

ЗБИРКА НА ПРОПИСИ • PËRMBLEDHJE E RREGULLAVE • COMPILATION OF LEGAL REGULATIONS



Република Македонија
НАРОДЕН ПРАВОБРАНИТЕЛ
Republika e Maqedonisë
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O M B U D S M A N
Republic of Macedonia

ЗБИРКА НА ПРОПИСИ PËRMBLEDHJE E RREGULLAVE COMPILATION OF LEGAL REGULATIONS



НАРОДЕН ПРАВОБРАНИТЕЛ
AVOKATI I POPULLIT
OMBUDSMAN

COMPILATION OF LEGAL REGULATIONS



The Ombudsman institution by its form and conception has existed for two centuries and was first established in the Kingdom of Sweden in 1809.

In every society where an Ombudsman is established it is a mechanism that provides an essential contribution to the functioning of the principle of the rule of law and it is one of the factors that illustrate democratic processes in every state.

In the Republic of Macedonia, the Ombudsman institution was stipulated for the first time by the Constitution in 1991, while the Law on Ombudsman was adopted in 1997 after which the first Ombudsman was elected. The institution commenced with its work in 1998 after technical and personal conditions were fulfilled.

The Ombudsman of the Republic of Macedonia has no legislative, judicial or executive authorities and it isn't a body with criminal prosecution or inspection competencies. The authority of the Ombudsman does not encompass bringing meritorious decisions on the rights of the citizens, as is the case with the courts, state administration bodies and other bodies or agencies that have enforcement instrumentality provided by the legal-political system. In contrast, the Ombudsman is foreseen as a control mechanism that intervenes by way of proposals, suggestions, indicators, remarks, recommendations and similar activities.

Although the basic role of the Ombudsman is to protect the constitutional and legal rights of citizens when violated by state bodies, its work underlies a wider promotion, enhancement and improvement of the work of the state administration so that state bodies provide a service to citizens for the purpose of a more efficient realization of their rights without the delay of administrative proceedings and to avoid unnecessary court proceedings.

On the other hand, this indicates that there is another more sophisticated dimension in its action that is perhaps of greatest significance for accomplishment of the Ombudsman's role as promoter and protector of human rights. Particularly in countries undergoing transition such as Macedonia, besides contributing to the reform of all State sectors, the Ombudsman-through work unsupported by enforcement instruments- acts to raise the consciousness and awareness of state officials that respect for the consistent and timely realization of citizens rights should be the basic aim of their work.

With the signing of the Ohrid Framework Agreement and the amendments to the Constitution of the Republic of Macedonia, a new Law on Ombudsman was adopted. This Law stipulates the decentralization of the Institution, the establishment of regional offices and the expansion of the competences of the Ombudsman to take actions for protection of the principles of non-discrimination and adequate and equal representation of the members of communities in state administration bodies. This indicates that this mechanism is developing in our country, in accordance with contemporary trends and with the needs of the citizens, which positively contributes to strengthening trust between ethnicities, which has proven to be a necessary precondition for peaceful life and development of the State.

Living in an era marked by global turbulences that represent a serious attack on the human aspect of our life, I consider that our efforts to ensure efficient functioning of the system transcend the borders of the societies in which we act. We should strive to achieve our aims throughout the world and to bring humanization of human relations and establish global order characterized by high principles and awareness about the need of human rights respect.

OMBUDSMAN

Ixhet Memeti



REGULATIONS FROM THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

(Official Gazete of the Republic of Macedonia No. 52/91)

Article 77

The Assembly elects the Public Attorney.

The Public Attorney protects the constitutional and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates.

The Public Attorney is elected for a term of eight years, with the right to one reelection.

The conditions for election and dismissal, the sphere of competence and the mode of work of the Public Attorney are regulated by law.

AMENDMENT XI

(Official Gazete of the Republic of Macedonia No. 91/01)

1. The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to communities not in the majority in the population of Macedonia.

2. The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

3. Item 1 of this amendment replaces paragraph 1 of Article 77, and Item 2 is added to paragraph 2 of Article 77 of the Constitution of the Republic of Macedonia.

AMENDMENT XII

(Official Gazete of the Republic of Macedonia No. 91/01)

1. The Assembly shall establish a Committee for Inter-Community Relations.

The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Assembly, and a member each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have representatives, the Public Attorney, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee.

THE OMBUDSMAN LAW

(Official Gazette of the Republic of Macedonia No. 60/2003)

I. BASIC PROVISIONS

Article 1

This Law shall regulate the terms of election and dismissal, the jurisdiction and manner of work of the Ombudsman.

Article 2

The Ombudsman shall be a body of the Republic of Macedonia that shall protect the constitutional and legal rights of citizens and all other persons when these are infringed by acts, actions and omissions by the state administration bodies and by other bodies and organizations that have public authority, and who shall undertake actions and measures for protection of the principle of non-discrimination and adequate and equitable representation of community members in the state administration bodies, the local self-government units and the public institutions and agencies.

Article 3

The Ombudsman shall be independent and self-governing in the performance of his function.

The Ombudsman shall carry out the affairs within his scope of competence on the basis of and within the framework of the Constitution, laws and international agreements ratified pursuant to the Constitution.

In the procedure, the Ombudsman may invoke the principle of equity.

Article 4

The headquarters of the Ombudsman shall be in the City of Skopje.

The Ombudsman shall have a seal that contains the name and headquarters, the national coat of arms and the name of the Republic of Macedonia.

On the building occupied by the Ombudsman, the name and headquarters, the national coat of arms, and the flag of the Republic of Macedonia must be indicated.

II. TERMS OF ELECTION AND DISMISSAL OF THE OMBUDSMAN

Article 5

The Parliament of the Republic of Macedonia, upon proposal of the competent Parliamentary Committee, shall elect and dismiss the Ombudsman with a majority vote of the total number of MPs, whereby there must be a majority of votes of the total number of MPs who belong to the non-majority communities in the Republic of Macedonia. The Ombudsman shall be appointed for the period of eight years, entitled to another tenure.

The Ombudsman shall have more deputies. The number of deputies of the Ombudsman shall be determined by the Parliament of the Republic of Macedonia upon proposal by the Ombudsman.

The deputies of the Ombudsman, upon proposal by the Ombudsman shall be elected and dismissed by the Parliament of the Republic of Macedonia with a majority vote of the total number of MPs, whereby there has to be a majority of votes from the total number of MPs

who belong to the non-majority communities in the Republic of Macedonia. The Ombudsman's deputies shall be appointed for the period of eight years and are entitled to another tenure.

The election procedure for the Ombudsman and his deputies shall commence three months before the expiration of their tenure.

In case of absence or impediment of the Ombudsman, his Deputy according to a schedule determined by the Ombudsman shall replace him.

Article 6

A person who fulfils the general terms stipulated by the Law on Employment in the State Administration Bodies, a graduated lawyer who has a working experience in legal affairs of over nine years, whose activity has been proved in the sphere of protection of citizens' rights and has a good reputation for performing the duties of the Ombudsman, may be elected Ombudsman.

A person who fulfils the general terms stipulated by the Law on Employment in the State Administration Bodies, a graduated lawyer who has a working experience in legal affairs of over seven years, whose activity has been proved in the sphere of protection of citizens' rights and has a good reputation for performing the duties of the Deputy of the Ombudsman, may be elected Deputy of the Ombudsman.

When appointing deputies of the Ombudsman, an adequate and equitable representation of citizens belonging to all the communities in the Republic of Macedonia shall be provided, without breaching the criteria stipulated by law.

Article 7

The Ombudsman, prior to his coming into office, shall make a solemn declaration in front of the President of the Parliament of the Republic of Macedonia, which shall read:

"I declare that I shall perform the Ombudsman function conscientiously and responsibly, and I shall abide by the Constitution and the laws of the Republic of Macedonia".

Article 8

The Ombudsman function is not compatible with performing another public function and profession or with political party membership.

Article 9

The Ombudsman shall be dismissed:

- 1) if he himself requests it;
- 2) if he is convicted of a criminal act with an unconditional sentence of imprisonment to at least six months;
- 3) if he permanently loses his psycho-physical ability to perform the Ombudsman function what is determined on the basis of a finding and opinion by a competent health centre;
- 4) if he fulfils the terms of retirement according to age;
- 5) due to incompetent, biased and unconscientiously performing the function of Ombudsman.

Article 10

The provisions in Articles 7, 8, 9 and 10 of this Law shall also refer to the deputies of the Ombudsman.

II. JURISDICTION AND MANNER OF WORK

Article 11

The Ombudsman, in performing his function, shall undertake actions for which he is authorized with this Law for the purpose of protection of the constitutional and legal rights of citizens or protection of the principles of non-discrimination and adequate and equitable representation of citizens belonging to all the communities when these are infringed by the bodies set out in Article 2 of this Law.

Article 12

The Ombudsman shall undertake actions and measures for protection against unjustified prolongation of court proceedings or unconscientious and irresponsible performance of the work of court's services, not infringing thus the principles of independence and autonomy of the judicial authority.

The Ombudsman shall not proceed in cases for which court proceedings are pending, except for the cases set out in paragraph 1 of this Article.

Article 13

The procedure for protection of the constitutional and legal rights of citizens before the Ombudsman shall be initiated by putting forward a submission.

