

REPUBLIC OF NORTH MACEDONIA OMBUDSMAN

ANNUAL REPORT

ON THE LEVEL OF ENSURING RESPECT, PROMOTION, IMPROVEMENT AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS

2023

Title: Annual report on the level of ensuring respect, promotion, improvement and protection of human rights and freedoms 2023

Original title: Годишен извештај за степенот на обезбедувањето почитување, унапредување и заштита на човековите слободи и права 2023

Publisher: Ombudsman of the Republic of North Macedonia

Autor: Ombudsman of the Republic of North Macedonia

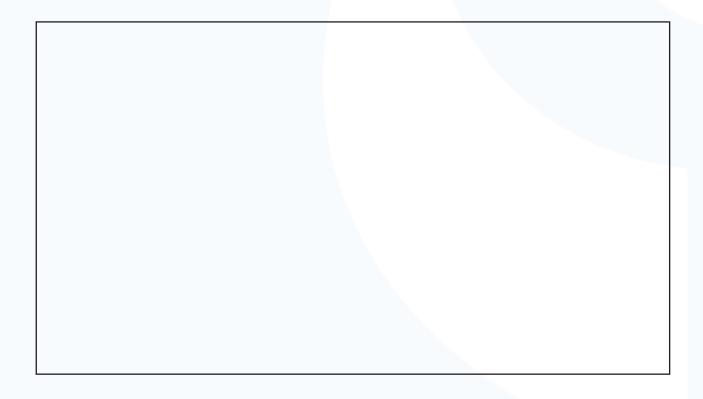
Redaktor: Naser Ziberi

Macedonian translation of English language: DTPU "Moment mal" DOOEL

Designe: Keti Stefkova

Printing house: Z.D. DOOEL "Grafo Prom" Bitola

Tirazhi: 100



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Dear All,

The Annual Report on the level of ensuring respect, promotion and protection of human freedoms and rights shows the situation in the year in which the Ombudsman marked a quarter century since the beginning of work. Facing numerous challenges during its 25 years of existence and operation, the institution still managed to fulfil the role established by the Constitution and the law - an independent and independent body that promotes and protects the rights of citizens, which is also confirmed by the Third Assessment of the National integrity system of "Transparency International" - Macedonia, according to which the Ombudsman is among the first three institutions (third pillar) with the best results for integrity, accountability, responsibility and readiness to fight corruption.



Everything that is written/stated in this report results from

referred work and monitoring of the situations in society and the respect of the rights of citizens at the central and local level, so this Report is a kind of barometer that shows to what extent the citizens of the Republic of North Macedonia they enjoy constitutional and legal rights in different areas, the way they exercise them and the problems they face in accessing them. Also, the Report, or rather the findings in it show the attitude of the bodies/institutions towards the citizens, towards their rights, but also towards the Ombudsman as an authority that protects these rights and values. After all, the best indicator of such a relationship is whether and how the bodies and institutions respond to requests/interventions, and even more, how and to what extent they implement the recommendations made by the Ombudsman.

Considering this, the Report gives a wider picture of the situation in the field of fundamental human rights, their respect and realization, as one of the value criteria of the human dimension of the Macedonian multi-ethnic society, but also the democratic character of our country.

In the reporting year 2023, as can be seen from the content of the presented activities and actions, the Ombudsman found an improvement in the situation in several areas, while in certain areas stagnation or a tendency to deterioration was noted, which seriously threatens human freedoms and rights.

Namely, several amendments and additions to laws and by-laws were adopted, which systematically solved the decade-long problem and obstacles in accessing and exercising the rights of unregistered persons/children; the procedure for regulating the residence and residence of citizens was facilitated; put an end to the huge interest rates that were several times higher than the citizens' debt. Furthermore, after our intervention, changes are foreseen in the Law on Enforcement Collection regarding the issue of accommodation of female children sent to serve an educational-remedial measure, instead of as before in Penal-Correctional Institution Idrizovo in Educational-Correctional Institution "Volkovija" (Tetovo). We positively appreciate the initiated activities for revising the positive list of drugs charged to the Health Insurance Fund, which remain the target of our further monitoring. In addition to this, the Electricity Supply Rulebook was amended, which introduced an obligation for quarterly readings of electric meters, with which citizens should be responsible for the actual electricity consumed, and at the end of 2023, the National Strategy for Rights was also adopted of persons with disabilities 2023-2030 together with the Action Plan of the 2023-2026 strategy, in the preparation of which the organizations of persons with disabilities actively participated, as strategic

documents for the advancement and support of the rights of these citizens in accordance with the Convention on the Rights of Persons with Disabilities.

Additionally to the above, the Ombudsman determines an unmoved situation or a tendency of deterioration in several areas, and the perceptions and dissatisfaction of the citizens expressed through a complaint, and during visits to the offices of the Ombudsman, point to the need for a more serious approach to human freedoms and rights and efficient resolution of problems for the sake of the unhindered exercise of these rights, but also to restore the trust of the citizens in the fairness and objectivity in the actions and decision-making of the bodies/ institutions.

In this regard, the number of petitions that citizens submitted to the Ombudsman showed that the enforcement agents and courts simply do not implement the amendments to the Law on Obligation Relations, regarding the issue of the statute of limitations, so citizens switch to bailiff-court relations. The position of the Ombudsman is that the statute of limitations for enforcement has general application and that there are no objective reasons for it to be applied directly, both by the executors and by the courts, in accordance with the general legal principles of constitutionality and legality of each individual case in which the conditions for limitation are met, in such a way that the execution will be stopped. In addition to this, there are no positive changes when it comes to the work of the administrative judiciary, in whose labyrinths citizens have been stuck for years for all procedures - a finding that also applies to the work of the prosecutor's office, which has been conducting pre-investigation procedures for years.

In regard of the penitentiaries area, specifically the protection of the rights of convicted and detained persons, there is no positive movement in any segment. Prisoners serve their sentences in inhumane conditions, they sleep on the floors in the corridors, unhygienic "reigns" in almost all prisons, especially in the largest Penal-Correctional Institution "Idrizovo". Of a serious concern is the unchanged state of health care for these persons which is low-quality, ineffective and insufficient. The wards from the "Volkovija" Correctional Home in Tetovo were excluded from the educational process this reporting year as well, with which the state once again failed to fulfil its obligations stipulated by the Law, as well as by international regulations.

The trend of increasing the number of submitted complaints in the area of finance continued, while there were no changes in the basis on which citizens complain. Namely, the Administration for Public Revenues, the City of Skopje and the municipalities block the transaction accounts of the citizens in the banks and leave them without means of subsistence in the procedures for forced collection. A greater violation of the rights of persons employed in the Ministry of Internal Affairs was found by the Ombudsman due to the lack of coordination between the Ministry of Internal Affairs and the Administration for Public Revenues in the part of the payment of social security contributions for the overtime hours of the employees, as a result of which they were damaged in relation to the amount of the pension.

A deadlock has also been noted in the procedures for the financial compensation requests for help and care from another person due to untimely delivery of the findings and opinions of the medical commission, and thus the impossibility of deciding on these requests by the competent centres for social work. Insufficiently efficient communication between the Ministry of Labour and Social Policy - the Inter-Municipal Centre for Social Work and the judicial authorities is the main reason why part of the procedures for the new requests for the realization of the financial rights, usually the guaranteed minimum assistance, are carried out even after several years, which is absolutely impermissible and signifies a flagrant violation of citizens' rights.

Regarding the police authorization sector, citizens submitted complaints to the Ombudsman in this reporting year, dissatisfied with the (in)action of the police, i.e., the failure to take measures after the reports received, primarily for the infliction of bodily injuries and that due to the unprofessional and illegal actions of the police officers.

The Ombudsman conclusion is that the implementation of Article 7 of the Law on Citizenship, which refers to admission to citizenship of persons originally from the former republics

of Socialistic Federative Republic of Yugoslavia, did not have the expected dynamics in the reporting year, concerning Citizen Conditions. Specifically, 983 people acquired citizenship status, although according to estimates, with the requests that are still in process, this number could increase to 1.500 people, and the validity of this Law is until 08.08.2024. However, the procedures for admission to citizenship under Article 8 (for emigrants and their descendants up to the first generation) also take a long time, and out of the approximately 5.000 requests received, only 22 have been positively resolved. In this part, in the last months of the year, there has been a drastic increase the number of petitions from citizens indicating poor organization and implementation of the process for changing personal identification documents, driver's and traffic licenses with the new name of the state, which, according to the Prespa Agreement, had to be changed till 12.02.2024. Additionally, to the finding that a large number of citizens did not change their personal documents by the given deadline, the Ombudsman believes that the Ministry of Internal Affairs did not respond effectively enough to the task of smooth and timely change of documents, by issuing personal documents with the old name of the state, in some cases and valid until 2031, the rights of citizens have been seriously violated, above all, the right to free movement. In this context, the Ombudsman indicated that the replacement of the identity cards, as the only document that according to legal regulations must be owned by every adult citizen, should be responsibility of the state, but his suggestion was not accepted.

Dear All,

The focus of the Ombudsman for 25 years are the rights of the child, and his tendency is to realize the best interest of the child in all spheres - education, health care, social protection, support for children at risk, children with disabilities, etc. In this area, in 2023, the long-standing problem with the registration of children in the birth register was finally solved through amendments to the Law on Birth Records. The Ombudsman noted this fact as a positive step in the protection of the rights of a vulnerable and socially endangered category of children. But unfortunately, there are no changes regarding the problem of children begging in the street, which remains a serious challenge for our system, with which the institutions must deal more seriously in the future. Considering the fact that the rights of these children are seriously violated, the Ombudsman requested the state to find a systemic solution in the coming period to protect them and withdraw them from the streets, to work on strengthening parental capacities and improving family conditions, with aim to and for these children to feel the beauty and carelessness of childhood, like the rest of the children.

Unfortunately, peer violence "bullying" is still present in schools, and the research on this topic, as well as conversations with students, confirm that instead of dialogue and conversation to resolve a conflict situation, children choose to use violence, which designates that among other things, the cooperation of the family-school relationship is needed for an effective solution to this problem.

Another serious problem is the current segregation of Roma students, for which the European Court of Human Rights ruled against the state, but this school year this negative phenomenon has been confirmed again, in the same primary schools, in Bitola and Prilep. As an institution that promote the application of the principle of non-discrimination, equality of children and respect for the best interests of the child as important principles of the Convention on the Rights of the Child, we are seriously worried by the fact that parents of a different nationality request the withdrawal of their children from a school where there is a larger number of Roma students with the aim of enrolling them in schools where there are none or where the number of Roma students is insignificant.

Regarding this context, one cannot but mention the ascertained violation of the right to education in the mother tongue of Albanian students in two primary schools in Skopje and one secondary school in Veles, due to the refusal of the management structures of the schools and the local authorities to form classes for these students. What is particularly worrying is that these children were out of the educational process for a long period of time. The state must find means and other instruments to realize the guaranteed constitutional and legal right to education in the mother tongue, all the more so since this problem has been repeated in certain units of the Local Government for years. The excuse of non-coordination and lack of cooperation between the central and local authorities or other reasons are absolutely unacceptable and are disadvantageous to the children's rights to education guaranteed by international conventions on the rights of the child.

It is necessary to be found a quality solution as soon as possible for the still remained problem in the health sector, the outflow of healthcare personnel, lack of medicines and therapy, especially for patients with rare diseases, and it is undisputable that the problem with the temporary disability pensions has not been overcome either, although it seriously affects the livelihood of the citizen, if this right is revoked after the control examination, which indicates the need to amend the existing legal solution.

In the area of Labour Relations, the same problems related to the payment of wages and other benefits remain, and there are no visible solutions even in relation to the discretionary right that employers invoke when choosing candidates after a public announcement, as well as the non-implementation of procedures for the transformation of the workforce relationship even though the candidates meet the legal requirements for it.

High invoices for electricity/heat energy or for consumed water, irregular readings of the measuring devices and flat-rate borrowing of citizens, as well as borrowing of citizens with overdue debts - are problems that citizens face as consumers, and the data that there is concern citizens stuck in the process of denationalization, something that the Ombudsman has been criticizing for years, and it seems that the fate of those who submitted a request for the privatization of state-owned construction land will be similar, because the procedures here have been ongoing for decades.

The Ombudsman, this year too, was not fully staffed as a Mechanism for civil control of persons with police authorizations, but he continued to act in fulfilment of this authority, often acting on his own initiative. In that direction, he investigated the actions of members of the special units at the Ministry of Internal Affairs during the search in Penal-Correctional Institution "Idrizovo" carried out at the end of October. Through representatives from this Mechanism, who carried out an immediate inspection and talks with everyone involved in the event, the Ombudsman ascertained a violation of the rights of the convicted persons, and in accordance with the competences submitted a Request for the initiation of a procedure for determining criminal liability against an official, i.e., a responsible person, to the Department for investigation and prosecution of crimes committed by persons with police authorizations and members of the prison police.

In the reporting year, there was no change in terms of meeting the criteria for obtaining "A status" of the institution, which is the international obligation to establish a completely independent National Institution for Human Rights. Namely, although the amendments and additions to the Law on the Ombudsman have finally found themselves in the parliamentary procedure, the deputies have not voted on them until the moment of drafting this Report.

The attitude is similar to the provision of the Law on the Ombudsman, which stipulates that after reviewing the Annual Report, the Assembly determines measures based on general recommendations and obliges the Government to report every six months how these measures have been implemented. As if it has become practice, the report from the competent parliamentary committee is considered immediately after its delivery, and the measures are adopted at a plenary session towards the end of the year, which in reality makes the existence of this legal provision unnecessary and ineffective.

It is also obvious the absence of legally established cooperation with the Government, which does not take measures after most of the special reports submitted by the Ombudsman, and the practice of not conducting a discussion at a session of the Government and not confronting the arguments about the allegations and findings in the Special Reports for the problems that are identified by the Ombudsman, with the presence of the heads of the institutions to which they relate. This practice should be stopped immediately and the provisions of the Law on the Ombudsman should be respected, otherwise it is not possible to expect an improvement in the conditions and behaviour of the institutions during their actions, which directly opens the possibility of endangering the rights of citizens.

I complete this introductory part of the Annual Report with a reminder that in 2023 the institution continued to carry out its mandate and competences without the required number of deputies, considering that as of July 2021, the mandate of five deputies of the Ombudsman (in Skopje, Regional Office Kumanovo, Regional Office Tetovo, Regional Office Stip and Regional Office Strumica) expired, and by the Assembly of R.N. Macedonia has not yet elected new deputies.

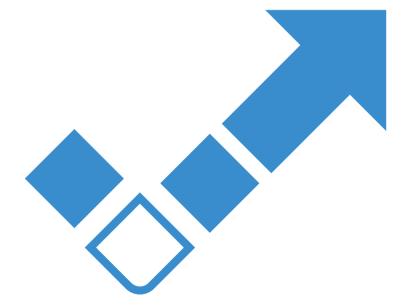
Due to the smooth exercise and protection of the rights of citizens, certain areas/subjects for action, promotion of human rights and freedoms, prevention and protection of the rights of children, persons with disabilities, as well as protection against discrimination of citizens were taken over by the existing deputies or, on the other hand, they were carried out with the authority of state advisers, and that for an indefinite period of time and without additional financial compensation.

Indicating that this problem seriously affects the work of the institution and its regional offices, I expect the Assembly of R.N. Macedonia should recognize the urgency and importance of adopting the amendments and additions to the Law on the Ombudsman, as well as accepting the proposals from the Ombudsman, to elect, i.e., vote for the deputies of the Ombudsman as soon as possible.

Ombudsman Naser Ziberi



LEVEL OF ACHIEVEMENT AND PROTECTION OF THE HUMAN FREEDOMS AND RIGHTS BY AREAS





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In the initial part of the Annual Report, we single out several characteristic cases, situa tions, specific problems of citizens, in which disrespects and violations of the constitutional and legal rights of the citizens have been determined by the Ombudsman.

Besides, the Ombudsman wants to indicate that these ascertained violations/conditions are in fact illogical, illegal, and even absurd situations caused by illegal, unprofessional and unprincipled work of the authorities, and at the same time to call on the competent authori ties to take immediate measures and actions to remove the found violations, the Ombudsman also points out that his intentions and commitments are serious, constructive and based on the law, and at the same time dissociates himself from any other understanding out of context, re garding to isolated cases, and all with the aim of ensuring timely and smooth implementation, respect and promotion of human rights and freedoms in the country.

At the same time, the Ombudsman wants to give a positive impulse in the actions of the state administration bodies and other organizations to respect the rights of the citizens guar anteed by the Constitution and the law.

"TRANSPARENCY INTERNATIONAL - MACEDONIA": THE OMBUDSMAN, THIRD PILLAR IN THE INTEGRITY SYSTEM

According to the national system for integrity, which is prepared and published by "Transparency International - Macedonia", the Ombudsman Institution, together with the State Audit Office and the State Commission for the Prevention of Corruption, have the best results for integrity, answerability, responsibility and readiness to fight with the corruption.

The Ombudsman is designated as the third pillar, out of a total of 15 that enter this integrity system. Research on this system has been conducted for the past two years, and this system provides a comprehensive picture of the country's institutional context in terms of integrity, responsibility and transparency. By the way, also in 2016, within this system, the Institution of the Ombudsman was highly ranked.

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DUE TO NON-IMPLEMENTATION OF THE EXPROPRIATION PROCEDURES, THE PROPERTY RIGHTS OF THE OWN-ERS OF THE PROPERTIES BORDERING THE "AQUADUCT" MONUMENT ARE AT RISK

Even after the expiration of two years from the tasks given to the competent administrative authorities for the "Aquaduct" monument, the procedures for the expropriation of real estate in the protected zone were absent, while the restrictions on the exercise of the right to property for physical entities were in force and entered in the Public Books of the Cadastre of real estate, but they cannot exercise the right to appropriate compensation for expropriation.

After the intervention of the Ombudsman, after several reactions from the citizens, the removal of the established violations was requested, all with the aim of securing funds from the Budget of the Republic of North Macedonia for the management and full realization of the procedures for the expropriation of the real estate in the protection zone. At the same time, the Ombudsman insisted that if the funds cannot be provided by rebalancing the 2023 Budget, it is necessary to provide them with the 2024 Budget, and by then all activities in the expropriation procedures should be completed in order to start the payment for each owner who is a participant in the expropriation procedure.

The Ombudsman has emphasized the urgent need for the completion of the full expropriation procedure, with which the state will gain in the preservation, increase in the volume and value of the cultural heritage, but at the same time the citizens covered by the expropriation procedures will be compensated, which will fulfil and the right that is guaranteed by the Constitution and the law, and thus further violation of the right to property and the right to adequate compensation would be avoided.

Despite the given recommendations, opinions and indications, the expropriation procedures have not yet started.

ACCORDING TO THE ADMINISTRATION FOR PROPERTY-LEGAL AFFAIRS - REGIONAL DEPARTMENT FOR FIRST INSTANCE ADMINISTRATIVE PROCEDURE, GAZI BABA, 14 YEARS OF INACTION IN PRIVATIZATION IS ACCEPTABLE!

The Ombudsman following, chronologically, the proceedings on a case for the privatization of construction land, for which a case was established several times, noticed that with each address of the Ombudsman, the Administration for Property and Legal Affairs with an area in Gazi Baba set new requirements to be fulfilled by the parties and at no time did not inform us with complete, accurate and precise necessary information and data.

The Administration must not justify any request for its failure to act with the lack of certain documentation, according to the indicated remark by the Ombudsman. Namely, for a request submitted since 2010, the authority in neither case, did not foresaw the need to notify the party, in the context of which legal obstacles should be removed to resolve the specific case. With this acting, the Ombudsman considers that the authority is acting inconsistently, irresponsibly, unprofessionally and frivolously, and therefore illegally. The authority responded inappropriately to the given indication, as should not respond an authority of the state administration. The intention of the Ombudsman was, and is, for the authorities to improve their work and be at the service of the citizens, and not to justify years of inaction.

UNLAWFULLY USURPED PRIVATE PROPERTY BY THE MUNICIPALITY OF BUTEL DUE TO THE CONSTRUCTION OF AN INFRASTRUCTURE FACILITY - LOCAL STREET BY AN UNKNOWN INVESTOR

Usurpation of a part of privately owned land by an unknown investor, on which an infrastructural facility - a street - was illegally built, while not respecting any legal provisions, and the Municipality of Butel is not the investor of the specific asphalt road, no construction permit was issued by such type, did not take appropriate measures to prevent construction, nor did it initiate misdemeanour proceedings for illegal usurpation, despite the fact that the specific property is covered by a Detailed Urban Plan and it occupies a newly planned residential and service street.

The Ombudsman gave instructions to the Mayor of the Municipality of Butel to remove the identified violations and he was asked to start a procedure for the expropriation of property or, it was suggested, to buy back the usurped land, for the reason that according to the urban plan of the Municipality it is planned construction of a street or otherwise it is requested to act in accordance with the positive legal regulations for the removal of illegal built objects/ infrastructure.

The Municipality of Butel did not act according to the directions given in the notification, and they did not submit any response after the public information.

REACTIONS DO NOT STANDSTILL, REGARDING THE CONCEPT OF PRIMARY EDUCATION, AS WELL AS THE LACK OF PRINTED TEXTBOOKS FOR ALL PRIMARY SCHOOL PUPILS

The Ombudsman has continuously received complaints regarding the Concept for Primary Education, and especially due to the problem of unsecured printed textbooks since 2020, especially for those primary school generations who were the first to start applying it. Its phased introduction in all grades of primary education is constantly followed by reactions from concerned parents, Councils of parents from primary schools, teachers and associations of educational workers.

Namely, just like the last school year, and during the 2023/2024 school year, there are no printed textbooks for all teaching subjects, and certain ones, such as e.g., textbook for the subject History and Society for the VI grade, will not be available until the end of the year. According to the data received from the Ministry of Education and Science, a total of 51 textbooks by the end of 2023, were in the process of approval, printing or delivery, which is inadmissible and contrary to the Law. In that direction, with aim to achieve the goal of the initiated reforms in primary education, which is to improve the quality of primary education in accordance with international educational standards, European and world trends, schools should be provided with all printed textbooks and other teaching materials before the beginning of the school year, means and didactic aids, as they could be a place for knowledge and development of students.

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LAW OF LIMITATION OF ENFORCEMENT COLLECTION, ONLY ON PAPER

With the Law on Amendments and Supplements to the Law on Obligation Relations, among other things, was foreseen that the obsolescence in the enforcement procedure occurs in any case after the expiration of the period of ten years, counted from the moment of the submitted request for enforcement.

However, there is almost no citizen who has exercised this right since then. The reason for this is the non-application of these legal provisions, both by the enforcement agents and by the Courts. The justification is formal - the supposed existence of vagueness about the way they should act and stop the execution procedure.

According to the Ombudsman, this provision of the Law on Obligation Relations has general application and there are no objective reasons and excuses for it to be directly applied to each individual case by the enforcement agents and courts, in accordance with the general legal principles of constitutionality and legality, in which the conditions for limitation are met, in such a way that the enforcement payment will be stopped.

As a matter of fact, the opposing action, in addition to being detrimental to the legitimate rights and immediate legal interests of the persons who appear as debtor parties in the enforcement proceedings, represents nothing but disrespect of the principle of the rule of the Law and the protection of the constitutional and legal rights of the citizens, which actually are a fundamental value of the constitutional order of the Republic of North Macedonia.

THE PROTEGES OF THE EDUCATION AND CORRECTIONAL INSTI-TUTION HAVE NO FORMAL EDUCATION, BUT THEY ARE TRAINED TO BE CRAFTS WORKERS - PAINTERS AND BARBERS!

A total of 19 children-proteges in the Educational and Correctional Institution in Tetovo were out of the educational process during the entire reporting period and have no formal education. The Ministry of Education and Science informed the Ombudsman in December 2022 that the problem will be solved by amendments to the Law on Primary Education, which provide for the extension of the verification of Primary School for adults with competence for education in Penal-Correctional and Educational-Correctional Institutions.

The Ombudsman submitted information to the Government of the Republic of North Macedonia about the determined situation, and recommended that without delay the competent Ministry and educational institutions should be tasked with finding a temporary, appropriate solution for uninterrupted education of the children/youth from the Educational and Correctional Institution in Tetovo - "Volkovija", until the adoption of the proposed legal changes.

However, the amendments to the Law were not adopted, so the children in the Institution were not included in the educational process, but after actions taken by the administration of the Educational and Correctional Institution, they were trained in craft works - painter and barber, as well as in acquiring skills in entrepreneurship and computer skills which were realized through concluded agreements for technical cooperation with legal entities.

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THE MAYOR OF THE CENTRE MUNICIPALITY SOLVES THE REAL PROBLEMS OF THE CITIZENS ONLY DECLARATIVELY, BUT NOT IN PRACTICE

For a person with a disability, a single mother, who lives alone and is not able to drive a motor vehicle at all and who is cared for by a personal assistant, the Ombudsman from the Management Board of PE Parking's of the Municipality of Centre, requested to amend the relevant Rulebook with aim to be issued a preferential parking ticket for a vehicle owned by the person who provides a personal assistance service.

The Ombudsman was not notified by the Director of this company for the measures taken to implement this instruction, even after a long period of time.

About the difficulty of operations and the impossibility of exercising the rights of the persons submitting complaints, the Ombudsman with a special report as an official who takes care of the implementation of the works entrusted by Law to the Municipality of Centre, informed the Mayor of the Municipality of Centre and requested to undertake measures to overcome such a situation.

The Mayor of the Municipality of Centre, whose declared principle of operation is to solve the real problems of the citizens, did not act at all in that direction, which is the only such case - the mayor not responding, i.e., not cooperating and not acting upon the interventions of the Ombudsman.

JOIN STOCK COMPANY FOR MANAGEMENT OF RESIDENTIAL AND BUSINESS PREMISES HAS BEEN CARRYING OUT UNSUCCESSFUL LIFT REPAIR PROCEDURES FOR THREE YEARS

Since 2021, the Ombudsman has been conducting proceedings following complaints from residents in a building managed by Join Stock Company for Management of Residential and Business Premises - Bitola Subsidiary, for intervention before Join Stock Company for Management of Residential and Business Premises - Directorate Skopje in order to repair a broken elevator in the building, which is inhabited by residents with impaired health, elderly persons, and persons in wheelchairs who cannot use the stairs. In all the complaints handled by the Ombudsperson in these 3 years, Join Stock Company for Management of Residential and Business Premises -Directorate Skopje, in its answers, repeatedly cited unjustified reasons why the procedures for public tenders were delayed and not completed. Last, in 2023, it reported that the public procurement could not be realized, due to the fact that the specification of the public procurement has not yet been completed. The Ombudsman submitted an indication of a confirmed violation of the rights of the residents for uninterrupted possession of the apartments, after which the Join Stock Company for Management of Residential and Business Premises -Skopje informed him that the procedure for public procurement is still ongoing according to the plan for public procurement for 2023, in which the parts were listed which are needed for the repair of the elevator and after the completion of this procedure and the conclusion of a new Agreement with the Contractor, the repair of the elevator will be carried out.

Considering all previously submitted requests and indications to the Joint Stock Company that were not taken into account for three years, as well as the obvious delay in the procedure for the procurement of the necessary parts for the repair of the elevator, the Ombudsman directed the residents to consider the possibility of initiating court proceedings before the competent Court.





ALTHOUGH RECOMMENDED, THERE IS NO EDUCATIONAL ASSISTANCE FOR EVERY

STUDENT WITH DISABILITIES

The increase in the number of educational assistants provided by the Ministry of Education and Science in the academic year 2022/2023 is still not enough, appropriate support was not provided for 61 students with disabilities. The quality of their inclusive education is seriously called into question due to the need for additional support in the field of education for students with disabilities, which has been determined by a relevant professional body for functional assessment, and which is missing due to an insufficient number of educational assistants provided through the relevant Ministry.

On the other side, the Ministry of Education did not provide a single educational assistant for students with disabilities included in secondary education, due to the fact that a new Law on Secondary Education has not yet been adopted, with which this continuing problem would finally receive a systemic solution.

THE ACQUIRED RIGHT TO LEASE A STATE APARTMENT IN 2013, LOST DUE TO IMPROPER DELIVERY OF A DECISION FOR ALLOCATING A STATE APARTMENT UNDER LEASE

A citizen from Bitola, registered as a child without parents and parental care, by the Decision of the Public Institution Inter-municipal Centre for Social Work Bitola from 2011, as a minor, was placed in the Institution in the PI Children's Home "11 Oktomvri" in Skopje. Pursuant to the Decision of the Government of the Republic of Macedonia in 2012, which provided that 10% of the housing facilities built by Join Stock Company for the construction and management of residential and business premises should be intended for the care of children without parental care, of the petitioner in 2013 she was assigned a state apartment as a child without parents and parental care. However, she found out about the allocation of the apartment after 10 years, when she submitted a request for the allocation of a state-owned apartment under lease, and was informed by the AD for housing management - Bitola Branch that in their records there is data that in 2013, her and several other proteges from the Home where they were taken care of, were assigned an apartment at a specific address in Bitola.

Acting on the complaint, the Ombudsman concluded that the Government of Republic of Macedonia - Commission for Housing Issues, in 2013 passed a Decision by which the petitioner is given a lease of an apartment in the Dovledzik 2 building in Bitola, pending the resolution of her housing issue. However, she did not receive a decision either from the Public Institution Inter-municipal Centre for Social Work Bitola, nor from the Jsc for Management with Residential and Business Premises-Bitola Branch, nor from the Government of the Republic of Macedonia-Commission for Housing Issues at the address where she currently lived in Bitola, and in the meantime the Commission for Housing Issues assigned the apartment to another person.

The Ombudsman, with a written suggestion to the Commission for Housing Affairs under the Government of R.N. Macedonia, in this newly launched procedure for the allocation of a state apartment, which was still ongoing, asked to take into account the fact that the petitioner had already been allocated an apartment under lease in 2013, which residential space she neither factually nor legally received in possession, and she had the right to do so.

The Commission for Housing Issues acted on the Ombudsman's suggestion and passed a Decision by which the petitioner was granted an apartment under lease.

CITIZENS STILL STUCK IN ADMINISTRATIVE JUDICIAL LABYRINTHS

The observed anomalies and inconsistencies that affect the quality of the administrativejudicial protection of citizens' rights still persist, among other things, because the movement of cases between the administrative bodies and the administrative courts, i.e., their communication, is not at the required level.

How the administrative judiciary (doesn't) work can be seen through the case of a citizen who is awaiting a decision on appeal from the Higher Administrative Court, and there his case has not been registered at all for almost a year. The case is as follows - against the ruling of the Administrative Court by the State Attorney's Office of the Republic of North Macedonia for the Stip area, an appeal was filed in March 2023, and the citizen immediately submitted an answer to this appeal. After the citizen submitted a complaint, the Ombudsperson determined that as of December 2023, in the Higher Administrative Court, no case of this kind has been registered after an appeal. Additionally, the Administrative Court did not act in accordance with the Law on Administrative Disputes and within eight days did not submit the complaint and the response to the complaint, with all documents of jurisdiction, to the Higher Administrative Court.

The procedure for this case was updated only after the intervention of the Ombudsman, who requested that supervision be carried out by the administrative inspection. As a result of this intervention, the relevant commission for denationalization of the Ministry of Finance was in charge of submitting the case to the Administrative Court, which, in turn, will have to submit it to the Higher Administrative Court in order to finally make a decision on the appeal in question.

Unfortunately, this is one, although not the only case that illustrates this prohibited situation - the administrative procedure for exercising the right of a citizen to last over 20 years, to which a great contribution has the absurd legal solution and the state for being the appellant in administrative court proceedings against the court decisions, by which are annulling her illegal decisions.

DUE TO THE UNSERIOUS ATTITUDE OF THE PUBLIC REVENUE ADMINISTRATION, THE EMPLOYEES IN THE MINISTRY OF INTERNAL AFFAIRS RECEIVE LOWER PENSIONS

To employees of the Ministry of Internal Affairs, despite the final and enforceable court decisions for the payment of the basic and additional contributions for pension, disability, health and unemployment insurance, together with the personal salary tax, as well as the awarded costs of the procedure, the Ministry did not pay the same to them, nor did respect the indication of the Ombudsman that with such a procedure he was violating their rights.

To make the absurdity bigger, the reason for this is very banal. Namely, the Public Revenue Administration for one year did not find time to respond to the requests of the Ministry to hold a working meeting, at which a solution will be found - creating a technical possibility to enter the number of judgments in the MPIN (Monthly Calculation for Integrated Biling) -form.

