of citizen's right, i.e. to initiate disciplinary proceedings against an employee of the administrative authorities who is directly responsible for the committed violation, provided that the repeated behaviour of these persons suggest that they intend to refuse to cooperate with the Protector of Citizens or when it is revealed that a significant financial or other serious damage has been caused by the violation (Article 20, Paragraph 1). If the activities of an official or of an employee of the administrative authorities appear to contain the elements of criminal or other punishable acts, the Protector of Citizens is entitled to initiate criminal, misdemeanour or other suitable procedure before relevant state bodies (Article 20, Paragraph 2).

Administrative authorities have to cooperate with the Protector of Citizens as well as to allow him to access their premises and information they possess if they are relevant to the procedures he is running, i.e. for the accomplishment of the purpose of his preventive activities, regardless of the level of the confidentiality of such information, unless if the revealing of such information would not be in accordance with the law (Article 21, Paragraph 1). The Protector of Citizens is also entitled to interview each

employee within an administrative body if this could be of significance for the procedure he is running (Article 21, Paragraph 2).

The Protector of Citizens can initiate the procedure either following the complaint of a citizen or on his own initiative (Article 24, Paragraph 1). Furthermore, he/she also has the right to act in a preventive manner by offering good services, negotiating and giving advice and opinions related to issues from his competency with the purpose to improve the functioning of administrative bodies and the protection of human rights and freedoms (Article 24, Paragraph 2). Every natural or legal person of domestic or foreign origin that believes that his or her rights have been violated by the activities of administrative bodies is allowed to submit a complaint to the Protector of Citizens (Article 25, Paragraph 1). Prior to submitting a complaint to the Protector of Citizens, a citizen is required to attempt to protect his/her rights in appropriate legal procedure (Article 25, Paragraph 3). This means that the Protector of Citizens shall not act unless all legal remedies have been exhausted (Article 25, Paragraph 4). However, the aforementioned does not refer to the situations in which the complainant would sustain irreparable damage or if the complaint is related to violation of good governance principle, particularly incorrect attitude of administrative authorities towards the complainant or other violations of rules of ethical behaviour of administrative authorities employees (Article 25, Paragraph 5).

Another important means to influence the work of administrative bodies in order to improve the protection and respect of human rights and freedoms that the Protector of Citizens has at his/her disposal is the Regular Annual Report. Namely, the Protector of Citizens submits a regular annual report to the Assembly that includes the information on activities in the preceding year, noted irregularities in the work of administrative authorities and recommendations to improve the status of citizens in relation to administrative authorities (Article 33, Paragraph 1). Moreover, the Protector of Citizens is also entitled to submit special reports throughout the entire year if they appear to be necessary (Article 33, Paragraph 3). For example, in the Annual Report for 2016, the Protector of Citizens highlights that there have been certain legislation activities in the area of environmental law aimed at harmonizing with the European Union legislation. But, the Protector also emphasises that *“there is still an unfortunate situation that in many local self- government units, the illegal landfills (depots) continue to be the main method of disposing of communal and other waste.* Furthermore, it is pointed out in the Report that the local self-governments have not provided for sufficient funds necessary for the protection of environment in their budgets, or that they tend to direct them without a fixed plan or clear previously defined criteria and priorities. The Report also

suggests that the Ministry of Agriculture and Environment Protection has failed to provide financial support in order to meet numerous obligations that have been set forth by the law (Protector of Citizens, 2017: 27).

Analysed constitutional and legal provisions suggest that the Protector of Citizens is entitled to control the functioning of a large number of state bodies as well as that its role in the protection of citizens' freedoms and rights may be: repressive, preventive, promotive and protective (Petković, Milošević, 2018: 31). All these aspects of Protector of Citizens' work may refer to the protection of the right to healthy environment, just like any other human right guaranteed by international conventions, constitution, laws and subsidiary legislation.

3.2. The Role of Commissioner for Information of Public Importance and Personal Data Protection in the Protection of the Right to Healthy Environment

The Commissioner for Information of Public Importance and Personal Data Protection contributes to the protection of the right to healthy environment through protecting the right to access to information about the environment, guaranteed by the previously analysed Aarhus Convention as well as by the Constitution of the Republic of Serbia. According to the Law on Free Access to Information of Public Importance¹¹, the Commissioner for Information of Public Importance represents an autonomous government body, independent in the exercise of his/her powers (Article 1, Paragraph 2). As such, the Commissioner is autonomous and independent in the exercise of his/her powers and neither seeks nor accepts orders or instructions from government bodies or other persons (Article 32, Paragraphs 1 and 2). The Commissioner is empowered to: 1) monitor the compliance of public authorities with the duties provided for in the Law and report to the public and the National Assembly thereof; 2) initiate the drafts or amendments of laws for the purpose of the implementation and promotion of the right to access information of public importance; 3) propose to public authorities measures to be taken to improve their operations governed by the Law; 4) take necessary measures to train employees of government bodies and to advise them on their duties regarding the rights to access information of public importance, in order to ensure the effective implementation of the Law; 5) act upon complaints against the decisions of public authorities that violate the rights provided for in by this Law; 6) disseminate to the public the content of this Law and the rights regulated by this Law and 7) perform other duties (Article 35, Paragraph 1). The Commissioner is also entitled to initiate the

¹¹ Law on Free Access to Information of Public Importance, Official Gazette of RS, No. 120/04, 54/07, 104/09 and 36/10.

procedures to assess the constitutionality and legality of laws and other general instruments (Article 35, Paragraph 2).