Anyone may put forward a submission to the Ombudsman when he assesses that his constitutional and legal freedoms and rights have been infringed or when the principal of non-discrimination and adequate and equitable representation of community members in the bodies set out in Article 2 of this Law has been breached.

The Ombudsman may initiate a procedure on his own initiative if he assesses that the constitutional and legal rights of citizens, stipulated in Article 2 of this Law, have been infringed.

Article 14

In a procedure before the Ombudsman, the Macedonian language and its Cyrillic script shall be the official language.

In a procedure before the Ombudsman, another language spoken by at least 20% of the citizens and its script shall also be an official language.

The provisions of the Law on General Administrative Procedures pertaining to the use of languages shall also be applied in the proceedings before the Ombudsman as appropriate.

Article 15

Every citizen, in his communication with the Ombudsman, may use one of the official languages and its script, and the Ombudsman shall respond in Macedonian and its Cyrillic script, as well as in the official language and the script which the citizen uses.

Article 16

The submission addressed to the Ombudsman should be signed and to contain personal data about the person who has put it forward and to contain the circumstances, facts and evidence on which the submission is based.

The body, organization, institution or person to whom the submission refers should be stated in the submission, as well as whether the person who has put it forward has already used legal remedies and which remedies he or she has used.

The submission for initiating a procedure shall be submitted in writing or orally in minutes.

The submission with which the procedure is initiated shall not have a fixed form.
The person who puts forward the submission shall be exempt from paying taxes for the procedure before the Ombudsman.

Article 17

The Ombudsman is obliged to proceed upon the submission conscientiously, impartially, efficiently and responsibly.

When proceeding upon the submission, the Ombudsman is obliged to obtain from the interested parties all the facts and evidence of vital and decisive significance, following the submission.

Article 18

The Ombudsman, during the procedure upon the submission, is obliged to respect the privacy and confidentiality of information regarding the persons who put forward the submission set out in Article 16 of this Law.

Article 19

The Ombudsman, while proceeding upon the submission, may:

- not initiate a procedure;
- initiate a procedure; and
- stop or terminate a procedure.

Article 20

The Ombudsman shall not initiate a procedure upon a submission:

- if the submission is anonymous, except if it is a matter of common interest;
- if the submission insults the body or abuses the right to put forward a submission;
- if the submission is incomplete and if the person who put it forward has not completed the submission after prior instruction by the Ombudsman;
- if it is concluded from the submission that it is a less important case, which would not be able to yield adequate results even after the end of the investigation;
- if from the submission, the circumstances and the presented facts and evidence, it follows that there is no infringement of the constitutional and legal rights of the person who put forward the submission, or the person on whose behalf the submission was put forward, by the state administration bodies in Article 2 of this Law;
- if he is not competent to proceed;
- if more than a year has passed since the action or the last decision of the body, organization or institution, except if he assesses that the person who put forward the submission has missed the deadline due to justified reasons;
- if judicial proceedings are pending concerning the subject of the submission, except for the matters set out in Article 12 paragraph 1 of this Law.

When the Ombudsman does not initiate a procedure upon a submission, pursuant to paragraph 1 of this Article, he is obliged to notify the person who put forward the submission within 15 days from the day of receiving the submission and to explain to him the reasons for which he has rejected the submission and possibly to clarify the manner in which he may fulfil his right.

Article 21

The Ombudsman shall initiate a procedure following a submission put forward, or on his own initiative if, following the allegations, evidence and facts enclosed to the submission or the information obtained by other means, it justifiably follows that the constitutional and legal

rights of the citizens or the principles of non-discrimination and adequate and equitable representation of community members have been infringed by the bodies set out in Article 2 of this Law.

If the Ombudsman initiates a procedure on his own initiative, or if another person addresses him on the behalf of the injured person with a submission, a consent from the injured person whose constitutional and legal rights have been infringed is necessary for initiating the procedure, or if the principle of non-discrimination and adequate and equitable representation of community members has been violated, also.

When the Ombudsman initiates a procedure on his own initiative for violation of the constitutional and legal rights of a larger number of citizens, juveniles, infirm people and persons incapable of work, consent from paragraph 2 of this Article shall not be needed.

The Ombudsman shall notify the persons concerned about the initiation of the procedure, within 15 days from the day of the initiation of the procedure.

Article 22

When the Ombudsman decides to initiate a procedure, he shall notify the person who put forward the submission about the procedure within 15 days from the day of reception of the submission.

Article 23

The Ombudsman shall stop or terminate the procedure based upon the submission:

- if, after the termination of the procedure following the submission, it is concluded that there is no infringement of the constitutional and legal rights of the person who put forward the submission by the state administration bodies set out in Article 2 of this Law;
- if the person who put forward the submission initiates court proceedings during the procedure upon the submission;
- if the person who put forward the submission does not show interest for further procedure;
- if the person who put forward the submission withdraws it during the procedure;
- if the person who put forward the submission dies during the procedure, unless his successors demand the continuation of the commenced procedure; and
- if the right of the person who put forward the submission has been realized in the meantime.

When the Ombudsman stops or terminates the procedure following the submission, he is obliged to inform the person who put forward the submission immediately, but no later than 15 days from the day of the occurrence of the circumstances of stopping or termination of the procedure, and to explain to him the reasons for which he stops or terminates the procedure and, if possible, to clarify the manner in which the person may fulfil his right.

Article 24

For the purposes of investigating the submission, the Ombudsman may undertake the following actions and measures, within his scope of competence, regarding the bodies set out in Article 2 of this Law:

- demand necessary explanations, information and evidence regarding the allegations in the submission;
- enter the office premises and have a direct insight into the files and affairs within their competence;
- interview an appointed or nominated person, an official and any other person who can provide certain information for the procedure;
- request the opinion of scientific and specialized institutions; and
- undertake other actions and measures stipulated by law or another regulation.

The bodies set out in Article 2 of this Law are obliged to submit the demanded explanations, information and evidence set out in paragraph 1 indent 1 of this Article to the Ombudsman

immediately and no later than eight days from the day of reception of the demand for submission of data. Should they be impeded from submitting them due to justified reasons, they are obliged to notify the Ombudsman without delay about the reasons for which they are unable to proceed.

Should the Ombudsman assess that the reasons in paragraph 2 of this Article are justified, he shall determine a new deadline for submission of the demanded explanations, information and evidence.

The rejection of, and disrespect for, the demands of the Ombudsman for undertaking the actions in paragraph 2 of this Article shall be deemed as obstruction to the work of the Ombudsman.

Article 25

The Ombudsman may inform the immediately superior body, the official in charge of the body set out in Article 2 of this Law, or the Government of the Republic of Macedonia, with a special report about the obstruction of work in Article 24 paragraph 4 and, if they do not undertake the necessary measures, the Parliament of the Republic of Macedonia.

The Ombudsman may publicize the case in the mass media, at the expense of the body set out in Article 2 of this Law to which the case pertains, when there is infringement of the constitutional and legal rights.

Article 26

The persons set out in Article 24 paragraph 1 indent 3 of this Law are obliged to appear at the Ombudsman's summons and to give the necessary explanations regarding the submission.

Upon request from the Ombudsman, the President of the Republic of Macedonia, the Speaker of the Parliament of the Republic of Macedonia, the Prime Minister of the Government of the Republic of Macedonia and other officials in charge of the bodies set out in Article 2 of this Law, are obliged to see him personally without any delay.

Article 27

The bodies set out in Article 2 of this Law are obliged to co-operate with the Ombudsman and upon his request to provide him with all the evidence, data and information, notwithstanding the degree of confidentiality, and to enable him to enforce the procedure.

The Ombudsman is obliged to keep a state and official secret in a manner, and under the conditions, stipulated by law and other regulation.

Article 28

The Ombudsman may present his opinion to the bodies set out in Article 2 of this Law, with regard to the protection of the constitutional and legal rights and the protection of the principles of non-discrimination and adequate and equitable representation of community members, for the case for which procedures are pending, notwithstanding the type and degree of the ongoing procedure before the bodies set out in Article 2 of this Law.

With regard to the situation with ensuring respect and protection of the constitutional and legal rights and the principles of non-discrimination and adequate and equitable representation of community members, the Ombudsman, within the scope of his competence, may forward recommendations, opinions and criticisms, on his own initiative, to the bodies set out in Article 2 of this Law.

Article 29

The Ombudsman shall follow, within the scope of his competence, the situation regarding the respect and protection of the constitutional and legal rights of citizens and respect of the

principles of non-discrimination and adequate and equitable representation of community members and by means of visits and insights into the bodies set out in Article 2 of this Law.

Article 30

The Ombudsman may propose initiatives to the authorized proposers for amendments and modifications to laws and other by-laws, and their harmonization with international agreements, ratified pursuant to the Constitution of the Republic of Macedonia.

The Ombudsman may submit a proposal to the Constitutional Court of the Republic of Macedonia for evaluation of the constitutionality of the laws and the constitutionality and legality of the other regulations or general acts.

Article 31

The Ombudsman shall follow the situation with regard to the respect and protection of the constitutional and legal rights of the persons in the bodies, organizations and institutions where the freedom of movement is restricted.

The Ombudsman shall especially follow the situation with regard to the respect and protection of the constitutional and legal rights of the persons arrested, detained, imprisoned, and those who are serving a prison sentence, or a corrective and educational measure, in the prisons and educational-correctional facilities.