Due to this extremely frivolous and irresponsible attitude of the Public Revenue Administration, the affected persons unjustifiably suffer harmful consequences, i.e., they receive a smaller amount of pension, and the state is exposed to additional interest payments, attorney's fees and execution costs.





INSTEAD OF BEING EDUCATED TOGETHER WITH THEIR PEERS, THE CHILDREN ON THE STREET "LEARN" TO BEG!

Children of a very young age, and most of them of school age, do not go to school, and those who are enrolled through the Day Centres for children at social risk do not attend classes regularly and very often instead of going to school, they go to the crossroads, where they spend the day begging.

This, among other things, was stated by the Ombudsman in the conducted research "Children on the Street". Namely, in several cities in the country there are children who beg, while some of them, according to the Centres for Social Work, transit from one city to another, alone or with other family members, with aim to beg.

Seeing the awareness of the children and in conversation with the parents/guardians and other adults, the Ombudsman concluded that poverty, substandard houses without basic living conditions, unemployment and lack of means of subsistence are the reason for the persistence of this negative and harmful phenomenon that affects the proper growth and development of children, who "earn" on the street to feed their families.

THE BASIC COURT PUT A CLAUSE ON THE VALIDITY OF THE DECISION, ALTHOUGH IT WAS NOT DELIVERED TO THE INJURED PARTY FOR MORE THAN ONE YEAR

Acting on a complaint from a citizen about the violation of the rights of a child - a victim of a crime, the Ombudsman found that the Basic Court of Prilep acted contrary to the provisions of the Law on Justice for Children, i.e., did not deliver a copy of the decision to the injured party, so that the injured party did not get the opportunity to use the legally guaranteed right to a legal remedy. At the same time, the Ombudsperson states that the Court, contrary to the legal provisions, added a finality clause to the adopted decision, even though the decision was not properly delivered to all parties.

The Court did not state the reasons why it did not deliver the Decision to the injured party more than a year after its adoption, nor the basis for declaring it final, it only informed that the judge who handled the case was terminated due to fulfilling the conditions for an old-age pension, and acting after the Ombudsman's intervention, delivered the decision to the injured party, with a given deadline for using a legal remedy.

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IN PRACTICE, THE INDEPENDENT AND INDEPENDENT LIVING OF PERSONS WITH DISABILITIES IS NOT IN ACCORDANCE WITH THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The multi-year monitoring of the process of deinstitutionalization of users from the Public Institutions - Demir Kapija and Banja Bansko and their relocation from large residential institutions to smaller residential units (small group homes), conceptually significantly differs from the provisions of the Convention on the Rights of Persons with Disabilities and the guidelines given by the UN Committee on the Rights of Persons with Disabilities, according to which, any form of group living cannot be called independent and independent living because it has institutional characteristics.

The Convention on the Rights of Persons with Disabilities requires that the process of deinstitutionalization should not only be reduced to the closing of institutions, but also the implementation of structural reforms with which these persons will live independently and independently, as they will be actively involved in the community, in all processes of local and national level.







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1. Rights from the Judiciary and the Penal-Correctional Institutions and the Educational-Correctional Institution

- JUDICIARY
 - Proceedings in front of the Public Prosecutor's Office
 - Proceedings in front of the Enforcement Agents
- PENAL-CORRECTIONAL AND EDUCATIONAL-CORRECTIONAL INSTITUTIONS
- FINANCES



The following problems remain to be noted in the Judiciary area in the reporting year 2023: the time duration of the Court proceedings, the inefficiency of the Administrative Courts, as well as the continuous submission of petitions indicating to unprofessional, illegal and negligent actions by the Judicial Authority.

The Ombudsman determined that despite the decade-long duration of the proceedings and the failure to make meritorious decisions by the Administrative Court and the Higher Administrative Court, the proceedings before the Administrative Court are unjustifiably prolonged and are not completed within a reasonable period of time, even though conditions have been created for this.

In the cases where the Ombudsman found violations and submitted his indications and opinions, the Courts accepted all such correspondence, whereby the petitioners through the Ombudsman received effective protection and exercised their rights before the judicial authorities.

Complainants who often expressed dissatisfaction with the unethical behaviour of the attorneys, and their representatives, as well as notaries, by the Ombudsman, taking into account the legal framework that regulates the work of the legal profession as an independent and independent public service, were directed to initiate procedure before the Attorney Association of the Republic of North Macedonia.

The subject action before the enforcement agents and in the period of this reporting year 2023, records a large number of submitted petitions that refer to the enforcement procedures with allegations of violation of the rights of citizens in the actions of the enforcement agents, as persons exercising public authorizations.

Complaints related to the way of delivery of orders, they often asked for intervention and to reduce the amount withheld from their salary or pension (restriction in the enforcement payment), they were also submitted due to the amount of costs, for information on the state of the debt and obtaining a detailed calculation of the charged amount and the amount remaining until full settlement, as well as of the legally provided exemptions.

The Ombudsman continues to determine situations of unjustified causing harmful consequences in relation to the rights of the parties in enforcement proceedings, and due to the prolongation of the procedure for redistribution and taking over the cases, in the event of termination of duty of the enforcement agent.

As part of the introduced newness, specifically in terms of interest and the limitation of its amount until the amount of the principal debt is reached, which has been the Ombudsman's commitment for many years so far, is the adoption and entry into force of the Amendments and Supplements to the Law on Obligation Relations, and in parallel and the Law on Enforcement Payment (Official Gazette of the R.N. Macedonia no. 154/23 of 07.2023), which marked this year with a partial reduction of the degree of threat to the rights of the petitioners in the area of the amount of interest and the statute of limitations.

However, the adopted amendments did not reduce the citizens' complaints, especially because there are certain inconsistencies regarding the application of the legal amendments, and this stems from the inconsistency of the application of the amendments to the Law on Obligation Relations, because the Management Board of the Chamber of Enforcement Agents of the R.N. Macedonia, adopted Legal Opinion No. 02-326/3 dated 27.07.2023 as an expert opinion with which the enforcement agents declared themselves incompetent to decide upon the requests of the citizens to determine the statute of limitations in enforcement procedures that last more than 10 years, so any submission from the party in which statute of limitations is invoked, the enforcement agent by making conclusion rejects it due to incompetence.

After the citizens' objections to the competent Basic Courts in which they request to establish the statute of limitations of the procedure and to stop the enforcement procedure, the decisionmaking of the Courts is inconsistent, so until now, for half a year since the provisions were in force, we have had different Court decisions, and those decisions cancel the actions of the enforcement agent, put into force the acts issued and in which it is stated that the enforcement agents are competent for making such a decision, then there are decisions in which the objections of the citizens are rejected, which again exposes the citizens to the expense of seeking the protection of their rights before the higher Court of Appeal by using the legal means.

According to the Ombudsman, the statute of limitations for enforcement from the Law on Amendments and Supplements to the Law on Obligations has general application and there are no objective reasons or excuses, both by the enforcement agents and by the Courts, and in accordance with general legal principles of constitutionality and legality, to be directly applied to each individual case in which the conditions for limitation are met, in such a way that the execution will be stopped.

The remarks regarding the interval of the pre-investigation procedures that are conducted before the Basic Public Prosecutor's Offices and the failure to inform the complainants about their progress remain a problem for this reporting period as well.

The petitions from the citizens refer to the fact that, as complainants/damaged persons, they are not informed by the prosecutor's office about whether action is taken after the report of a criminal offense, the prolongation of the procedure after a criminal report has been submitted, and the fact that they do not have the right to appeal a Public Prosecutor's decision. In 2023, the responses of the Prosecutor's office were complete and most of them were timely, although in the second half of 2023, untimely responses were also recorded.

Full capacity to the point of overcrowding, without specific changes in the tendencies to improve the quality of health care, complete absence of an educational process, are the conditions that characterize the penitentiary institutions in the country in the last year, for which the convicted and detained persons have submitted petitions to The Ombudsman.

The state of overcrowding is present in all closed penitentiaries: Penal-Correctional Institution Prilep, Penal-Correctional Institution Stip and Penal-Correctional Institution Idrizovo, as well as in most of the prisons - Penal-Correctional Institution "Prison Skopje", Penal-Correctional Institution "Prison Bitola", Penal-Correctional Institution "Prison Strumica" and Penal-Correctional Institution "Prison Tetovo". In the Educational-Correctional Institution Tetovo and Penal-Correctional Institution "Prison Ohrid", where the wards are child perpetrators of crimes, as well as in the Penal-Correctional Institution of open type Struga, the capacity is filled to a lesser extent and more than half of the accommodation capacity is free.

The condition of unhygienic premises, insufficient light and unfurnished premises has been continuously present for several years, which is why the Ombudsman has on several occasions so far through special information and reports indicated the necessity of taking urgent measures to overcome the problems.

The situation regarding health care and treatment in the penitentiary institutions has not changed at all for years, neither in terms of improving the quality of health services, nor in equipping the health units, nor in terms of employment and training of medical staff.

The Ombudsman's indication of the need to urgently find a solution to overcome the situation with the female children sent to undergo an educational-corrective measure in the Penal-



Correctional Institution and Educational-Correctional Institution Idrizovo and the recommendation to consider the possibility of moving the female children sent to an educational-corrective measure to the facility of Tetovo correctional facility, in such a way that they will be properly separated in a distinct part of the same facility, contributed to the Ombudsman, to address the working group that worked on the amendments to the Law on the Execution of Sanctions, with their proposals and recommendations regarding the amendments of the Law, with a request to carry out appropriate changes in the Law on Execution of Sanctions in the direction that the Tetovo Correctional Home will be the only institution in the country to which male and female children will be sent for the purpose of serving an educational-corrective measure, i.e. Penal-Correctional Institution Idrizovo should be excluded from the possibility of housing this category of female children. The Draft Law on Amendments and Supplements to the Law on Execution of Sanctions has been adopted by the Government of the Republic of North Macedonia and has been forwarded in regular procedure to the Assembly of the Republic of North Macedonia.

In the field of finance, the trend of increasing the number of submitted petitions continued in 2023. The largest part of the petitions for taxes, administrative and court fees, as well as for the broadcasting fee, refer to the procedures for enforced collection, in which the Ombudsperson in this reporting year, as well as in previous years, states that from the Administration for Public Revenues, the City of Skopje and the municipalities violate the rights of the citizens.

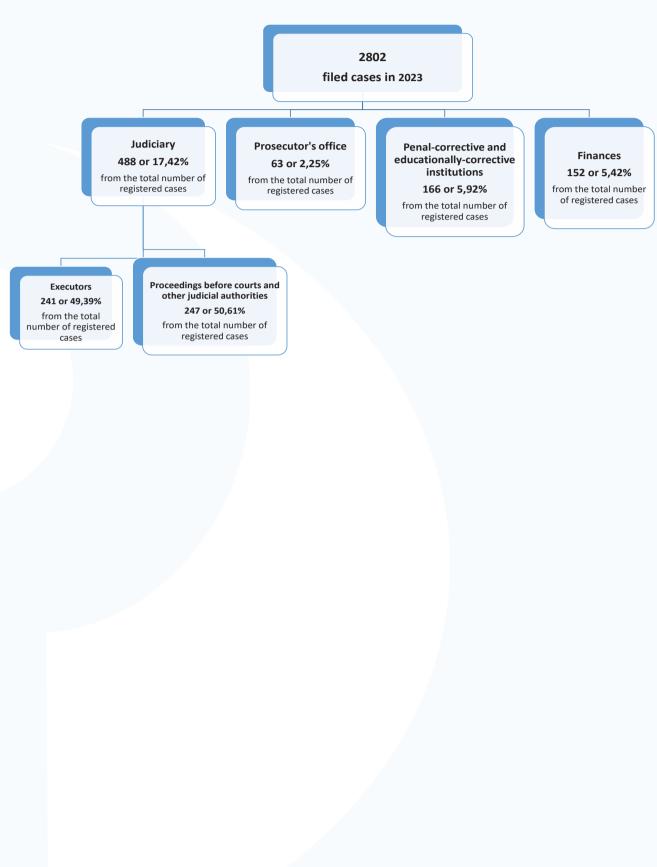
In this reporting year, the Administration for Public Revenues did not act in a timely manner or at all on the requests for obtaining explanations, information and evidence for the allegations in the individual petitions, as well as on the given recommendations and indications on the method of removing the ascertained violations.

The Ombudsman also ascertains a state of violation of the rights of persons employed in the Ministry of Internal Affairs, and for whom, although they have final and enforceable court decisions - to be paid social security contributions for overtime hours, this right is denied to them. Due to such an extremely frivolous and irresponsible attitude of the Public Revenue Administration, the Ministry of Internal Affairs is still unable to act upon the received instructions by the Ombudsman, to pay the referred contributions, the personal tax, as well as the awarded costs of the procedure, so the affected persons suffer unjustifiably harmful consequences, including receiving a lower pension amount, while exposing the state to additional interest payments, attorney fees, and enforcement costs.

Regarding the petitions submitted for the work of banks and other financial institutions, it should be noted that during the reporting year, the Law on Amendments and Supplements to the Law on Financial Companies was adopted. Namely, with its provisions it is also determined that the financial company may not enter into a consumer credit agreement if the agreement or related services stipulates a fee or several fees that are not included in the calculation of the annual rate of total costs, and which alone or in combination with any other fee exceeds or may exceed 60% of the amount of the approved loan. This Law also provides for the obligation of the financial company to publish the fee list transparently and publicly on its website or to highlight it in a visible place in its working premises.



Graphicon No.1



JUSTICIARY

In the reporting year 2023 again, the largest number of petitions by citizens were submitted in the area of Justice (488), but, compared to the number of petitions in 2022 when 534 petitions were submitted, the conclusion is that there is a decrease in the number of petitions in this area. At the same time, almost half of the complaints in the subject area related to the proceedings before the persons with Public Authorizations - Enforcement Agents (241), followed by the proceedings before the judicial authority: for first-degree civil proceedings (59), for first-degree criminal proceedings (46), for proceedings in second degree (37), and the same number of petitions for proceedings before the administrative courts, namely 31 for the work of the Administrative Court of R.N. Macedonia and 6 petitions for the Higher Administrative Court of R.N. Macedonia.

The handling of citizens' petitions for cases before the administrative courts showed that in addition to the decade-long duration of the proceedings and the non-making of meritorious decisions by the Administrative Court and the Higher Administrative Court, this year the unjustified prolongation of the proceedings before the Administrative Court, i.e., the failure to act within a reasonable time, was also a problem, although conditions have been created for that. Namely, through the referred proceedings, it was determined that the Administrative Court did not act in specific cases, i.e., public hearings were not scheduled even after almost a year, even though the cases were taken up and all the necessary documents were obtained from the parties, which the passing of the court verdict was also delayed. In order to overcome this practice of the Court, the Ombudsman in such cases submitted an Opinion to the Court, which pointed out the noted violations, with a request to take immediate actions in the direction of scheduling public hearings and delivery of invitations to the parties. Regarding the thus established factual situation and the submitted Opinions on the method of removing the ascertained violations, the Ombudsman's request was immediately acted upon, i.e., actions were taken to schedule a public hearing and inform the parties in the procedure about the time and date of the same.

Acting on petitions of the citizens, and regarding the proceedings in the second degree, the Ombudsman found in those proceedings non-compliance with the principle of trial within a reasonable time and failure to act within the legally determined deadlines before the Skopje Court of Appeal. Consequently, in order to protect the rights of the petitioners, in all three cases the Ombudsman submitted to the Skopje Court of Appeal an Opinion on the method of removing the identified violations, with which he requested that this situation be overcome. The Skopje Court of Appeals acted on the request in one case, and in one case it was rejected, while in the third case the procedure is still ongoing.

Regarding the work of the other Courts in the territory of R.N. Macedonia, the citizens continued to express their dissatisfaction with the verdicts passed before the Ombudsman, they asked for certain information after submitted requests/urgencies from their side, because they did not have any feedback about the actions of the Courts. In these cases, the Ombudsman took measures and asked for explanations, data and evidence for the reasons why the requested information is not provided to them in the procedures they lead, for which he informed the citizens in detail, advising them accordingly, in order to achieve the rights

The Ombudsman likewise acted on petitions from citizens that referred to the work of public authority holders, i.e., notaries and attorneys, and for which the petitioners often expressed dissatisfaction with the unethical behaviour of lawyers, as their representatives in proceedings which is conducted before a competent Court. Considering the legal framework that regulates the work of the legal profession as an independent and independent public service, the parties were directed to initiate proceedings before the Attorney Association of the Republic of North Macedonia. While, in relation to the work of notaries, the petitioners indicated the impossibility of obtaining information from the indicated notaries, and the Ombudsman acted in the direction of obtaining the same.

Over the referred actions and the made analyses, it is noted that the cooperation with the judicial authorities is at a satisfactory level, for the reason that according to the submitted

correspondence, it was acted upon in a timely manner, essential manner and within the legally stipulated deadlines, and thus the citizens exercise their legal rights.

The Ombudsman, in view of the above/stated, recommends the following:

The Administrative Court upon the court cases should act in accordance with the principle of efficient operation, and the procedures should be carried out quickly, without the use of unnecessary actions and costs, and should make its decisions within a reasonable time, i.e. within nine months from the date of delivery at the latest of the files or creation of conditions for decision-making after the lawsuit, as provided for in Article 11 of the Law on Administrative Disputes.

Courts should respect the principle of trial within a reasonable time, considering the legal provisions that protect the rights of citizens from prolongation of court proceedings.

Proceedings before the Public Prosecutor's Office

In the reporting year 2023, in the area related to the work and actions of the Prosecutor's offices in the Republic of North Macedonia, 63 complaints were submitted, which is 24 less than in 2022. At the same time, in the largest number of complaints, citizens sought intervention regarding the proceedings before the Basic Public Prosecutor's Office (51), then before the Basic Public Prosecutor's Office for Organized Crime and Corruption (4), proceedings before the Public Prosecutor's Office of R.N. Macedonia (3), before the Higher Public Prosecutor's Office (2), Other (2) and one petition referred to proceedings before the Council of Public Prosecutors.

In the petitions, the citizens expressed dissatisfaction due to non-action after a criminal complaint was filed, the delay of the procedure or due to dissatisfaction with a decision made.

The remarks of the citizens regarding the duration of the pre-investigation procedures that are conducted before the Basic Public Prosecutor's Offices and the lack of information, i.e., the lack of notification about the course of the procedure, are also a feature of this reporting period. Again, and for this problem, the most frequent complaints refer to the Basic Public Prosecutor's Office (OJO) Skopje. Namely, in the Law on Criminal Procedure, it is established that the Public Prosecutor should make a decision within 3 months, namely an order for the implementation of an investigative procedure, a prosecution proposal in abbreviated procedure, a proposal for issuing a criminal order and a decision to reject a criminal complaint. If he does not make a decision after the report has been submitted, he is obliged to inform the submitter of the criminal report and the senior public prosecutor. However, contrary to this provision, from the handling of the submitted petitions, the conclusion indisputably follows that the complain-ants of criminal acts who are also harmed by a criminal act do not receive information, i.e., they are not notified by the Basic Public Prosecutor's office after the legally given period of 3 months from the filing of the criminal complaint.

Acting on the petitions, the Ombudsman submitted a Recommendation to the Basic Public Prosecutor's Office Skopje to respect the given legal term in which a Public Prosecutor's decision should be made, or to notify the petitioner and the Senior Public Prosecutor in case of failure to make a decision. At the same time, he recalled the obligation of the Prosecutor to take care of the efficiency of the procedure and to ask the other entities involved in the procedure to act according to the orders within the given deadlines and consequently to take measures against them if they do not comply with the orders. By the end of the reporting year, the Basic Public Prosecutor's Office has not submitted an answer regarding the given recommendation.

According to the Ombudsman, failure to comply with legal deadlines can ultimately mean unprofessional performance of the Public Prosecutor's office, which is the basis for initiating disciplinary proceedings for the Public Prosecutor, which may also result in termination of office.



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While the Higher Public Prosecutor has an obligation according to the principle of hierarchy to monitor and evaluate the work of the Lower Public Prosecutors.

The Ombudsman in the reporting year 2023, submitted an Order to the Basic Public Prosecutor's Office Skopie, acting on a complaint from a citizen who complained that he received a Public Prosecutor's decision entitled "Resolution" from the Basic Public Prosecutor's Office Skopie, and has no right to appeal to the Higher Prosecutor's Office, considering that a Public Prosecutor's decision - Resolution is not foreseen in the Law on Criminal Procedure of the Republic of North Macedonia, and the Ombudsman requested actions to be taken to remove the ascertained violation, in such a way that the petitioner will submit a Public Prosecutor's decision, which he will have the right to appeal to a higher Public Prosecution. Regarding this, he pointed to Article 288 of the Law on Criminal Procedure, according to which, the Public Prosecutor will dismiss the criminal complaint with a decision if it follows from the complaint itself that the reported offense is not a criminal offense for which he is prosecuted ex officio. The decision to dismiss the criminal complaint is delivered to the injured party, with instructions that he can file a complaint with the immediately Higher Public Prosecutor within eight days, and the person filing the complaint is notified of the reasons for the rejection. Furthermore, the Law establishes that acting on the complaint, the senior Public Prosecutor can by a decision confirm the decision to reject the criminal report or respect the complaint and oblige the lower Public Prosecutor to continue the procedure. Also, in Article 57 paragraph 1 item 12 of the Law on Criminal Procedure, the right of the injured party/complainant of a crime to file a complaint with the Higher Public Prosecutor against the decision of the Public Prosecutor by which he waives criminal prosecution is established, under the conditions provided with this law. While, with the Constitution, Article 15 guarantees the right to appeal against decisions made in a first-instance procedure before a court, as well as the right to appeal or another type of legal protection against individual legal acts made in a first-instance procedure before a state administration body or organization and other authority exercising public powers. The right to appeal is also guaranteed in the European Convention on Human Rights in Article 13 "Every person, whose rights and freedoms recognized by this Convention are violated, has the right to appeal before the national authorities, even when the violation of these rights and freedoms committed by persons in the performance of official duties".

And regarding this Instruction, the Basic Public Prosecutor's Office Skopje has not submitted a notification about the measures taken.

The Ombudsman recommends:

The Basic Public Prosecutors should deliver the Public Prosecutor's decisions to the parties and allow them the right to appeal to the higher Public Prosecutor's offices.

Basic Public Prosecutor's offices should act more promptly and take actions in a timely manner, respect the deadline of 3 months if they do not make a Public Prosecutor's decision to notify the higher Public Prosecutor and the complainant, so that there is no doubt and fear that the prosecution will expire.

Procedure before the enforcement agents

The subject action in the part of the procedures before the enforcement agents and during this reporting year, again records a large number of submitted petitions (241), which refer to the enforcement procedures with allegations of violation of the rights of citizens in the actions of the enforcement agents, such as persons who exercise public authorizations. The number of submitted petitions in this sub-district is approximately the same as in 2022, when 259 cases were submitted for the work of enforcement agents.

The largest number of petitions from the citizens (130) related to the amount and state of the debts, untimely and irregular notification of the initiated subject procedure, as well as the statute of limitations of the execution procedure and the amount of interest. In 44 of the cases, citizens sought protection in order to unblock transaction accounts, and 16 petitions were submitted for other types of enforcement or for intervention in connection with restrictions on enforcement payments (15). In addition to this, petitions were submitted for enforcement on real estate (9), protection of rights as a creditor (8), request for exemption from enforcement payment (5). 4 petitions were submitted for maintaining the order of enforcement, issuing a certificate of claim settlement and supervision over the work of enforcement agents, and in 2 cases intervention was requested for the exercise of the rights of a third party in the procedure.

From the overall action in this area, the conclusion emerges that the enforcement agents acted according to the requests of the Ombudsman, gave a detailed ruling on each case, submitted the requested information, documents and documentation in relation to the specific procedures, and in the cases where irregularities were found, and according to which of recommendations were submitted to the Ombudsman, and they were accepted by the enforcement agents.

The analysis of the content of the petitions shows that in essence, as before, the citizens complained about the way of delivery of the execution orders, stating that they were not delivered to them, i.e., they were not informed in a timely manner about the initiated procedure, and the realized retention from their incomes, on the basis of salary or pension or the established blocking of a transaction account were the indicators through which they found out about the initiated enforcement procedure against them. The pronouncements of the enforcement agents in these cases were accompanied by documentation from the specific actions, including the delivery notes, which were mostly returned with the indication "Notified, not requested", and with which the enforcement agents confirmed the orderliness of the delivery of the acts in the cases, according to the provisions of the Law on Civil Procedure and the Law on Enforcement.

The citizens asked for intervention and for the reduction of the amount withheld from their wage or pension in the petitions, explaining the extremely difficult financial situation. They stated that in addition to the debt in relation to the specific claim in the enforcement procedure, for which liens are implemented, they, as credit users, also service debt to banks or to financial companies, which debts they pay off monthly, which further endangers them and their families' livings. In some of these cases, the actions of the Ombudsman had a positive epilogue, i.e., after his intervention, and after the consent of the creditors in the proceedings, changes were made in the way of implementing the collection, or the amount of funds that were withheld from salary or pension was reduced and in some cases citizen-debtors, were allowed to make voluntary monthly payments directly to the enforcement agent's account.

Petitions were also submitted regarding the amount of costs (Tariff for reward and reimbursement of other costs for the work of enforcement agents) in the enforcement procedures, which also represent an additional burden for citizens. The citizens pointed out that due to the difficult communication with the enforcement agents, the relationship they encountered as parties, and in some cases also due to non-respect of the principle of service orientation, they consequently requested an intervention to obtain detailed information on the state of the debt, a calculation of the amount charged and the amount remaining until full settlement.

The exemptions provided by law in Article 116 of the Law on Enforcement were also the reason for the submission of petitions, and these petitions were mostly submitted by citizens who acquired incomes that, according to this Article, should be exempted from enforcement,



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and by enforcement agents these funds were blocked. In these cases, the Ombudsperson requested an examination of each case separately for the purpose of returning the unfoundedly confiscated funds and unblocking them, which was accepted by the enforcement agents. In addition to this, the Ombudsman acted to protect the rights of citizens in order to respect the order of execution, to unblock transaction accounts in cases where an employment relationship has been established in the meantime, and also required supervision over the work of enforcement agents, etc.

In the reporting period, the Ombudsman led proceedings in the interest of a large number of citizens, who appeared as debtors in enforcement proceedings, and regarding the need to change and refine the Enforcement Orders, which were delivered to them by the enforcement agents. In particular, it determined that in the execution orders, in the section of the legal instruction, it is only stated that the debtor has the right to appeal to the Basic Court of the territory where the enforcement will be carried out, in accordance with Article 86 of the Law on Enforcement, without stating the deadline, i.e., the time period in which the party (citizen) can file an objection.

The nebulousness of such legal instructions in the enforcement orders, as well as the fact that most of the debtors are legally ignorant, so it is necessary to consult a lawyer or other experts, in practice contributed to hindering the citizens in the enforcement procedures from timely exercising the right to submit an objection to the cases, and if an irregularity is determined, it should be properly removed by the competent Court.

Considering this situation, the Ombudsman submitted a Recommendation on the method of removing the determined violations to the Ministry of Justice, in which he indicated that it is in the best interest of the citizens to change the form of the forms of the Enforcement Order, in the part of the legal instruction, in a way that will be supplemented by stating the deadline for submitting an objection. The Ministry did not accept the Ombudsman's recommendation, which is why he addressed the Government of the Republic of North Macedonia with a Special Report and requested consideration of this problem and intervention to overcome it. At a session held on December 26, the Special Report of the Ombudsman was reviewed, in the absence of the Ombudsman (although his presence is mandatory according to the relevant provisions of the Law on the Ombudsman), the Government decided to adopt the Opinion of the Ministry of Justice

The adoption and entry into force of the amendments and additions to the Law on Obligation Relations, and in parallel to the Law on Enforcement (Official Gazette of the R.N. Macedonia No. 154/23 dated 20.07.2023), led in part to a reduction of citizens' complaints regarding the amount of interest, but not the limitation periods. With these legal amendments, the duration of the creditor's right to demand recovery after a final and enforceable decision was reduced to five years, and for the first time in our legal system, a statute of limitations was foreseen in enforcement procedures, i.e., enforcement cannot last more than 10 (ten) years. On the other hand, the limitation of the amount of interest until reaching the amount of the principal debt is also a novelty, which is a multi-year commitment of the Ombudsman, but in practice, the number of petitions filed after the entry into force of these legal amendments indicates that they do not completely solve the problem, and from the complaints of the citizens it follows that the reason is the inconsistency in the application of the legal amendments.

Specifically, the dissatisfaction of the citizens arose from the inconsistency of the application of the amendments to the Law on Obligation Relations, because the Management Board of the Chamber of Enforcement Agents of the R.N. Macedonia, adopted a Legal Opinion dated 27.07.2023, as an expert opinion, by which the executors declared themselves incompetent to decide following the requests of the citizens to determine the statute of limitations in enforcement procedures that last more than 10 years. Consequently, every submission from the party in which statute of limitations is invoked, the enforcement agent rejects it due to incompetence, by making a conclusion. The citizens, dissatisfied with the adopted act - conclusion of the enforcement, objected to the competent Basic Courts and demanded to establish the statute of limitations, i.e., to stop the enforcement procedure. The decisions of the Courts on these objections are inconsistent, so far in the six months since these legal provisions came into force, different court decisions have been made, i.e., there are decisions that cancel the actions of the enforcement agent and put into force the issued acts, and which state that enforcement agent are responsible for making such a decision. But there are also court decisions in which objections are rejected, after which citizens seek further protection of their rights before the higher Court of Appeals, again exposing themselves to costs (the largest number of decisions were made in this direction). In these decisions, the interpretation of the provisions is that there is uncertainty about how the enforcement agent should act and stop the procedure, and it refers to the non-existence of acts/forms adopted by the Ministry of Justice by which the enforcement agent will be able to decide in such cases. Finally, court decisions have been made that directly apply the Law and the applicable provisions, that is, determine the statute of limitations of the procedure and put the issued orders into effect. In relation to the above, in a conclusion signed by the President of the Civil Department in the Skopje Court of Appeal, it is stated that in the enforcement procedures that were started before the adoption of the Law on Amendments and Supplements to the Law on Obligation Relations, when the court decides on an objection to illegality in the enforcement, and when a statute of limitations objection is filed, it will assess the legality of the action taken by the enforcement agent.

By creditors-banks, Chamber of Commerce, EVN, Telecom operators, etc. Initiatives were submitted to the Constitutional Court of the Republic of North Macedonia in which a review of the constitutionality of the new provisions was requested (the introduced absolute statute of limitations of 10 years from the enforcement of the document and the limitation of penal interest), after which the Constitutional Court decided not to initiate a procedure for evaluating The Law on Amendments to the Law on Obligation Relations and the Law on Enforcement.

According to the Ombudsman, the statute of limitations for enforcement has general application and there are no objective reasons and excuses, both by the enforcement agents and by the Courts, and in accordance with the general legal principles of constitutionality and legality, it should be directly applied of each individual case in which the conditions for limitation are met, in such a way that the execution will be stopped. As a matter of fact, the basic legal principles of constitutionality and legality are expressed in the general obligation of all and everyone in passing acts, as well as in taking material actions, to adhere to the Constitution, laws and regulations based on law, and are also a fundamental value, human right, but also a fundamental principle to which all authorities, organizations and persons with public authorizations in their work, taking actions and making decisions, must and without exception, have to adhere. The contrary action certainly represents a disregard for the principle of the rule of law and the protection of the constitutional and legal rights of citizens, which, in turn, are fundamental values of the constitutional order of the Republic of North Macedonia and is to the detriment of the legitimate rights and immediate legal interests of the persons who are appear as parties-debtors in enforcement proceedings.

Considering the findings, the Ombudsman recommends:

Consistent application of the provisions on the limitation of the enforcement procedure by the enforcement agents and the Courts.

The Ministry of Justice should take actions to change the form of the Enforcement order and to clearly state/specify the time limit (days) for submitting an Objection in the section of the legal instruction.



PENAL-CORECTIONAL AND EDUCATIONAL-CORRECTIONAL INSTITUTIONS

The petitions that were sent to the Ombudsman in 2023 on the basis of the rights of convicted and detained persons were again a clear indicator of the bad conditions in the penitentiary institutions (KPU) in the country. According to statistics, in the reporting year, a total of 166 complaints were registered in this area, which is 41 complaints less than in 2022. The largest number of petitions were submitted by convicted persons serving prison terms (146), followed by violations of the rights of detained persons (17), and the remaining petitions (3 in total) are for legal advice.