The Law defines information of public importance as an information “*held by a public authority body, created during or relating to the operation of a public authority body, which is contained in a document and concerns anything the public has a justified interest to know*” (Article 2, Paragraph 1). This can be any kind of information, regardless of its source, medium that carries the document containing the information, the date of its creation, the way in which it has been obtained etc. (Article 2, Paragraph 2). Within the meaning of the Law, a public authority body includes the following entities: 1) a central government body, a territorial autonomy body, a local self-government body or an organization vested with public powers and 2) a legal entity founded by or fully or predominantly funded by a government body (Article 3). “*Justified public interest to know*” exists in the cases when the information held by a public authority represents a threat to, or protection of, public health and the environment, whereas with regard to other information held by a public authority, justified public interest to know is deemed to exist unless the public authority concerned proves otherwise (Article 4). The aforementioned clearly indicates that the information about the environment, particularly about its current condition held by various state bodies, can and should be considered information of public interest.

The right to access the information of public importance belongs to everyone, in accordance with the principle of equality (Article 6) and everyone has the right to be informed whether a public authority holds an information of public importance and/or whether such is otherwise accessible to him/her (Article 5, Paragraph 1). Moreover, everyone has the right to access information of public importance by: 1) being allowed to examine a document containing information of public importance, 2) being entitled to make a copy of that document and 3) being entitled to receive a copy of such document on request, by mail, fax, electronic mail or otherwise (Article 5, Paragraph 2). In some cases enumerated by the Law, the right to access information of public importance can be precluded or limited (Article 9).

The Commissioner submits his/her Annual Report to the National Assembly on the activities undertaken by the public authorities in the implementation of this Law and his/her own activities and expenses, but he/she is also entitled to submit to the National Assembly any other report that he/she considers appropriate (Article 36). A government body is, *inter alia*, obliged to submit an annual report to the Commissioner, containing detailed descriptions of the activities undertaken within it with the purpose to implement

the Law of free Access to Information of Public Importance and the information that have to be included in that report are enumerated by that Law (Article 43). A public authority is responsible for any damage caused by the failure of a media outlet to publish information because that public authority had unjustifiably denied or limited its rights to access information of public importance and/or because that public authority gave preference to a journalist or media outlet, in contravention of the principle of non-discrimination (Article 45). The violations of the provisions of the law regulating the access to information of public importance are incriminated as misdemeanours for which appropriate fines are prescribed for responsible persons within public authorities (Article 46, 47 and 48).

The Report on the Application of the Law of free Access to Information of Public Importance and the Law on the Protection of Personal Data for 2017 contains information relevant to the protection of the right to access information about the environment. Namely, according to the Report, the number of complaints submitted to the Commissioner that were dealing with the information relevant to environmental damage and protection in 2017 was 59, which makes around 1.68% of the total number of complaints submitted to this institution in the same year (Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti, 2018: 35). Another important indicator of the frequency and density of violations and potential violations of the right to access information about the environment refers to the number of requests and complaints submitted to the Commissioner in 2017 against the Ministry of Environment. In 2017, there were altogether 124 requests and 9 complaints, which, similarly to the number of complaints regarding the information about environmental damage and protection, represents a relatively small number in comparison to requests and complaints submitted against other state bodies (Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti, 2018: 36-37).

3.3. Environmental Protection Agency and the Protection of the Right to Healthy Environment

As a body with the status of a legal person within the Ministry of Environmental Protection of the Republic of Serbia, the Environmental Protection Agency is authorised to conduct several professional activities pertinent to various aspects of environmental protection, enumerated in the Law on Environmental Protection¹² (Agencija za zaštitu životne sredine, 2018: 4). Although it does not function in exactly the same way as

¹² Law on Environmental Protection, Official Gazette of RS, No. 135/04, 36/09, 36/09, 72/09, 43/11 and 14/16.

independent institutions such as the Protector of the Citizens or Committee for the Information of Public Interest and Personal Data Protection, the Agency does have the status of an independent legal person that functions within the Ministry of Environmental protection though. Moreover, the tasks delegated to this institution by the Law on Environmental Protection suggest that it does have some empowerments and authorisations of an independent institution that may strongly and significantly contribute to the protection of the right to healthy environment.

