

Courtesy of the OSCE Mission to Skopje

Unofficial translation

**LAW ON CHANGES AND AMENDMENTS ON LAW ON THE OMBUDSMAN
Sep/2009**

Article 1

In the Law on Ombudsman (Official Gazette of Republic of Macedonia number 60/2003) subsequent to article 11 there is new article 11-a, stating:

Article 11-a

The Ombudsman provides special protection to children, people with disability and people that are subject to torture and other cruel, inhuman or degrading treatment or punishment within the bodies, organizations and institutions where freedom of movement is limited.

Article 2

In article 21 paragraph 3 after the word, “people”, the following is added: “with disability and”, and after the word “capability” the following words are added: ”as well as people that are subject to torture and other cruel, inhuman or degrading treatment or punishment within the bodies, organizations or institutions where freedom of movement is limited”.

Article 3

Subsequent to article 31 two new articles are added and those are articles 31-a, and 31-b, stating:

Article 31-a

When assessing the situation regarding protection and respect of constitutional and legal rights of people placed in the bodies, organizations and institutions where freedom of movement is limited, the Ombudsman undertakes activities pursuant to law and international treaties ratified pursuant to the Constitution of Republic of Macedonia.

For implementing the activities stipulated by paragraph 1 of this article, the Ombudsman conducts regular and unannounced visits to the bodies, organizations and institutions where freedom of movement is limited, for which prepares special report.

The Ombudsman passes a rulebook on the manner for conducting the visits stipulated by paragraph 2 of this article.

Article 31-b

The officials within the bodies, organizations and institutions where freedom of movement is limited are obliged to allow the Ombudsman unrestricted access to all documents and information that are related to the people whose freedom of movement is limited.

The officials within the bodies, organizations and institutions where freedom of movement is limited are obliged to act upon the recommendations of the Ombudsman and to inform the Ombudsman in writing for the actions within 30 days after receiving the special report.

Article 4

Subsequent to article 34 one new article is added 34-a stating:

Article 34-a

A fine in the amount of 500 to 1000 euros value in denars will be ruled for offence to the official within the bodies of article 2 of this law that will not comply in accordance to the provisions stipulate in articles 31-b paragraph 2 and 34 paragraph 1 of this law.

Article 5

In article 45 paragraph 1 after the word,"areas" are added the following words: "or for separate vulnerable groups".

Subsequent to paragraph 1 is new paragraph 2, stating:

"The Ombudsman establishes special units for protection of the rights of the children and people with disabilities, unit for protection of citizens from discrimination and torture and other cruel, inhuman or degrading treatment or punishment, as well as unit for equitable representations of the citizens".

Paragraph 2 becomes paragraph 3.

Article 6

Article 48 is amended and states:

"The resources for the work of the Ombudsman are provided by the section of the Budget of the Republic of Macedonia assigned for the Ombudsman.

The proposed resources for the work of the Ombudsman prior to submission of the draft Budget of Republic of Macedonia are adjusted by the Ombudsman with the government of the Republic of Macedonia, through the Ministry of Finance.

During the adoption sessions in the Parliament for the Budget of Republic of Macedonia, the presence of the Ombudsman to elaborate the proposal of the section in the budget of RM assigned for the Ombudsman is mandatory.

The Ombudsman manages independently the utilization, allocation and assignment of the financial resources of the section of the Budget of the Republic of Macedonia assigned to the Ombudsman.

The Parliament of the Republic of Macedonia votes separately regarding the section of the Budget of the Republic of Macedonia assigned to Ombudsman.

Article 7

The sub laws foreseen with this law shall be enacted within six months since the enforcement of this law.

Article 8

This law enters into force after the eight day of its publication in the Official gazette of Republic of Macedonia.