In the petitions sent to the Ombudsman, the convicted persons complained about the conditions for serving a prison sentence, i.e. overcrowding, about (poor) quality health care, with special emphasis on the lack of medicines, irregular therapies, as well as about difficult access to specialist investigations and reviews. In addition to this, during the conversations with the representatives of the Ombudsman, during the visits to the penitentiary institutions, they pointed out the deteriorating relations between the convicted persons as a result of the extremely bad accommodation conditions and overcrowding.

Most of the complaints from the detained persons related to the court decisions on detention, they requested a visit from representatives of the Ombudsman and in the conversation, they expressed allegations of undreamed-of accusations.

During the reporting year, the Ombudsman continuously monitored the situation with the accommodation facilities in the Penal-Correctional Institution, for which he requested data from the Administration for the Execution of Sanctions, and observed the situation through regular visits to these institutions. According to the latest data from the Administration for the Execution of Sanctions, the total number of convicted persons serving prison terms in institutions at the state level is 2,499, and the capacity of the institutions is 2,113, which shows an excess of 386 convicted persons. At the same time, the worst situation is in Penal-Correctional Institution "Idrizovo", where almost 50% of the total number of prisons are sent to serve prison sentences. Namely, the capacity of the "Idrizovo" Institution is for 1,187 persons, and 1,409 convicted persons are serving prison terms, that is, 222 more.

The fact that 119 escapes of convicted persons have been recorded in Penal-Correctional Institution "Idrizovo", of which 24 have not been returned at all after the termination of serving the prison sentence, is worrying.

Unlike the prison departments, according to the data, there is no overcrowding in the detention departments in Penal-Correctional Institutions (Skopje Prison, Geveglija Prison, Kumanovo Prison, Ohrid Prison and Bitola Prison), i.e. the total capacity is 350, and a total of 311 people are under detention.

The Ombudsman also notes in this reporting year that there are no significant changes in relation to the finding of overcrowding in penitentiary institutions, which in some institutions results in increased inter-convict violence, as well as a reduction in the possibilities for maintaining security order and discipline in the institutions. In this context, numerous petitions were submitted for mutual conflicts between the convicted persons, after which the Ombudsman took measures, and to overcome this situation, he submitted instructions to the responsible persons, reminding them of the obligation to consistently apply the provisions of the acts according to which the prison police are competent for maintaining security and for the good functioning of common life. In compliance with the instructions, the responsible persons took appropriate actions by moving them to other departments in the institution in order to minimize inter-convict contacts. However, undeniably, according to the Ombudsman, conflicts between convicts will be expected, until the institutions overcome the overcrowding situation.

Regarding the conditions for accommodation in Penitentiary Institutions, certain activities have been noted with aim to improve the accommodation and stay of convicted and detained persons. In some of the institutions, larger projects have been undertaken with the help of funds provided by donations. For example: putting into use the "Children's Corner" in the Ku-

manovo Prison, an oven for production of bread in the Kumanovo Prison, reconstruction of the reception department in the Skopje Prison, renovation of the sanitary units in the semi-open ward of the Idrizovo Prison and in the Stip Prison, starting the construction of a Workshop in Penal-Correctional Institution Prilep, etc. However, living conditions in penitentiary institutions in the country still do not reach the desired minimum standards for holding people. In addition to the worsening of the situation, the unhygienic conditions in the premises, the insufficient light and lack of equipment in the premises, which has been continuously present for several years, and for which the Ombudsman has on several occasions so far through special information and reports indicated the necessity of taking urgent measures for overcoming problems.

Regarding the health condition, no significant changes have been ascertained. There is no improvement in terms of the quality of health services, neither in equipping the health units, nor in terms of employment and training of medical personnel, which is also evident through the large number of complaints sent to the Ombudsman regarding inadequate health care. Also, the convicted persons sought protection from the Ombudsman due to irregular and untimely therapy, and the action taken on such petitions revealed a lack of medicines in the outpatient clinics in the prisons.

In the reporting year, the Ombudsman acted on his own initiative with regard to the issue of ensuring equal access to serving prison sentences in penal institutions for all convicted persons, regardless of their gender. In that context, the Ombudsman noted that women in the Republic of North Macedonia who are sentenced to prison, regardless of age, the type of crime for which they were convicted and the amount of the prison sentence, serve their sentence in a single institution, in one the same facility, i.e. in the Department for Women in the Penal -Correctional Institution "Idrizovo".

Taking into account that female convicts can serve their prison sentence exclusively in the "Idrizovo" Penal-Correctional Institution, which is a closed institution, for female convicts it also means the inability to use some of the facilities, the use of which is conditioned by the behaviour of the convicted person, serving at least 1/3 of the sentence, but also of the degree of security and restriction of freedom of movement of the convicted person in the institution.

Regarding above, given that female convicts are in a closed ward, regardless of the treatment group, they face "obstacles" in using the facilities, precisely due to the fact that they are physically housed in a closed type of facility, with a high degree of securing and limiting the freedom of movement of the convicted person in the institution.

In contrast, male convicts do not face this "obstacle", i.e. after serving part of the sentence and fulfilling legally prescribed conditions, they have the possibility of being transferred to another institution of the semi-open or open type, from where for placement in an "easier" treatment group that would enable the use of certain facilities for the person, the condition that no other criminal proceedings are being conducted for the convicted person is not prescribed.

Based on what was presented, the Ombudsman directed the Ministry of Justice and the Administration for the Execution of Sanctions to find a solution to overcome the situation related to the discriminatory position of female convicts and, at the same time, recommended that the necessary changes be made in the regulation that governs this question. In this direction, he indicated that appropriate measures and actions should be taken for adaptation, reconstruction or construction of semi-open and open institutions where female convicts would be sent to serve their prison sentences.

The competent authorities acted in the direction of making recommendations, as appropriate changes were immediately made in the regulation, and for the female convicts who were put in a disadvantageous position due to legal deficiencies, a change was made to the previously determined classification and treatment program and they were granted facilities. At the same time, the Administration for the Execution of Sanctions is asked within six months to prepare an Action Plan with activities and sources of financial resources for the adaptation, reconstruction and construction of the semi-open institutions for female convicts, in the direction of ensuring equal exercise of the right of progression in the institutions of the penal system of all convicted persons regardless of their gender.



Despite the fact that currently and during the entire reporting period in Penal-Correctional Institution "Idrizovo" there are no minor female children undergoing educational correctional measures, the issue of not keeping girls from educational correctional measures in this institution has not yet been fully resolved. In that direction, the Ombudsman pointed to the need to urgently find a solution to overcome the situation with the female children sent to serve an educational correctional measure in this institution and recommended to consider the possibility of moving the female children sent to serve an educational-corrective measure to the facility of the Educational-Correctional Institution in Tetovo, in such a way that they will be properly separated in a separate part of the same facility. Consequently, the Ombudsman sent suggestions and recommendations to the working group on amendments to the Law on the Execution of Sanctions regarding the amendments to the Law, where one of the recommendations of the Ombudsman was to make appropriate changes to the Law on the Execution of Sanctions, in the direction of the fact that the Tetovo Correctional Home is the only institution in the country to which male and female children will be sent for the purpose of serving a correctional measure, i.e. Penal-Correctional Institution "Idrizovo" should be excluded from the possibility of housing this category of female children .

Unfortunately, although the Proposal-Law on Amendments and Supplements to the Law on Execution of Sanctions was adopted by the Government of R.N. Macedonia and the Law reached the parliamentary procedure, by the end of the reporting year it had not been adopted.

Taking into account the above, the National Committee reiterates the recommendation that the Ministry of Justice, in cooperation with the Administration for the Execution of Sanctions, and the directors of the Penal-Correctional Institutions take measures to overcome overcrowding, as well as measures to improve the accommodation conditions in accordance with the standards for serving the sentence prison and the measure of detention, with respect for the human dignity of persons.

Also, in cooperation with the competent Ministry, measures should be taken to re-equip the institutions with professional medical personnel, equip the prison outpatient clinics with appropriate medical devices and regularly supply the necessary medicines.

To intensify the activities with the aim of enacting the amendments and additions to the Law on the execution of sanctions.

To provide the necessary conditions for maintaining both the general and personal hygiene of the convicted persons, through regular supply of the necessary means of hygiene and appropriate clean clothes and bedding.

FINANCES

In the field of the finances, the trend of increasing the number of submitted petitions continued in 2023. A total of 152 petitions were submitted, which is 13 more than in 2022, when 139 petitions were submitted. At the same time, the largest number of petitions refer to the determination and collection of taxes (46) and the work of banks and other financial institutions (44). Then, for broadcasting fee (27), for administrative court and budget fees (12), for other problems arising from this area (9). Six (6) petitions related to obtaining financial and other types of assistance, 5 to obtaining legal advice and 3 to customs.

Most of the petitions for taxes, administrative and court fees, as well as for the broadcasting fee, refer to the procedures for forced collection, in which the Ombudsman this reporting year, in fact, as well as in previous years, states that from the Administration for Public Revenues, the city of Skopje and the municipalities are violating the rights of the citizens. Specifically, on their part, forced collection is still exclusively carried out through the blocking of transaction accounts in banks by deducting the entire amount from salary, pension, benefits from social protection, unemployment, etc., which citizens receive from their employer, the pension fund, The Ministry of Labour and Social Policy, the Employment Agency, etc. In correlation with such a way of acting, the debtors are put in a situation where they are left without basic means of subsistence for months, and in addition they have to pay money to the banks for unblocking the transaction accounts.

In addition, this year, the Administration for Public Revenues did not act in a timely manner or at all on the requests to obtain explanations, information and evidence for the allegations in the individual petitions, as well as on the given recommendations and indications on how to remove the identified violations. Namely, the Ombudsman from the Public Revenue Administration, when he ascertained a state of violation of the constitutional and legal rights of the citizens, demanded to take actions to stop the subject procedure for forced collection, that the transaction account of the person in question be unblocked and that all unjustified charges be returned to him monetary assets that are income based on salary/pension/benefits from social protection, unemployment, etc., whereby the forced collection of the tax debt must be carried out with the consistent application of the provisions for limitation/exemption from forced collection, normatively prescribed in Article 130 of the law on tax procedure

In this segment, the Ombudsman ascertains a state of violation of the rights of persons employed in the Ministry of Internal Affairs, and for whom, although they have legally binding and enforceable court decisions, payment of social security contributions for overtime hours, this right is denied to them is disabled. This is due to the fact that the Public Revenue Administration did not respond to the written requests of the mentioned Ministry for a whole year, to hold a working meeting and to find a solution to the problem, by creating a technical possibility in the program solution of the salary program (OMBD. of the number of judgments, in the MPIN form). Due to such a situation, the Ministry of Internal Affairs still cannot act on the instruction given by the Ombudsman to pay the contributions in question, the personal tax, as well as the awarded costs of the procedure, so the affected persons unjustifiably suffer harmful consequences, including receiving a smaller amount of pension, while the state exposes itself to additional interest payments, attorney's fees and enforcement costs.

The Public broadcasting company Macedonian Radio and Television-Skopje, in accordance with the interventions of the Ombudsman for cases of unfounded indebtedness with broadcasting fee (for the period of its payment, ending with the month of September 2017), deleted the citizens from the Register of obliges for broadcasting fee and for that additionally informed the IRS, for decisions issued on that basis not to cause any legal action.

Regarding the petitions submitted for the work of banks and other financial institutions, it should be noted that during the reporting year, the Law on Amendments and Supplements to the Law on Financial Companies was adopted. Its provisions also determine that the financial company may not conclude a consumer credit agreement if the agreement or related services stipulates a fee or more fees that are not included in the calculation of the annual rate of total



costs, and which alone or in combination with any other fees exceed or may exceed 60% of the amount of the approved loan. This Law also provides for the obligation of the financial company to publish the fee list transparently and publicly on its website or to highlight it in a visible place in its working premises.

Considering that the Ombudsman does not have the authority to act and take actions to protect the rights of citizens immediately before the banks and other financial institutions, he intervened through the National Bank of the Republic of North Macedonia and the Ministry of Finance, for the cases in which the citizens had addressed them accordingly. For the rest of the petitions, the petitioners were given legal advice on the method, the procedure and the institutions before which they can seek protection of their rights.

On the occasion of the actions taken, the Ombudsman determined that the National Bank had performed an analysis of the object/objects and all the evidence, after which a written response was sent to the persons submitting the complaint.

With aim to determine whether a violation has been committed in accordance with the provisions of the Law on Financial Companies, the Ombudsman requested the Ministry of Finance to supervise and provide all the documentation from several indicated financial companies. As a result of that, the Ministry imposed measures - a temporary ban on the financial activity of approving loans through credit intermediaries of financial companies. At the same time, on his part, a notice was sent to all financial companies, if they approve a dedicated loan for the purchase of products from merchants-credit intermediaries, they must provide proof from the merchant that the products have been handed over personally to the loan applicant.

Based on the continuous analysis of the content of the submitted petitions, analysis of the existing regulation and participation in a meeting with representatives of the competent institutions and the Group of non-banking financial companies initiated by representatives of the Government, the conclusion of the Ombudsman is that in the operation of the financial companies there are still serious abuses that cause violations of citizens' rights. This is precisely why, that is, to prevent illegal borrowing, the supervision of the Ministry of Finance must be strengthened in terms of the conditions under which fast loans are approved, as well as the transparency in the operations of financial companies must be increased.

In order to eliminate the risk of misuse of personal data, it is necessary for the Ministry of Finance to prepare a by-law-rulebook for credit risk, which will prescribe mandatory physical identification of customers in the subsidiaries of financial companies, as well as mandatory personal updating of customer data, i.e. online customer identification and online change of customer data will be prohibited. Also, education should be conducted for the employees of financial companies, especially for the application of the identification system when establishing a business relationship, and when applying online, the identity of applicants should be checked through a special system. In order to increase citizens' awareness of their rights and the protection of personal data, and with the participation of all competent institutions, a campaign for financial education of citizens should be implemented.

In the several complaints about customs, the citizens asked for an explanation about the way of exercising the rights in the customs procedure carried out by the Customs Administration, as well as for the possibility to request information regarding the application of the customs regulations.

Based on what was stated/found, the Ombudsman recommends:

To stop the established practice of the Administration for Public Revenue, the City of Skopje and the municipalities, in the procedures for forced collection, to confiscate all monetary funds that are their income on the basis of salary/pension/benefits from social protection, unemployment and the like, that is, in the same mandatory and without exception, to take care of the protection of their legitimate rights.

The state should implement the recommendation given on several occasions to

finally and permanently overcome this problem, to make appropriate changes and additions to the provisions of the Law on Tax Procedure and the Law on Property Taxes.

The Public Revenue Administration should find a solution to the problem with the payment of social security contributions for overtime hours, by creating a technical possibility in the program solution of the salary program (for the amount of judgments, in the MPIN-form).

In order to prevent the illegal borrowing, the supervision of the Ministry of Finance regarding the conditions under which fast loans are approved need to be strengthen.

In order to eliminate the risk of misuse of personal data, the Ministry of Finance should prepare a by-law-regulation for credit risk, which will prescribe mandatory physical identification of customers in the subsidiaries of financial companies, as well as mandatory personal updating of customer data, i.e., online customer identification and online change of customer data will be prohibited.

To increase transparency in the operation of financial companies, both in terms of the services and the prices they offer.



2. Civil liberties and rights, social protection rights and rights of community members

- SOCIAL PROTECTION AND SECURITY
- POLICE AUTHORIZATIONS
- CIVIL CONDITIONS

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The Ombudsman pays particular attention to the realization of social protection rights for the category of persons who are at social risk. In the reporting year, the Ombudsman found a standstill in the processing of requests for the realization of monetary rights from social protection and untimely decision-making on the occasion of the requests for the realization of rights, by the competent centres for social work. In several cases, it has been established that the procedures for new requests for the exercise of monetary rights, most often the guaranteed minimum assistance, are carried out after several years, due to a lack of communication between the Ministry of Labour and Social Policy, the Inter-Municipal Centre for Social Work of the City of Skopje and the courts authorities, and in retrials the decisions are delayed on the grounds that documents from the case cannot be provided. Also, from the work in question, it follows that the Expert Medical Commission to the Social Work Centres untimely submits the findings, i.e. the opinion on the health condition of the claimants, which is why the Centres could not make a decision, i.e. pass decisions on the use of compensation for assistance and care from another person.

The Ombudsman once again expresses concern over the fact that the situation with the exercise of the right to social security for the elderly remains unchanged, that is, the right can only be obtained by the claimant of the right - from the category of old and infirm persons, but not his spouse or the person with whom lives in an extramarital union.

In the reporting year, the Ombudsman continued to monitor the way of acting and behaviour of the police officers, taking into account the basic function of the police in protecting the legal order, preventing and detecting criminal acts, taking measures to prosecute the perpetrators of those acts, maintaining public order and peace in society, as well as protection and respect for the basic freedoms and rights of man and citizen. The police authorizations, defined by law, are so broad that they allow the police officer in his official conduct to penetrate deeply into the sphere of some of the basic human rights and freedoms, and as a consequence have their limitation and even their deprivation, so which, if the police officers do not act with due care when taking them, they can easily be misused. In order to exercise the legal rights of the petitioners, in the reporting year the Ombudsman continued to monitor and control the manner of exercising police authorizations and in that direction continued positive cooperation with the Department for Internal Control, Criminal Investigations and Professional Standards and with other departments of the Ministry for internal affairs. However, in several cases, the Ombudsperson found a violation of the rights of the petitioners due to the failure of the police to take measures after received reports of bodily injuries, i.e. found incorrect recording of the events/deeds, and in some of the petitions found a violation of the rights due to unprofessional or illegal actions and behaviour of the police officers, after which he requested the competent authorities to impose appropriate sanctions, that is, measures. Considering that the measures and sanctions taken against the police officers were not appropriate and proportionate to the committed violation, the doubt remains that the Department for Internal Control, Criminal Investigations and Professional Standards does not always carry out objective checks on the actions of the police officers.

The Ombudsman found a case in which a violation of the basic human rights and freedoms of a citizen who was exposed to illegal deprivation of liberty due to administrative omissions by the Skopje Criminal Court, i.e. due to untimely delivery of the written notification for the withdrawal of the warrant, was caused. Also, in the reporting year, petitions were again submitted from citizens who requested protection due to unjustified multi-hour detention by the border police at the border



crossings for entry and exit from the Republic of North Macedonia, where they were subjected to additional checks. Despite the letters addressed to the Public Security Bureau, in which an explanation was requested for this relationship and the reasons for the additional checks of these citizens, the Ombudsman did not receive an adequate response from the Bureau, nor was he informed whether the recommendation was acted upon to check and revise the electronic database of the persons, for whom, according to certain reasons, it is necessary to carry out an additional check at the border crossings.

Although the cooperation with the Department of Civil Affairs of the Ministry of Internal Affairs continues in a positive direction, the realization of the right to admission and release from citizenship continues to be difficult, given that the National Security Agency does not respect the legally stipulated period of 6 months for drafting an opinion on the security assessment of applicants, so in some cases the procedures last for several years.

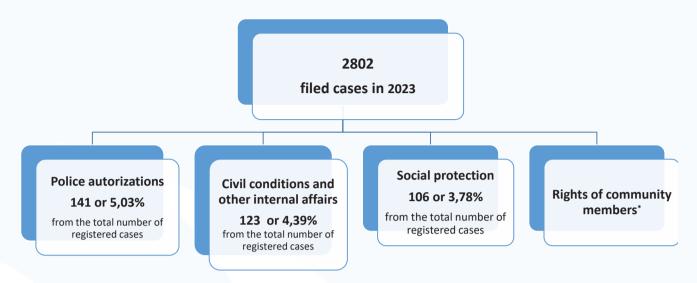
The last months of 2023 were followed by constant complaints from citizens addressed to the Ministry of Internal Affairs, due to the poor implementation of the process of changing personal identification documents,

The Ombudsman states that the Ministry of Internal Affairs did not respond to the task of smooth and timely implementation of the process of changing personal documents, as an obligation that arose from the signing of the Prespa Agreement. On several occasions, through letters to the Ministry of Internal Affairs and through the means of public information, the Ombudsman pointed out the need to engage additional human and material resources for the implementation of this process and, at the same time, requested to consider the possibility of the costs of changing the identity cards, to be borne by the state, but the Ministry did not accept the indication.

On the initiative of the Ombudsman, the Director of the Registry Office issued an order in the Registry Office - Skopje Regional Department and in all other regional offices to open counters where citizens, in addition to electronically, they will be able to immediately submit written requests, which will allow them to exercise their right to obtain a birth certificate.

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* Every year, the Ombudsman prepares a special Report for the rights of the subjects of the ethnic communities about the observation of the application of the policy for appropriate and legal representation.



SOCIAL PROTECTION AND SECURITY

In 2023, a total of 106 complaints were recorded in the field of social protection and security at the Ombudsman Institution, which is 45 complaints less compared to the previous year. Of the petitions received, the largest number (71) refer to the exercise of monetary rights from social protection, and petitions from citizens, in which they seek advice regarding the way in which they can exercise a certain right from this area, which are also was answered in writing (18). Then, part of the citizens demanded protection of the right to social security for the elderly, known as the right to a social pension (7), for the realization of social services (7), as well as for protection from domestic violence (3).

At the beginning of 2023, the Ombudsman, motivated by the serious problems of the citizens in the procedures for realizing the rights of social protection, as well as the right to social security of the elderly, held a meeting with the Minister of Labour and Social Policy, during which he informed her about the findings in connection with the problems of the citizens in exercising their social rights, and in that direction requested greater promptness in the actions and cooperation of the Ministry's bodies with the Ombudsman for the timely and smooth exercise of the rights of the citizens. Special emphasis was placed on the procedures for realizing the right to compensation for assistance and care from another person and the problem with unregistered persons (which was fully resolved in the reporting year). The Minister expressed her support for the work of the Ombudsman, and at the same time her willingness to solve the problems of the citizens.

Acting on citizens' petitions for the realization of monetary rights from social protection, which in the largest number (34) referred to the realization of guaranteed minimum assistance, the Ombudsman asked the centres for social work to update the procedures and, following the citizens' requests, to adopt appropriate decisions, within the legally established term. In one case, the Ombudsman ascertained a serious violation of the right to social financial assistance (after the new amendments to the Guaranteed Minimum Assistance Law), given that the person lost the right to this compensation, following the amendments to the Law on Social Protection in 2019, when JU The inter-municipal centre for social work of the City of Skopje was supposed to translate the monetary rights (Social monetary assistance and Permanent monetary assistance - into Guaranteed minimum assistance), for which a negative decision was made. The legal instruction refers to the right to appeal within 15 days to the second-level authority, that is, the Ministry of Labour and Social Policy. However, after the completion of the procedure before the administrative judiciary and the adoption of the claim, the Ministry of Labour and Social Policy did not act, with the reasoning that it does not have the authority to act on the monetary rights from social protection in accordance with the legal amendments.

The Ombudsman requested and instructed the PE Inter-Municipal Centre for Social Work of the City of Skopje to prioritize actions to respect the judgments of the Administrative Courts in which the lawsuits were upheld and to make a decision, according to the indications in the judgment, for which purpose they should be found beforehand the subjects together with the writings.

Due to the fact that the Centre for Social Work did not respond positively to the requests and indications of the Ombudsman, the Ombudsman submitted a Special Report on the obstruction of his work to the official who manages the authority, i.e. to the Minister of Labour and Social Policy, in which he informed him about the situation and the complications faced by the particular applicant. At the same time, in order to obtain accurate data and prevent the violation of rights related to these problems among other citizens, he asked the Ministry to be informed about the number of citizens who are facing the same problem, as in the specific case. At the same time, he requested that measures be taken to overcome this situation, i.e., immediately and without delay, to take actions to find the subject, and in mutual coordination with the Inter-Municipal Centre for Social Work of the City of Skopje, to make a decision according to the remarks and indications given in the explanation in the Judgments of the competent courts.

However, the Ministry of Labour and Social Policy did not provide the requested data re-

garding the number of citizens facing this problem, and regarding the Special Report, it provided a vague and unspecified answer, without clear guidelines as to how social work centres should act in regarding court rulings in such cases.

The Ombudsman states that due to inefficient operation and failure to take action by the services of the Ministry of Labour and Social Policy, untimely communication with the Inter-Municipal Centre for Social Work of the City of Skopje and the judicial authorities, a situation has arisen according to which the procedure in relation to a new request for realization of the monetary rights lasts for more than four years, and in the re-procedure the decision is delayed on the grounds that the files from the case cannot be obtained.

In the citizens' petitions in which they point to a violation of the right to use compensation for assistance and care from another person (29 petitions), the Ombudsman noted a delay in the procedures for submitting the findings, evaluation, opinion from the Expert Medical Board in this reporting year as well commission to the Centres for Social Work, which is why the Centres could not make decisions, i.e. make decisions based on citizens' requests for a long period of time. In addition to this, although in a smaller number, he also intervened on petitions for compensation due to disability (4), one-time financial assistance (3), and for the right to permanent compensation (1).

The Ombudsman handled with great care the citizens' petitions related to the right to social security for the elderly (social pension), because these rights refer to the most vulnerable category of citizens, i.e. rights that should be enjoyed by the elderly. Starting from the importance of the right to the social pension for the elderly, the Ombudsman in the reporting year investigated the situation with the realization of this right, and in order to obtain appropriate data for the period 2019-2023, he addressed all PE Inter-municipal Centres for Social Work of Republic of North Macedonia, by submitting a Questionnaire. The Social Work Centres submitted the requested data and information to the Ombudsman within the given legal deadline through a completed Questionnaire, except for the Gostivar Social Work Centre which did not respond to the Questionnaire.

Regarding this issue, and from the data from the research, it follows that the procedure for acquiring a social pension is complex, where the elderly are required to fulfil a series of strictly defined conditions, which they are often unable to provide and fulfil.

Namely, according to the conditions of the Law on Social Security for the Elderly, adopted in 2019, if the applicant for the exercise of the right has a spouse or a person with whom he is in an extramarital union who has reached the age of 65, and does not earn income after either basis, the right is exercised by only one of the persons, which puts the spouses, i.e. commonlaw partners, in an unequal position. At the same time, the amount of the monthly amount of the right to social security for the elderly is only 6.000 denars, which is not enough to cover the basic needs of two people.

The Ombudsman believes that the Ministry of Labour and Social Policy should in the future take measures and activities to ease the conditions for acquiring the right to a social pension and that this right should be extended to both spouses, with a note, if both have not achieved any other type of a pension, and not only towards one as is the current legal solution. In this regard, the Minister of Labour and Social Policy, during the meeting, agreed with the opinion of the Ombudsman that the right should be extended to both spouses and expressed her willingness to contribute to that.

The Ombudsman, in the proceedings following citizens' petitions for non-action by the authorities on reports of domestic violence and violence against women, took measures and addressed the competent centres for social work and the police authorities, but did not establish a violation of rights, because the authorities promptly processed their reports and took measures according to their competences. Despite the above, the Ombudsman advised the petitioners how to proceed, as well as the possibility of seeking intervention again if the procedure does not continue for any reason. Otherwise, it is indisputable that the Ombudsman appreciates that the fight against this phenomenon represents a serious challenge for the whole society, and in that direction, it is of particular importance that the institutions promptly and correctly treat the



reports from the citizens, as well as punish the violence, whenever it is confirmed by appropriate evidence or court decision.

The Ombudsman repeats the recommendation to coordinate and update the cooperation between the Ministry of Labour and Social Policy, the centres for social affairs, the State Commission for Decisions in Administrative Procedures and Procedures in the Second Degree, the Administrative Courts in terms of timely submission of files and documents in the procedures which are conducted before these institutions.

The expert medical commissions should promptly deliver the findings, evaluations and opinions to the centres for social work for the smooth processing of the requests in the procedures for obtaining compensation for assistance and care from another person.

The Government of R.N. Macedonia, i.e. the Ministry of Labour and Social Policy to undertake measures and activities aimed at facilitating the conditions for exercising the right to social security for the elderly and measures and activities for extending this right to both spouses, and not only for one as provided by the current legal solution.

POLICE AUTHORIZATIONS

Referring to the police authorizations, the Ombudsman acts on citizens' petitions regarding the behaviour and attitude of the police towards the citizens, bearing in mind the basic function of the police in protecting and respecting the basic freedoms and rights of the citizen. In 2023, a total of 141 complaints were received in the area of police action, which is approximately the same compared to the previous reporting year (146). The largest number of complaints refer to non-taking or insufficient taking of measures and activities by police officers following criminal charges and other complaints by citizens (44) and to unprofessional and illegal actions and behaviour of police officers (32). Then, citizens requested intervention due to failure to take measures to protect their lives, personal security and property (10), or failure to take measures to detect and catch perpetrators of crimes, such as murders and thefts, etc. (10), which represent the basic powers and competences of the police authorities. In addition to this, in the petitions, the citizens pointed to the unfounded search of persons, means of transport or luggage (9), unfounded detention (6), unfounded confiscation of objects (5), unfounded search of homes and other closed premises (3), unfounded deprivation of freedom (3), failure to provide assistance and protection to citizens (3), exceeding official authority (3). One complaint from the citizens was submitted for an unfounded summons to the police station and an unfounded examination of certain facilities, premises of state authorities. Otherwise, this reporting year, legal advice was requested for 6 complaints, and only 5 were due to illegalities in the actions of the offending authority which is a significant decrease compared to past years.

Since handling the petitions, the Ombudsman found in several cases a violation of the rights of citizens due to failure to take measures by the police after received reports of inflicting physical injuries by other natural persons, and found incorrect recording of the events/deeds by the competent police officers. Namely, instead of such reports being recorded as criminal acts that are dealt with in accordance with the provisions of the Law on Criminal Procedure, the Law on Police and other by-laws, they are recorded as a misdemeanour, and the perpetrators are punished with a fine. The Ombudsperson found this situation in at least three cases, where the

physical injuries that occurred as a result of the physical attack were not taken into account, and for which the petitioners had appropriate medical documentation. Bearing in mind that this denies the right of the injured person/victim of the attack to file a private lawsuit for the crime of "Bodily injuries", in some of the petitions the Ombudsman submitted indications to the authorities of the Ministry of Internal Affairs for re-examination of the events, correct determination of the actual situation, notification of the Public Prosecutor and appropriate action according to the Law on Police and the Law on Criminal Procedure. Regarding this, the Ombudsman pointed to the observance of the legal procedures, according to which, when reporting an event, the police officer, by assuming appropriate police authorizations, determines that it is a criminal offense for which he is being prosecuted under a private lawsuit, he is obliged to do so to notify the injured party immediately, and within 15 days at the latest. If the perpetrator is known, he is obliged to notify the person who is authorized to file a private lawsuit, and if he is unknown, actions should be taken to determine the identity of the perpetrator, which was not done in the specific cases, but the acts were recorded as offense.

The fact that in 2023 the Ombudsman Institution received 31 petitions with complaints about unprofessional and illegal behaviour of the police, despite the established good cooperation with the Department of Internal Control, Criminal Investigations and Professional Standards at the Ministry of the Internal Affairs the answers were that the police officers acted in accordance with the legal regulations, as well as the fact that in the rare cases where violations were determined and certain sanctions or measures were imposed on police officers, they are not appropriate and proportionate to the violation committed, leaves doubt that the Department of Internal Control, Criminal Investigations and Professional Standards performs objective checks for the actions of the police officers indicated in the petitions.

The Ombudsman is taking actions to inspect the allegations in a complaint in which a citizen complained about the abuse of police powers by police officers from SVR Bitola, due to the taking of biological material for DNA analysis without following the appropriate legal procedure. Specifically, after the actions taken in the case, it was established that the way of dealing with the biological material taken by the competent state authority, in the case of the Ministry of Internal Affairs, has not changed, i.e., it continues to be practiced, despite the fact that, by the European Court for human rights, a violation of Article 8 of the European Convention on Human Rights, i.e. a violation of the right to privacy, was established in the case of Trajkovski and Chipovski against the Republic of North Macedonia (App. 53205/13 and 63320/13) from 2020.

Considering the obligation for its execution in the RNM in accordance with the Law on the Execution of ECHR Decisions, and the obligation to undertake legislative and systemic measures, the Ombudsman has been notified by the Office for Representation of the RNM that amendments and additions to the Law on Police have been adopted in that direction in 2022, and the Rulebook on the content and manner of keeping police records and the form and content of the police records template, but not the amendments to the Rulebook on the manner of deleting data from the police records, as well as the amendments to the Law for personal data, which are key to removing the ascertained violation of the citizens' right to privacy. In addition, a serious problem is the finding that the competent authority acts in accordance with the 2014 Guidelines for the manner and methods of criminal technical registration and identification of persons and unknown corpses, which is not in compliance with the above-mentioned acts.