The Ombudsman may visit and have insight of paragraphs 1 and 2 of this Article, at any time, without prior notice and approval, as well as talk with the persons at these bodies, organizations or institutions without the presence of official persons.

The persons deprived of their freedom shall be entitled to put forward a submission to the Ombudsman in a closed envelope, without checking by the official persons of the body, organization or institution where they are situated, and to receive a response in a closed envelope without checking by the official persons.

Article 32

When the Ombudsman concludes that the state administration bodies set out in Article 2 of this Law infringe the constitutional and legal rights of the person who put forward the submission, or that some other irregularities have occurred, he may:

- give recommendations, proposals, opinions and indications on the manner of the removal of the determined infringements;
- propose that a certain procedure be implemented pursuant to law;
- raise an initiative for commencing disciplinary proceedings against an official, i.e. the responsible person;
- submit a request to the competent Public Prosecutor for initiation of a procedure in order to determine a criminal responsibility.

Article 33

When the Ombudsman concludes that the constitutional and legal rights of the person who put forward the submission are infringed by the state administration bodies and by other bodies and organizations that have public authorization, or that the principles of nondiscrimination and adequate and equitable representation of community members in the state administration bodies, local self-government units and public institutions and agencies has been breached, or some other irregularities have occurred, and if he assesses that the execution of the administrative act may cause irreparable damage to the right of the interested person, he shall request:

- temporarily postponement of the implementation of the administrative act until the decision by the second-instance body is adopted;

- temporarily postponement of the execution of the administrative act until passing a decision by the competent court.

The bodies set out in Article 2 of this Law are obliged to pass and submit to the Ombudsman the decision immediately, or within 3 days at the latest from the day when the request submitted by the Ombudsman has been received, whereby enforcement of the administrative act has been temporarily postponed.

The competent bodies are also obliged to submit the decision to the Ombudsman following the termination of the procedure.

Article 34

The bodies in Article 2 of this Law are obliged to notify the Ombudsman about the undertaken measures for enforcing his requests, proposals, opinions, recommendations or indications, in a deadline that he shall determine, and no later than 30 days from the day when the request submitted by the Ombudsman has been received.

If the body does not notify the Ombudsman pursuant to paragraph 1 of this Article, or if it only partly accepts his conclusions, requests, proposals, opinions, recommendations or indications, the Ombudsman shall inform the immediate superior body, the official in charge of the body set out in Article 2 of this Law, or the Government of the Republic of Macedonia, with a special report and, if they do not undertake the necessary measures, the Parliament of the Republic of Macedonia.

The Ombudsman may publicize the case in the mass media, at the expense of the body in paragraph 2 of this Law to which the case pertains, when there is an infringement of the constitutional and legal rights.

Article 35

If the bodies in Article 2 of this Law proceed upon the requests, recommendations, opinions, proposals and indications in Article 34 of this Law within the determined deadline, the Ombudsman shall conclude that the procedure is completed and he shall immediately notify the person who put forward the submission.

IV. PUBLICITY OF THE WORK

Article 36

The Ombudsman shall inform the Parliament of the Republic of Macedonia about the level of respect, improvement and protection of the constitutional and legal rights of citizens, and respect of the principles of non-discrimination and adequate and equitable representation of community members, by the bodies set out in Article 2 of this Law, with an annual report.

The report set out in paragraph 1 of this Article shall be discussed by the Parliament of the Republic of Macedonia at a Parliamentary session which shall be compulsorily attended by members of the Government of the Republic of Macedonia, i.e. its representatives.

The Ombudsman's report shall be obligatory publicized in the mass media.

Article 37

The Ombudsman may submit a separate report on the affairs within his scope of competence in the area of the local self-government units where an office is established as an organizational unit of the Ombudsman.

The separate reports in paragraph 1 of this Article, notices and other undertaken activities may be publicized by the Ombudsman in the mass media.

V. LEGAL POSITION OF THE OMBUDSMAN

Article 38

The Ombudsman and his deputies cannot be called to account for a given opinion and actions, measures and activities undertaken in the performance of their function.

Article 39

The Ombudsman, the deputies of the Ombudsman and the employees in the Ombudsman's professional service shall have an official pass.

The form, contents, procedure and manner of issuing, usage and confiscation of the official pass shall be prescribed by the Ombudsman with a general act.

Article 40

The Ombudsman and his deputies, who have been employed prior to their appointment, shall have the right to return to the job that suits the level of their professional education, within 30 days following the termination of their tenure.

Article 41

The Ombudsman, his deputies and the employees in the Ombudsman's professional service shall have the right and obligation to constant professional training and improvement.

Funds from the Budget set aside for the Ombudsman shall be provided for the needs of professional training and improvement.

Article 42

As special rights of the Ombudsman and his deputies, in the performance of their function, shall be deemed:

- the right to enter and have a free pass at the stations, airports and ports, only by displaying the official pass;
- the right to freely use means of transport for public, land or lake traffic on the territory of the Republic of Macedonia; and
- the right to special protection of his personality, his family and property, upon his request, submitted to the police in his place of residence, whenever there are serious threats to his safety.

VI. PROFESSIONAL SERVICE

Article 43

The general acts on the organization of work and systematization of working posts, where by the type and number of employees and their work assignments are stipulated, shall be passed by the Ombudsman.

Article 44

The following offices shall be organized as regional organizational units for performance of the affairs within the Ombudsman's scope of competence:

- 1) Office of the Ombudsman in Tetovo;
- 2) Office of the Ombudsman in Kicevo;
- 3) Office of the Ombudsman in Stip;

- 4) Office of the Ombudsman in Strumica;
- 5) Office of the Ombudsman in Kumanovo;
- 6) Office of the Ombudsman in Bitola.

The Deputy Ombudsman shall manage the offices of the Ombudsman.

The Ombudsman shall regulate more closely, by means of a general act, the manner in which the work is carried out and the number of employees in the offices of the Ombudsman, who perform duties within the Ombudsman's scope of competence.

Article 45

The Ombudsman may establish and organize departments for the purpose of a more efficient and more successful protection of the constitutional and legal rights of the citizens' in particular areas.

The Ombudsman shall regulate more closely, by means of a general act, the manner of work and number of employees in the departments who shall perform the duties in the area of the Ombudsman's scope of competence.

Article 46

The Ombudsman shall appoint a Secretary General from among the managing civil servants.

The mandate of the Ombudsman's Secretary General shall equal the length of the mandate of the Ombudsman.

The Secretary General to the Ombudsman shall manage the professional service.

Article 47

For his work, the Ombudsman shall adopt Rules of Procedure for the Ombudsman's Work.

The Rules of Procedure for the Ombudsman's Work shall more closely regulate the work, manner and procedures in front of the Ombudsman.

VII. FUNDS FOR WORK

Article 48

To carry out its function the Ombudsman in his office has adequate resources, facilities and personnel.

The funds for the Ombudsman are provided from the Budget of the Republic of Macedonia.

The Assembly votes separately section in the Budget of the Republic of Macedonia intended specifically for the Ombudsman.

Article 49

The salary and other allowances of the Ombudsman and Deputy Ombudsmen are determined by law.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 50

The Rule Book of the Ombudsman and acts on work organization and systematization of positions, will comply with the provisions of this law within six months from the date of entry into force of the law.

The act on the manner of realization of special rights of the Ombudsman, Deputy Ombudsmen and persons authorized by the Ombudsman under the Article 42 of this law and the Act on the manner of operation and number of employees in organizational units of the Ombudsman under the Article 44 paragraph 3 of this Law shall be passed within six months from the date of enactment of this law.

The decision on the number of deputies of the Ombudsman under Article 5, paragraph 2 of this law, shall enact the Parliament of the Republic of Macedonia within 30 days from the date of enactment of this law.

Article 51

The organizational units will begin to operate within six months from the date of enactment of this law.

Article 52

By entry into force of this Law the Law on the Ombudsman repealed (Official Gazette of the Republic of Macedonia no. 7 / 97).

Article 53

This law shall enter into force on the eight day after its publication in the Official Gazette of the Republic of Macedonia.

LAW ON SUPPLEMENTING AND AMENDING THE LAW ON THE OMBUDSMAN

(Official Gazette of the Republic of Macedonia No.114/2009)

Article 1

New article 11-a is added after article 11 of the Law on the Ombudsman (Official Gazette of the Republic of Macedonia No.60/2003), reading:

“Article 11-a

The Ombudsman guarantees special protection of the rights of the children, the persons with disabilities and persons subjected to torture and other cruel, inhuman or degrading treatment or punishment in the bodies, organizations and institutions where the freedom of movement is limited.”

Article 2

In the article 21, paragraph 3 after the word “persons” the words: “with special needs and” are added, while as after the word “incapable of work”, the words: “as well as persons subject of torture and other cruel, inhuman and degrading treatment or punishment in the bodies, organizations and institutions where the freedom of movement is limited”, are added.

Article 3

Two new articles 31-a and 31-b are added after article 31, reading:

„Article 31-a

The Ombudsman, when following the situation with the respect and the protection of the constitutional and legal rights of the persons in the bodies, organizations and institutions where the freedom of movement is limited, undertakes activities in line with the law and international agreements ratified according to the Constitution of the Republic of Macedonia.