According to Paragraph 74 of the Law on Environmental Protection, the Environmental Protection Agency is in charge of running the Information System, established with the aim to facilitate efficient identification, classification, analysis, keeping up with and evidencing natural values as well as to allow a more effective environmental management (Article 74, Paragraph 1). The information system allows: creating, classification, analysis, maintenance, presentation and distribution of numerical, descriptive and spatial databases about: the quality, mediums, condition and protection of the environment as well as on the legislative, administrative, organisational and strategic measures and scientific and technical information about planned preventive measures and the exchange of information with other information systems (Article 74, Paragraph 2). This system facilitates the access to other information systems and the harmonisation of all relevant data and information on national and international level (Article, 74, Paragraph 4). The Environmental Protection Agency is also in charge of establishing and running a part of the Information System called National Meta-register of information about the environment. This is an electronic database and portal to existing databases and documents containing information pertinent to environmental protection retrieved from various bodies and organisations (Article, 74, Paragraphs 5-6).

By integrating the work of national expert, scientific and educational institutions, through the cooperation with international organisations on the creation and realisation of various projects and programmes, the Agency provides for a centralised access to data and information about the environment. On the grounds of the information collected throughout the year, the Agency publishes its Annual Report and makes it available on its website. The Report allows and insight into current state of the environment in the Republic of Serbia and contains the measures and recommendations that should be applied in order to enhance its improvement. The Report is adopted by the Government and presented before the National Assembly (Agencija za zaštitu životne sredine, 2018: 28).

It is important to mention that the Agency functions in accordance with the principle of transparency and participation of the public, proclaimed by the Law on Environmental Protection. This means that all the information in the possession of the Agency that are related to its work have to be presented to the person who asks for them, apart from the cases when this right is limited or excluded in accordance with the Law on Free Access to Information of Public Importance (Agencija za zaštitu životne sredine, 2018: 26). There is several information of public importance that has been most frequently required throughout 2018. They include, but are not limited to: the information about: emissions of pollutants in the air, the parameters contained in the Integral Registry of Polluters, the level of allergens in the air etc. (Agencija za zaštitu životne sredine, 2018: 26).

4. Conclusion

The Protector of Citizens belongs to the institutions established by the Constitution, with strong guarantees of independence and an extensive range of rights and duties. The activities of the Protector of Citizens are not strictly focused on the protection of a particular right or category of human rights, like the activities of the specialised ombudspersons (such as, for example, child rights, the rights of persons deprived of liberty, minority rights, gender equality etc.). On the contrary, he/she is entitled to control the respect of all rights guaranteed by national and international legal documents, which is in accordance with the concept of national institution in charge of human rights protection (Lazarević, 2017a: 34). This means that the Protector of Citizens can play an important role in the protection of the right to healthy environment through the control of the work of all state bodies that may have an impact on the respect of this right as well as through his/her regular annual reports. In that sense, the Protector of Citizens represents a self-governing and independent entity that stands between the citizens and executive authorities (Savić Božić, 2018: 165). However, it seems that the status and the influence of the Protector of Citizens in the Republic of Serbia could be improved, particularly when it comes to the interest that National Assembly shows for his/her Annual Reports (Lazarević, 2017a: 38). Another issue is related to the communication between the Protector of Citizens and the citizens themselves. Namely, the Republic of Serbia has accepted the model of direct communication between the Protector and the citizens, which, in spite of being the most secure way to provide his/her direct and precise insight into citizens' problems and needs may also cause the overload of applications and diminish his/her efficiency (Lazarević, 2017b: 519).

The Commissioner for Information of Public Importance and Personal Information Protection is entitled to act in the cases pertinent to the protection/violation of one specific human right – the right to access to information of public interest. Having in mind the principles of the Aarhus Convention, the right to access various information related to the state of the environment represents a substantial component of the right to healthy environment, i.e. the right to healthy environment cannot be fully realised if there is no correct, full and timely information about the state of the environment or if the decision-making processes regarding environmental issues are not transparent and accessible to relevant stakeholders and general public etc. In that context, the role of the Commissioner is to facilitate the protection of the right to healthy environment through the strengthening of one of its essential components – the right of access to information of public interest. This right can also be interpreted as the freedom to access information, which is derived from the universally recognised principle of transparency of work of governmental bodies, including their obligation to guarantee the accessibility of information they have because these information are considered to belong to all citizens (Milenković, 2010: 21).

When it comes to the role of the Environmental Protection Agency, its role may seem less influential than the roles of two previously analysed independent institutions. Nevertheless, in spite of being a legal person that functions within the Ministry of Environmental Protection, the Agency still represents an independent entity, especially when it comes to the fulfilment of the tasks related to information collection, sharing and dissemination. However, giving the Agency the status of a completely independent expert body instead of being a part of the Ministry Agency could be taken into consideration in the future. This would, at least formally, increase the reliability of its reports and findings, since it would be able to function as an independent team of experts, organisationally and financially separated from the Ministry of Environmental Protection.

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