Regarding this issue, the Ombudsman established a violation of the basic rights of a citizen, due to the fact that he was exposed to illegal deprivation of liberty due to administrative omissions by the Skopje Criminal Court, i.e. due to untimely delivery of the written notification for the withdrawal of the warrant. In the specific case, the absence of appropriate and timely communication with the competent services of the Ministry of Internal Affairs and failure to update the system of the Ministry of Internal Affairs led to a violation of the basic human rights and freedoms of the petitioner, which is why the Ombudsman submitted Information to the President of the Basic Criminal Court Skopje for the removal of such violations and consistent compliance with Article 562 of the Civil Code. Namely, according to the mentioned provision, the authority that ordered the issuance of a warrant or announcement is obliged to withdraw it immediately when the warrant or announcement is no longer needed, which was not done in



this particular case.

The Ombudsman examined with special attention the allegations in the petitions of the citizens in which they complained about the unfounded inspections of persons, means of transport or luggage, and after which the police authorities were informed about these procedures that in *the cases an inspection of vehicles was carried out because there were grounds for suspecting that they will find items originating from a crime or misdemeanour, traces of a crime or misdemeanour or items that can be used in criminal or misdemeanour proceedings, and that the examination does not require a written order from a court, unlike from search. After the inspection of the entire official documentation for the cases, the Ombudsman could not establish a violation of the rights of the citizens, because the police officers acted in accordance with the provisions of the Law on Police and the Rulebook on the manner of performing police work.*

However, according to the Ombudsman, the examination of persons, means of transport and luggage for which there is no court order should be carried out in exceptional situations and when the same is absolutely necessary, being limited only to an external inspection of clothing and other objects, means of transport or luggage. Otherwise, with each opening, unpacking, or similar action by which something that is not visible "is done" visibly intrudes into the citizen's privacy, and the obligation to respect it is not respected.

In the reporting year, petitions were again submitted from citizens who requested protection due to unjustified detention after several hours at the border crossings for entry and exit from the Republic of North Macedonia, where they were subjected to additional checks, which they considered to be a violation of their dignity and integrity. Acting within the framework of the legal powers, the Ombudsman requested from the Bureau of Public Security an explanation for this attitude of the border police, i.e. information about the reasons for which additional checks are carried out, specifically, whether criminal proceedings are being conducted against them or whether they are possibly recorded in the electronic records of the Ministry of the Interior for detailed checks and controls. In all cases, the Bureau of Public Security submitted answers that the indicated persons were acted upon in accordance with the provisions of the Law on Border Control, according to which the police officers are authorized to check the operational and other records and electronic databases during the border control of persons and to detain the person for the time necessary to perform the border check, but not longer than 24 hours. In no case was it answered about whether there are justified reasons for the unjustified detention of citizens at border crossings and whether the electronic database of persons for whom additional checks are necessary will be checked and revised, which was the recommendation of the Ombudsman, taking into account the allegations of the citizens that detention and additional checks are repeated every time they pass through a border crossing.

Contrary to the previous positive practice in cooperation with the authorities of the Ministry of Internal Affairs, the Ombudsman for the first time received a formal response that did not provide him with the requested information, explanations and evidence, with the rationale that all actions taken in the pre-investigation procedure by the Public Prosecutor and the police are secret, and he was instructed to request them in accordance with the Law on access to public information. The Ombudsman, surprised by this attitude of an authority of the Ministry of the Interior, submitted an indication reminding that the institution of the Ombudsman is a constitutional-legal category, whose competence and method of work are regulated by the Law on the Ombudsman, according to which the authorities are obliged to cooperate with the Ombudsman and his request to provide him with all the evidence, data and information, regardless of the degree of confidentiality, and to enable him to carry out the procedure. Hence, the Ombudsman found a serious obstruction of his work in the protection of citizens' rights and the exercise of external control of the police. In view of the above, the Ombudsman recommends the following:

The police officers should take timely and appropriate measures and activities after the reports of the citizens, and correctly and completely determine the factual situation. In relation to citizens when assuming police powers, to behave professionally and humanely, with respect for human dignity.

The examination of persons, means of transport and luggage for which there is no court order should be carried out in exceptional situations, when the same is absolutely necessary, and it should be limited to external inspection only.

Measures should be taken to harmonize the Rulebook on the method of erasing data from police records and the Instructions on the method and methods for criminal-technical registration and identification of persons and unknown corpses with the latest amendments to the Laws in this area.

To improve the coordination between the Criminal Court and the competent services of the Ministry of Internal Affairs in order to timely update the orders of this court, in order to prevent illegal deprivation of liberty due to administrative failures.

The Department for Internal Control, Criminal Investigations and Professional Standards in the Ministry of Internal Affairs to carry out complete and high-quality investigations at the request of the Ombudsman for cases in which there are suspicions of violation of human freedoms and rights.

CIVIL CONDITIONS

In the area of civil conditions, the Ombudsman analyses citizens' petitions regarding the right to receive and discharge citizenship, the right to obtain personal documents, regulation of citizens' residence and place of residence, as well as the rights related to the issuance of documents by the Administration for Family Services. In the reporting year 2023, the Ombudsman handled 123 complaints from the area of civil conditions in this area, which represents an insignificant decrease compared to the previous year, when 133 complaints were submitted. Most of the petitions related to requests for admission to citizenship (46), issuance of identity cards (30) and travel documents (11), five petitions each were submitted for determining a personal identification number and the procedures for issuing documents, then (5) petitions refer to a request for interventions to obtain a weapon, a personal name (4), and the same number of petitions in which citizens sought legal advice. The rest of the petitions referred to the registration in a special registry book of unregistered persons, the exercise of the rights of migrants and foreigners, the issuance of driver's licenses and license plates.

Acting on the petitions for the unjustified delay of the procedures for admission and release from the citizenship of the Republic of North Macedonia, to which the largest number of petitions referred, the Ombudsman addressed the competent authorities. Namely, the cooperation of the Ombudsman with the Department of Civil Affairs of the Ministry of Internal Affairs, which regulates civil situations, was continuous this year and took place in a positive direction. Although in some cases with delays, the Department acted according to the indications and requests of the Ombudsman for the purpose of protecting the rights of the petitioners, and in the direction of realizing the right to admission and release to citizenship, and realizing other rights in the area of civil status.

During the year, several meetings were held with senior officials of the Ministry of Internal

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Affairs, during which immediate inspections were carried out in individual cases and data were requested regarding the application of the Law on Amendments and Supplements to the Law on Citizenship from 2021 as well as the application of the Law on registration of residence and residence. At the same time, the Ombudsman was informed that from the beginning of the application of the Law on Amendments and Supplements to the Law on Citizenship, according to Article 8, which foresees the possibility for emigrants and their descendants up to the first generation to acquire the citizenship of the Republic of Macedonia, in the Ministry of Internal Affairs received about 5,000 applications for admission to citizenship. The largest number were submitted by people who live in the Republic of Turkey, and come from Veles, Gostivar, Radovish, Valandovo, Skopje and Tetovo, but only 22 requests were positively resolved. The fact that the National Security Agency has not prepared either a positive or a negative opinion regarding these requests, but informs the Ministry of Internal Affairs that "they are not able to give an opinion on the requester", without giving an explanation of the reasons, is worrying. The data also show that the failure of the National Security Agency to act, that is, the failure to provide the necessary opinion on the security check of the applicants, continues to be a major obstacle to the completion of the procedures for admission to citizenship. Namely, the total number of cases that are still in the decision-making process due to this problem is 2,736, and on average, in order to receive an opinion on a security assessment, which is a cumulative condition for admission to citizenship, it takes 2-3 years, but there are cases that have been in the process since 2016 and 2017, which indicates that in certain cases, the procedure for admission to citizenship lasts even longer (six years), as a result of the ineffective operation of the National Security Agency.

In contrast to 2022, when in one period the communication and cooperation of the Ombudsman with the National Security Agency was completely interrupted, during 2023 the Agency submitted answers for the cases, for which it was requested to prepare opinions for the security assessment of the petitioners. However, without exception, the answers were formal, i.e., they did not contain information on whether a positive or negative opinion was prepared for the applicants. For those reasons, the Ombudsman was forced to carry out additional checks in the Department of Civil Affairs, which unnecessarily prolonged the proceedings before the institution of the Ombudsman.

The non-cooperative attitude towards the institution of the Ombudsman was confirmed by the National Security Agency by the non-attendance of the International Conference on "The supervisory role of the Ombudsman over the security sector from the aspect of protecting the rights of citizens", organized in cooperation with the Geneva Centre for Security Sector Management (DICAF), on November 8, 2023, in Skopje. Namely, neither the Director of the Agency, nor any other representative, took part in this Conference, despite the duly delivered invitations.

Regarding the requests of citizens for admission to citizenship, according to **Article 7** of the Law on Amendments and Supplements to the Law on Citizenship from 2021, for persons who are originally from the former republics of the SFRY and are citizens of the SFRY, the validity of which is until 08.08 In 2024, data was received that **983 people acquired citizenship status,** and according to estimates, with the requests that are still in process, this number could eventually increase to 1,500 people. Hence, the conclusion of the Ombudsman for this reporting year is that the implementation of Article 7 of the Law on Citizenship did not have the expected dynamics. By the way, in 2023, the Department of Civil Affairs issued a total of 1.210 decisions on admission to citizenship and 1,270 decisions on dismissal from citizenship. The number of requests from persons seeking exemption from RNM citizenship is constantly increasing, which is a worrying figure.

The Ombudsman states that applicants for citizenship do not have direct access to information about the course of the procedure, so they are forced to communicate with the authorities only through counter services and in written form, which is ineffective and often untimely. Counter services often provide citizenship applicants with wrong directions and information about the procedures. In the interest of the efficiency of the procedures, the Ombudsman requests that the former practice be returned, at least one day a week for the services that decide to determine a day for the reception of parties.

The Ombudsman also stated that the Commission for passing the Macedonian language, which functions within the framework of the Government of the Republic of North Macedonia and is competent to give an opinion on the mastery of the Macedonian language to applicants for admission to citizenship, does not function regularly, or did not meet at all. 2023, which further delays the procedures for admission to citizenship. In this direction, the Ombudsman requests regular functioning and meetings of the Commission, in order not to represent an additional obstacle for the realization of the rights of the petitioners.

Otherwise, during the reporting period, a large number of complaints were submitted to the Ombudsman from citizens who complained that although they have valid identification documents, they have to obtain new documents, due to the change of the official name of the state from the Republic of Macedonia to the Republic of North Macedonia, according to the so-called Prespa Agreement, signed between the Republic of Macedonia and the Republic of Greece in June 2018, which entered into force in February 2019. In addition to this, the citizens also reacted in relation to the obligation to cover the costs of extracting the documents, to the difficulties they faced due to the inability to make an appointment for photography either by phone or electronically, especially in the city of Skopje, as well as in the untimely alignment of the acts and forms of the Ministry of Internal Affairs with the provisions of the Prespa Agreement, as a result of which they were issued personal documents with the old name of the state valid until 2031. Some of the citizens complained that their constitutional right to free movement was limited, due to the fact that they are not able to obtain travel documents, which is a worrying problem.

The Ombudsman, with serious caution, followed the developments and the measures taken by the authorities in connection with the replacement of travel and other documents of the citizens, considering that the citizens were exposed to additional costs and complex procedures through no fault of their own, and also intervened after the complaints of citizens for the poor organization of the photo booth in PS Prolet - Kisela Voda, which was expected to speed up the dynamics and intensity of issuing personal documents, and the cabins in the booth were operating at a reduced capacity. Namely, although it was announced that 12 cabins would work, in two shifts, only 2-4 cabins worked and that in certain periods only in one shift. The long waiting lines further increased the dissatisfaction and nervousness among the citizens who were waiting to take pictures, but also among the officials who were in charge of keeping the order.

Acting within the framework of the legal authorizations, the Ombudsman sent a letter to the Minister of Internal Affairs in which he requested information about the facilities available to the Ministry for the implementation of this process, i.e. whether the mobile stations are used for taking photographs of the persons submitting the requests for change of identification documents. In the letter, the Ombudsman indicated that the Ministry of the Interior should seriously consider the possibility of the costs of changing the identity cards as the only personal document that every citizen over the age of 18 must have, given that not having this document is a criminal offense, **to be at the expense of the state**.

In response to the request, the Ministry of Internal Affairs informed that all available facilities are being used on the territory of the Republic of North Macedonia and new mobile photography stations were installed, and the point in PS Prolet where photography will be carried out without an appointment will be put into operation, i.e., without previously obtaining an appointment, how could citizens take out their personal documents in a timely manner. While, for the Ombudsman's request that the state bear the costs for the change of identity cards, no positive answer was given, on the contrary, an answer was given that it is contrary to the existing legal regulation.

However, although the Ministry of Internal Affairs has given constant statements that the process of changing personal documents will take place without interruption, and that the Ministry has sufficient capacities to successfully complete this process by the deadline (February 12, 2024), the last months of 2023 were followed by constant complaints from citizens that it is becoming more difficult to get appointments for photography by phone and electronically, and the checkpoint in PS Prolet operates with a doubled capacity, which is why the waiting time



is increasing.

The Ombudsman states that the Ministry of Internal Affairs did not respond to the task of smooth and timely implementation of the process of changing personal documents, which is why on several occasions through the means of public information, he indicated the need to hire additional human and material resources for the implementation of this process. Unfortunately, until the moment of preparation of this report, the situation remained unchanged, citizens continue to face the same problems, a large part remained with unchanged identification documents, which will undoubtedly affect the exercise of other rights of citizens, for which valid identification documents required.

The Ombudsman acted on petitions from citizens relating to the work of the Administration for keeping the registers, related to citizens' requests for obtaining extracts from registers, technical errors in the received documents, impossibility of obtaining documents according to the old method, i.e. by submitting a written request. Regarding the mentioned problems, in the months of July and October, the Ombudsman held a meeting with the Director of the Office for management of register so birth, marriages and deaths, who expressed readiness for consistent cooperation and personal commitment to solving some of the specific requests of the citizens, and consequently, the Director was an order was issued to the employees of the Office for management registers for births. Marriages and deaths - Regional Department Skopje and in all other regional offices to open reception counters where citizens can submit written requests, thus the problem was overcome and citizens can exercise their rights without interruption.

With the amendments to the Law on Amendments and Supplements to the Law on Civil Registry (Official Gazette of the RNM No. 129 dated 21.06.2023), a simpler and more accessible procedure for registering persons not registered in the birth registry was made possible. The amendments provide that all persons who applied for the public call and are registered in the register of unregistered persons in accordance with the Law on persons not registered in the Register of births, after additional checks, will be entered in the register of births, no later than 31.12.2023.

The Ombudsman welcomes the amendments to the Law on registration of residence and residence of citizens, which were adopted in October 2023, due to the fact that these amendments have obviously facilitated the procedure for regulating the residence and residence of citizens. The Ombudsman states that the Law is applied without any problems, because in the past period no petitions were received in which the citizens would request intervention in relation to the application of this Law.

In order to overcome the above findings, the Ombudsman recommends the following:

In citizenship procedures, the National Security Agency must respect the legally stipulated period of 6 months for drafting an opinion on the security assessment of the applicants, and directly inform the Ombudsman about the opinions after the security checks for the applicants for citizenship, regardless of whether the opinions are positive or negative.

The Macedonian language examination commission, which gives an opinion on the mastery of the Macedonian language, should meet regularly and function;

The authorities who decide on citizenship procedures should return to the previously established practice, and at least one day a week receive parties who want to be informed about the procedures.

The Government of the Republic of North Macedonia should seriously consider the possibility that the cost of changing the identity cards of the citizens will be borne by the state. For the smooth implementation of the process of changing personal identification documents, it is necessary to hire more material and human resources.



3. Protection from discrimination, rights of children and persons with disabilities, health care and pension and disability insurance

• **RIGHTS OF THE CHILD**

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- **TRIGHTS OF PERSONS WITH DISABILITIES**
- HEALTH PROTECTION
- PENSION AND DISABILITY INSURANCE
- HIGHER EDUCATION RIGHTS AND
- PROTECTION AGAINST DISCRIMINATION

The Ombudsman, through the Department for the Protection of the Rights of Children and Persons with Disabilities, has continuously been monitoring the situation with the rights of this vulnerable group of citizens for 25 years, for which, even after the past three decades since the ratification of the Convention on the Rights of the Child by the state, the provision of conditions for the smooth realization of rights are realized slowly, and not always in the best interest of the child, both in the sphere of education, health or social protection, and in relation to the protection and support of children at risk, those in conflict with the Law, children with disabilities, but also children victims of violence, abuse or neglect.

One of the violations of the rights of the child for which the Ombudsman has for many years sent numerous recommendations and indications to the competent authorities to find an efficient systemic solution is the registration of the birth of a large number of children whose parents do not have a personal identification document. At the same time, he informed about the inapplicability of the Law on unregistered persons, after which, finally, in the reporting period, a systemic solution was found, through amendments and additions to the Law on Civil Registry. In this context, of particular importance is the provision for mandatory registration in the birth register of every child born on the territory of RNM, immediately, and at the latest within 45 days of birth, regardless of the citizenship and personal status of the parents.

Another problem for which the competent authorities should find a quality solution as soon as possible is related to begging by children - a negative phenomenon, which, even with the latest research by the Ombudsman, confirms that the rights of these children are seriously violated, which although in the largest number are of school age and spend the day on the street, in several cities throughout the country. The protocol for intersectoral cooperation for the protection of street children, as well as the care of them in 3 (three) day care centres, failed to remove them from the street, which warns that a different approach is needed, parallel work with children and families, but also measures which will fundamentally change the disadvantage, poverty and social exclusion of this vulnerable group.

Some of the children faced problems in access and the possibility of unhindered realization of the right to education during enrolment in primary and secondary education, but also during the first half of the new school year 2023/24, and for the children proteges of Educational-Correctional Institution "Volkovija" in Tetovo, not only the school year 2023/24 did not start, but their education was not extended at all from the second half of the school year 2022/23, while the amendments to the Law on Primary Education, which are essential for a long-term solution to this issue, have not yet been adopted.

The frequent cases of peer violence alerted to the existence of children's impatience and unwillingness to resolve conflict situations through dialogue, which, in turn, raises the question of whether and how much families and educational institutions seriously pay attention to raising and educating children in the spirit of tolerance and acceptance of diversity. In this context, the persistence of the segregation of Roma students, which has been confirmed in this school year in the same schools (Primary School "Gjorgji Sugarev" - Bitola and Primary School "Goce Delchev" - Stip), as last year, is worrying, and there are no changes in the issue of deregistration of students at the request of the parents who are from another nationality, in order to enrol them in schools where there are no Roma students or where their number is insignificant.

Albanian students in two primary schools in Skopje and one secondary school in Veles faced a



violation of their right to education in their mother tongue, due to the refusal of the management structures of the schools and the Local Governments to form classes in Albanian language, in schools where the students are predominantly Macedonian, and teaching was boycotted. And for all that time spent, the students did not go to school, that is, they did not follow continuous teaching, which is undoubtedly to the detriment of the child.

The staged application of the Concept for Primary Education, which began in 2020, continued in the reporting year, but again with problems regarding textbooks, as last year. The textbooks for the students who are educated according to the new curricula from the Conception, for the third and sixth grades (in the academic year 2023/2024) are late. On the other hand, near the end of 2023, the Ministry of Education and Science promoted the first digital interactive textbooks for grades IV-VI, as an additional opportunity that should facilitate the process of acquiring knowledge for students, but the question is how effectively it will be able to these textbooks are used, when their use presupposes the existence of a suitable device, internet connection and appropriate skills and knowledge on the part of the students, as well as the parents.

Students with disabilities in secondary education finished the previous school year without provided educational assistants, and although it was announced, a new Law on secondary education was not adopted, which is why students faced the same problem in the first half of the new school year. In addition to this, the right to educational support was seriously threatened for some students with disabilities in primary education, for whom this type of learning support was recommended, thus calling into question the quality of their inclusive education.

Dissatisfaction with access to healthcare rights, as well as distrust in the healthcare system, was expressed by citizens through protests. The revolt of the citizens, especially came to the fore in the second half of 2023, after the information about irregularities in the operation and abuse of drugs in the Oncology Clinic - a case that seriously shook the already fragile trust of the citizens in the functioning of public health. However, patients with cystic fibrosis, as well as patients with diabetes, who, like the rest of the citizens, demanded more modern and more effective drugs and therapy at the expense of the Health Fund, faced serious problems in providing regular and timely therapy.

Pensioners protested in several cities across the country, dissatisfied with the low pensions, with a request for a linear increase in pensions, and an increase in the minimum pension. Some of these citizens in the submitted petitions complained about the difficulty in exercising their rights, due to non-compliance with the stipulated deadlines for acting on their requests, but also due to irregular payment of pension funds.

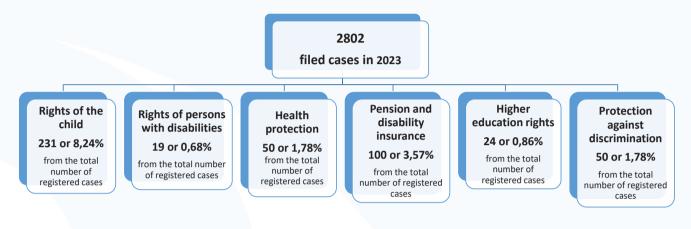
In this reporting period, the announced reconstruction of the student dormitories did not start, and until the end of the year, the construction works in the "Steve Naumov" and "Kuzman Josifovski-Pitu" dormitories - Skopje, as part of the first (of three) phases, did not start either a complete reconstruction is planned. And the people with disabilities, who decided to continue their education in one of the higher education institutions in the country instead of a comprehensive and inclusive approach, faced numerous challenges, overcoming which requires continuous measures, collective commitment, but also cooperation.

On the other hand, the deinstitutionalization of users from the Public Institutions - Banja Bansko and Demir Kapija, and their placement in residential units for independent living and/or small group homes, conceptually does not fully correspond with Article 19 of the Convention on the Rights of Persons with Disabilities. According to the Convention, General Comment No. 5 of 2017, and the guidelines given in the Deinstitutionalization Guide of 2022 prepared by the UN Committee on the Rights of Persons with Disabilities, any form of group living that has institutional characteristics cannot be called independent and independent living.

There are no significant changes in the area of protection against discrimination either, espe-

cially in the sub-area of workplace harassment-mobbing. The mere submission of complaints anonymously confirms the existence of fear of repercussions among the petitioners, and the failure to adopt a new legal solution for protection against mobbing makes it difficult to provide adequate and comprehensive protection to victims of mobbing.

Graphicon No.3





RIGHTS OF THE CHILD

The Department for Protection of the Rights of Children and Persons with Disabilities at the Ombudsman in the reporting year handled a total of 232 complaints in the area of children's rights, and in 26 cases-initiated proceedings on its own initiative to protect the rights and interests of children, in various sub-districts. The largest number of submitted petitions related to the right to education (68), rights in the area of family-legal relations and care in a family environment (63), the right to protection from violence, abuse and exploitation (41) and the rights of children with disabilities (20). Although in a smaller number, the petitions related to the monetary allowance for a child (17), the right to a name, i.e. identity of the child (4), protection of the rights of children placed in a small group home (3), health care (3), for other rights from the Convention or petitions in which legal advice was sought (13).

The general finding that results from this matter and the monitoring of the situation with children's rights is that there are serious violations of children's rights and the best interests of the child, and the ineffective prevention of violence against children and peer violence, the existence of segregated classes/schools, is a concern, non-respect for diversity, as well as the inability to protect children and their involvement in cases of conflicting marital/extramarital relationships, and their right to have unhindered personal relationships and contacts with the parent with whom they do not live, i.e., with close relatives.

Right to name, identity (entry in Birth Registry)

The Ombudsman, considering the problem of legally invisible children, and the finding of unenforceability of the Law on Unregistered Persons in the Birth Register, in the Annual Report for 2022 recommended that the state, through the institutions, fully take responsibility for identification, registration and their inclusion in the system. Consequently, in this reported period, he continued to monitor the actions of the authorities, while, with his indications and opinions, he contributed to finding efficient solutions for this multi-decade problem. Namely, through his representative, the Ombudsman participated in the supervisory hearing of the Commission for Political System and Inter-Community Relations of the Assembly of the Republic of North Macedonia, which was held in February 2023, at which the Ombudsman's views on the obstacles to the implementation of the law on unregistered persons in the birth register (MKR) and the impact on these persons/children. Consequently, in June 2023, amendments and additions to the Law on Civil Registry were adopted, which enabled a simpler procedure for registering children/persons who were not registered persons in Civil Registry of Births, and after additional checks to register the identified - unregistered persons in Civil Registry of Births until the end of 2023.

The Ombudsman, starting from the amendments and additions to the Law on Civil Registry, in December once again addressed the competent authorities with a request for the latest data regarding the registration of these children/persons, after which the Office for management registers of births, marriages and deaths, informed that as of on 26.12.2023, a total of 447 persons, of which 240 were children, were registered in the regular birth register, and proceedings were initiated for 79.

Otherwise, in this reporting year, four cases were opened before the Ombudsman for the protection of the right to identity (entry in the birth register) of children, while in three cases the petitioners were legally advised on the way to exercise this right in accordance with the new amendments to the Law on Civil Registry, and in one case, he acted on his own initiative. Namely, after a visit to the Day Centre for Street Children, he found that five children - users of this service were not registered in the birth register (for 3 the registration procedure was not started at all), which is why he submitted an indication to the Inter-Municipal Centre of the Public Institution for social work of the City of Skopje for the necessity of undertaking activities by the professional teams to provide the necessary assistance to the families for starting and/ or finalizing the procedure for registering the children in the birth register.

Bearing the fact that the registration in the birth register and the possession of an identification number is a prerequisite for the realization of any right of the child guaranteed by the Convention on the Rights of the Child, the Ombudsman recommends:

The competent authorities should continuously take measures for the smooth application of the legal provision for mandatory registration in the birth register of every child born on the territory of RNM, regardless of the citizenship and personal status of the parents.

Protection of the best interest of the child in the area of family rights and the right to care in a family environment

In this sub-area, 63 complaints were processed, the largest number submitted by parents/guardians, who sought protection of the best interests of the child in the proceedings before the locally competent Centres for Social Work, dissatisfied with the dynamics of certain personal relationships and direct contacts with children. At the same time, they also pointed to inappropriate behaviour or unprofessional attitude of the responsible teams, prejudice and favouritism of the Centre towards one parent, non-respect of the agreements or decisions made regarding visitation with the parent with whom the child does not live, or with close relatives of the child, and they also complained of not taking measures against a parent/guardian after reported inadequate care.

Parents with whom the child does not live most often sought intervention by the Ombudsman, but without exception were and the complaints from parents to whom the child is temporarily entrusted by the Centre, or by a decision of a competent Court, expressing dissatisfaction with the relationship of the other parent, towards the child or, again, asking for a change in the decision on seeing. The handling of these petitions showed that in a small number of cases the parents in their appeals are actually guided by what is best for the child. Namely, in conditions of high-conflict relationships (between married/non-marital, divorced/separated or in divorce proceedings), with mutual accusations of neglecting the child, often, considering that they were protecting the child, they stopped seeing each other, thereby (un)consciously affecting appearance of resistance in the child to see the other parent.

Besides this, the Ombudsman intervened due to non-compliance with the visitation terms determined by a decision of the locally competent centre for social work and for the slow decision-making of the competent authority on requests to change the dynamics of visitation, in which the parent with whom the child is not entrusted requests an increase in the appointments to see the child.

In several cases, both parents (the mother and the father) submitted complaints to the Ombudsman, each with their own allegations and views on the problem, and from the proceedings before the Centres for Social Work, it was established that the two parents, with mutual accusations, lead active proceedings before other authorities as well. except before the Centre for Social Work, i.e. they report to the Ministry of Labour and Social Policy, the Ministry of Internal Affairs, Police Stations, and before the civil and criminal courts. The ombudsman, in such cases, treated the competent authorities with particular attention, and given the sensitivity of the case, demanded unconditionally that the competent authority be guided by the best interest of the child in its actions, and individually assess whether the request of one or the other parent is correlated with the right of the child and his best interest. In addition to this, he recalled the possibility that the Centres for Social Work could refer the parents to treatment and professional assistance in appropriate facilities and institutions when they do not act in the interest of the child, which was almost regularly practiced by the centres.

The Ombudsman regularly included the Public Institution Social Activities Office as a body

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for supervising the work of the expert team and the Department for Inspection Supervision at the Ministry of Labour and Social Policy in the petitions in which the petitioner's expressed dissatisfaction with the professional work of the Centre, or when they had doubts in legality in dealing. Unquestionably, after the measures taken, in some of the complaints by the supervisory authorities, irregularities in the handling were found, and consequently, specific recommendations and measures were ordered to remove them, which practically leads to positive changes in the establishment of regular child- parent/s relations.

A conclusion from this issue after these cases is that the competent centres for social work usually point out to the parents the obligation together to contribute for proper development and upbringing of the child, to respect the dynamics for the meetings determined in the decision, or they advise the parents to go for a talk in appropriate institution for the purpose of counselling, but it was not always possible to protect the child and his right to have contact on an equal basis with both parents, and with the close relatives of the parent with whom he does not live. The issue of the enforcement of meetings decisions made by the Social Work Centres continues to persist as a problem that needs to be resolved with appropriate solutions in legislation.

Although in a very small number of cases, intervention for the purpose of exercising the right to see their children was also submitted by mothers serving a prison sentence, and acting on these petitions, the Ombudsman requested notification of the action of the Administration of the Penitentiary Institution on the requests of the convicted persons and addressed the Centre for Social Work as a guardian authority, requesting information individually about the situation in each of the cases and about the possibility of seeing the child/children with a parent in a Penal Institution. After the received information, the petitioners were informed about the inspection procedure and advised about the possibility of seeking intervention from the Ombudsman if the submitted requests are not acted upon by them.

The Ombudsman repeats the given recommendation about the need for amendments to the Law on the Family, which, in accordance with the Convention on the Rights of the Child, will regulate the exercise of parental responsibilities between former spouses/common-law partners in relation to the common child/children and the joint responsibility of parents in raising and developing the child.

Centres for social work, when determining the dynamics of vision between the child and the parent with whom he does not live or the child's close relatives, should be guided by what represents the best interest of the child, in each individual case, and the decision should be explained in a clear and reasoned way.

To continuously monitor the way of exercising parental rights and the fulfilment of parental obligations, especially in cases of highly conflictual relationships, for the purpose of timely prevention of harmful consequences for the child, as well as taking measures to help and protect the child in case of inappropriate exercise of parental responsibility right.

To consider the possibility of providing an appropriately adapted room in each Penitentiary Institution, for the purpose of unimpeded realization of the right of visits of the child with a parent who is serving a prison sentence.

Right to education

Regarding the child's right to uninterrupted education, in this reporting year, 68 complaints were submitted to the Ombudsman by parents, civil society organizations, or elementary school authorities, and some of the cases were opened on their own initiative. The complaints related to spatial and other material conditions in the school, taking the school and state matriculation exams, free transportation of students, conditions for teaching in the mother tongue, enrolment in primary school, imposition of pedagogical measures, dissatisfaction with the way of teaching and assessment, nostrification of certificates, extracurricular activities, distance learning, as well as school safety and more.

The Ombudsman, acting on the petitions related to the lack of spatial and other material conditions in the school, addressed the school and the Local Government, and asked the State Educational Inspectorate to supervise and determine the conditions under which the students attend classes. In one of the cases, the Ombudsman continued the proceedings in the reporting year as well, considering that after the supervision carried out by the Inspectorate, the allegations of inadequate conditions for teaching were confirmed, which is why the school was instructed to continue with the started project for the extension of the district school and put it into use. The ombudsman found a violation of the students' right to education, taking into account the negative impact of the inadequate conditions for following the teaching, on their education, upbringing as well as their overall development. After the notification to the competent Ministry and the Local Government, the activities were intensified and finally, the new school building was put into use before the beginning of the new 2023/24 school year.

Acting on petitions from parents, Councils of parents from elementary municipal schools, as well as from teachers who teach according to the Concept for Elementary Education, and in connection with the lack of textbooks, the Ombudsman observed the situation with (un) provided textbooks for students in elementary and secondary schools on the territory of the state through the data received from the Ministry of Education and Science. Namely, according to the data, before the beginning of the 2023/2024 school year, a total of 59 textbooks were delivered to primary schools, and with the start of the school year, another 13 textbooks were delivered. A total of 51 textbooks were in the process of approval, printing or delivery until December. The Ministry informed that for the subjects for which there is still no textbook, learning materials have been developed and are available on the website of the Bureau for Education Development. While, in terms of textbooks in secondary schools, according to the Ministry of Education and Science, all textbooks for secondary grammar schools have been provided, and for secondary vocational schools, part of the textbooks have been approved and their electronic versions are publicly available.