The Ombudsman, aiming to achieve the activities from paragraph 1 of this article, undertakes regular and unannounced visits to the bodies, organizations and institutions where the freedom of movement is limited and prepares separate report.

The manner in which the visits from paragraph 2 of the article are carried out is regulated by Rulebook adopted by the Ombudsman.

Article 31-b

The persons acting in official capacity in the bodies, organizations and institutions where the freedom of movement is limited are obliged to allow the Ombudsman with unlimited access to all documents and information regarding the persons whose freedom of movement is limited.

The persons acting in official capacity in the bodies, organizations and institutions where the freedom of movement is limited are obliged to act according to the suggestions and recommendations of the Ombudsman and to inform the Ombudsman of the undertaken actions not later than 30 days counting from the day of the receipt of the special report.”

Article 4

Following the article 34, a new article 34-1 is added, reading:

“Article 34-a

A fine in amount of 500 to 1000 EURs paid in MKD shall be stated for an offence of an official in the bodies of the article 2 of this law who will not proceed in accordance with the stipulations of the articles 31-b, paragraph 2 and 34, paragraph 1 of this law”.

Article 5

The words: “or for certain groups of vulnerable persons” are added in the Article 45 paragraph 1 after the word “areas”.

New paragraph 2 is added after paragraph 1, reading as follows:

“The Ombudsman establishes separate units for protections of the rights of the children and the persons with disabilities, unit for protection of the persons from discrimination and torture and other cruel, inhuman and degrading treatment or punishment, as well as unit for adequate and equitable representation of the citizens.“

Paragraph 2 becomes paragraph 3.

Article 6

The article 48 is amended, reading:

“The means for work of the Ombudsman are secured in the divisions of the Budget of the Republic of Macedonia allocated for the Ombudsman.

The proposal for the means of work of the Ombudsman before the submission of the proposal of the budget of the Republic of Macedonia, the Ombudsman is coordinating with the Government of the Republic of Macedonia through the Ministry of Finance.

During the budget voting session of the Parliament of the Republic of Macedonia, the Ombudsman is obligatorily present and he elaborates in details the proposal of the budget division allocated to the Institution.

The usage, distribution and allocation of the means for work secured in the division of the budget of the Republic of Macedonia for the Ombudsman, the Ombudsman manages independently.

The Parliament of the Republic of Macedonia votes separately for the division in the budget of the Republic of Macedonia allocated to the Ombudsman. “

Article 7

The by-laws foreseen in this law will be adopted within six months from the day of entry into force of this law.

Article 8

This law enters into force on the eight day of its publishing in the Official Gazette of the Republic of Macedonia.

Based on Article 47 of the Law of the Ombudsman (Official Gazette of Republic of Macedonia No. 60/2003 and 114/2009), the Ombudsman has adopted

RULES OF PROCEDURE OF THE OMBUDSMAN

(Official Gazette of Republic of Macedonia No. 92/2011 and 120/2011)

I. BASIC PROVISIONS

Article 1

The Rules of Procedure of the Ombudsman (in the further text Rules of Procedure) shall closely regulate the manner of work, procedure and other matters important for the work of the Ombudsman.

Article 2

Application of these Rules of Procedure shall ensure that the affairs within the scope of the Ombudsman competence are completed in a legal, correct and timely manner.

The Ombudsman shall ensure proper and correct application of these Rules of Procedure and shall give orders, instructions and interpretations for their usage.

In case the Ombudsman is prevented in performing his duties (in case of absence, sickness etc), he shall be replaced by a deputy authorized by himself.

Article 3

The headquarters of the Ombudsman shall be in the city of Skopje.

On the building occupied by the Ombudsman headquarters, "Republic of Macedonia, Ombudsman of the Republic of Macedonia", the coat of arms, the flag and the emblems of the state institution shall be indicated.

On the building occupied by the Ombudsman office, the name, the coat of arms, the flag and the emblems of the office shall be indicated.

Article 4

The Ombudsman shall have a seal, stamp and receipt stamp.

The seal shall be round with diameter of 32mm, containing the national coat of arms and engraved with "Republic of Macedonia- Ombudsman- Skopje".

The stamp shall be squared with dimension 60x30mm, containing the national coat of arms and engraved with "Republic of Macedonia- Ombudsman", number, date and the location of the office.

The receipt stamp shall be squared with dimension 65x30mm, engraved with "Republic of Macedonia- Ombudsman" and location of the office.

In the middle of the determined columns shall be engraved “received”, “number”, “addendum”.

The seal and the stamp shall be placed on all writs adopted by the Ombudsman.

The receipt stamp shall be placed on all writs received by the Ombudsman and shall be registered in the registry and enrolment book.

The seal and the stamp shall be made, used, and kept in accordance with a separate law that regulates the shape, the size, and the manner of their usage and maintenance.

Article 5

In a procedure before the Ombudsman, the Macedonian language and its Cyrillic script shall be the official language.

In a procedure before the Ombudsman, another language spoken by at least 20% of the citizens and its script shall also be an official language as determined by law.

Article 6

For coordination and efficiency of the work of the institution in general, when necessary the Ombudsman shall summon and coordinate with collegiums.

The collegiums are consisted of the Ombudsman and his deputies. In the work of the collegiums, the deputies from the regional offices shall participate through a video-conference.

The Secretary General and sometimes representatives from the Professional Service Unit shall participate in the meetings of the collegiums.

The collegiums shall look into issues of interest to the work of the Ombudsman, and in particular:

- Draft by-laws and other acts that are adopted by the Ombudsman,
- Annual report for the work of the Ombudsman,
- Draft program for the work of the Ombudsman,
- Draft financial annual report for the work of the Ombudsman,
- Draft financial plan and closing balance,
- Certain more complex matters of significant importance to the work of the Ombudsman,
- Determining methods for more efficient realization of the work within the scope of the Ombudsman competence,

Minutes shall be taken on the collegiums sessions and when necessary the sessions shall be audio and video recorded.

II. MANNER OF WORK

Article 7

Depending on the number and type of cases, subject of Ombudsman's work, as well as on the basis of the estimated needs for efficiency in proceedings that shall ensure successful realization of the institution's function, the Ombudsman shall distribute the work throughout the central and the regional offices, establishing groups of legal matters as well as special units and shall nominate deputies and state officers who shall perform the appropriate works and duties.

Article 8

For concretization of the works and the working duties that fall within the institution's competence, at the beginning of each year, on the basis of prior proposals, the Ombudsman shall adopt a work program.

Within the scope of this program the works and the duties necessary for implementation of the Ombudsman's competences in accordance with the Constitution of the Republic of Macedonia, the Law on Ombudsman and the relevant international documents, shall be envisaged.

Due to increased number of cases as well as other appropriate reasons, the adopted annual program may be amended during the year.

Article 9

While deciding upon the measures that ought to be undertaken special consideration should be given to:

- The meaning i.e. the value of the protected right that has been violated or could be violated;
- The possibility of violation of the constitutional and legal rights of larger group of citizens;
- The manner and circumstances that caused or could cause violation of the constitutional and legal rights;
- Other legal possibilities for protection of the endangered constitutional and legal right.

Article 10

If during a procedure upon certain case an expert's knowledge is needed, the Ombudsman may request an opinion of scientific and specialized institutions.

The Ombudsman shall decide upon activities set in paragraph 1 of this Article.

Article 11

The work of the Ombudsman shall be facilitated through usage of informative and communicative technologies (ICT) that secure applicative solutions for automatic processing

of cases, electronic, unified and precise management of cases and establishing electronic forms of data files.

II-A PROTECTION OF CONSTITUTIONAL AND LEGAL RIGHTS OF CITIZENS AND ALL OTHER PERSONS

Article 12

The work within the scope of the Ombudsman competence for protection of the constitutional and legal rights of citizens which are undertaken in the Ombudsman headquarters in Skopje, shall be divided in four areas:

- I. Citizens freedoms and rights (police, prosecution, judiciary, prisons, defense etc)
- II. Rights of social protection and social security (social rights, pension and disability insurance, health insurance, education, science, culture, sport etc)
- III. Economic rights and regulating and humanization of the area (legal- property issues, urbanism and construction, residence properties, customs and finance)
- IV. The right to work, ecological rights and consumer rights (labor relations, costumer's rights, environment and other areas).

The protection of children rights and the persons with special needs, the protection of citizens from discrimination, the respect of the principle for equitable representation of citizens, as well as the protection of citizens against torture and other cruel, inhuman or degrading treatment or punishment, shall be undertaken in the Ombudsman headquarters but when needed, certain acts in the procedure shall be undertaken in the regional offices.

Article 13

Upon given authority by the Ombudsman, each deputy shall act in the areas determined in one of the groups stipulated in article 11 of these Rules of Procedure.

Depending on the needs, workload or other circumstances, the Ombudsman may assign another deputy to act upon complaints from different areas.

For conducting a procedure in certain more complex cases, or in cases where the violation of the constitutional and legal rights of citizens are referring to several different areas, the Ombudsman may assign a special team consisted of Ombudsman's deputies or civil servants.

The deputies in the Ombudsman's regional offices shall be undertake all the work related to protection of constitutional and legal rights of citizens, stipulated in article 11 of these Rules of Procedure.

For the cases processed in the Ombudsman's headquarters in Skopje, certain acts in the procedure can be undertaken in mutual coordination with the regional offices and vice versa.

