

## **LAW ON SUPPLEMENTING AND AMENDING THE LAW ON THE OMBUDSMAN<sup>1</sup>**

### **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

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<sup>1</sup> Official Gazette of the Republic of Macedonia, No.114 from 14.09.2009

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 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”.