From the data, as well as the submitted petitions, the Ombudsman states that for certain generations of students (currently sixth graders), since the beginning of the application of the new Concept, textbooks for all subjects are not continuously provided, but certain textbooks, such as a textbook for the subject History and society will not exist until the end of the 2023/2024 school year, which seriously affects the quality of children's knowledge.

Otherwise, during the reporting period, high school students from the fourth year (graduates), supported by the Organization for Dialogue and Affirmation of High School Students, reacted, who, through protests in front of the Ministry of Education and Science, expressed their dissatisfaction with taking the state matriculation exam at the end of the academic year 2022/2023 year, specifically for the number of subjects that had to be taken. The Ombudsman issued an Opinion regarding the problem, recommending that the relevant Ministry listen to the demands and proposals of the high school students, and through dialogue and meetings with the representatives of the students to find solutions, the Ministry acted on the recommendation, started a dialogue with the representatives of the high school students and a mutually acceptable agreement was reached, in the interest of the students.

Though, high school students again expressed their dissatisfaction with the way of passing and evaluating the knowledge gained from the State Matura exam, which is why petitions



were submitted. Acting on these complaints, the Ombudsman informed the Ministry of Education and Science in detail about each of the cases, and requested a notification about the assessment from the State Examination Centre. After receiving the answers from the mentioned authorities, it was determined that in some cases the students' answers were evaluated lower, due to the candidates' non-compliance with the given guidelines for the way of answering the tests. However, the Ombudsman, taking into account the high number of complaints submitted to the State Examination Centre (686 in total) by students who are not satisfied with the results of the State Matura exams, and based on the fact that these grades significantly affect the further education of young people when enrolling in college, submitted an Opinion to the Ministry of Education and Science.

Namely, the Ombudsperson investigated the practice of the neighbouring states in relation to the state matriculation exam, and in that direction asked the Ministry of Education to consider the possibility of amending the Rulebook on the method of taking and evaluating the results of students in the state matriculation exams in high school, professional and secondary art education, in such a way that the student who is not satisfied with the result (grade), will be given the opportunity to take the state matriculation exam again. In the opinion, the Ombudsman pointed out that this is a positive practice from the neighbourhood, and emphasized that with amendments to the by-Law, the possibility of a remedial exam would be introduced, without disrupting the process of taking the state matriculation exam, and it would reduce dissatisfaction among those high school students who various reasons did not achieve the desired result. The opinion was not accepted by the Ministry of Education and Science, on the grounds that in the existing Rulebook such an opportunity is already given to the student (submission of Objection for examination of the test), which is not at all correlated with the proposal that the Ombudsman has given.

The handling of complaints about unsecured transportation of students in primary and secondary education showed that municipalities or schools do not always take full care of whether the holder of the procurement with whom an agreement is concluded for the transportation of students complies with the obligation to pick up/return the children to the agreed place, and how objective are the reasons why it is not possible to transport students, and consequently no measures are taken for non-fulfilment of the obligations of the contract. Such a situation was established during the transportation of students from the village of Ilievo - Delcevo, who were supposed to travel to the municipal primary school with the selected carrier, however, the holder of the purchase due to the volume of the vehicle used to transport the students, and the condition of the road, was not in opportunity to go to the place of the students for whom the petition was submitted. For the school and for the municipality, the solution was acceptable for the parent to take the children himself to the place where the transport stops, and for the customer to compensate him for the transport costs. However, for the Ombudsman, such a solution is not appropriate, that is, such an obligation must not be imposed on a parent, regardless of whether or not he is employed. It is the responsibility of the school/municipality to provide students with free transportation to and from school.

Stating a violation of the right to free transportation, the Ombudsman pointed out that the obligation of the holder of the procurement - the legal entity is to provide transportation on the given route, i.e., to provide an appropriate means of transportation for the children, reminding the municipality that the inability to provide transportation to and from the place which is expressly stated in the contract, is a violation of the obligations of the contract, and partial or complete non-fulfilment of the obligations of the contract may be grounds for terminating it. Consequently, the Ombudsman requested immediate measures to overcome the current situation, and to find an appropriate solution that would give results in the long term, without jeopardizing the right to free transportation for the rest of the school's students, to whom this right is established by Law.

Violation of the right to free transportation of students has also been established for students from Krushevo who attend classes in a secondary municipal school in Prilep, where the selected carrier, instead of acting in accordance with the Agreement, and carrying out the transportation of students on the Krushevo-Prilep-Krushevo route, did not respected it, so students had to use alternative solutions. Given that the school had no knowledge of the case, the Ombudsman requested to take measures to determine the validity of such allegations, as well as measures against the carrier. The school acted on the information, formed a team to supervise the transportation of students, and additionally secured statements from the parents of all students who travel from Krushevo to secondary municipal schools in Prilep, and after the supervision team confirmed the allegations in the statements through an on-site inspection the parents were warned by the carrier to comply with the obligations of the transportation contract and were given a Written Warning.

At the beginning of the 2023/24 academic year, parents and students of Albanian nationality, who demanded that their children continue to be educated in the same school, i.e. follow instruction in their native language, publicly pointed out the violation of the right to education in their native language. The Ombudsman, bearing in mind the right of students belonging to the communities to attend classes in a language other than the Macedonian language and its Cyrillic script, took actions to protect the right to education in the mother tongue of Albanian students from primary and secondary education. unhindered realization of the right to education of the students from Municipality Primary School "Njegosh" - Jurumleri and Municipality Primary School "Todor Janev" - Chashka, where these problems were noted, in the address to the respective municipalities and the Ministry of Education and Science indicated the need to take measures for immediate solving the problems that have arisen, and asked the State Educational Inspectorate to determine the situation with spatial and other conditions for monitoring teaching in the native language for Albanian students through direct supervision in the mentioned schools.

After the measures taken, the Ombudsman found a violation of the right to education in the native language of the Albanian students in the Municipality Primary School "Njegosh", considering that the inspection body also established the existence of spatial capacities in the school for accepting these children and organizing teaching in their native language, and the municipality and the school refused to act on the consent given by the competent Ministry. The transfer of responsibility for the problem between the authorities, however, was to the detriment of the children, considering that the students from the Municipality Primary School "Njegosh" were out of school for almost three months, and only in November did they start teaching as a temporary solution at Municipality Primary School "Congressi and Manastirit" -Municipality of Chair, until the completion of the procedure for opening the class in their home school. And the students from Municipality Primary School "Todor Janev" - Chashka, due to the boycott and protests of parents and teachers that started in November, and in connection with the Ministry's decision to open a class with instruction in the Albanian language for students in the first grade, until the end of the first-grade semester of the 2023/24 school year, they did not return to the school desks.

There was a similar problem in secondary education, during the enrolment of students in the High School "Kocho Racin" in Veles, where, according to the published competition, two classes with instruction in the Albanian language were planned. After the three registration deadlines, out of all the registered students for enrolment and following lessons in the Albanian language, a total of 16 students had fewer points than the ones provided by the Competition, which is why their documents were returned to them. The Ministry of Education and Science requested the enrolment of these students, and gave consent to reduce the criteria for enrolment, to which the teaching staff from the High School and the Local Government reacted publicly. After a certain period, 13 of these students started attending classes in the named gymnasium, while three students enrolled in Municipality High School "Jovche Teslichkov" - Veles where for the first time in the academic year 2023/2024 a class was opened with the Albanian language of instruction, but the children were again taught in the Macedonian language due to lacking staff.

In the reporting period, the Ombudsman continued to monitor the implementation of inclusive education and the challenges faced by students with disabilities who study in municipal elementary schools, with a focus on the situation with the exercise of the right to educational and personal assistance in the academic year 2022/23 while stating that in this school year the



Ministry of Education and Science increased the number of educational assistants (720), who provided services to a total of 775 students with disabilities in municipal elementary schools. Primary schools with a resource centre were rationalizing the allocated educational assistants, so that over 55 educational assistants provided support to more than one student at the same time, but despite efforts to ensure that each student received the necessary support, a total of 61 students with disabilities, in the school year 2022/23 year, followed classes without the support of an educational assistant.

For the provision of the personal assistance service, a total of 35 requests were recorded in 9 (nine) Inter-Municipal Centres for Social Work for the personal assistance service for children up to 14 years of age, i.e. children of primary school age, and a total of 28 personal assistants were provided. Two children with disabilities up to 14 years of age, although they met the conditions, did not exercise this right, due to the fact that their place of residence was further from the headquarters of the service provider. While in relation to the recommended services (educational/personal assistance, primary education with general/intensive/special support), the conclusion is that the expert body for functional assessment recommended a total of 1953 services in 2022, and only for the first three months of 2023 recommended 289 services.

Before the start of the 2023/24 academic year, the Ombudsman submitted information with a proposal for measures to be taken to the Ministry of Education and Science, the Ministry of Labour and Social Policy and the Ministry of Health, and recommended that each authority within its competence take the necessary actions and measures, with the aim of ensuring complete and quality inclusive education for every child. Consequently, he recommended that the assessment of the need for additional support of the student (child) be carried out in a timely manner, and with the beginning of the school year, the children can use the specified services, according to the findings and opinion of the assessment carried out by the Professional Body for Functional Assessment. It also recommended the provision of the necessary number of educational and personal assistants for each student who needs this right, and that the services be provided by previously well-trained assistants, and during the provision of the service, they should be continuously monitored by competent professionals.

In the academic year 2023/2024, the Ombudsman, encouraged by the findings in the previous Annual Report, and in connection with the established segregation of Roma students in two primary schools (Primary School "Gjorgi Sugarev" - Bitola and Primary School "Goce Delchev"- Stip), the recommendations addressed to the Ministry of Education and Science for taking measures and actions together with the units of Local Government and responsible municipal schools in order to overcome or minimize this problem in primary education, and taking into account the Judgment of the European Court of Human Rights in the case "Elmazova and others against North Macedonia", followed the situation with enrolments and the formation of classes in these schools.

From the data obtained on the total number of students, the number of students enrolled in the first grade, as well as the consents issued for the enrolment of students in other elementary schools, it is concluded that the problem still exists, and the measures taken by the municipality that is, the school in Stip did not give the desired results. As a confirmation of the above is the data that in this school year even 90% of the students in the Municipality Primary School "Gjorgi Sugarev" - Bitola are Roma, and over 96% of the enrolled first graders are members of the Roma community. While in the Municipality Primary School "Goce Delchev" - Stip, students with Roma ethnicity are 53% of the total number of students, while the percentage of first graders from the Roma community is 41%.

The Ombudsman informed the Ministry of Education and Science about this situation and recommended that it seriously review the Information and take measures in accordance with the recommendations given in the previous Information that referred to the academic year 2022/23. At the same time, he informed the Government Agent in the Office for the Representation of the Republic of Macedonia at the Ministry of Justice, bearing in mind that he, with the Conclusion of the Government of the Republic of North Macedonia, among other things, was tasked with forming a working group for the purposes of executing the judgment of the ECHR, and The Ministry of Education and Science was tasked with preparing a Draft Law on Amend-

ments and Supplements to the Law on Primary Education in accordance with the requirements of the ECHR Judgment, the recommendations of the Ombudsman of the Republic of North Macedonia and the opinion of the Commission for Prevention and Protection from Discrimination, and in cooperation and with support by the Council of Europe.

The children who are serving a measure in the "Volkovija" Educational-Correctional Institution, Tetovo, also did not have a regular educational process. After receiving data from the Institution "Volkovija" in Tetovo on the total number of proteges and their level of education, as well as on the actions taken by the Institution to establish an educational process, the Ombudsman turned to the Ministry of Education and Science pointing out the obligation to provide education for these children, from where it was notified that a procedure is underway to amend the Law on Primary Education, which foresees the expansion of the verification of the School for adults "A. S. Makarenko" Skopje with responsibility for the implementation of education in the penal-correctional and educational-correctional homes.

The Ombudsman informed the Government of the Republic of North Macedonia about the above, and asked to oblige the competent Ministry and the educational institutions to consider this issue at a joint meeting, in order to find a temporary, appropriate solution for the uninterrupted education of the children/youth from the Institution in Tetovo, until the adoption of the proposed legal amendments. However, by the end of the reporting year, the Government of R.N. Macedonia did not inform the Ombudsman about the measures taken after the Information was submitted, the announced changes to the Law were not adopted, and the proteges in the Institution in Tetovo remained without formal education for another school year.

In this reporting period, the Ombudsman, in cooperation with civil society organizations - members of the National Monitoring Mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities (hereinafter referred to as the CRPD), after the publication of the Draft Law on Secondary Education of the ENER System (Electronic National Register of Regulations) submitted an Opinion to the Ministry of Education and Science, in which, among other things, it welcomed the commitment of the Ministry to harmonize and align the regulation with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and expressed satisfaction with the upgraded normative framework for protection from discrimination and promotion of the equality of children/youth in the education process. In this context, having in mind the opinions and attitudes of civil society organizations that are part of the monitoring mechanism at the Ombudsman, he recalled the obligation from the Convention, when developing and making decisions and policies regarding issues that directly concern persons with disabilities, to the persons with disabilities themselves and their representative organizations are consulted through their active involvement. At the same time, after the Draft-Legislative Decision, he gave specific proposals and remarks regarding: the use of the term "disability" in the Law and its definition according to the Convention, he pointed out the need to define all groups of students with special educational needs, and students with disabilities, to be noted as one of the groups of students with special educational needs, to clearly arrange/define which person can act as a companion of the student with a disability, and that he will be exempt from paying for transportation. Regarding the issue of the language in which the educational activity is carried out in the secondary school, he gave an opinion to include the Macedonian sign language and Braille and to clearly define the term "reasonable adjustment" in accordance with the provisions of the KPLP (Convention on the rights of persons with disabilities), as well as to prevent situation of incomplete school inclusive teams, which would be disadvantage of students with disabilities.

For the smooth and high-quality realization of the right to education of students, on an equal basis, the Ombudsman recommends:

The Ministry of Education and Science, in cooperation with the competent authorities at the local level, should take all the necessary measures and actions to ensure appropriate spatial, material-technical and other conditions for the smooth realization of the educational process, realization of the right to education in the



mother tongue, free of charge student transportation, but also conditions for equal access to quality primary and secondary education.

The procedures necessary for printing textbooks for the subjects taught in primary and secondary education should be completed in a timely manner. At the same time, especially take into account the quality of the content of the textbooks, which, due to the applicability of the knowledge acquired in the education process, should offer an interactive approach, which will encourage creativity and develop criticality among students. Textbooks for all subjects should be delivered to students at the beginning of the school year.

Measures to be taken for full staffing of professional services in primary and secondary schools, sensitizing, further training and improvement of the professional competences of the entire educational staff for working with students with disabilities, while the education of the teaching staff should be through the prism of children's rights and the rights of persons with disabilities, according to the ratified international Conventions.

To intensify the activities for the adoption of a new Law on secondary education, which will provide a systemic solution for educational assistants as support in learning for students with disabilities, as well as to take measures for the adoption of the Law on vocational education and training.

Urgent measures should be taken to ensure formal and continuous education of the children in the Educational-Correctional Institution "Volkovija", Tetovo.

The working group at the Ministry of Education and Science should undertake continuous activities and measures in order to eliminate the possibility of segregation of Roma students in schools through systemic quality solutions.

The right to monetary compensation for a child, and the right to health and social protection

A total of 17 petitions were submitted for monetary compensation for a child, and they related to the right to parental allowance for a third child, the right to child allowance and education allowance, as well as to the exercise of the right to a special allowance. Namely, in the petitions, intervention was requested due to the termination of the rights to monetary allowance for the third child, non-payment of allowances based on the realized right to child and educational allowance, as well as due to the impossibility of realizing the right to a special allowance. The ombudsman, after the measures taken, stated in some of the petitions that the authorities had in the meantime acted on the requests of the citizens, and the monetary compensations had been paid, and where the legal conditions for the exercise of the right were not met, the petitioners were notified in detail for the reasons why a violation of the right has not been established.

Regarding the parental allowance for the third child, several citizens turned to legal advice for exercising the said right, and some also submitted petitions, where a complaint was made regarding the conditions stipulated by the amendments to the Law on Child Protection, considering that put in a less favourable position compared to parents who exercised the right before the amendments to this law entered into force, when the exercise of the right was not conditioned by the total income earned by the mother. In this context, discrimination and violation of the principles of the best interest of the child and provision of an adequate standard of living were pointed out, while according to the petitioners, the legal amendments to the right to parental allowance for a (third) child are to the detriment of the children and discriminates against children born before 23.03.2020, who exercise the right until they reach 10 years of age, regardless of the amount of the family's total monthly income.

The Ombudsman informed the petitioners about the position of the Ministry of Labour and Social Policy regarding the allowance for the third child, i.e. that it was intended to increase the birth rate, and that the data showed that the effect was not achieved with the measure, which is why the amendment, the allowance should be aimed at the right group of citizens. However, the citizens asked the Ombudsman to inform the Ministry of Labour of the allegations in the complaint that it is necessary to take into account the current situation in relation to the amount of monthly living expenses in the state, in correlation with whether a family with three or more children can have a minimally dignified life with total income in the amount of one average monthly net salary, as well as whether one average net salary can ensure the fulfilment of the children's daily basic needs. In his address to the Ministry, the Ombudsman informed him of the above, and further stated that he had in mind the amendment of the law which introduces the "Education Allowance", however, indisputably, for the acquisition of the right to use this type of financial compensation are set criteria in relation to the amount of the family's monthly income, depending on the number of members in the family, whereby the allowance is provided only during the school-age period of the child, which means that children of school enrolment age cannot be beneficiaries.

The Ombudsman, in the opinion submitted to the competent Ministry, informed him that due to the current legal solution of parents/families, due to incomes that are minimally higher than the lowest average monthly salary in the country, their monetary compensation is abolished, in conditions where the costs of living are increasing daily, while ignores that this compensation is intended to provide adequate material assistance to parents for support, raising, care and protection of children. However, the Ministry, in response to the given opinion, did not refer to the remarks of the Ombudsman regarding the purpose of the parental allowance and the conditions that must be met in order to exercise the right to an education allowance, but again informed about the purpose of the amendments to the Law, i.e. fair direction of funds and their redistribution to families that are materially unsecured, pointing out that the aim of the state's social policy is support and protection of socially endangered families.

Regarding the right to a special allowance for a child with a disability, the Ombudsman acted on his own initiative, as well as on petitions submitted by parents, that children with Down syndrome are prevented from exercising the said right if it is not specified in the Finding and opinion received from the functional assessment service at Public Health Institution Health centre Skopje. At the same time, the parents pointed out that before the adoption of the amendments to the Child Protection Law, children with Down's syndrome were listed as children with developmental disabilities and specific needs who were entitled to the allowance, and after the amendments these were deleted, and children with Autism were added.

The Ombudsman, from the data obtained from the above-mentioned service, determined that at the level of the entire country, in the period from January to September 2023, functional assessments were made of a total of 31 children with Down syndrome, of which 29 were recommended the right to a special allowance. At the same time, the expert service pointed out that the families of children with Down syndrome are not in a less favourable situation compared to the period before the amendment of the Law, considering that each child, in accordance with his abilities, realizes the rights provided for by the Law, while the diagnosis is not a condition for exercising a right and service, but the degree of functionality of the child/youth. The aforementioned was also confirmed in the handling of the specific petitions, when, following advice on submitting an objection to the Professional Body for Functional Assessment, the petitioners exercised their right to a special allowance.

Taking into account the child's right to the highest level of health care, the Ombudsman on his own initiative took actions to examine the method of treatment and treatment of a nine-month-old baby who contracted tuberculosis through his mother, after which he died at the PHI University Clinic for Children's Diseases. A series of actions were taken before several authorities: Public Institution Inter-municipal Centre for Social Work Kumanovo, PHI Institute for Pulmonary Diseases in Children "Kozle", PHI University Clinic for Children's Diseases, Centre for Public Health Kumanovo, State Sanitary and Health Inspectorate, Ministry of Health, as well as to the Medical Chamber. The authorities undisputedly determined the cause of the child's



death, and according to the report of the State Sanitary and Health Inspectorate, no irregularities were found in the operation of the PHI University Clinic for Children's Diseases. However, due to insufficiently (incompletely) clarified questions related to the way the baby was treated immediately after birth, the measures taken by the health facility where the mother gave birth, health problems of the baby and the mother and the way they were treated, the Ombudsman continued the procedure, with an address to the Ministry of Health, with a proposal to initiate before the Medical Chamber the formation of a commission for expert supervision for the specific case, which, by the way, was also publicly updated through the media.

The Ministry of Health accepted the proposal and submitted an initiative for the establishment of a commission for expert supervision, but even after several interventions by the Ombudsman, by the end of the year, no response was received from the Medical Chamber regarding the conducted professional supervision.

The Ombudsman on his own initiative investigated the treatment and treatment of a child with a disability (autism), whose mother made allegations of inhumane treatment on the social network "Facebook" while being treated at the Demir Hisar PHI Psychiatric Hospital. Regarding this case, the Ombudsman asked the State Sanitary and Health Inspectorate to carry out surveillance in the hospital, and no irregularities were found on their part.

From the immediate inspection of the health facility where the child was treated, from the inspection of the documentation for the patient's treatment, a conversation with the health workers who treated him in this hospital, and before that at the Public Health Institution University Clinic for Psychiatry-Skopje, the Ombudsman could not confirm the mother's claims that the injuries (wounds) on the child's body are the result of beating, i.e. tying, but the fact that the child developed wounds during the treatment, and according to the opinion of health professionals, such wounds appear from wearing diapers, or are the result of decubiti's points to insufficient care for the patient's hygiene and prevention of their occurrence.

Furthermore, although the case is about forced hospitalization, i.e. detention, and for which there is a report from the PHI "Psychiatric Hospital" Demir Hisar to the competent Court for the admission of a person without his consent, there is no evidence of a visit by a Court in the documentation nor for a given order to examine the detained person, and there is no decision from the Court to keep the child in this institution or to release him.

Undisputedly, the child was treated in accordance with the Regulations for the method of admission, treatment and discharge of patients in the PHI, which means that there is no special Regulation for the treatment of minor patients. The documentation states that the fixation was short-lived, but the possible acquisition of injuries and wounds during the fixation has not been recorded anywhere. Additionally, the finding that the child was all the time in the room used for fixation, without being offered any occupation activities, is worrying.

Taking into account the above, as well as the expert opinion of the doctors from the Public Health Institution University Clinic for Psychiatry-Skopje, where the child was previously treated (outpatient and hospital), the Ombudsman points out that for such patients the need for hospital treatment should be only in cases of necessity, until the situation calms down.

Otherwise, in relation to the rights of the child in this area, the Ombudsman intervened due to the impossibility of providing an appointment for an initial assessment or re-evaluation of the Professional Body for Functional Assessment in Gostivar, which during 2023 temporarily did not function, due to which the families could not to carry out first or repeated functional assessments for their children, and because of this, the use of certain rights that they used on the basis of previous assessments by appropriate expert committees ceased.

From the handling of the petitions, it has been established that the reason for the temporary suspension of the functioning of the Professional body in Gostivar is due to the completion of the process of taking over the experts from other institutions, which is why a routine/ re-assessment for the children from Tetovo and Gostivar is done in both Professional bodies for functional assessment in Skopje. In this context, the parents were advised to make an appointment for an assessment at the Services in Skopje, and the Ombudsman additionally informed the Ministry of Health about the complaints that they could not schedule examinations of the telephone numbers.

In response to the request, the Ministry stated that it continuously undertakes the necessary activities for providing material and human resources for putting into operation all Professional Teams in accordance with the Law on Health Care and the Rulebook on Functional Assessment. In that context, the Ombudsman was informed that for the needs of the Service for Functional Assessment of Children and Youth at PHI Health centre Skopje, 7 employees from other ministries were being recruited, which procedure was in the final stage in November, and in addition requests were submitted to Ministry of Finance for approval of new employment of 8 experts until the end of 2023, which would complete the expert teams in Gostivar, Bitola, Kumanovo and Strumica. According to the answer, in 2024, the employment of 6 more experts and 10 administrators is planned for an indefinite period, so that the Professional teams will be fully staffed.

The Ombudsman, taking into account the above findings, recommends the following:

The competent authorities in the field of child, health and social protection should take into account the vulnerability of children in their actions, and after a correct and complete determination of the factual situation, make timely and legal decisions regarding the smooth realization of children's rights in these areas, managing is from the relevant legislation, but also the principles in the Convention on the Rights of the Child.

The Ministry of Health in cooperation with the Ministry of Labour and Social Policy and other competent authorities/institutions to take measures to ensure adequate system resources for treating cases of children with an autistic spectrum disorder who show challenging behaviour (aggressive and self-aggressive behaviour, destructive, with outbursts of anger, etc.), which can pose a serious danger to the health of the child himself, as well as to his environment, for which, in addition to treatment by health professionals, treatment by a wider multidisciplinary team that will be able to adequately respond to their needs.

The child's right to protection from violence

The number of cases for the protection of a child from violence (41 in total) increased significantly in the reporting year, with most of them referring to the protection of a child from violence in primary school (peer violence, violence by teaching staff or inappropriate behaviour by an employee /officer), then for protection against violence in high school, violence by educational staff in kindergarten, and in some of the petition's protection against violence in the family was requested.

In the petitions for protection against peer violence in school, the petitioners expressed dissatisfaction with the imposed measures by the schools for sanctioning these cases, noting that the imposed pedagogical measures did not achieve the goal and do not prevent further violent behaviour of the child. At the same time, they expressed concern that the pedagogical measures have no impact on overcoming the victimization of the child on whom the violence was perpetrated. In the cases in which the Ombudsman determined a justified need, he indicated to the schools the necessity of applying measures to protect the child victim of violence, which are not part of the pedagogical measures, and which are imposed only in cases where the measures to change the behaviour in the case of a child perpetrator of violence, they do not show results.

On the other hand, in the petitions, in which the intervention of the Ombudsman was

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requested due to violence or inappropriate treatment by teaching staff or by an employee/official against a child, the Ombudsman took measures within the framework of his competences before several different authorities (school, Department of Internal Affairs at the Ministry of Internal Affairs, State Education Inspectorate), in order to take appropriate measures and actions within the competences of these authorities, indicating respect for the principle of urgency, paying due attention to the needs of child victims, their families, acting in the direction of avoiding additional victimization, as well as coordinated action of the involved authorities, in order to protect the best interest of the child in the procedure.

Supervisions were carried out by the authorities and appropriate actions were taken, and if non-action was ascertained, appropriate reactions were made. As an example, in one of these procedures, a criminal complaint was filed against a teacher, due to the existence of a well-founded suspicion that a crime had been committed against a student. In another case, which referred to a 10-month-old child who suffered physical injuries in a kindergarten, a report was submitted to the Public Prosecutor's Office Gevgelija, but by the end of the reporting year, a public prosecution had not yet been made.

It is a finding that in a large part of the petitions, the authorities took the necessary measures, even before the intervention of the Ombudsman, and often the petitioners themselves demanded supervision by the State Educational Inspectorate, which points to their familiarity with the tools to protect children's rights in education. In complaints about domestic violence against a child, the Ombudsman followed the actions of the Centres for Social Work, the Ministry of Internal Affairs and the Basic Public Prosecutor's Offices, taking measures for prompt and immediate action and protection against any kind of violence, abuse or neglect of the child.

A finding from the handling of the specific cases is that the Centres for Social Work and the Ministry of Internal Affairs took the necessary actions and measures in a timely manner, within the legal deadlines, while, in the cases in which the procedure continued before the Basic Public Prosecutor's Offices in RNM, the citizens' cases are still without an epilogue, due to a strike by the administration in the Prosecutor's Office.

Considering the above, especially the increased number of submitted petitions for protection from violence, it is a finding that the authorities do not put enough emphasis on the prevention of peer violence, but also on the prevention of violence in the family, which was recommended in the Annual Report for 2022. Due to this situation and the importance of education (acquaintance of children with rights), and recognition of cases of violence and their timely reporting, the Ombudsman, in cooperation with the Foundation for Educational and Cultural Initiatives "Step by Step", carried out comprehensive research on children's rights, in which, among other things, he examined the situation with violence in school, in the online space and in their immediate environment. 43.4% of the students covered by this research confirmed that there is violence in elementary schools, and the fact that out of a total of 648 students involved in the research, 298 students or 46% stated that they were victims of violence is worrying. For the majority of students (40.7%), the most common form of violence is verbal violence, followed by physical injury and emotional abuse, and the reasons for violence include demonstrating strength, behavioural problems, as well as showing dominance over others and jealousy.

Otherwise, the research confirmed that a small part of the teachers (11.4%) continuously participated in trainings related to the prevention and prevention of violence in schools (more than 3 trainings) in the last 3 years, and almost half (44.3%) never participated in such trainings.

Regarding the safety of students in the "cyber space", more than half of the students (56 %) stated that they do not have a ban or restriction on the use of the Internet, but the finding that the use of the Internet by students is mostly for fun and games is worrying (29.6 %) or for communication with friends (25 %), and only 13.9 % of students use the Internet for learning and research.

For prevention, timely and adequate protection of the child from any kind of violence, the Ombudsman recommends: To take measures for the practical implementation of policies and measures to reduce violence against children and between children in any context (family, school, internet violence, etc.), with the participation and mutual cooperation of the competent authorities at the central and local level.

The Education Development Bureau should continue to deliver trainings to teachers with topics in the field of violence, and the professional services in schools, in cooperation with the students' parents, should take timely measures to protect students from violence by teaching staff or inappropriate attitudes from employee/ official.

Primary and secondary schools must include in their work programs activities for informing students about the harmful consequences of violent behaviour, measures for the prevention of peer violence, and measures for reporting violence and sanctioning violent behaviour.

Children cared for in small group homes of public institutions and non-institutional forms of care

The Ombudsman continuously monitors the realization of the rights of children cared for in small group homes, especially after the finding that in these forms of care there are children with complex behavioural problems, who need appropriate psychological and psychiatric help, as well as treatment by multidisciplinary team, and the only resource for fostering at the moment is the Public Institution for fostering children with educational-social problems and disturbed behaviour-Skopje.

Namely, acting on complaints in connection with the above, it was determined that the problems with certain users of the above-mentioned institution have persisted for a long time - children at risk (children with antisocial and pronounced aggressive behaviour, children using drugs, children with psychiatric disorders, children victims of trafficking people and/or victims of sexual exploitation), which is why the Ombudsman, through a Special Report submitted to the competent ministry, recommended that the Ministry of Labour and Social Policy urgently take measures to finally open the long-awaited specialized departments, in which adequate care for children should be provided by a multidisciplinary team. The above, according to the Ombudsman, should be implemented in close cooperation with the Ministry of Health, the Institute of Social Activities of the Judiciary and other relevant state bodies and institutions. By the end of 2023, the Ministry of Labour and Social Policy has not submitted an answer regarding the recommendations given in the Special Report.

Otherwise, in the context of the above, representatives from the Ombudsman, at the invitation of the Ministry of Labour and Social Policy, attended workshops, part of the EU Socieux project "Development of standards and services for counselling children and youth at risk" which aims to develop of a strategy for prevention and development of standards for counselling children and youth at risk, through the establishment of a Counselling Centre that will provide counselling services to children and youth at risk and their families. The counselling centre is planned to be established in the building of the former Public Institution for children with educational and social problems "25 May".

The Ombudsman repeats the recommendation:

Active involvement of the relevant Ministries of Labour and Social Policy and the Ministry of Health in order to establish specialized forms of non-institutional care for children who need appropriate psychological and psychiatric help, and provision of professional help and support by a multidisciplinary team.



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Children on the street

About the present problem of children on the street and begging, the Ombudsman continuously raised the alarm in the previous years, and through the Special reports from conducted research on this topic, among other things, he recommended that the competent authorities find an appropriate and permanent solution. However, an effective solution has obviously not been found so far, although, indisputably, the competent authorities/institutions are taking measures to overcome this negative phenomenon, by accepting children in day care centres, and by strengthening the multi-sectoral approach and cooperation, through the adoption of a Protocol for inter-sectoral cooperation.

This conclusion was also confirmed by the last research on children on the street in the reporting period, for which purpose data was provided from the centres for social work, and immediate inspections were carried out in the Day Centres for children at social risk. At the same time, data from the Institute of Social Activities of the University of Skopje, as well as interviews with parents and children who are users of the Day Centre for children at risk - children on the street, have been provided. Namely, from the research conducted to understand the situation with this negative phenomenon, it follows that the problem of children on the street - children who beg seriously violates the rights of this young population.