Article 14

In case when a complaint encloses violation of rights from several areas, it shall be managed by a deputy whose area of specialization is predominant to the nature of the complaint.

If the complaint encloses several various areas that are mutually connected, the Ombudsman shall decide who shall act upon that case.

If a deputy, due to a conflict of interest or other reason is not able to act upon a complaint that is under its authority, the Ombudsman shall decide who will act upon that complaint.

II-B. MONITORING OF SITUATION AND PROTECTION OF RIGHTS OF CHILDREN AND PERSONS WITH SPECIAL NEEDS

Article 15

The acts and measures for acting upon complaints that are related to protection of rights of children and persons with special needs, monitoring of conditions and performing relevant investigations in the area, in accordance with the directions of the Ombudsman, shall be undertaken by a deputy assigned by the Ombudsman and the employees of the Organizational Unit for protection of rights of children and persons with special needs.

For performing the acts and the measures stipulated in paragraph 1 of this article, the Ombudsman shall assign one of the managing civil servants.

The Ombudsman shall decide upon the needs to determine the conditions, implementation, preparation, delivery and publishing special researches, analysis and reports for the determined condition regarding the issues stipulated in paragraph 1 from this article.

II-C. MONITORING OF CONDITIONS AND PROTECTION FROM DISCRIMINATION AND ADEQUATE AND EQUITABLE REPRESENTATION OF COMMUNITY MEMBERS

Article 16

The acts and measures for protection of the principles for non-discrimination and adequate and equitable representation of the community members in the state institutions, the units of the local self- government and public institutions and services, in accordance with the Ombudsman' directives, shall be undertaken by a deputy assigned by the Ombudsman and a representative from the employees in the organizational unit for protection of citizens from discrimination and equitable and adequate representation of citizens.

For undertaking acts and measures stipulated in paragraph 1 from this article, the Ombudsman may authorize one of the managing state officers.

The Ombudsman shall decide for the purpose of determining the situation, preparation, delivery and publishing of specialized researches, analysis and reports for determined situation in relation to the acts stipulated in the paragraph 1 from this article.

Article 17

While following the conditions of the adequate and equitable representations of the community members, the Ombudsman shall act: upon submitted complaint; on his own initiative if there is information that these principles have not been respected; upon conducted visits and direct insights into the state bodies, units of local self government, public organizations and services; by following the foreseen programmatic obligations of the bodies and organizations; by following the published vacancies for employment of the new employees in the bodies and organizations that are obliged to respect the stated constitutional principles.

Article 18

In order to ensure respect and protection of the constitutional and legal rights and the principles of non-discrimination and adequate and equitable representation of community members, the Ombudsman may forward recommendations, opinions and criticisms, on his own initiative, to the bodies that are within the scope of his competence, if he asserts that by certain general or individual acts, or by undertaking or not undertaking certain activities of the stated bodies or organizations, the rights of the citizens have not been respected or there are no mechanisms for respect and realization of those rights and stated principles in regards to the community members.

II-D. OMBUDSMAN- NATIONAL PREVENTIVE MECHANISM

Article 19

The activities for prevention of torture and other cruel, inhuman or degrading treatment or punishment shall be undertaken by the employees of the Organizational Unit for prevention of torture and other cruel, inhuman or degrading treatment of punishment- National Preventive Mechanism.

The National Preventive Mechanism shall conduct (announced and un-announced), visits to all places where persons are or may be detained, deprived of liberty, and shall prepare reports upon conducted visits.

The National Preventive Mechanism shall prepare Annual report about the visits of the places where persons are deprived of their liberty. In order to improve the treatment and the conditions of the persons deprived from liberty, the report shall contain notes and recommendations to the relevant bodies.

The National Preventive Mechanism shall submit recommendations and views related to the actual or draft legislation.

The Ombudsman shall decide upon time and methodology of the implementation of the activities stipulated in paragraph 2 of this article.

Article 20

For the purpose of conducting visits to the places where persons are deprived of liberty as well as for the purpose of preparation a special report, the National Preventive Mechanism

shall have unlimited access to all information concerning the number of persons deprived of liberty, unlimited access to information regarding the treatment towards those persons, access to all places where persons are detained or reside, as well as it shall conduct private interviews with persons deprived of liberty.

The National Preventive Mechanism shall keep the collected information with confidentiality and shall not publish personal data without clear agreement of the person concerned.

The special reports shall contain detected situations and drawn recommendations regarding specific visits while as the annual report shall contain sublimated conclusions and recommendations from the conducted visits and other implemented activities during the year.

The Ombudsman shall be monitoring the implementation of the given recommendations through immediate contacts with the officials of the places where deprivation of liberty is done, as well as with other responsible bodies and organizations in accordance with article 2 from the Law on Ombudsman.

The Ombudsman shall decide regarding the manner of preparation, delivery and publishing of the special reports.

Article 21

The Ombudsman shall look into other issues that are of interest for the protection of the constitutional and legal rights that have come out from other sources and findings (ex. Media broadcasting), and are related to inappropriate work of the bodies, organizations, units of the local self-government and public institutions and services.

III. PROFESSIONAL SERVICE UNIT

Article 22

To perform expert and other administrative-technical work the Ombudsman shall establish Professional Service Unit.

The organization and manner of work of the Professional Service Unit shall be regulated by general act.

Article 23

The Ombudsman's Secretary General shall manage the Professional Service Unit.

Article 24

The Ombudsman, the deputies of the Ombudsman, the employees in the Ombudsman's Professional Service Unit and the employees in the Ombudsman Professional Service Unit-the National Preventive Mechanism shall have an official pass.

The Ombudsman with a general act shall prescribe the form, content, procedure and manner of issuing, usage and confiscation of the official pass.

VI. FORMING A CASE AND THE PROCEDURE UPON

Article 25

For the work of his competence and for undertaking activities in his authorization, the Ombudsman, on the basis of received complaints and other application, shall form a case.

A procedure may be initiated on its own initiative based on information that the constitutional and legal rights of citizens and other persons have been infringed, or based on information received in any other manner.

The Ombudsman in the course of the proceedings and upon request of the complainant may allow him insight in the case and provide him with the copy of the answer received from the body or organization before which the complainant has initiated a procedure for realization of certain right.

Article 26

The procedure and the manner of work of the Ombudsman covers:

- Receiving and processing the complaints and other writs submitted to the Ombudsman;
- Registration of the received complaints and other writs, forming a case and its input in the system of automatic data processing;
- Assignment of the cases to the deputies and the counselors;
- Proceeding upon the cases;
- Administrative-technical processing of the cases;
- Delivery of the writs and
- Archiving, storage and usage of the cases.

Article 27

The receipt, examination, distribution of the writs, registration, assignment, administrative-technical processing, shipment, classification and registration of the completed acts in the registry, shall be conducted in accordance with the Law on General Administrative Procedure and the rules for office and archive work.

Article 28

Received and classified submissions that are part of a new case, shall be registered in appropriate registries, upon the date of receipt and shall be registered in appropriate address books.

The submissions registered in the registries shall receive appropriate cover. On the top of the cover the inscription of the Ombudsman shall be inserted, below in the left angle the organizational unit, in the right angle the archiving sign, the dates of storage, the date and the place, while as in the lower part the general data of the case shall be inserted.

Article 29

The classification and distribution of cases and documents from the registry to the Ombudsman, his deputies and the employees of the Professional Service Unit, shall be performed electronically or through an internal delivery book.

The submission of the requests and other acts i.e. writs to the bodies, organizations and institutions, the information towards the clients and the other persons, shall be performed with a delivery book or post.

Article 30

The cases shall be resolved according to the date of their receipt, the exception shall be applied only in case of emergency and other legitimate reason.

Article 31

The cases, the official materials, the seals, the stamps and the other office material shall be locked.

After the working hours, the offices shall be closed and locked.

In case of employee's absence during working hours, the office shall be locked.

Article 32

The procedure for protection of the constitutional and legal rights of citizens and other persons before the Ombudsman and protection of the principles of non-discrimination and adequate and equitable representation of community members in the state administration bodies, the local self-government units and the public institutions and agencies, shall be initiated by putting forward a submission.

Every citizen may put forward a submission to the Ombudsman (in person or through a representative) and any other person who acquires certain rights in front of the state administration bodies and other public institutions and agencies in Republic of Macedonia.

The Ombudsman shall act upon complaints submitted by associations of citizens when the protection of constitutional and legal rights of citizens is concerned.

Complaint to the Ombudsman may be submitted in writing, orally and in other form (by phone, fax and email).

Article 33

The language and its script shall not be an obstacle in the communication with the Ombudsman. One can communicate with the Ombudsman in any language and script.

The Ombudsman shall respond in Macedonian and its Cyrillic script, as well as in the language and script that the citizen uses.

Article 34

Complaints and other writs received by the Ombudsman shall be registered in the register in alphabetic order by the name and the title of the complainant and in the other in adequate enrolment books and upon those, the cases shall be formed in adequate areas.

Complaint submitted to the Ombudsman should contain the information stipulated in the Article 16 of the Law on Ombudsman.

If the complaint is not understandable and does not contain necessary facts and evidences, the Ombudsman shall request from the complainant necessary clarification and completion within the timeframe that is not shorter than 8 days and no longer than 30 days.

Article 35

The persons from Article 32, paragraph 2 and 3 of these Rules of Procedure shall submit their complaints to the closest Regional Office of the Ombudsman according their residence and domicile.