The research showed that children on the street and children who beg are children from the Roma community whose families live in extremely poor conditions, the parent(s) are not employed, and have a low level of education or no education at all. These children live in longterm poverty, in substandard conditions, and the illiteracy of the parents affects their lack of authority, which, together with the lack of skills in how to treat children, how to get them off the street, in some cases the criminal behaviour of members of the family, influence spending the day on the street to be passed on to the younger generations, as a way of life and livelihood.

For the most part, the children who use the services of the day care centres are involved in education, but a serious challenge is how to keep them in school, and in this direction, the data that mostly children of school age are absent from school, and spend the day in begging instead of being educated.

According to the data, the largest number of street children was recorded in Skopje, although there are also street children or children at risk in other cities, especially the larger ones - Kumanovo, Bitola, Prilep, Ohrid, Struga, which is especially visible in the summer period. The number given by the Centres for Social Work should be taken with a grain of salt, considering that civil society organizations that work to protect children's rights report much higher numbers for children who beg. Hence, the conclusion that there is a lack of continuous and comprehensive analyses and accurate data on the number of children on the street, the reasons for the persistence of this negative phenomenon, as well as the effects of measures to help and protect children and their families.

The Ombudsman, taking into account the above, recommends:

In dual coordination and cooperation, measures should be taken for more effective implementation of the Protocol for inter-sectoral cooperation for street children, to establish an integrated data system for children at risk - street children, which will contain complete and accurate statistical data on street children. To create and implement programs for active inclusion in the labour market through the employment of members of the families of children who beg, as well as to increase the number of Day Centres for children at social risk/street children, wherever there is a need from that, but also to support the existing Day Care Centres for street children from every aspect (professional, material, technical).

RIGHTS OF PERSONS WITH DISABILITIES

In this reporting year, for the protection of the rights of persons with disabilities, 19 petitions were acted upon, which were mostly submitted by individuals, a smaller number by citizens' associations, as well as cases opened on their own initiative, i.e., by voice. As in previous years, the submitted petitions from this area referred to problems that affect the entire community of persons with disabilities, while again the number of petitions submitted was dominated by petitions for the protection of rights in the area of social protection and an adequate standard of living, then the right to personal mobility, as well as the right to cultural and linguistic identity.

In the reporting year, the problem of using the parking service at marked parking spaces for persons with disabilities was actualized, in cases where the person with disabilities is not a resident of the city of Skopje. The Ombudsman, upon learning that in this case the person was required to pay a fine for illegal parking, even though the vehicle was in a parking space for persons with disabilities, where it was marked with a sticker for a person with disabilities and with a properly placed membership book from the appropriate association of persons with disabilities, turned to PE "City Parking" Skopje. In response to the request, a notification was received that it is being acted on according to the "Program for preferential use of the parking service in public parking lots and public areas intended for (zonal) parking by persons with disabilities" which is carried out by the Council of the City of Skopje, and according to which, persons with disabilities who are not residents of the capital city cannot use the parking spaces marked by PE "Gradski parking" Skopje. Because of this, the Ombudsman, with the support of civil society organizations - members of the National Monitoring Mechanism for monitoring the implementation of the KPLP (Convention on the rights of persons with disabilities), initiated changes to the conditions for the use of parking lots, with the aim of using them by all citizens with disabilities, regardless of their location of living.

The PE "City Parking"-Skopje informed us about the planned change in the "Program for preferential use of the parking service in public parking lots and public areas planned for (zoned) parking by persons with disabilities", for which in cooperation with the Council a working group has been established in the City of Skopje. After receiving information that the Ministry of Labour and Social Policy needs to be involved for the full implementation of the initiative, the Ombudsman addressed this body as well, but by the end of the reporting year the Ministry had not decided whether it supports such an initiative. Due to the above, the resolution of this problem continues to be supervised.

The Ombudsman submitted an instruction on the method of removing the ascertained violations to the Ministry of Labour and Social Policy, with a request, in cooperation with the Ministry of Internal Affairs and the Ministry of Transport and Communications, to urgently take measures for the adoption of a by-law legal act to regulate the procedure for issuance of a special sign, with the appointment of a legal entity that meets the requirements in terms of material and technical equipment and professional staff for the production of the special sign, as well as to follow and monitor the circulation of the special signs. The above was followed by a reaction from people with disabilities that different entities appear as publishers of the mentioned patches. Acting on the given indication, the Ministry of Labour and Social Policy announced that activities have been started to adjust the procedure prescribed in the Road Traffic Safety Law in cooperation with the National Coordinating Body for the Implementation of KPLP (Convention on the rights of persons with disabilities), under the Government of the Republic of North Macedonia.

Regarding the protection of the right to cultural and linguistic identity, including sign language, an intervention was requested from the Ombudsman by the Associations European Centre for Roma Rights and "Polio Plus" - a movement against handicaps, to enable Roma people who have hearing impaired to use Roma sign language. Regarding the above, the Ombudsman held consultations with the Association of Macedonian Sign Language Interpreters "Glasni Race", from which it was clarified that all deaf people living in the Republic of North Macedonia



use the same sign language (the Macedonian sign language), that is, that there are no separate sign languages for the languages of the communities.

The named petitioners requested intervention and for obliging the state institutions to keep cross-records in relation to disability and ethnicity, in connection with which the Ombudsman took actions to assess the situation with the responsibility of the state for the introduction of a Register of Persons with Disabilities that will enable the formulation and implementing policies to implement KPLP (Convention on the rights of persons with disabilities). After the measures taken towards the Ministry of Labour and Social Policy, it is established that the necessary actions have been taken, i.e. the Law on the System for the Assessment of Persons with Disabilities has been adopted ("Official Gazette of the RNM" No. 209 dated 5 October 2023), with which, among other things, the establishment and application of an integrated information system is foreseen, within the framework of which the comprehensive Register of persons with disabilities will function.

Regarding the rights of persons with disabilities, an analysis was conducted on the topic "Access to higher education for persons with disabilities in the Republic of North Macedonia", which, among other things, showed that there is a lack of professional and scientific literature for a large number of the curricula of several faculties in an accessible format (braille, audio format, printed enlarged format and digital accessible format), i.e. only at 10% of faculties students with disabilities can receive literature in an accessible format, and in the same percentage of faculties provide assistive technology to students who have required during studies. It was also determined that most of the faculties do not provide specific services for students with disabilities, and 90% of the faculties do not provide a sign language interpreter, nor mobility and orientation training.

The analysis confirms that numerous challenges remain towards providing inclusive higher education, primarily in assessing and recognizing the individual needs of students with disabilities, increasing awareness and sensitizing about the rights and needs of members of this community.

In the Annual Report for 2022, the Ombudsman recommended that the National Strategy for Deinstitutionalization and the activities provided for in the Action Plan be revised and harmonized with the provisions of the KPLP (Convention on the rights of persons with disabilities), as well as with the guidelines given in the Deinstitutionalization Guide by the UN Committee on the Rights of Persons with Disabilities. Consequently, in 2023, in order to assess the current situation, the KPLP (Convention on the rights of persons with disabilities) Implementation Monitoring Team hired an expert to prepare an analysis on the topic of "Monitoring the Deinstitutionalization Process", which activity was completed at the end of this reporting period, and consequently in 2024, measures will be taken to acquaint the competent authorities with the findings and recommendations thereof.

The Ombudsman, taking into account the above, recommends:

Taking coordinated measures and activities to change the conditions for using the parking service in public parking lots and public areas intended for parking by persons with disabilities, regardless of their place of residence.

The Ministry of Education and Science should launch an initiative that will mandate the mandatory keeping of digital records for students with disabilities at all state faculties, and jointly with the Government, the Ministry of Transport and Communications and the competent inspectorates to ensure accessibility of the faculties for students with disabilities, including accessible transportation to and from colleges. At the same time, measures should be taken to provide professional and scientific literature in accessible formats, assistive technology and aids, and administrative assistants to support students with disabilities. The Ombudsman reiterates the recommendation that the Ministry of Labour and Social Policy, in partnership with civil society organizations of and for persons with disabilities, revise the National Strategy for Deinstitutionalization and the Action Plan, with the aim of harmonizing them with the provisions of the KPLP (Convention on the rights of persons with disabilities), and the guidelines in the Committee's

Deinstitutionalization Guide of the UN on the rights of persons with disabilities.

HEALTH CARE

In 2023, citizens faced numerous obstacles and difficulties in accessing medicines and therapies, and were also dissatisfied with the way they were treated as patients, and members of their families, by health workers in certain health facilities, which is why submitted petitions requesting protection of rights, pointing to unprofessional treatment during their treatment.

The distrust in the health care system accumulated over the years, as well as the dissatisfaction due to unprovided medicines, low-quality health care, and access to the exercise of the right to health care, were expressed by the citizens through protests before the Government and the competent ministries. Cystic fibrosis patients who for months went out on the streets demanding to be provided with the drug "Trikafta" as well as diabetic patients protested because of the months-long absence of strips and glucometers, so they had to purchase them at their own expense. And, oncology patients and their families came out to protests, demanding responsibility for the so-called case "Oncology", which stirred up the public and deepened distrust in healthcare even more. In addition to the citizens, part of the health workers who had been contractually engaged for several years and worked for minimum wage, without health and pension insurance, came out to protest.

The Ombudsman followed all these developments with seriousness and for the protection of human freedoms and rights intervened either on his own initiative or after submitted petitions. In this context, he continuously took measures in front of all the competent authorities, demanding immediate measures to overcome the difficulties of the citizens in relation to the treatment and provision of drugs for the treatment of diabetes, the necessary drugs for rare diseases, including cystic fibrosis, and monitored and the actions of the authorities in the "Oncology" case.

Although statistically speaking, the number of complaints is approximately the same as in 2022 (50 complaints were submitted), the conclusion is that the problems for which interventions were made concern a large number of citizens and are related to the exercise of health care rights and health insurance during the provision of basic health services and participation, the right to hospital treatment, procurement of medicines, reimbursement of funds for health services), obtaining a document from the Fund, inappropriate and unprofessional treatment, health services for certain categories of citizens, prolongation of procedures before competent institutions, etc.

The Ombudsman's recommendations addressed to the Government and the Ministry of Health for more promptness of the Commission for Rare Diseases and compliance with the demands of the Cystic Fibrosis Association for providing timely, regular and modern therapy for patients, this reporting year were supplemented by an address to the Health Fund. insurance for the purpose of providing the necessary funds for the purchase of the drug "Trikafta" for patients with cystic fibrosis, indicating the obligation to protect the health of citizens. At the end of the year, these efforts of both the patients and the associations, as well as the Ombudsman, resulted in a positive effect, i.e. the Ministry of Health publicly informed that the University Clinic for Children's Diseases had procured therapy for several months for these patients, and





that additionally planned funds for the provision of this medicine for 2024 and 2025, whereby patients with cystic fibrosis are gradually included in therapy.

With regard to the existing list of medicines that are the responsibility of the Health Fund, the Ombudsman recommended in last year's report that measures be taken to revise the positive list of medicines, while following the innovations in the pharmacy for the purpose of registering new, innovative medicines that will be available to citizens. In the reporting year, following the actions of the competent authorities, we found that a new methodology was adopted for determining a drug on the positive list, an expert committee was also formed to determine the proposal for the List of drugs to be borne by the Fund, but still, this issue remains for further resolution.

In relation to the lack of glucometers and strips for measuring blood glucose levels, the Ombudsman intervened on his own initiative, and additionally following a petition from the Union of Diabetic Associations, and in that context submitted an Opinion to the competent Ministry that only with systematic and a timely approach by the competent institutions can solve this problem and diabetics can receive the necessary therapy in a timely manner, as well as all the necessary insulin needles, glucose test strips, and the devices provided for the purpose. The Ministry of Health informed back that in December, the necessary quantities of glucometers and strips for measuring blood sugar were delivered to the insulin pharmacies in the country, more precisely, with the last delivery, 44,500 glucometers were delivered to the insulin pharmacies and sufficient quantities of strips for measuring glycemia were adequately delivered, for patients with Diabetes type 1 and Diabetes type 2. The problem was solved, but indisputably, in a period of ten months, the procurement of these preparations by the citizens was carried out with own funds, which represents a serious violation of rights.

Actions were also taken on the subject of patients being treated at the Radiology and Oncology Clinic, and in connection with the provision of timely therapy, and in that procedure, it was recommended to diligently take care of the quality of therapy and to continuously monitor these patients, in order to provide them with an adequate quality of life. At the same time, he seriously followed the protests of cancer patients and their families, who demanded a legal solution to the case of drug abuse at the Oncology Clinic, for which the Prosecutor's Office opened a pre-investigation procedure. In the meantime, the Inquiry Commission in the Parliament of the Republic of North Macedonia took measures for the developments at the Clinic. Regarding this case, the Ombudsman, through the means of public information, expressed the view that the case of Oncology most vividly shows the problems faced by the citizens, and states that there is a serious violation of the rights of the citizens in the field of health care, for which they expect cases to receive an appropriate judicial epilogue.

Actions were also taken on their own initiative to ensure the functionality of the Polyclinic in the municipality of Shuto Orizari, due to the non-functioning of the patronage service, the duty service and the unprovided specialist-consultative health care and other departments, for which the Ombudsman addressed his opinion to the Ministry of Health, the Health Insurance Fund and the Health Centre - Skopje, indicating that it is necessary to approach the realization of the demands of the residents of this municipality as soon as possible and that every authority, institution and institution within the domain of its competence take specific measures in order to ensure timely, efficient and effective health care of citizens who are treated at the Polyclinic.

In addition to the above-mentioned cases, which refer to a large number of citizens, the Ombudsman, acting on individual cases, tried through indications and recommendations to ensure the efficient functioning of the health care system, with the aim of realizing a specifically violated right. In this context, in the section of basic health services, he intervened for the illegal collection of funds for health services of a victim of domestic violence, whereby the actions were in two directions: First, to refund the funds collected by the petitioner and second, submit an opinion to The Ministry of Health and the Ministry of Labour and Social Policy should take actions to simplify and specify the responsibilities of each stakeholder in the process of prevention, prevention and protection from domestic violence against women and in general

against anyone who appears as a victim of violence. The Ombudsman's interventions had an effect, so the Ear, Nose and Throat Clinic, the Eye Diseases Clinic and the Radiology Clinic acted on a request for the return of the funds for the victim of violence, and information was received from the competent ministries that they had approached towards the determination of specific proposals for overcoming the identified deficiencies and advancing the procedure for obtaining health care for victims of domestic violence.

In relation to complaints about non-action or slow decision-making following a request submitted by citizens, and regarding the exercising the right to health insurance, orthopaedic and other aids, bio-medical assisted fertilization, etc., the Ombudsman, with the actions taken, strove for citizens to realize their law, demanding more up-to-date action and delivery of decisions to the petitioners/citizens, and in cases where the allegations of violation of rights were not confirmed after the measures taken, the citizens were properly advised and informed about the rights to health care and health insurance and the way to exercise them.

The Ombudsman, with due care and seriousness, dealt with each individual complaint from citizens in which inappropriate and unprofessional treatment was indicated, especially due to the fact that the complaints contained allegations of a cause-and-effect relationship between the treatment/treatment and the death outcome of their loved ones. Taking into account the need for expert review for each of the cases, he addressed the Ministry of Health with a request to initiate a procedure for expert supervision for the treatment and treatment of patients. Given that the Ombudsman does not have direct jurisdiction over the Medical Chamber, which is a professional association of doctors, indirectly, through the involvement of the competent authorities, he requested that supervision be carried out, and each of the submitted requests was responded to by the State Sanitary and Health Inspectorate or the Ministry of Health, who, in order to fully, expertly and objectively determine the way to treat patients, took measures within their competence. At the same time, he advised the citizens about the possibility of seeking supervision from the Inspectorate, which also has the possibility to initiate professional supervision before the Medical Chamber, if it detects irregularities.

The petitioners were fully and in detail informed about the exercise of their rights in terms of providing the necessary documentation for the examination and treatment, mostly of their deceased loved ones (family members or relatives), according to the Law on the Protection of Patients' Rights and about the possibility to request inspection and copies of the medical documentation, as well as the right to submit a criminal complaint to the competent Public Prosecutor's office.

The Ombudsman points out the improved cooperation with the Health Insurance Fund and the Ministry of Health, which, unlike before, in this reporting period acted on the requests, recommendations, indications and other interventions of the Ombudsman, submitted the requested information and evidence, which it was possible for the Ombudsman to have complete insight into the actions of the authorities, and the submitted reports could be used by the citizens in the further protection of rights before other competent authorities.

The Ombudsman, taking into account the above findings, recommends:

Bearing in mind the importance of effective action in order to ensure that citizens do not suffer harm in exercising their rights in the field of health care and health insurance, the Ombudsman repeats the recommendation addressed to the Government and the Ministry of Health, to take measures to solve the problem of deficit of doctors-specialists in several areas of medicine, as well as measures to ensure the employment of the necessary medical staff and their improvement according to advanced medical trends.

The Health Insurance Fund and the Ministry of Health to undertake continuous activities and measures to eliminate the possibility of the shortage of necessary drugs and therapy for patients, including those with rare diseases, through timely



To continue and continuously undertake activities for revising the positive list of medicines and replacing the old ones with new, efficient and modern medicines at the expense of the Fund.

PENSION AND DISABILITY INSURANCE

The rights of the citizens from the pension and disability insurance, which are of existential importance for the citizens, in this reported period, in general, were realized with timely action by the institutions. In 2023, 100 petitions were filed in this area (12 less than in 2022). In the petitions, citizens most often asked for intervention in relation to exercising the right to a pension (old age, family, disability) and payment of the pension, then for determining the amount of the pension, determining the length of insurance, or intervention was required to obtain an answer /notification regarding the course of proceedings before a first-degree or second-degree authority, as well as legal advice for exercising a specific right in this area.

Acting on the petitions, the Ombudsman, within the framework of his competence, with his interventions and indications for consistent observance of the legal deadlines for deciding on the requests, tried to ensure a complete and correct determination of the factual situation and consistent application of the regulations, for the sake of the smooth realization of the rights of the citizens, before the Pension and Disability Insurance Fund and its regional departments, as well as before the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree, which decides on appeals.

Although, in general, there is good cooperation of the authorities from this area with the Ombudsman and actions are taken after his interventions, the problem of untimely completion of the documentation in cases for which the procedure was conducted continues to be present in the proceedings in question, which is why the competent authorities break through the legally established deadlines for action and making a decision. Also, at the end of this year, a standstill was noted in the procedure of the State Commission due to its staffing with the election of new members, which is why the Ombudsman took action and addressed the Pension and Disability Insurance Fund and the State Commission indicating the timely completion of the files from the cases, in order for the authority to make a timely decision in order to make a secondary decision. In the largest number of cases where a violation was found, after the intervention of the Ombudsman, the petitioners exercised their rights in this area.

In terms of exercising the right to old-age pension, the citizens complained about improperly calculated pension seniority, which is a consequence of incomplete data submitted to the Fund by the legal entities, as well as incompletely paid contributions. For these complaints, which are related to determining the amount of the pension, because the payment of the contribution to the pension insurance is reflected in the total length of service of the insured, the Ombudsman advised the citizens what actions they should take, and requested the Fund to carry out an additional check in the registry for each applicant.

In the petitions from citizens for exercising the right to a pension based on the application of bilateral social security agreements that the state/Republic concluded with other states, the petitions from our citizens living abroad, regarding untimely receipt of the pension, were especially characteristic. In these cases, the Ombudsperson took actions against the Fund, where it was ascertained that the stoppage was due to the procedure of payment of funds abroad which is carried out through the National Bank of the Republic of North Macedonia.

In the reporting year, the Ombudsman brought up again the problem with temporary disability pensions and the need for a legal amendment to the existing legal solution, due to

the finding that this problem arises when, after the review, based on the findings and opinion, the Pension and Disability Insurance Fund adopts a solution with which determines a temporary disability pension, requiring the citizen to report to a control examination after one year. Namely, after receiving a solution for the so-called temporary pension, the citizen's employment ceases and the employer deregisters from work. However, after one year after the control examination, situations arise when the citizen receives a negative finding and opinion, i.e. completely different from the initial one, so that the citizen who was receiving a disability pension, it is cancelled and he is obliged to return the paid funds, which represents a serious problem for the citizen who cannot return to work, given that the employment relationship was previously terminated on the basis of the exercised right to a disability pension, i.e. the so-called temporary pension. Due to this situation, as in the previous period, in order to overcome this phenomenon, the Ombudsman recommended to the Ministry of Labour and Social Policy to amend and supplement the Law on Pension and Disability Insurance, which was accepted, but until at the end of the calendar year, no such amendment to the Law on Pension and Disability Insurance was proposed.

Regarding the action due to this matter, the conclusion is indubitable that this year there has been an upgrading in relation to the procedure for exercising rights from pension and disability insurance. Short-term delays in the proceedings were noted due to the untimely completion of the documentation and the untimely delivery of the files from the first instance to the second instance authority when deciding on an appeal. Temporary disability pensions are still an unreliable legal instrument for the full realization of citizens' rights. While, from the petitions related to the incompletely determined pension seniority, the conclusion arises that the legal entities in which the citizens completed their seniority do not timely submit the necessary data for recording the seniority or did not fully pay the contributions, which negatively reflects on the citizen/employee when realizing right from this area.

Considering everything stated/stated above, the Ombudsman recommends:

Consistent observance of the legal deadlines for decision-making on citizens' requests for exercising the right to pension, cooperation and improvement of communication between competent authorities, with aim to timely complete the documentation in the cases on which a decision needs to be made.

Appropriate measures should be taken to amend and supplement the Law on Pension and Disability Insurance in order to remove the anomalies caused by the temporary disability pension, and thus greater legal certainty for the citizens.

HIGHER EDUCATION RIGHTS

In 2023, the Ombudsman handled a total of 24 complaints related to the exercise of rights from higher education, which is 4 complaints less than in 2022. It is about individual petitions submitted by students, from several cities in the country or by their close family members, for the protection of rights in the first cycle of studies, i.e. the impossibility of exercising the right to student meals, free public transport, issuance of a certificate /diploma for a completed cycle of studies, nostrification and equivalence of a diploma for completed studies abroad, etc. Protection of rights was also requested in the procedure for extra-ordinary exams, accommodation in a student dormitory, receiving scholarships and loans, etc.

For the reporting period, a characteristic newness is the increase of the amount for the student meal from 120 to 140 denars, while from the academic year 2023/24 the payment of



the student meal began to be made through a special card, and the funds from the measure - subsidized student meal - students can use on a daily basis to buy prepared food and food products. No petitions were submitted to the Ombudsman by students regarding the amount of the student meal or about possible problems when using the funds for this purpose, but several petitions were submitted by students due to the inability to exercise the right to a student meal. In dealing with these petitions, the Ombudsman examined whether, when deciding on the applications of students submitted to the Ministry of Education and Science, electronically, through the e-uslugi.mon.gov.mk portal, the proceedings were carried out in accordance with the Law on Subsidized Student Meals, which required the full and correct determination of the factual situation in relation to the fulfilment of the legally stipulated conditions and exercise of the right to a student meal provided ex officio by the student service of the faculty where the student is enrolled, it is established that he does not have the status of a full-time student. In one case, the student submitted evidence refuting the answer from the Ministry, after which the Ombudsman determined that due to technical reasons the student, although enrolled in regular studies, the electronic system does not show this. The technical fault was noticed by the faculty and after the intervention of the Ombudsman, the error in the electronic system was removed, which did not allow the student to be entered into the system as a regular student. Although it was pointed out to the Ministry of Education and Science about the omission, of a technical nature, since it was requested in a re-procedure to correctly and accurately determine the situation and apply the material law and, if there are no other legal obstacles, to provide conditions for the recognition of the student's right to a subsidized meal, the Ministry did not provide a response to the Ombudsman's letter, even after the submitted urgent and repeated urgent requests, which is why the student is advised to initiate court proceedings due to the unpaid funds.

Regarding this such violations of the students' rights, the Ombudsman believes that the Ministry of Education and Science, instead of rejecting the objections from the students (as is the case in this case), should appreciate the facts and evidence that the students present in the objection procedure /complaint, which are also confirmed by the respective faculty/university, and consequently to accept such objections as well-founded and to recognize the student's right to a subsidized student meal.

Regarding the citizens' complaints related to the right to enrol in the first cycle of studies, the Ombudsman investigated whether there were possible irregularities in the ranking of the candidates, while addressing the relevant faculties and providing the necessary documentation in order to determine the actual situation it also included the State Educational Inspectorate. In this direction, the Ombudsman initiated a procedure following a complaint for the purpose of examining the conditions on the basis of which students are enrolled in the first cycle of study programs, which refer to candidates with full or partial secondary education abroad, who are expatriates and citizens of R.N. Macedonia, while not confirming the allegations of inequality in the treatment, i.e. candidates with completed education abroad are enrolled outside the quotas of up to 10% of the vacant places determined by the competition, while the fee they pay per semester is identical to the quota for co-financing, which applies to candidates who completed their education in the state.

The mentioned cases, as well as the incomplete knowledge of the procedures for nostrification, equivalency of diplomas or issuing of certificates by the faculties indicate the need for greater awareness of the students about the rules and the way of studying at the respective faculties, as well as familiarization with the legal regulations related to the higher education. Among other things, the Ombudsman conveyed this to the students and professors from the University "Goce Delchev" - Stip and "St. Kliment Ohridski-Bitola", during the meetings held with them on the topic "Student rights and the role of the Ombudsman in protection and promotion of the same". At these meetings, the Ombudsman carried out promotion and familiarization with the competences of the Ombudsman, presentation of the rights of students according to the Law on Higher Education, through practical examples from the work of the institution in the field of higher education. At the same time, the Ombudsman informed the students about the way they can exercise their rights at the University level, pointing out the Faculty Assembly, the Student Assembly, the Senate of the University and the Student Ombudsman, as authorities through which they can seek protection and exercise their rights.

The conclusion from these meetings is that the Student Ombudsman and deputy ombudsmen, at these universities, undertake activities to acquaint students with their rights, but the students' interest in exercising them, reporting rights violations or seeking protection is very low. At the same time, the lack of trust in the organs and bodies of the university was pointed out by the students as the main reason why they do not report illegal, unethical behaviour by the professors and other employees of the university in general.

Taking into account everything stated/stated above, the Ombudsman recommends:

It reiterates the recommendation that, in the amendments to the Law on Higher Education, students from single-parent and single-parent families should be included in the category of persons exempted from tuition.

The Ministry of Education and Science should continuously take measures to realize the planned activities to improve the conditions in the Student Dormitories throughout the country, as well as measures for the smooth realization of the right to student meals and student scholarships.

The Ministry of Education and Science to promptly and completely (essentially) respond to the requests and other interventions of the Ombudsman, in connection with the exercise of rights from higher education.

PROTECTION AGAINST DISCRIMINATION

Respect for human rights and the effective protection of citizens in the realization of the right to equality was the goal of the special Department for Prevention and Protection from Discrimination and adequate and fair representation at the Ombudsman. In the reporting period, there is a significant decrease in the number of complaints in this area (50), which is 26 less than in 2022. At the same time, like last year, complaints were submitted by citizens, non-governmental associations, or were opened on his own initiative, for protection against discrimination in the field of work and labour relations, then for discrimination in the field of public information and the media, in the sub-field of justice and administration, and a small number of petitions for the other areas established by Article 3 of the Law on Prevention and protection against discrimination.

Out of the total number of petitions, four (4) were initiated on their own initiative in accordance with Article 13 paragraph 3 of the Law on the Ombudsman, after receiving knowledge and information from the media and social networks, while acting in the interest of a larger group of citizens, in connection with the (non)transparency of the procedure for drafting a new Law on Administrative Officers, monitoring the actions of the Ministry of Internal Affairs and the Basic Public Prosecutor's Office in Ohrid, in the case of a beating of a citizen who declared himself to be an ethnic Bulgarian, then for a procedure for reception of nurses at Health centre Kumanovo, where it was handled from the perspective of respecting the principle of adequate and fair representation, as well as for the prohibition of the use of the City Stadium in Tetovo by football clubs in which the majority are ethnic Macedonians, after oral decision made by the Mayor of the municipality, and their relocation to a new stadium in the village of Slatino, from the aspect of protection against segregation and unequal treatment with other citizens of the



municipality.

Acting on the cases, the Ombudsman, except for the first case, in which the Ministry of Information Society and Administration did not give a clear and precise answer about the reason, method and procedure for amending the Law on Administrative Officers, provided the necessary information, for then, where which determined the basis, sent instructions to the managers to act in accordance with the legal regulation and equal treatment to all citizens.

The Ombudsman, from the statistics by areas of discrimination, in accordance with Article 3 paragraph 4 of the Law on Prevention and Protection from Discrimination, determined that the largest number of complaints were recorded in the area of work and labour relations (25 complaints in total), access to goods and services (4 petitions), judiciary and administration (5 petitions), housing (1 petition), education, science and sports (4 petitions), public information and media (7 petitions) and the rest (4 petitions) are filed in other areas.

At the same time, in the area of work and labour relations, in 5 petitions a complaint was made about harassment at the workplace - mobbing. The fact that petitions were submitted by anonymous petitioner(s) for the said violation, i.e. the petitioners did not provide personal and contact information, for possible clarification, which made it impossible to fully determine the factual situation and the possible provision of additional material evidence, from an essential importance for conducting the procedure. The submission of anonymous complaints is an indication of fear of possible negative repercussions for the person who reports an irregularity in the relationship/operation of the authority. Even in the case of anonymous complaints of general interest, after which actions were taken to investigate the allegations of inequality in treatment, the existence/non-existence of discrimination could not be reliably confirmed, which is why the Ombudsman, where he had an e-mail address from the anonymous petitioner requested an amendment to the petition, stating a contact telephone number in order to encourage the petitioner/s, who in return did not submit any other information and did not call. In addition, in such cases, there can be no conclusive sharing of information with the petitioner, in relation to the actions taken and what was determined during the conduct of the procedure, and even if they have a successful outcome, in favour of the petitioner, the cases are closed with an official note, and the petitioner cannot obtain additional protection before the judicial authorities.

Undeniably, a smaller number of petitions for protection against harassment at the workplace were submitted, but this is not the result of a new, more effective legal solution, although the Ombudsman pointed to this need several years ago in order to ensure adequate and comprehensive protection of rights from employment in cases of harassment in the workplace. Namely, from the proceedings so far, the need to amend the legal deadlines in the Law on the Prevention of Harassment at the Workplace has been perceived, because the deadline for initiating proceedings in many cases can be abused, that is, the perpetrator of harassment - mobbing can "hide" in a certain period and to continue with harassment again. The method of appointing mediators in the mediation procedure, which is internal and aims at a quick, peaceful and out-of-court resolution of the disputed relationship, is also problematic, and the petitioners often notice that they are usually close people of the perpetrator of mobbing, which is why the persons who complain of harassment do not feel confident to submit a request for protection against harassment in the workplace to the employer. In addition to this, a serious omission in the existing legal solution is that the State Labour Inspectorate, apart from controlling the employer whether he acted in accordance with Article 11 of this Law (whether the employer familiarized the employee with the measures and procedure for protection against harassment at the workplace and with the rights, the obligations and responsibilities of the employer and the employee during the employment itself and during the operation), is exempted in determining injuries that led to harassment and sanctioning of the perpetrators of the injuries.

Due to the above, but also due to other ambiguities in the existing Law on Protection from Harassment at the Workplace, the Ombudsman believes that there is a need for a new, clear and precise legal solution that will provide the victims of harassment at the workplace with overall protection, thus they will not be forced to conduct lengthy court proceedings in which uncertainty is high and be exposed to the costs of the proceedings. The petitions filed in the field of public information and media are based on origin, national and ethnic structure, and all were filed against the Commission for Prevention and Protection from Discrimination (hereinafter the Commission). At the same time, in the largest number of petitions, the Association of Citizens for Promotion, Publishing, Initiatives and International Cooperation DELO Skopje appears as the petitioner, for the purpose of protection against discrimination against Macedonian citizens who feel and declare themselves as ethnic Bulgarians, and for which cases it has previously been initiated procedure before the Commission, but it was not acted upon within the legally provided deadlines, i.e., because the procedures last longer. The ombudsman, in the proceedings before the Commission, pointed to more prompt action and taking measures under the authority of this Commission, in the event that the authority/person does not act on the given recommendation, without getting involved in the way of making the decisions of this body, respecting the independence in the proceedings of the Commission.

Otherwise, the failure to act within the legally determined deadlines of the Commission has been ascertained by the Ombudsman in relation to his submissions addressed to the Commission which contain a legal deadline for action, and the said authority reports that they do not have a sufficient number of employees how they could respond in a timely manner to all petitions submitted by citizens, and to additional submitted requests from other institutions, including the Ombudsman.

During 2023, the Ombudsperson, on a regular basis, conducted a comprehensive survey on the state of implementation of the principle of adequate and fair representation of communities in the public sector for 2022, while at the same time data was provided on the gender and educational structure of employees in 1325 entities. Namely, data is provided by ethnicity of the employees and their assignment to positions, such as: selected and appointed jobs; management jobs and non-management jobs in terms of their level of education and gender. Consequently, two (2) separate reports have been prepared, namely, "Report on the degree of application of the principle of adequate and fair representation for 2022", and "Special report on gender representation in the public sector for 2022".

Taking into account everything stated/stated above, the Ombudsman recommends:

It reiterates the recommendation to amend the Law on Protection against Harassment at the Workplace by specifying the competences of the State Labor Inspectorate in the area of prevention, protection and sanctioning of mobbing, as well as the introduction of mandatory training for management and overall leadership in the public (and private) sector, in the direction of prevention and suppression of mobbing.

Harmonization of the legal regulation by which the inspection bodies act with the Law on Prevention and Protection from Discrimination, by introducing provisions with which the inspectorates will have the authority to undertake appropriate procedures even after discrimination against citizens.

To take measures in relation to unfilled jobs in the equality body, for the sake of smooth functioning of the Commission for Prevention and Protection from Discrimination, and timely and efficient action according to the competences for prevention and protection from discrimination.



4. Right to work, environmental rights and rights of service users

• LABOUR

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- PROPERTY-LEGAL RELATIONS
- URBAN PLANNING, CONSTRUCTION AND HOUSING
- CONSUMER RIGHTS
- ENVIRONMENT
- OTHER RIGHTS

This year, the Ombudsman recorded a significant number of complaints in the area of labour relations. As in previous years, the citizens reacted mostly to the procedures for payment of salaries and other benefits, then to the procedure for employment, the procedures for rights from employment in the public administration, the unfounded initiation of disciplinary proceedings, the procedure for the selection and dismissal of public functions and duties, procedures for rights from an employment relationship with a private entity, for which the Ombudsman does not have direct competence, request for legal advice, as well as procedures for appeals - extension. For the first time, we received petitions submitted by members of trade union associations, who requested withdrawal from membership, which were in a significant number. A series of challenges related to employment or referral to specialization, i.e. subspecialisation in the health sector, were noted, but also challenges in the area of employment transformation in the field of education, in which the Local Government units were the bearers of the procedure. For the noted challenges and problems, the Ombudsperson also proposes appropriate solutions that would contribute to securing employment rights and improve legal certainty.

In the area of property - legal relations, during 2023, a decrease in the number of petitions was recorded. The largest number of petitions refer to the procedure for privatization of state-owned construction land, denationalization and registration of real estate rights. The fact that the state fails to finalize the denationalization procedures, which take too long, is disappointing. There is still a large number of pending procedures for the privatization of state-owned construction land, which further negatively affects citizens' trust in the institutions. The Ombudsman, in order to overcome some of the problems in this area, makes specific recommendations that should help to finally resolve the procedures for denationalization and privatization of construction land in state ownership.

The situation in the field of urbanism, construction and housing in 2023 is similar to previous years, that is, the problems faced by citizens this year are almost the same. During 2023, in the area of urbanism, construction and housing, complaints from the area of urbanism and construction dominated, and a smaller number of complaints were from the area of housing, but overall, a trend of decreasing complaints was observed in the indicated areas. Procedures for the legalization of illegally built buildings remain a serious problem, for which it is necessary to speed up the procedures.

In the area of consumer rights, during 2023, citizens submitted a smaller number of petitions, compared to the number of petitions received the previous year. The largest number of complaints, as in 2022, related to electricity services, water delivery and other utility services, heat energy services and communication and PTT services. In the area of consumer rights, the Ombudsman is of the opinion that more regular meter reading is needed, especially in the area of electricity and water supply.

In the area of the environment, the previous practice of a very small number of submitted petitions from this area is also present this reporting year. Namely, the Ombudsman acted on a total of 21 complaints, which is an insignificant increase compared to 2022, when 17 complaints were submitted. At the same time, 9 petitions refer to the problem of air pollution, 4 to increased noise and 3 to soil pollution. In two cases, the Ombudsman acted on his own initiative as a reaction to the enormously bad living conditions due to the enormous pollution of the ambient air in the City of Skopje. The small number of submitted petitions does not correlate with the actual situation of excessive ambient air pollution, inadequate waste disposal and other devastating factors that have a direct negative impact on environmental pollution.



And in the area of other rights, during 2023, the Ombudsman acted on a total of 167 complaints, which means that there is a decrease in the number of submitted complaints compared to the reporting year 2022, when 210 complaints were submitted. The situation with the submitted complaints from this area has remained unchanged for years, which means that the largest number of submitted complaints refers to the non-receipt of a response to the written requests of the citizens submitted to the state administration bodies and other bodies and organizations that have public authorizations.

Graphicon No.4



LABOR RELATIONS

This reporting year, the Ombudsman handled 267 complaints from the field of labour relations, which is 21 cases less than in 2022, when 288 complaints were submitted, which nevertheless points to the fact that the number of complaints from this area, in each reporting year, is constant tall.

According to the content of the petitions by subdistrict, the citizens reacted the most to the procedures for the payment of salaries and other benefits (41), then to the employment procedure (34), the procedures for rights from employment in the public administration (33), unfounded initiation of disciplinary proceedings (11), the procedure for the selection and dismissal of public functions and duties (8), the procedures for rights from an employment relationship with a private entity (7), legal advice (6), the procedures for appeal - extension (4). In addition to this, petitions were submitted in which citizens pointed to the violation of rights for which the National has no authority to act and are in the other sub-district (75), and petitions submitted by members of trade union associations who requested withdrawal from membership (36).

In the area of payment of salaries and other benefits, citizens often complained about the delay in the procedures for payment of the right to severance pay, that is, that they exercised the right to pension, but after a long period of time they were not paid monetary compensation based on severance pay. In the specific cases, the Ombudsman asked the employers who were affected by the violation of this right from an employment relationship to act immediately in accordance with Article 19 of the Law on Budget Execution and these cases were resolved positively for the petitioners, i.e. after the intervention of the Ombudsman in all cases severance pay was paid.

The Ombudsman acted on petitions in which citizens responded to the payment of monetary funds based on the death of a family member, after which he addressed the employers who were the subject of these complaints, indicating that they should act in full accordance with Article 18 paragraph 2 of the Law on Enforcement of the budget, i.e. that the petitioners be paid the financial aid in the amount of one average monthly net salary per worker in the Republic, published by the day of the payment, on the basis of the death of a member of the immediate family.

Characteristic for this reported period are the petitions that indicated the violation of rights in the employment procedure, in which cases, despite the fact that the candidates went through all the stages of the procedure after the published Public Notice, by the employers who published the Public Notice, the procedure was stops. According to the petitioners, the reason for stopping the procedure is that the candidate who was promised the place does not meet the conditions and would be eliminated.

The selection of candidates who have less competence than the candidates who were not selected in the employment procedures, i.e. the discretionary right invoked by employers when selecting a candidate, is a problem that the Ombudsman continuously points out in his annual reports, but the operation in question this year as well confirms that the problem still exists and no action is being taken to overcome it. Namely, the Ombudsperson acted on petitions by employees who indicated a violation of employment rights, more precisely a violation of the procedure following a published announcement of the PHI Institute for Lung Diseases in Children "Kozle" - Skopje, for referral to subspecialisation in paediatric pulmonology. In the procedure for the cases, he turned to this health facility, and requested to be notified according to which criteria the selection of the candidates who were referred for subspecialisation in paediatric pulmonology was carried out, taking into account the allegations of the petitioners and the attached evidence that subspecialisation was approved for candidates which have a significantly lower number of points on the determined ranking list.

In response to the request, the PHI Institute for Pulmonary Diseases in Children "Kozle" - Skopje, without specifying the criteria on the basis of which the candidates for subspecialisation were selected, informed that by decision the candidates for which from the institution they



judged to be the most suitable and whose health services would be best used.

The Ombudsman continued the procedure, dissatisfied with this answer, and in accordance with the competences submitted Information to the Government of the Republic of North Macedonia, in which, among other things, he pointed out that for the Ombudsperson, this kind of reasoning and attitude of PHI Institute for Lung Diseases in Children "Kozle" is unacceptable - Skopje, pointing out that in the field of healthcare, as one of the most sensitive areas due to the nature of their work, particular care should be taken as to which candidates should continue to be employed, who would receive specializations and sub-specializations, and at the same time, they should undeniably be the highest quality personnel, with the highest demonstrated results and the highest grades/points obtained on the ranking list, which should be applied as a criterion without exception. Otherwise, the Ombudsman emphasized that there is room for abuse by employers in these institutions, which would place far less professional and lowquality staff in jobs, at the expense of candidates who possess high professional abilities, and who, due to this way of choice, they would not be chosen.

In the context of what was presented, the Ombudsman also recalled the current situation of staff outflow in other countries, especially in the field of health, which is a worrying fact, and for which urgent measures need to be taken, because this situation reflects on health and the lives of patients, that is, the quality and efficient health care that is provided to them.

According to the Ombudsman, in order to solve such situations, it is necessary that the criteria for the selection of personnel in the field of health be precisely regulated by law, and that no room be left for their disrespect.

In response to the sent Information, the Government of the Republic of North Macedonia informed the Ombudsman that the information was forwarded to the Ministry of Health with an indication to issue a decision within the given deadline, after which the Ministry informed the Ombudsman that in the case of amendments to the Law on Health protection, they will take into account the comments given for more precise legal criteria for selection, during the procedure for referring specializations and subspecialisations, by public health institutions, after an internal announcement.

The Ombudsman acted on petitions from employees who complained about the procedure for transformation of the employment relationship from fixed to indefinite working hours, indicating that they fully meet the conditions for transformation of the employment relationship, but the procedure is not carried out by the competent authorities. In this direction, the Ombudsman initiated a procedure following complaints submitted by a group of employees of the Municipality Primary School "Blaze Koneski" - Veles and the Municipality Primary School "Panko Brashnarov" - Veles, because for a long period of time the competent Commission for Transformation of the Employment Relationship at the Municipality of Veles does not decide on their Requests for the transformation of the working relationship from fixed to indefinite working hours.

During the procedure, the Ombudsman addressed the Commission for the Transformation of the Working Relationship at the Municipality of Veles, from where he was informed that they had drawn up a Report on fixed-time employees in primary and secondary schools in the territory of the Municipality of Veles, who fulfilled the conditions for the transformation of the employment relationship, where the persons submitting the complaint were also listed, and that the report was sent to the Ministry of Education and Science. At the same time, he received a response from the Ministry that the requests for the transformation of the working relationship from fixed to indefinite working hours, for 28 people of Municipality of Veles, were prepared and submitted to the mayor of the same Municipality.

In relation to the rights in the field of labour relations, the Ombudsperson's finding is that the competent state bodies and institutions provide answers, but in a certain number of cases, the answers are quite late even after one or two emergencies have been submitted. While, with regard to the content of the submitted answers, the Ombudsman's assessment is that the answers are not always complete, expert, reasoned and supported by adequate evidence, which is why he points out that the authorities to whom he acts competently should take measures to improve in that direction. The Ombudsman repeats the recommendation from last year's report that invoking the discretionary right of employers in the selection of candidates should not be applied at all, but that the criteria given in the advertisement should always and without exception be taken into account during the selection and that candidates who are the highest on the score sheet.

Without delay, the procedures for the transformation of the employment relationship should be carried out in cases where the candidates fully meet the provided legal conditions for the transformation of the employment relationship.

The criteria for the selection of personnel in the field of health should be precisely regulated by law, which will prevent disrespect and abuse by employers.

In cases where the employers consider that the employment procedure after a published public announcement should be stopped, it is necessary to do the stopping before the stages of the procedure begin and to adequately explain the reasons for stopping, which will remove the suspicion of their tendentious behaviour.

PROPERTY-LEGAL RELATIONS

In the area of property - legal relations, during 2023, a decrease in the number of petitions was recorded. A total of 164 petitions were submitted by citizens, in contrast to 2022 when 208 petitions were submitted.

The largest number of petitions refer to the procedure for privatization of state-owned construction land (49), denationalization (37) and registration of real estate rights (32). Then, for failure to act on submitted requests for exchange of agricultural land, usurpation and other property-legal issues (25), protection of rights in expropriation proceedings (11), petitions for requests for legal advice and referral of citizens (6), as and alienation of construction land (4).

In the petitions related to the privatization of construction land, the citizens requested intervention from the Ombudsman in relation to the long duration of the procedure, pointed to the prolongation of the same by the authorities, i.e. untimely handling of the cases, failure to update the data and provision of the necessary documentation on official duty, as well as irresponsibility when processing the operation in question. According to the Ombudsman, this situation, as well as the complexity of the procedure itself, leads to a general stagnation in working on the cases, and no decisions being made for several years. In this direction, the Ombudsman takes into account the data received from the Administration for Property and Legal Relations, according to which, the total number of cases for privatization of construction land in state ownership, for which the procedure is still ongoing, as of 31.12.2023 amounts to 79,311 items. Compared to the total number of cases from 2022, which was 81,873, it is concluded that during 2023, only 2,562 cases were resolved in total.

Following the course of work of the Administrations for Property and Legal Affairs, it follows that at this pace of work it will take about 30 years to act on the requests submitted so far, although it is undeniable that in the coming period there will be new requests for the privatization of construction land, with considering that the Draft Amendments and Additions to the Law on the Privatization of Construction Land in State Property is in the parliamentary procedure, which provides for the extension of the deadline for submitting new requests.

This situation in the area points to a collapse which the competent authorities are obviously having a hard time dealing with, stating, among other things, that it is a consequence of





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insufficient staff. In connection with the above, the Ombudsman submitted an instruction to the Administration for Property and Legal Affairs - Department for decision-making in the first instance with the area of Chair that the institutions exist for the needs of the citizens and should fulfil their legal duty, which implies that the internal organization (staffing), which, of course, is of special importance for the work of the institutions in order to efficiently fulfil their legal obligations, is not and cannot be a reason for justification either before the citizens or before the Ombudsman. At the same time, the Ombudsman pointed out that if the institution, that is, the Administration, cannot be reorganized (personnel re-equipment), then it is necessary to inform the immediately higher institutions, by rank, about its needs and challenges, in order to ensure normal functioning. Among other things, the Ombudsman concluded from the handling of the cases in this sub-district that the competent administrative authorities collect the necessary documentation on official duty, which is necessary for making a decision on a specific case, is carried out one by one, and in a different period of time, which means and already collected documents expire.

In relation to petitions for denationalization, the same practice as before continued in the reporting year. The denationalization commissions did not act on the cases despite the court rulings, which according to the Ombudsman, this kind of behaviour is not only not typical of an institution, but as a whole destroys the vision of every individual, citizen, about the state, the institutions and its (non)functioning. One of the reasons for the stagnation in the work of the Denationalization Commissions is the frequent requests from the members of the Commissions for their dismissal, and according to the knowledge, the problem is the lack of motivation to work, considering that they are given additional engagement, without having an appropriate monetary compensation. Otherwise, in several cases in which the Ombudsman acted before these competent commissions, he requested priority consideration of the cases, taking into account the long period of time of the specific procedures, while he was informed that according to the Rules of Procedure, they do not give priority to any case. Contrary to this answer, in Prague a good part of denationalization applicants is already deceased, and the commissions did not find it necessary to inform their heirs about the continuation of the procedure. In support of the above, there is also a case in which, since 2016, the request for the collection of evidence needed for decision-making by the competent commission has not been updated.

Regarding the situation with the actions of the denationalization commissions, the Ombudsman submitted information to the Minister of Finance, where he indicated the need for certain changes, such as the internal restructuring of these commissions or changes in the method-methodology of their work, but by the Ministry for finances, instead of emphasizing the essence of the problem, a notification was submitted that on three occasions a structural change was made in the section of the members of the commissions, which by the way is due to the request of the members for their exemption.

Given this response to the situation in this area with the relevant consideration and resolution, according to the Ombudsman, there are no visible changes in a positive aspect in the work, which is also confirmed by the invariability of the number of relevant requests awaiting action. Namely, the number of pending cases in 2022 was 4,052 and the same is unchanged in 2023.

The largest number of petitions for the registration of the right to real estate referred to reports to the Real Estate Cadastre Agency for the purpose of registering a change of owner, property or personal data, change of address, etc. The ombudsman, from the handling of the specific cases, notes that the digitalization as well as the "one point one reception counter" system for the Agency and the procedures that are conducted before this body have proven to be successful, and in that direction, the cooperation with the Real Estate Cadastre Agency, as well as with its organizational units was at a solid level.

In terms of expropriation procedures, this year citizens also complained about unpaid monetary compensation or property compensation, as well as non-initiation of procedures due to unsecured financial resources. Acting on complaints from several citizens regarding the latter, regarding the real estate in the protected zone of the "Aqueduct" monument, the Ombudsman turned to the Administration for the Protection of Cultural Heritage, the Ministry of Culture and the Ministry of Finance, competent for expropriation in the specific case. where it determined that the restrictions on the exercise of the right to property for natural persons were in force and entered in the public books of the real estate cadastre, but they could not exercise the right to appropriate compensation for expropriation, due to the fact that the Ministry of Finance did not provide funds in the budget of R.N. Macedonia, and the same is a condition for starting this procedure. Consequently, the Ombudsman submitted a recommendation for securing the funds and suggested that if the funds cannot be secured with the Rebalancing of the Budget for 2023, it is necessary to secure them with the Budget for 2024, and by then to complete the activities in the expropriation procedures and to start with the payment for each owner-participant in the expropriation procedure. With the Rebalancing of the Budget for 2023, the funds were not provided, and the expropriation procedures were not started.

In the reporting period, several petitions from citizens regarding the alienation of construction land by Local Government units were submitted to the Ombudsman, which was noted as a problem for the first time this year. However, after the actions taken, the Ombudsman did not determine a problem in the actions of the Local Government, but the problem is the incomplete awareness of the citizens about the conditions under which a procedure for the alienation of construction land can be completed. Namely, the citizens were informed in detail about the answers that if they do not fulfil the obligations of the contract until the procedure for the alienation of construction land is fully completed, the Local Government can terminate the contract, thus ending the initiated procedure.

The Ombudsman reiterates the recommendation to take measures with the aim of establishing a common electronic system that will connect all the institutions involved in the denationalization procedure (Denationalization Commissions, Commission for Coordination of the Work of Commissions that decide on denationalization requests, Cadastre Agency of real estate, the State Attorney's Office of the RNM, the Administration for Property and Legal Affairs in the Ministry of Finance, the State Archive of the RNM, the Municipalities, the Commission for Assessment, the Commission for Determining the Functionality of Undeveloped Land and Administrative Courts) in order to exchange data and information more quickly for the purpose of more efficient resolution of cases.

To allocate the necessary funds in the Budget of the Republic of North Macedonia with the sole purpose of payment of compensation for denationalization and expropriation.

The Ministry of Finance should take measures to increase the number of employees in the Administrations for Property and Legal Affairs, necessary for updating the handling of citizens' requests, and the Administrations for Property and Legal Affairs, as well as its organizational units, should provide the necessary documentation in a timely manner official duty from other authorities.

The Agency for Real Estate Cadastre in the confirmations for rejection of the citizens' applications for registration and changes, in the rationale, to provide detailed and clear information about the legal obstacle and the reasons for the rejection of the application.



URBANISM, CONSTRUCTION AND HOUSING

The situation in the field of urbanism, construction and housing in 2023 is similar to previous years, that is, the problems faced by citizens this year are almost the same.

During 2023, a total of 154 petitions were submitted in the area of urbanism, construction and housing, of which 126 petitions were from the area of urbanism and construction, and 28 petitions were from the area of housing. Compared to the number of petitions received during 2022, there is a decrease in the number, by 18 petitions less in the area of Urban Planning and Construction, and by 6 in Housing.

The majority of citizens' petitions for Urban Planning and Construction referred to the procedure for determining the legal status of an illegally built building (39) and to the extension of the first instance procedure (39). Then, the citizens sought protection due to non-action of the construction inspection (10), procedure for issuing a building permit (8), for amending and supplementing a detailed urban plan (7), prolongation of the second-degree procedure following an appeal against administrative acts of the first instance (4), or petitions seeking legal advice on matters in the area.

In the *Housing area*, citizens submitted petitions related to problems with the management of residential buildings and their maintenance (9), sought legal advice in the area (7), transfer of occupancy right (5), for the allocation of a state apartment under lease (4), purchase of state housing(4), and purchase of a temporary building(1).

When acting on the complaints, the Ombudsman addressed the authorities, asking for an explanation, information and evidence for the allegations in the complaints in which the citizens pointed out the problems with urbanism and construction, while the conclusion is that the Municipalities act according to the requests of the Ombudsman, submit complete and substantial responded by attaching the requested evidence, but in most cases they do so after a certain breaking of the given deadline or after Urgent have been delivered. Only in two cases were there significant delays in the procedures due to untimely delivery of answers by the competent authorities, that is, information on obstructing the work of the Ombudsman was delivered to the Mayor of the Municipality of Karpos twice.

The problem with the multi-year duration of the procedures for determining the legal status of illegally built buildings is evident, which is still faced by a large number of citizens who cannot exercise their rights, i.e. thousands of cases have not yet been resolved due to a number of subjective and objective reasons and weaknesses faced by the Local Government units, which the Ombudsman has highlighted in detail every year for the past long period.

The very fact that these petitions have been the most numerous for several years now indicates the need for a serious approach by the state in this sphere where, despite numerous legal amendments, there is still a large number of citizens who cannot legalize the facilities. The impression is that wanting to help the citizens and deal with the illegal construction, they are plunged into a labyrinth from which they can hardly get out.

In this context, in order to facilitate and speed up the process of legalization of illegally built buildings, according to the Ombudsman, in the coming period, the competent institutions should make certain changes in order to complete the already started procedures. The Ombudsman believes that a sufficient period has passed to determine what exactly constitutes an obstacle to the legalization of these facilities. It is also the impression that Local Government units have shown a lack of capacity to resolve these cases and consideration should be given to hiring additional staff in order to complete this process.

In the area of housing, the situation with the very small number of submitted petitions - 28, continues in 2023, and above all, these are petitions for the allocation of a state apartment under lease and for the management of residential buildings and their maintenance.

The Ombudsman repeats the recommendation that the Municipalities intensify their activities in order to complete the procedures for the legalization of illegal constructions.

CONSUMER RIGHTS

In the Consumer Rights area, during 2023, citizens submitted 283 petitions, which is 54 less compared to the number of petitions received in the previous year. The largest number of complaints, as in 2022, related to electricity services (171), water delivery and other communal services (60), heat energy services (21) and communication and PTT services (13). In the rest of the petitions (18 in total), the citizens asked for advice or information about services as consumers.

In relation to *electricity services*, citizens turned to the Ombudsman in connection with submitted requests for correction of invoices for consumed electricity, which are delivered to them by EVN Makedonija Jsc Skopje, where they presented complaints and indicated that they were calculated unrealistically invoices for consumed electricity. In some of the petitions, the citizens requested an examination of the state of arrears, and intervention due to the (non) realization of the right to reconnection, or the connection of a new user, and in a smaller number of petitions, they requested protection of the right to use street lighting, action according to their requests for dislocation of electric power facilities, mostly electric poles, protection of rights during the process of transformation of meters from one user to another, etc. Petitions were also submitted in which the citizens simultaneously demanded an examination of the debt situation, conclusion of an agreement for payment in instalments and reconnection to the electricity distribution network.

The previous year, due to the large number of complaints from citizens regarding unrealistic invoices - invoices with a flat amount of consumed electricity, which is the result of irregular readings of electric meters, on the initiative of the Ombudsman, the Regulation on the supply of electricity was amended, with that EVN Makedonija Jsc Skopje is obliged to read the electric meters at least four times a year. However, it follows from the petitions that this obligation is not fully respected, and citizens, due to irregular reading of the meters, again receive invoices for consumed electricity with an advance (flat rate) amount. Acting on these petitions, the Ombudsman, through his written addresses to the provider of this service, indicated compliance with the obligation to read the meters at least four times a year, and in addition, for each of these cases, he intervened with a request to correct the invoices, which it was accepted by the service provider, and for each of the cases on which it acted on this basis, the service provider made a correction in the amount of consumed electricity.

The insufficient awareness of the citizens about outstanding debt was the reason why some of the citizens asked the Ombudsman to provide information about the actual situation, for which appropriate actions were taken towards the services of EVN Macedonia, and after providing the necessary information, he delivered it to the citizens in order to settle such debts. In this context, in some of the petitions for examining the state of arrears, the citizens, at the same time, requested to be able to conclude an agreement for settling the debts in instalments. This situation was especially characteristic of vulnerable groups of citizens, for whom the increase in the price of electricity worsened the difficult social and economic situation in which they find themselves, and thus the inability to regularly and promptly fulfil the obligation to pay for the specified service. The Ombudsman, within the framework of his legal powers, intervened with the provider of this service, pointing out that the situation of the citizens should be taken into account and that they should be able to pay in instalments, after which the interventions were

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accepted in the largest number, and the citizens through an agreement with EVN Macedonia they negotiated the method of payment of the arrears, in the interest of both parties.

The Ombudsman acted on his own initiative in connection with the introduction of the service - Daily low-cost tariff for consumed electricity, due to the detected unequal treatment of citizens who have old (non-digital) meters, in relation to those with new digital meters. At the same time, the Regulatory Commission for Energy and Water Services of the Republic of North Macedonia and EVN Makedonija Jsc Skopje requested a ruling in the context of the way of implementing this service, indicating the obligation to act with the application of the principle of non-discrimination. However, it was clarified by EVN Makedonija AD Skopje that for technical reasons it was not possible to manually "set" all direct meters on the entire territory of the country at the same time, that is, that the setting of the daily cheap tariff for the users will be done with the reading of the meters by groups, according to the reading weeks in which the measuring points are included. While in the case of remote digital measuring devices, which are read every 1st of the month, through data transfer software, a daily cheap tariff was systemically set as announced, i.e. from 01.12.

Regarding the petitions for the *drinking water supply service*, it was found that the number of submitted petitions was identical to last year, but again, the largest number of petitions were related to the failure of the services of the Public Enterprise to comply with legal obligations. Namely, in the reporting period, in relation to the water supply service, most of the interventions were made to PE "Water and Sewerage" - Skopje, PE "Gazi Baba" - Skopje, PE "Kochani", PE "Isar" - Stip, PE "Derven" - Veles , and in relation to requests for debt correction for invoices issued on average, the high amount of bills for consumed drinking water, to determine the state of the debt, or due to a delivered warning for debt with a notification to initiate a forced collection procedure if it will not be paid. At the same time, the citizens pointed out that they are being asked to pay for a debt that is out of date, or they were asking for debt relief, because they are beneficiaries of the right to Guaranteed Minimum Assistance or, because they have low monthly incomes.

The Ombudsman concluded that the providers of this service issued invoices to the citizens for consumed water on average, which is unacceptable, bearing in mind that the obligation of the Public Enterprise is to regularly read the condition of the citizens' water meters every month, and at least twice a year. Consequently, citizens filed petitions for the correction of the bill for consumed water due to the high monthly amount, and in most cases the Ombudsman determined that the high monthly amount was a consequence of the flat-rate way of borrowing the citizens. Namely, these bills were drawn up according to the reading of the water meter, and after previous debiting with flat-rate invoices, with which the users of the water supply service were responsible for the consumed water for an indefinite period of time, and for several previous years. With this way of borrowing and issuing bills with a very high amount according to the reading of the water meter, the citizens could not (had no basis) to request a correction, even though the actual calculated one is the result of the previous flat-rate borrowing, i.e. calculation of consumed water.

In addition to this, the Ombudsperson concluded that the public enterprise sent unfounded warnings to the citizens to pay the debt, while it was pointed out that if the debt is not paid or if the method of payment is not agreed upon, a procedure for forced collection will be initiated. In that context, in some of the cases on which procedures were conducted at the Ombudsman, it was determined that the debt for which a warning was sent by the Public Prosecutor's Office is actually already being prosecuted or, on the other hand, forced collection has been initiated before an authorized executor, while in one case, even a citizen consumer was served with a warning for disconnection from water supply, despite the fact that the provision that provided for such a possibility in the Law on Drinking Water Supply and Urban Wastewater Removal was repealed several years ago by the Constitutional court of the Republic of North Macedonia.

After the petitions in which the citizens demanded complete exemption from payment of invoices for consumed water or from the debt to the public utility due to the difficult financial situation they are in, the Ombudsman informed them about the legal regulation of this obligation, informing them that complete exemption from invoices cannot is carried out, but if they are recipients of guaranteed minimum aid, they have the right to request the release of part of the monthly water consumption up to 10 m3 per month.

Otherwise, after the petitions in which the citizens demanded regulation of the state of arrears, through the conclusion of an agreement for the payment of the same in several instalments, the request of the Ombudsman to take into account the financial situation of the citizens, that is to say, was not accepted by the JP enabled the payment of more monthly instalments than those provided for by the Decision of the Management Board of the Public Enterprise.

For the **heat energy supply service**, 21 complaints were processed, one of which was on its own initiative. Namely, the Ombudsman initiated a procedure due to the different amount of indebtedness of users of an apartment with the same square footage, just because they live in two different buildings. Consequently, he approached the Energy and Water Services Regulatory Commission of R.N. Macedonia by requesting an explanation of the reasons for the stated differences in the amount received by the users. On their part, it was clarified that the amount of the issued invoices for delivered thermal energy is influenced, among other things, by the number of disconnected consumers, due to passive taking of thermal energy. This, as a methodology for debiting and calculating the amount of the bill, is not acceptable for the Ombudsman, unlike other factors that have an impact, such as the energy characteristics of the building, the level of thermal insulation of the building that can be considered acceptable reason.

Acting on the petitions regarding the compensation for a fixed part of the total compensation for thermal energy, for which the citizens requested intervention and considered that they were unjustly charged with it, the Ombudsman advised and informed them about the conditions that must be met according to the Rules for the supply of thermal energy, in order to be exempt from this fee. While, following the petitions in which the citizens, after being exempted from the compensation for the fixed part, are charged with it again, the Ombudsman took actions to examine the cases, but did not establish a violation of rights, because from the evidence attached to the notice from the heat energy supplier, he saw that the user/s does not meet the conditions for exemption from this fixed part of the total compensation for heat energy, according to the mentioned Rules. By the way, at the beginning of the heating season, as every year, several complaints about non-delivery of heat energy were registered, after which the Ombudsman intervened accordingly and after his intervention the defects were repaired, so that the regular delivery of heat energy continued to the citizens - users of the service.

In the petitions that referred to the *garbage collection service*, citizens most often requested intervention to correct the debt, pointed to wrong or unfounded borrowing, or requested exemption from paying this fee as beneficiaries of some right from social protection or, because they are of low-income monthly income. Acting on the petitions for correction of debt for the garbage collection service, in several cases, although it was undisputedly established that a debt for a larger square footage than the actual existing one could not request the correction of the same, because they referred to debts from many years ago, for which by the service provider within the legally determined period procedures for forced collection were initiated before the competent authorities. Therefore, the Ombudsman advised the citizens to use legal means in court proceedings. While, after requests for partial or complete exemption from the fee for the garbage collection service, the Ombudsman explained to the citizens the procedure and the conditions that they have to fulfil for a 50% or 100% exemption from paying the specified fee.

The petitions for **telecommunication services** addressed to the Ombudsman were related to the amount of the bills or the service they receive from the mobile operator "A1 Macedonia" and "Macedonian Telecom" AD Skopje. Acting on these petitions, the ombudsman addressed the Electronic Communications Agency as a body whose competence is to control the work of the operators, or he advised the citizens to use the right to file an objection. For part of the petitions where the Agency for Electronic Telecommunications determined an irregularity in the operation, and in connection with the amount of the account, after the intervention, the citizens exercised their right.



Having in mind the above, the Ombudsman recommends:

EVN Makedonija Jsc Skopje to take measures for regular reading of the meters, at least four times a year, in accordance with the Electricity Supply Regulations, as well as to offer favourable opportunities for settling the outstanding debts of the citizens.

The PE for water supply should respect the legal obligation to regularly read the states of the water meters and instead of the average, the users should be charged with the actual amount of water consumed.

ESM Supply of heat energy to take measures to adequately inform the users of this service about the conditions for exemption from the compensation for the fixed part.