If the complaint is submitted in Skopje office and the residence or domicile address is on the territory of another Regional Office, the complaint shall be forwarded to the adequate Regional Office for which the complainant shall be informed.

If the complaint is related to the act or activity of a body or organizations that is on the territory of another Regional Office, the complaint shall be forwarded to the adequate Regional Office.

Article 36

The Ombudsman may initiate a procedure on his own initiative based on information that the constitutional and legal rights of citizens or the principles of non-discrimination and adequate and equitable representation of community members have been infringed. In that case, the Ombudsman shall be obliged to provide consent from the injured person for initiating the procedure.

If within the determined period that cannot be shorter than 8 and longer than 30 days, the consent is not provided, the Ombudsman shall not initiate the procedure.

Without the consent described in paragraph 1 of this Article, the Ombudsman shall initiate a procedure for violation of the constitutional and legal rights of a larger number of citizens, juveniles, infirm people, persons with special needs, and persons without legal capacity.

When situation described in paragraph 3 occurs, the Ombudsman shall notify the persons (or parent, guardian, Social Service Centers) concerned about the initiation of the procedure immediately and no later than 15 days from the day of the initiation of the procedure, except when concerned party is a larger number of citizens.

The Ombudsman shall decide for initiating the procedure on his own initiative.

Article 37

When the Ombudsman asserts violation of the constitutional and legal rights of citizens or the principles on non-discrimination and adequate and equitable representation of community members in the state administration bodies, the local self-government units and the public institutions and agencies of a larger number of citizens, juveniles, infirm people, people with special needs and persons without legal capacity, the Ombudsman shall initiate procedure on his own initiative without prior consent.

VII. MANAGING REGISTRIES AND ADDITIONAL BOOKS

Article 38

The registration of the complaints and other writs as well as their scanning, in the office of the Ombudsman shall be performed manually in adequate registries and in electronic form. The distribution of cases shall be performed electronically and with a delivery book.

For the purpose of registration of writs, the Ombudsman shall maintain the following registries:

- General registry "NPR" (Form no. 1);
- Case registry "NP" (Form no. 2);
- Registry for the Ombudsman- National Preventive Mechanism "NP-NPM" (Form no.3);
- Registry for request of information of public nature "NP-IJK" (Form no.4);
- Confidential registry "DOV" (Form no. 5).

The registries "NP" and "NPR" shall be maintained separately in the Regional Offices and they shall be labeled: "TE" for Tetovo; "KC" for Kicevo; "BT" for Bitola; "ShT" for Shtip; "ST" for Strumica and "KU" for Kumanovo.

The confidential writs shall be registered in Skopje office.

The forms of registers are internal part of these Rules of Procedure.

The Ombudsman shall determine the manner and method of running and maintaining the other forms and registers.

Article 39

Complaints not registered in the other registries, shall be registered in "NPR" registry.

Complaints described in article 32, paragraph 2 and 3 as well as the complaints created upon own initiative shall be registered in "NP" registry.

In the registry “NP-NPM” shall be registered writs for the activities regarding prevention of torture and other cruel, inhuman or degrading treatment or punishment in all places where people are or may be deprived of liberty, as well as the writs regarding any other correspondence in the Republic of Macedonia and abroad.

In the registry “NP-IJK” the requests, undertaken activities as well as any other writs in accordance with the Law on free access to information of public nature are registered.

Confidential writs shall be registered in the confidential registered.

Article 40

For the purpose of easier handling and finding of cases registered in the registers, the Ombudsman shall run and maintain directories.

Directories shall be run in the book or in system of card filing.

Article 41

Each registry is managed separately according to the type of cases.

The registries are managed in such way that at any time it can be checked in which phase is a certain case.

After the official working hours, the registries and the additional books are kept locked.

Article 42

The registers shall be consisted of certain number of pages bound in a book with hard covers. On the cover of the registry the sign and the actual year of the registry shall be inserted.

One registry may be used for many years in which case after the end of the current year, the following page of the registry shall be left blank, while as the inscriptions for the next year shall start on the second page.

The additional books shall be managed in the same manner.

Article 43

The registration of the writs in the registries and the additional books shall be done chronologically.

Until a procedure is finished, each case shall be registered in the registry under the same number.

Article 44

The registries shall be closed at the end of the year.

The closing shall be made in such way that after the last ordinal number, a note is inserted that contains the following data: day, month and year of the closure, the ordinal number of the last registration, the number of annulled registrations, the number of resolved cases and the number of cases that at the end of the year were unresolved.

This note shall be signed by the authorized state officer or any other employee and the Secretary General.

The additional books are not locked by rule.

Article 45

For the purpose of keeping a record, the unresolved cases of the previous year shall be transferred into the following one, so that on the first page of the registry, the numbers of those cases shall be written. All the records that are related to those cases shall be made in the former registry. If the case shall be resolved during the year, in the former registry, next to the ordinal number of that case, a sign for a resolved case shall be inserted while as on the other page of the new registry with a red pencil the adequate ordinal number of that case shall be crossed.

VIII. ARCHIVING OF CASES

Article 46

The archiving of cases shall be done after the closure of a procedure. The cases that are kept in the archive, shall be protected from damp and fire. They shall be also protected from damage, destruction and theft.

Article 47

Prior to the archiving of a case, one shall check whether all documents are chronologically ordered and whether the case is finally finished.

The finished cases are classified according their type and their ordinal numbers from the separate registries, enclosed in files.

The archived cases shall be managed according to the provisions for archiving work.

IX. STATISTICS

Article 48

For the work on the complaints statistical overview shall be kept.

The manner and methodology of keeping statistics shall be determined by the Ombudsman.

Article 49

The authorized state officers for informatics and statistics shall undertake measures for orderly performing the statistical work, timely delivery of the reports to the Ombudsman and the other subjects as well as for their storage.

Once a month or when necessary, a review of work shall be made containing the number and type of cases, by areas, number of resolved and unresolved cases, number of received cases and number of cases that by the end of the reporting period are unresolved.

On the basis of the registries' data and cases, statistical reports and applications shall be filled in disclosing their ongoing status. Other periodical and annual reports on the work of the Ombudsman shall be prepared.

X. RECEPTION OF COMPLAINANTS

Article 50

The complainants may visit the office every working day without prior notice, they shall be received by managing and professional state officers authorized by the Secretary General.

The complainants shall be registered in a daily book of complainants.

The Ombudsman and the Deputies shall also receive complainants.

In the daily book of complainants, the following data shall be registered: ordinal number of complainant, date of visit i.e. reception, name and surname of complainant, address, telephone number and brief contents of the meeting.

Article 51

When required the Ombudsman may organize meetings with the complainant outside the main office in Skopje and the Regional Offices.

XI. LIBRARY

Article 52

The Ombudsman shall have an expert library.

The library shall contain editions, reports, legislation and other regulations with their comments, in particular regarding the protection of the constitutional and legal rights of the citizens and protection of the principles for non-discrimination and adequate and equitable participation of the community members, other expert literature, books, magazines and official gazettes, in any form- written, electronic, etc.

The Secretary General or any other person authorized by him shall be responsible for purchase of books-expert literature and subscription of magazines and other publications, as well as for the maintenance of the library fund.

Article 53

The library shall be managed by a librarian.

The library shall have a book for inventory of books and a book for inventory of periodic publications where the purchase is inserted chronologically.

The work in the library shall be performed in accordance with the provisions for library work.

Samples of experts library (laws, official gazettes, other experts literature, compilations of video, audio and IT media), shall be used in the library premises, while when needed, after an approval from the Secretary General, outside the library.

XII. TRANSPARENCY OF THE OMBUDSMAN'S WORK

Article 54

In order to secure objective, timely and accurate public information for his work as well as transparency and closer approach to the citizens and other people, the Ombudsman shall inform the public through the internet site, press conferences, press releases, bulletins, publications, special reports, publishing annual reports and by other method.

The information is given personally by the Ombudsman, the spoke person of the institution or by the deputy Ombudsman i.e. authorized state officer.

While informing the public the Ombudsman shall act in accordance with the rules and regulations for protection of privacy and secrecy of the information related to the complainant, taking into consideration the interest of the procedure.

Article 55

On the internet site of the Ombudsman shall be published information of general character (legal framework, Ombudsman, Ombudsman deputies, professional service), organizational setting, competences and methods of work, services for citizens and other people, how to reach the Ombudsman, institutions' possibilities, contact details, manner of submitting a complaint, case work, list of public information, informative section (latest news, current activities, press releases, reports, analysis, bulletins and other information), international cooperation, hyperlinks of other bodies and organizations etc.

Article 56

For his work, the Ombudsman shall prepare annual report, special reports and other relevant analysis.

The Ombudsman shall submit to the Parliament of the Republic of Macedonia the annual report for the previous year by 31 of March of the current year.

The annual report contains the findings regarding level of respect of human rights and freedoms of citizens of the Republic of Macedonia, description of the main problems, statistical data of received, processed and ongoing complaints, description of specific cases of violation, as well as a report for the other activities of the Ombudsman.

Article 57

When necessary the Ombudsman shall do a delivery of special reports to the bodies of the local self- government, on whose territory an office of the regional Ombudsman unit is established and to the officials of the bodies, organizations and institutions where the freedom of movement is limited.

Article 58

The Ombudsman- the National Preventive Mechanism shall prepare and publish an annual report on the detected situations in respect to the treatment and conditions of places where people are deprived of liberty, and it shall distribute it to all relevant bodies, organizations and institutions.

The National Preventive Mechanism shall submit the annual report to the Subcommittee for prevention of torture of the United Nations, when needed to the other international institutions and organizations that work on prevention of torture and other cruel, inhuman or degrading treatment or punishment.

XIII. COOPERATION OF THE OMBUDSMAN WITH OTHER BODIES AND ORGANIZATIONS

Article 59

The Ombudsman shall cooperate, contact and deliver information with governmental and non-governmental institutions and associations that work in the field of protection and improvement of human rights and freedom, protection of children' rights and anti-discrimination and adequate and equitable representation of community members as well as on prevention of torture and other cruel, inhuman or degrading treatment or punishment.

In the realization of the work and with purpose of professional specialization and improvement of the work, the Ombudsman may organize seminars, experts counseling, meetings etc.

Article 60

The Ombudsman shall cooperate with similar institutions and associations abroad and appropriate international organizations.

XIV. COMMISSIONS AND WORKING BODIES

Article 61

In the realization of the work that demands a team work of the employees from various organizational units, as well as in any other case stipulated by law or other regulation, the Ombudsman may establish constant or temporary commission and working bodies.

With the Act of Establishment, the Ombudsman shall determine the number of members of the commissions and working bodies and their tasks.

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 62

Amendments and supplements to these Rules of Procedure shall be performed according to the manner and procedure of its adoption.

Article 63

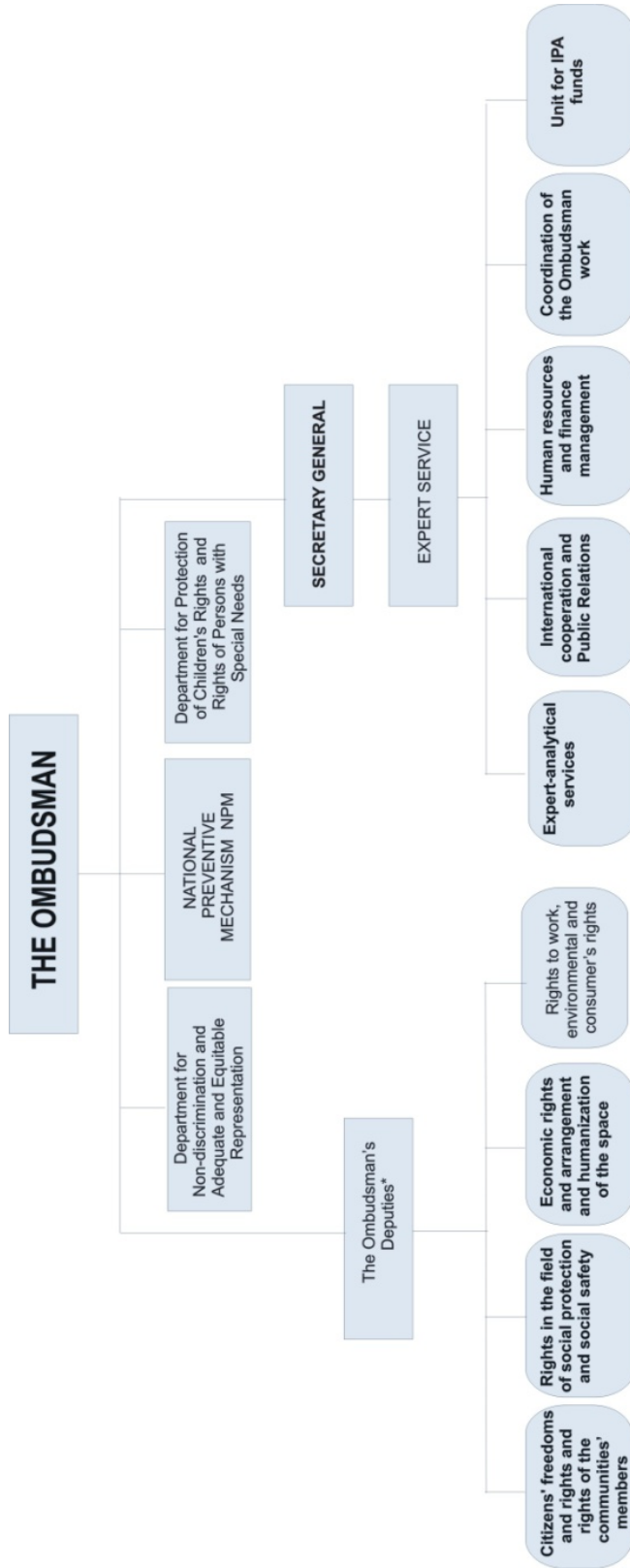
On the day of enactment of these Rules of Procedure, the previous Rules of Procedure shall cease to be valid (Official Gazette of the Republic of Macedonia No.11/2005).

Article 64

These Rules of Procedure shall enter into force eight days after the day of its publication in the Official Gazette of the Republic of Macedonia.

OMBUDSMAN

Ixhet Memeti



* Four Deputies in the Office in Skopje and Deputy in the Offices in: Bitola, Kicevo, Kumanovo, Strumica, Tetovo and Stip.

Based on Article 39 of the Law on the Ombudsman (Official Gazette of the Republic of Macedonia No. 60/03), the Ombudsman issues the following

BY-LAW

On the form, content and procedure for issuance, usage and confiscation of the official cards of the Ombudsman, his deputies and the employees in the Ombudsman's Professional Service

(Official Gazette of the Republic of Macedonia, No. 65/2011)

Article 1

This By-law shall establish the form, content and procedure for issuance, usage and confiscation of the official cards of the Ombudsman, his deputies and the employees in the Ombudsman's Professional Service and the employees in the Ombudsman's Professional Service as a National Preventive Mechanism.

Article 2

The official card shall have dimensions 8cm. x 11 cm. and shall consist of two parts, one part shall be the cover, and the other shall be a plastic white inset, containing personal data of the holder of the official card and his authorizations.

The cover of the official card shall be made of genuine leather in brown color.

In the front page of the cover in the upper part, the text REPUBLIC OF MACEDONIA, OMBUDSMAN shall be printed, in the middle part the logo of the Ombudsman shall be printed, and the text OFFICIAL CARD shall be printed below.

In the inner right-hand side of the leather cover, the logo of the Ombudsman shall be imprinted on a 4 cm. metal format.

On the front page of the inset shall be printed text REPUBLIC OF MACEDONIA, OMBUDSMAN, for the official cards of the employees in the Ombudsman's Professional Service as a National Preventive Mechanism shall be printed text REPUBLIC OF MACEDONIA, OMBUDSMAN, NATIONAL PREVENTIVE MECHANISM and the text OFFICIAL CARD shall stand below. Below this text, on the left-hand side shall be a place for the photograph and on the right-hand side shall contain a register number, date of issuance, a signature of the Ombudsman or of an authorized person, and a place for official seal (POS). The bottom of the same page shall contain the following: date, name and surname, function or position, unique registry number and residing address of the holder of the official card.

The second page of the inset for the official cards of the Ombudsman and his deputies shall contain excerpts from the Law on the Ombudsman (Official Gazette of RM No. 60/03 and 114/2009), regarding their authorizations and special rights, with the text printed on the form. The second page of the inset, for the official cards of the employees in the Professional

Service who act upon submissions by citizens or other persons, shall contain excerpts from the Law on the Ombudsman (Official Gazette of RM No. 60/03 and 114/2009), regarding their authorizations, with the text printed on the form.

The second page of the inset, for the official cards of the employees in the Professional Service as a National Preventive Mechanism shall contain excerpts from the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment (Official Gazette of RM No. 165/2008) and from the Law on the Ombudsman (Official Gazette of RM No. 60/03 and 114/2009), regarding their authorizations, with the text printed on the form.

The second page of the inset shall not contain any text for other holders of the official card.

Article 3

The form of the official card shall be printed in addition to this By-law, and shall represent its integral part.

Article 4

The Ombudsman himself, or another person authorized by him, shall issue the official card after the selection, i.e. employment in the Ombudsman's Professional Service, and it shall be valid in the period while the person to whom it has been issued has the official capacity of Ombudsman, Deputy Ombudsman, employee in the Ombudsman's Professional Service, or in the Ombudsman's Professional Service as a National Preventive Mechanism.

Article 5

The person whose function or employment in the Ombudsman's Professional Service, or in the Ombudsman's Professional Service as a National Preventive Mechanism shall terminate, shall return the official pass.

The returned or replaced official card shall be invalidated.

Article 6

Records shall be kept for the issued and confiscated official cards in the Ombudsman Office.

The records for an issued official card shall contain an ordinal numbers, name and surname of the person to whom the official card has been issued, date of issuance, a serial number and a column for remarks.

Article 7

The official card shall be replaced with a new one when it becomes useless due to damaging or wear and tear, if the person to whom it has been issued loses it, or if the holder of the official card changes the personal data.

Every holder of an official card shall immediately and within 24 hours at the latest, inform the Ombudsman if he/she loses the Official Card and if the official card is replacing with a new

one due to damaging or wear and tear, the holder of the card shall need to return the old one.

Article 8

The official card of the Ombudsman, the Deputies and the employees in the Ombudsman's Professional Service, issued pursuant to the By-law on the form, content and procedure for issuance, usage and confiscation of the official cards of the Ombudsman, his Deputies and the employees in the Ombudsman's Professional Service (Official Gazette of the Republic of Macedonia No. 11/2005), shall be replaced with new one within 60 days from the day of enforcement of this By-law.

Article 9

On the day of enactment of this By-law, the previous By-law on the form, content and procedure for issuance, usage and confiscation of the official cards of the Ombudsman, his Deputies and the employees in the Ombudsman's Professional Service (Official Gazette of the Republic of Macedonia No 11/2005), shall cease to be valid.

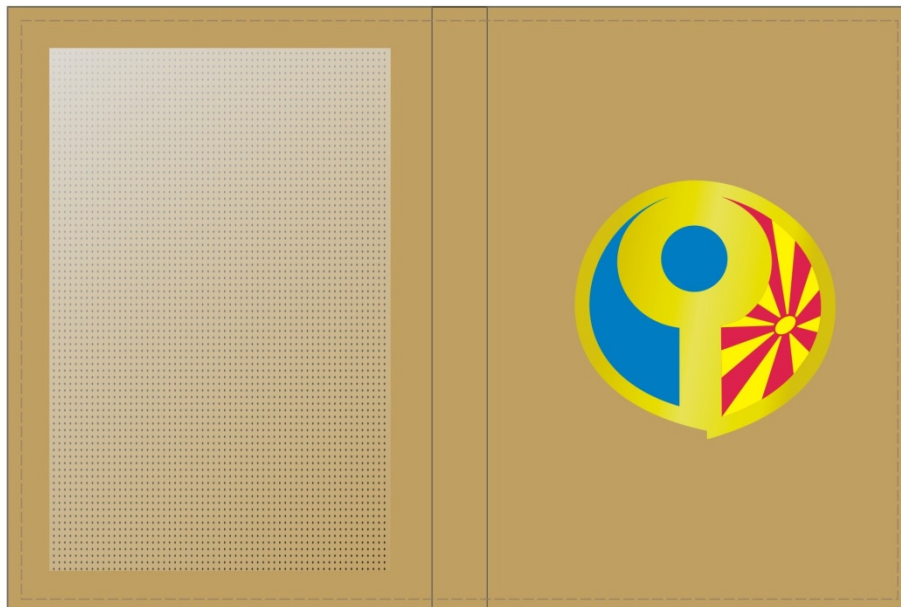
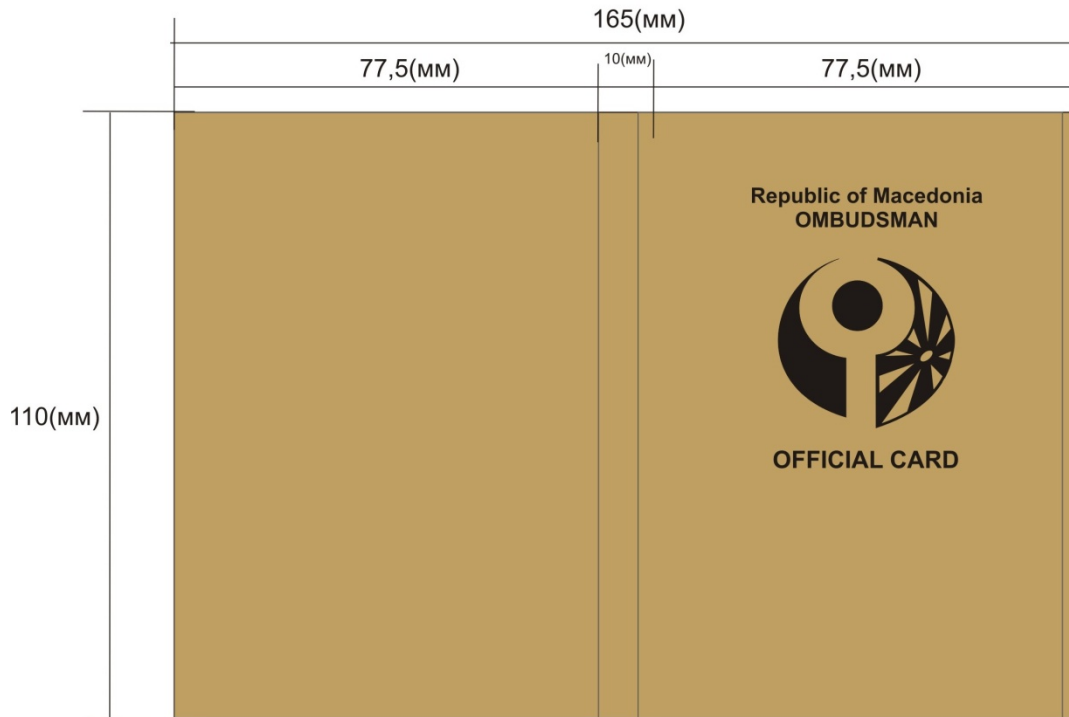
Article 10


This By-law shall enter into force on the next day after the day of its publishing in the Official Gazette of the Republic of Macedonia.

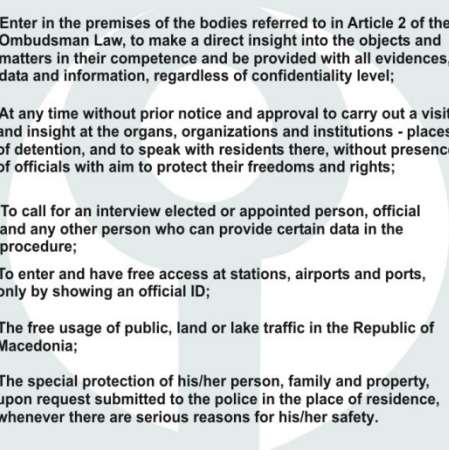
OMBUDSMAN


Ixhet Memet


PATTERNS – 5 (five)



Republic of Macedonia OMBUDSMAN OFFICIAL CARD		
	REGISTER NUMBER _____ DATE OF ISSUANCE _____ S.P. _____ Ombudsman Ixhet Memeti	
Name and surname _____ Title _____ URN _____ Address of residence _____		

Republic of Macedonia OMBUDSMAN OFFICIAL CARD		
	REGISTER NUMBER _____ DATE OF ISSUANCE _____ S.P. _____ Ombudsman Ixhet Memeti	
Name and surname _____ Function _____ URN _____ Address of residence _____		<p>The holder of this card with the Law on the Ombudsman ("Official Gazette" no. 60/2003 and 114/2009), is authorized to:</p> <ul style="list-style-type: none"> - Enter in the premises of the bodies referred to in Article 2 of the Ombudsman Law, to make a direct insight into the objects and matters in their competence and be provided with all evidences, data and information, regardless of confidentiality level; - At any time without prior notice and approval to carry out a visit and insight at the organs, organizations and institutions - places of detention, and to speak with residents there, without presence of officials with aim to protect their freedoms and rights; - To call for an interview elected or appointed person, official and any other person who can provide certain data in the procedure; - To enter and have free access at stations, airports and ports, only by showing an official ID; - The free usage of public, land or lake traffic in the Republic of Macedonia; - The special protection of his/her person, family and property, upon request submitted to the police in the place of residence, whenever there are serious reasons for his/her safety. <p>The Ombudsman and Deputy Ombudsman can't be held accountable for an opinion and action taken, measures and activities in carrying out of his/her function.</p>

Republic of Macedonia OMBUDSMAN NATIONAL PREVENTIVE MECHANISM OFFICIAL CARD	
	REGISTER NUMBER _____
	DATE OF ISSUANCE _____
M.П.	_____ Ombudsman Ixhet Memeti
Name and surname _____	
Function/title _____	
URN _____	
Address of residence _____	
<p>The holder of this card by the Constitution, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Law on Ombudsman for conducting prevention is authorized to:</p> <ul style="list-style-type: none"> - At any time without prior notice and approval to conduct regular and unannounced visits and inspections in the organs, organizations and institutions - places of detention, as well as in any other place on which may have information that persons are or may be deprived of liberty; - To be allowed by free choice of places he/she wanted to visit, and unfettered access to all facilities, equipment and installations, to all documents and information relating to persons deprived of liberty; - To be allowed by free choice and speak with persons deprived of liberty without presence of officials, in person or with a translator if necessary, and with any other person for whom the Ombudsman believes can provide essential information. 	

Republic of Macedonia OMBUDSMAN OFFICIAL CARD	
	REGISTER NUMBER _____
	DATE OF ISSUANCE _____
P.S.	_____ Ombudsman Ixhet Memeti
Name and surname _____	
Title _____	
URN _____	
Address of residence _____	
<p>The holder of this card with the Law on the Ombudsman ("Official Gazette" no. 60/2003 and 114/2009) is authorized to:</p> <ul style="list-style-type: none"> - Enter the premises of the bodies referred to in Article 2 of the Law, to make a direct insight into the objects and things in their competence and be provided with all evidence, data and information, regardless of confidentiality level; - At any time without prior notice and approval to carry out a visit and insight at the organs, organizations and institutions - places of detention, and to speak with residents there, without presence of officials with aim to protect their freedoms and rights; - To call for an interview elected or appointed person, official and any other person who can provide certain data in the procedure. 	