ENVIRONMENT

The previous practice of a very small number of submitted petitions from this area is also present this reporting year. Namely, the Ombudsman acted on a total of 21 complaints, which is an insignificant increase compared to 2022, when 17 complaints were submitted. At the same time, 9 petitions refer to the problem of air pollution, 4 to increased noise and 3 to soil pollution. In two cases, the Ombudsman acted on his own initiative as a reaction to the enormously bad living conditions due to the huge pollution of the ambient air in the City of Skopje. The insignificant number of submitted petitions does not even remotely correspond to the real situation in which we live with excessive ambient air pollution, inadequate waste disposal and other devastating factors that have a direct negative impact on environmental pollution.

As before, the submitted petitions refer to problems of a personal nature, primarily in relation to excessive noise and air and soil pollution caused by individual polluters from their immediate neighbourhood. Only one complaint refers to a more general problem affecting a wider group of citizens.

This year, in order to specifically contribute to the improvement of the situation in this area, the Ombudsman opened procedures to determine the real situation with ambient air pollution, during which information was obtained from the State Environmental Inspectorate and the Environmental Inspectorate at The City of Skopje. The information received was not of an essential nature, primarily due to the fact that data and situations were presented that are generally known, but the impression is that they do not correspond to the real factual situation. The practice of giving promises that concrete measures will be taken in the coming period to solve problems and reduce pollution continues, but for now there is no implementation.

The Ombudsman repeats his views which he has indicated so far, i.e. the competent institutions, above all the Ministry of Environment and Spatial Planning and the units of Local Government with their inspection services, should carry out inspections more often and rigorously sanction all perpetrators of acts and offences related to environmental pollution. The appeal remains, for the authorities to pay much more attention to raising awareness among citizens for nature conservation and maintaining a clean environment, and thus conditions for a better and healthier life for all citizens.

The Ombudsman recommends:

The authorities at the central and local level should seriously and with concrete actions, not only declaratively as before, approach solving environmental problems and raising environmental culture/awareness among citizens.

OTHER RIGHTS

During 2023, the Ombudsman acted on a total of 167 complaints from citizens for the protection of rights listed in other rights, which means that there is a decrease in the number of complaints submitted compared to the reporting year 2022, when 210 complaints were submitted. Out of the total number of complaints from this area, the largest number (75) related to the work of authorities/establishments/institutions before which the Ombudsman does not competently act, followed by a large number of complaints (68) in which the citizens/petitioners sought protection of their rights in various proceedings otherwise rights that are not covered in a specific legal sub-area, in 5 complaints only legal advice was requested and 19 complaints referred to a legal entity, such as Jsc, Ltd, Llc, etc., against which the Ombudsman also, he is not competent to act.

The situation with the submitted complaints from this area has remained unchanged for years, which means that the largest number of complaints refer to the non-receipt of response to the written requests of the citizens submitted to the state administration bodies and other bodies and organizations that have public powers. Also, the complaints were related to the way of operation of the Public Enterprises, especially a large number of complaints were about PE for public parking lots "Parkinzi" of the Municipality of Centre, Jsc Vodostopanstvo of RNM-Skopje, Joint-Stock Company for Postal Society - Post of North Macedonia in state property-Skopje, the Real Estate Cadastre Agency, the Ministry of Education and Science, etc.

As in the previous reporting years, some of the complaints were outside the competence of the Ombudsman. Although the Ombudsman did not have the legal authority to initiate a procedure, that is to act, for these cases, the citizens were heard in a timely and appropriate manner and taught where and in what way they can protect their legal and constitutional rights.

This year, the Ombudsman concluded that due to the fact that special provisions are not foreseen in the by-laws, where the citizens will be guaranteed the realization of their legal rights, they are put in a situation where such an adopted by-law act prevents them from exercising their rights. The Ombudsman established the above from proceeding with a case, in which the citizen was prevented from exercising his constitutional right to property, namely to park his motor vehicle in his own garage, due to the fact that the Public Enterprise public parking lots "Parkingzi" of the Municipality of Centre in the by-law/Regulation on the procedure for issuing a preferential parking card for public parking lots with payment, did not foresee a special provision for the owners of garages in the closed part of the public parking lots managed by PE.

The Ombudsman, for this specific case, and similar cases like this one, directed this Public Enterprise to amend and supplement this by-law, where a special article will be provided that will regulate the issuance of a permit for crossing the parking lot, in order citizens who have their own garages to have unhindered access to their own property. However, the Public Enterprise, instead of acting on the request and indication of the Ombudsman, submitted a letter-Information, in which, in no part, did it refer to the request, which is why the Ombudsman, for the inappropriate operation, sent Information to the Municipality of Centre, as the competent institution, but even after this intervention of the Ombudsman, no action was taken.



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The Ombudsman recommends:

The bodies of the state administration and the bodies and organizations with public powers to promptly act on the requests of the citizens, which right is guaranteed by the Constitution.

THE WORK OF THE REGIONAL OFFICES OF THE PUBLIC ATTORNEY

In this part of the Annual Report, the Ombudsperson presents the conditions regarding the respect and realization of the rights of citizens - residents of other regions/cities of the country, ascertained through the work of the six Regional Offices of the OMBD. in Bitola, Kichevo, Kumanovo, Strumica, Tetovo and Stip, i.e. **the most frequent complaints of citizens in the areas for which the largest number of complaints have been submitted,** the action taken by the Regional Offices and the established conditions in relations with the competent authorities.

According to the statistical data on the number of petitions received in 2023, the largest number of petitions were submitted in PC in Bitola 262, then in Kichevo 192, in Kumanovo 120, in Tetovo 117, in Stip 91, and in Strumica 81.

Judiciary, Consumer rights, Urban planning, construction and housing, Labour relations, Property-legal relations are characteristic areas for which citizens submitted the largest number of petitions in the regional offices. Although in smaller numbers, in some regional offices other than those mentioned, complaints from citizens were recorded in the areas of Finance, Pension and Disability Insurance and Social Protection, and complaints from convicted persons serving prison terms were recorded in PCI Stip, PCI Kumanovo Open Prison ward in Kriva Palanka, PCI Bitola Prison and Prilep Prison, PCI Tetovo and Strumica.

OMBUDSMAN - REGIONAL OFFICE BITOLA

The Bitola regional office has the municipalities of Bitola, Novaci, Mogila, Dolneni, Demir Hisar, Prilep, Krushevo, Resen, Rosoman, Gradsko, Kavadarci and Negotino under its jurisdiction.

The total number of petitions received in 2023 is 262 or 7 less than the previous year. The largest number of petitions were submitted in the areas of Consumer rights (36), Labour relations (34), Justice (32), Other rights (26), Property-legal relations (23), Finances (16), Pension and disability insurance (15). Urbanism, construction and housing (15), Social protection and security (12), Police powers (11), Civil conditions (10).

Although, in a smaller number, citizens sought protection of their rights through petitions in the areas of Health Protection and Higher Education Rights (8 petitions each), Correctional





Institutions and Prosecutor's Office (6 petitions each), Environment (3), and one each a petition for the protection of the rights of the child or the Ombudsman acting as a friend of the court.

The general impression of the degree of realization of the rights of the citizens who turned to PC Bitola by submitting a petition or requesting legal assistance, is that they realized their rights without any significant difficulties.

Graphic No.5

262	Police authorizations - 11
	Civil conditions and other internal affairs - 10
	Judiciary - 32
received complaints	Prosecutor's office - 6
	Social protection and security - 12
	Labor relation - 34
	Residential relations - 6
	Health protection - 8
	Pension and disability insurance - 15
	Education and science - 8
	Urban planning and construction - 9
	Environment - 3
	Finances - 16
	Property-legal relations - 23
	Consumer rights - 36
	Penal-corrective and educationally-corrective institutions - 6
	Ombudsman as friendly court - 1
	Other - 26

In the area of **Justice**, in the petitions, the citizens demanded protection of their rights in first-degree civil and criminal proceedings conducted before the Basic Courts in Bitola, Kavadarci, Prilep, Ohrid and Skopje, due to the prolongation of the procedure, irregular delivery of documents, dissatisfaction with court decisions or the possibility of access to an effective legal remedy. Also, intervention was requested due to the prolongation of the proceedings after submitted criminal charges and dissatisfaction with the decision of the Basic Public Prosecutor's Office, and for the work of the executors. The ombudsman, after the actions taken, did not confirm the allegations of prolongation of the procedure or of irregular delivery of documents, which was implied by the petitioners, while in relation to the dissatisfaction with the court decisions, he did not initiate a procedure due to lack of competence, informing them that the only competent authority to appreciates the professionalism and legality in the work of the judges, the Judicial Council of the RNM, and in that context advised the citizens, if they have evidence, to initiate proceedings before this Council.

In the petitions about the work of the Basic Public Prosecutor's Office Bitola and the Basic Public Prosecutor's Office Prilep, it was pointed out the delay in the proceedings after submitted criminal charges and dissatisfaction with the decision of the Basic Public Prosecutor's Office, and after the measures taken, the Ombudsman concluded that the delay in the procedure was not the prosecution's fault, but due to the non-delivery of the requested expert reports by the authorities. Namely, the delivery of the expert reports was delayed even after several months, even though the BPPO delivered emergency reports. For complaints of dissatisfaction with a decision of the Basic Public Prosecutor's Office, the Ombudsman did not initiate proceedings, but informed and advised the citizens about the possibility of requesting a review of the decisions of the Public Prosecutor's Office before the Higher Public Prosecutor's Office. Whereas, in the petitions related to the work of the enforcement agents, the citizens requested intervention due to forced collection, irregular delivery, dissatisfaction with the method of execution or failure to

act upon a request to stop the execution procedure due to the occurrence of statute of limitations. In the cases he handled, the Ombudsman did not find any irregularity in the implementation of the enforcement procedure, but it is undeniable that some Executors inform the debtors with a notice that the 10-year period has passed, during which the enforcement procedure is conducted, with which Notice they submitted Objections to the Court, which objections were refused, for the reason that the Notification is not a legal act upon which the Court can act.

Hence, the conclusion is that the communication with the courts, the prosecutor's office, the holders of public authorizations (enforcement agents, lawyers, and notaries) proceeded smoothly, with the delivery of written information and evidence, in a timely manner and in the interest of the citizens. However, taking into account the addresses of the citizens, who often asked for legal advice after the adoption of the amendments and additions to the Law on Obligation Relations and the Law on Enforcement, as well as in order to prevent the long duration of the procedures before the competent basic Public Prosecutor's offices, **the Ombudsman recommends that the Enforcement Agents consistently comply with the legal provisions that refer to the calculation of interest and the statute of limitations of the enforcement procedure. Also, the Basic Public Prosecutor's Offices should take more efficient and timely measures to obtain expert findings and information from other authorities in the shortest possible time for the purpose of making a Public Prosecutor's decision.**

A total of 36 complaints were submitted by citizens in the area of **Consumer Rights**, which is five more compared to 2022, with the most numerous being for electricity services. The ombudsman, acting on citizens' complaints about unfounded indebtedness with arrears, compensation for damage, correction of account, removal of meter and connection of meter, states that either EVN has timely initiated court proceedings, or proceedings before a notary public for the collection of debts, or the citizens had already concluded agreements for the collection of the debt in instalments. In the petitions, when the response referred to the initiated court proceedings dated several years ago, the Ombudsman advised the citizens to request information from the court about the stage in which the proceedings are at the moment, taking into account the practice that the proceedings before the courts are mostly stopped, and in such a case the citizens are not obliged to pay the debt at all.

Otherwise, in exercising the consumer rights of the citizens, the Ombudsman states that EVN Macedonia Jsc continues with the practice of collecting debts from the citizens for a period of ten or more years ago, using the powerlessness of the citizens and the impossibility of a normal life without electricity. Under the condition that their electricity would be cut off, the citizens entered into agreements for payment in instalments and for outdated, unsettled debts, which they had no obligation to pay at all.

The Ombudsman also states that EVN Jsc does not pay any attention to and does not respect the notices that the citizens received from the ombudsman regarding the established factual situation regarding the actual debt to EVN, which is why the citizens are forced to address to the Ombudsman.

In relation to the work of public enterprises at the municipalities, the Ombudsman notes progress in taking actions for the collection of arrears and they are acting in accordance with the law.

This year, a small number of petitions have been submitted for "delivery of water and other utility services", in which the correction of an invoice and the connection of a new user were requested. The public enterprises against which the Ombudsman acted (Public Utility Enterprise Vodovod - Bitola, Public Utility Enterprise Niskogradba - Bitola, Public Utility Enterprise Vodovod i Kanalizacija - Prilep, Public Utility Enterprise Komunalec - Prilep and Public Utility Enterprise Proleter Resen) acted according to the requests of the Ombudsman and provided the requested information and evidence in a timely manner, except Public Utility Enterprise Komunalec Prilep, which, even after the urgent calls and repeated calls after the invoice correction petition, did not submit the information and evidence regarding the basis of the debt,



the period to which it refers and whether and before which authority a procedure for collection of the same has been initiated, because of which the Ombudsman referred the petitioner to a competent court to seek protection of his right to pay a real debt, which he is legally obliged to pay.

Taking into account the above, the Ombudsman recommends that the authorities that have the authority to control the work of EVN Jsc Macedonia Skopje in the part of collecting the consumed electricity from the citizens, to take efficient and effective actions, in order to finally stop the multi-year practice of illegal charging of outdated and unsettled debts from citizens.

In the petitions, in the area **Rights of Labour Relations**, citizens pointed to the violation of rights from the public administration labour relations, for the labour relations at a private entity, and a dozen petitions refer to Local Government in Bitola, Prilep and Negotino (public enterprises, kindergartens, basic and secondary schools). The petitions are based on the right to use annual leave, (non)advancement in career, illegal assignment to another job, non-payment of annual leave benefits. After 13 petitions (38.24%) in the district no proceedings were initiated, due to already initiated court proceedings on the same legal basis, or due to non-action on the requests for their addition, but in each of the cases the petitioners were given legal advice for the competent authority for acting in the protection of rights. In this context, following the petitions that referred to a procedure for rights from an employment relationship with a private entity, the Ombudsman instructed the petitioners to request supervision from the State Labour Inspectorate. While the petitions that referred to the work of bankruptcy trustees (registered as private legal entities), in relation to employment rights in bankruptcy proceedings of former employees, are ongoing, due to the fact that the bankruptcy trustees do not act according to the requests of the Ombudsman and the delivered emergencies. The Ombudsman initiated procedures following 21 complaints in the area, and in three cases he found a violation of employment rights and the authorities (Public Revenue Administration-Skopje and Jsc ELEM REK Bitola) were sent instructions for the appropriate deployment of the employee, which was acted upon. Only, the High School "Tsar Samoil" from Resen did not act on the instructions given by the Ombudsman to remove the irregularities in the selection procedure following a public announcement for the employment of teachers, referring to the minutes of the two inspections carried out by the educational inspectorate, which did not find any violations in the work of the school, although the inspectors only concluded that the citizen did not submit data on the undergraduate success and the higher degree of education, but not on the fact that the school provided such data to any of the candidates from the diploma forms themselves, and from others, where the form of the diploma was not the same, such data was not requested to be submitted.

In view of what has been stated, the Ombudsman recommends that the State Education Inspectors, without exception, when performing inspections, take all the necessary actions within their jurisdiction for a complete and correct determination of the factual situation, as the only way to ensure effective protection of citizens' rights.

In the area of **Property and Legal Relations,** citizens often complained about the delay in denationalization procedures before the competent Commission for dealing with requests for denationalization for the municipalities of Bitola, Prilep, Krushevo, Makedonski Brod, Ohrid, Struga and Resen based in the Municipality of Bitola. When dealing with these petitions, it was evident that the Commission did not provide timely information following the requests of the Ombudsman, despite the submitted urgent and repeated urgent requests, and when answers were finally submitted, it was stated in them that the procedure was in progress, with a note that they were waiting court decisions, response from other institutions, a procedure is initiated again after a court decision has already been passed, etc. For the petitions to which the Commission did not submit a response at all, the Ombudsman addressed the Minister of Finance with a Special Report and requested that the competent Commission act and respond to the requests, in order to ascertain the stage in which the cases are located and the reasons for the prolongation of the procedures. The Minister of Finance, albeit with a delay, submitted a response to the Special Report in which he stated that due to the expiration of the mandate of the competent commissions, in December 2023 he made decisions on the formation of new Commissions for all competent areas.

The Ombudsman's finding is that from the moment of the termination of the mandate of the members of the commissions that dealt with denationalization cases, until the formation of the new commissions, a period of more than 6 months has passed, which is a long period of time, during which no actions were taken at all procedures, and thus directly caused an additional six-month delay in the procedures following the citizens' requests for denationalization.

According to the Ombudsman, it is extremely disappointing that the state, even after a period of time longer than 20 years, has not yet completed the process of denationalization, and the process of privatization of construction land has not been completed even after more than 15 years.

Consequently, the Ombudsman recommends that the Government of RNM and the Ministry of Finance find a systemic and, above all, efficient solution for the final completion of all denationalization procedures, and that the Administration for Property and Legal Affairs provide conditions for increasing the number of employees in the Regional Departments as an essential element in the timely performance of their responsibilities, within the deadlines provided by the Law.

In the area - **Finances and Customs**, examining the allegations of citizens referred to the broadcasting tax debt, banking and other financial institutions, VAT calculation, property and inheritance and gift taxes, the Ombudsman after the procedures carried out and the written information and evidence received in those procedures where a violation of rights has been established (debt with tax on the property of a deceased person, unfounded forced collection of tax with withholding of the debtor's entire salary, unfounded debt with tax debt, appeal procedure) following the submitted indications and requests of the Ombudsman to remove the injuries immediately, they were accepted by the authorities to which they were referred (Ohrid Municipality, Public Revenue Administration Regional Direction Bitola, Ministry of Finance), after which the citizens exercised their previously hindered rights.

The Ombudsman's recommendation is that the competent authorities that calculate and collect taxes on various grounds, perform their work at the highest professional level, assessing the actual situation in its entirety before imposing the debts of the citizens, especially before the start of forced collection to have an insight from which funds the same is charged to the citizen, because these procedures have a direct financial implication on the citizens and every omission has a negative impact on their daily life.

In the area of **Pension and Disability Insurance**, twice as many petitions have been submitted than last year, in connection with payment of pension, amount of old-age pension, right to old-age pension, pensionable service and right to disability pension. Acting on specific cases, the Ombudsman helped citizens to obtain a Finding, assessment and opinion regarding the request for part-time work, the payment of OMBD. aid pensions together with the payment of the next regular pension payment, or a Decision was drawn up recognizing the right to an old-age pension and the same was delivered to the address of the petitioner. In the district, it was found that the appeal procedures were prolonged, considering that the mandate of the members ended in the middle of October, and after the selection of the new composition of the State Commission for decision-making in administrative and labour relations procedure in the second degree, it adopted as soon as possible decision after appeals. A burning problem,



which persists in the area, is the determination of the amount of the old-age pension, which is related to records of work experience, considering that very often the employers (companies) in which the citizens spent their working life do not pay the contributions for their employees or otherwise, and that they have paid them, there is no proof of that in the competent Fund. Given that this documentation is not collected by the Fund ex officio but must be provided by the future pensioner, the procedure for exercising the right to old age pension is delayed until the documentation is provided, and if the citizen does not provide the documents for the paid contribution, from various reasons, the same is reflected in the amount of the pension.

Referring to this issue, the Ombudsman recommends that the Government of RNM find a system solution with which the master record of the length of service of the insured and the contributions paid by the employers will be continuously monitored by the Fund, or by another body, in order to promptly take over the effective measures for the provision of this documentation by the state, in which way valid data will be provided for calculating the pension based on the salaries and seniority of the citizen.

In the area of **Urban Planning and Construction**, citizens mostly react to the delay in the procedures for the demolition (removal) of illegally built buildings, which are not covered by the Law on dealing with illegally built buildings, pointing out that they hinder their right to uninterrupted possession or that they make it difficult for them everyday life, and local authorities do not take efficient and effective measures for their removal. For example, the Municipality of Kavadarci has adopted a Decision to remove a building back in 2014, and for 9 years, since then, neither the illegal builder has demolished the building himself, nor has the Local Government units took actions for demolition. Finally, in the procedure in the specific case, the Ombudsman was notified that the demolition of the building will be included in the Plan for the removal of illegal buildings for 2024. Whereas, in the area of Housing, intervention was sought for the allocation of a state apartment under lease, management of residential buildings and their maintenance, transfer of occupancy right and legal advice. The finding of the Ombudsman in this area is that the procedures for awarding state housing under lease take an unjustifiably long time, as he also found an insufficient number of apartments and houses owned by the state, which as a consequence leads to social housing being unavailable to a large number of citizens in social risk.

Referring to this issue, the Ombudsman recommends that the local authorities stop the practice of tolerating illegally built buildings that are not covered by the legalization process, and provide financial resources in the budget for the actual implementation of the Plans/Programs for the removal of illegal buildings.

Also, the Government of RNM, during the creation of the Budget, should provide sufficient financial resources for the construction of state buildings for lease, after a previous analysis of the number of citizens at social risk who need to solve the housing issue.

In the area of **Social Protection and Security**, petitions have been submitted for the realization of financial assistance from social protection, i.e. for intervention in a complaint procedure before the State Commission for handling administrative proceedings and employment proceedings in the second degree, then for the payment of guaranteed minimum assistance and recognition the right to monetary compensation for help and care from another person. Mainly, after the measures taken and the procedures carried out, there were no violations of the social protection rights of the petitioners, and in some of the petitions the petitioners exercised their right in the meantime, or withdrew the petition. The written information from the bodies against which the Ombudsman took action (Ministry of Labour and Social Policy, State Commission for Administrative Procedures and Employment Procedures in the Second Degree, Centre for Social Work Bitola, Centre for Social Work Prilep, Centre for Social Work Demir Hisar)

were delivered in a timely manner, or possibly after an urgent delivery, along with the requested evidence. In this area, the handling of a petition submitted on behalf of kidney disease and transplant patients through the Association "NEFRON" Prilep, for the unequal treatment of citizens in relation to the right to help and care from another person, when deciding on the extension/denial of the right is characteristic by the Professional Medical Commissions at PHI Clinical Hospital "Dr. Trifun Panovski" Bitola and PHI General Hospital with extended activity Prilep. Acting on the complaint, bearing in mind that it concerns a large number of citizens, the People's First Ombudsman took actions to determine the situation and, in that direction, requested information and data regarding the right to help and care from the Professional Commission at PHI Clinical Hospital "Dr. Trifun Panovski" Bitola and from the Professional Commission at PHI General Hospital with extended activity Prilep.

From the data, it is established that 57 patients with chronic renal insufficiency were referred to the Professional Commission for deciding the right to help and care from another person at the Prilep General Hospital, in the last 15 months (as of March 2023), of which 32 patients acquired with the right to help and care from another person, and 25 patients were refused. Thus, according to the Hospital, the acquisition or non-acquisition of the right to assistance and care from another person is determined according to the medical criteria specified in the Rulebook on the way of exercising the right to compensation for assistance and care from another person.

On the other hand, the Professional Commission at the Clinical Hospital in Bitola reported that it is not possible to provide the data requested by the Ombudsman by electronic search and filtering of data, by type of diagnosis and by status for extended/non-extended right to help and care. According to the notice, from March 2023, according to the direction of the Ministry of Health, patients from all over the Republic are scheduled by region, so that from then on, patients from Prilep are scheduled exclusively at the Professional Commission for Care and Assistance by another person at the PHI General Hospital Prilep.

The Ombudsman states that family doctors from Prilep used to send patients to the Professional Commission at PHI Clinical Hospital Bitola, instead of to the Professional Service at PHI General Hospital Prilep, until the guidelines were changed by the Ministry of Health. The ombudsman, not going into the merits, i.e. the justification of the extension or termination of the right by the expert commissions, informs the petitioners about the possibility of the patients to use the legal remedy - a complaint to the secondary authority (which is composed of medical specialists), and with that and a legal opportunity to review the justification of the decision to terminate the right to monetary compensation for help and care from another person.

The Ombudsman recommends that the Ministry of Health provide conditions for a quick and smooth statistical review of the work of the Expert Commissions for deciding on the right to compensation for assistance and care from another person, and thus an insight into the data on the citizens who are extended, or denies the right, in the direction of creating policies for more effective realization of this right to citizens.

In the area of **Police Authorizations,** petitions were submitted with allegations of unprofessional and illegal police behaviour, in which the citizens believed that members of the traffic highway police performed their duties professionally. Acting on the same, the Ombudsman turned to SIA Bitola, which enabled inspection of the recordings in the "body cameras" in order to determine the situation. In the complaints where the citizens reacted to the conducted search/examination, the Ombudsman states that the conducted searches and examinations are part of the pre-investigation procedure, and the police officers informed the citizens about the reasons for taking these actions. Otherwise, the complaints were filed against members of the police employed by the SIA Bitola, i.e., for PS Bitola, PS Demir Hisar and PS Novaci, and the authority acted on the requests of the Ombudsman in a timely manner, submitting essential written information with the requested evidence.

In this area, the Ombudsman states that the police services take over the police work in a timely, professional manner and in accordance with their competences, and

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recommends that the cooperation with SIA Bitola be continued at this high level in the future as well.

In the area of **Civil conditions,** half of the petitions submitted refer to the sub-area "Citizenship", and the handling of them showed that the problem is the prolongation of the procedure for admission to the Citizenship of RNM, which has been going on for several years. In most of the cases, the procedure is delayed due to the failure of the National Security Agency to submit an opinion on security risk, as an essential document for exercising this right. The ombudsman addressed requests, urgencies, repeated urgencies, in order to establish the reason for the delay in the submission of an opinion (the law provides for a period of 6 months for the submission of an opinion), but the end result was the submission of information that" the procedure is ongoing." Only in one case, the Ombudsman tried to speed up the procedure and the Agency acted on the given Indication for violation of the rights of the petitioner, who waited for 3 years for the opinion to be submitted to the Department of Civil Affairs at the Ministry of Internal Affairs.

The Ombudsman recommends that the National Security Agency take appropriate actions, in order to enable the procedures for admission to citizenship to be carried out in compliance with the legally stipulated deadline.

In the other areas, a relatively small number of complaints were submitted, on which the Ombudsman acted in accordance with his competences, by addressing the authorities or giving legal advice on the way to exercise a right. In this direction, the Regional Office of the Ombudsman in Bitola made regular visits and talks with convicted/detained persons in Penal-Correctional Institution Bitola Prison and Prilep Prison, and also took actions after the 6 complaints submitted, but in none of them was a violation of rights found. Despite the above, **the Ombudsman states that the problem of employment of a prison doctor in the Penal-Correctional Institution Prilep Prison has not been resolved, which makes access to health care for convicted persons difficult, which has been provided for several years through a call to the emergency service at the health centre - Prilep. Consequently, the Ombudsman recommends, without delay, that the Ministry of Health implement a procedure for the employment of a doctor in the Prilep Prison for smooth, efficient and timely health care of convicted persons.**

OMBUDSMAN - REGIONAL OFFICE KUMANOVO

The regional office of the Ombudsman in Kumanovo covers the north-eastern region and the cities of Kumanovo, Kriva Palanka and Kratovo, as well as the rural municipalities of Staro Nagoricane and the municipality of Rankovce.

In the reporting year 2023, the total number of petitions received in this Regional Office is 120, or 29 petitions less than last year. At the same time, the largest number of petitions were submitted in the area of Justice (30), followed by Urbanism, construction and housing (15), Consumer rights (11) and Property-legal relations (10).

In the other areas, the number of petitions submitted is from 1-10, namely: Penitentiary institutions (9), Pension and disability insurance (8), Labour relations (7), Civil conditions (6). Five petitions were recorded in the areas of Other Rights and Social Protection, three each in the areas of Health Insurance and Protection and Children's Rights, two petitions in the area of Finance and Customs and one petition each in the areas of Prosecutor's Office, Environment and Protection from Discrimination.

Otherwise, in the reporting year, the office of the Ombudsperson in Kumanovo continued to hold regular monthly meetings with citizens from the municipality of Kriva Palanka, every last Thursday of the month, which were interrupted due to the Covid-19 pandemic. For this purpose, before each meeting through the Announcement of the entrance of the Municipality Office and on the website of the Municipality of Kriva Palanka, citizens were informed about the possibility to personally meet with representatives of the Ombudsman from the Regional Office in Kumanovo, to submit a complaint or to request legal advice for a possible violation of the right.

120	Non-discrimination - 1
	Police authorizations - 3
	Civil conditions and other internal affairs - 6
received complaints	Judiciary - 30
	Prosecutor's office - 1
	Social protection and security - 5
	Labor relation - 7
	Health protection - 3
	Pension and disability insurance - 8
	Consumer rights - 3
	Urban planning and construction - 15
	Environment - 1
	Finances - 2
	Property-legal relations - 10
	Consumer rights - 11
	Penal-corrective and educationally-corrective institutions
	Other - 5

Graphic No.6

In the area of **Justice**, the largest number of petitions were submitted, in which citizens demanded the protection of rights in first-degree civil and criminal proceedings, proceedings before administrative courts, as well as for proceedings conducted before persons with public authority - lawyers and bailiffs. At the same time, in relation to the work of the judicial authorities, the citizens often asked the Ombudsman for intervention to obtain information that they could not obtain from the courts, about what stage the procedure is in, whether it was decided after a complaint was submitted to the Courts of Appeal, etc.

A greater number of complaints refer to already completed court proceedings, where it is requested to change a court decision and point to illegal work of specific judges, bias in the



trial, etc. The Ombudsman, after the petitions in which the change of court decisions was requested or it was pointed out that certain judges work unprofessionally and unconscionably, advised the petitioners to request protection of their rights before the Judicial Council of the Republic of North Macedonia, as the authority competent to determine unprofessional and unconscionable work of the judges.

Acting on the petitions related to the work of the holders of public powers - lawyers, the Ombudsman's conclusion is that the Attorney Association of the Republic of North Macedonia responds to requests late. Not a single lawyer was subject to disciplinary action, i.e., all procedures ended with the rejection of the request for determining the lawyer's disciplinary responsibility.

In this area, two petitions refer to the prosecutor's office, specifically for delaying the procedure after a criminal complaint has been filed, while one was initiated on its own initiative and the case is under consideration. Undeniably, the cooperation with the Basic Public Prosecutor's Office Kumanovo is good, and the authority responds promptly and substantially to the requests of the Ombudsman.

An increased number of petitions was noted regarding irregularities in the work of enforcement agents, for which 20 petitions were submitted. Namely, the citizens requested intervention in relation to the blocked account of recipients of the right to guaranteed minimum assistance, social security for the elderly, the right to compensation for assistance and care from another person, or pointed to non-action on the request for enforcement. This behaviour of the enforcement agents has been noted among new recipients of these cash benefits whose transaction accounts were blocked a while ago, that is, before a decision was made to exercise the right to Guaranteed Minimum Assistance or other social benefits. In certain cases, citizens did not react after the execution order was delivered, but after their transaction accounts were blocked or after the deadline for submitting an objection to the competent court had passed. In cases where the Ombudsman determined a violation of rights after the procedure, he intervened with appropriate indications, which in most cases were accepted by the executors. Also, after the intervention of the Ombudsman and the delivery of a Certificate from the Centres for Social Work that they are recipients of monetary benefits, the enforcement agents unblocked the funds from the social transfer, and returned the confiscated funds to the citizen's account.

In this reporting year, some of the submitted petitions also referred to the enforcement agents' failure to act on requests for statute of limitations on enforcement, as well as the cessation of interest calculation when the amount of interest charged reaches the principal debt, in accordance with the amendments to the Law on Obligations Amendments and the Law on Enforcement, and after the measures taken to examine such behaviour, it is established that the executors do not apply the provisions of the Law on Amendments and Supplements to the Law on Obligation Relations with regard to the statute of limitations, with the rationale that they are inapplicable, that is, that there are no procedural rules through which the provision for obsolescence it can be implemented, that is, come to life in practice.

It is the Ombudsman's recommendation that executors and courts consistently respect and apply the provisions of the Law on Amendments and Supplements to the Law on Obligation Relations and the Law on Amendments and Supplements to the Law on Enforcement in relation to the statute of limitations for enforcement and in the part of calculation and collection of interest and statutory penal interest.

In the area of **Urban Planning and Construction**, the citizens requested intervention due to the prolongation of the procedure for determining the legal status of an illegal building, removal of a temporary building-assembly shed, failure to act on applications for the construction of a building without a building permit, failure to provide a response to a submitted request, as well as providing access from highway/expressway to houses. From the handling of these petitions, it is established that the Municipalities have not yet completed the procedures for the submitted requests to determine the legal status of an illegal object, even though they were started several years ago. A large number of citizens are still waiting for decisions even

though they have submitted all the necessary documents.

A challenge in this area is dealing with buildings that are being built or have been built without a proper building permit. Namely, even though the construction inspection came out for on-the-spot inspections following reports from citizens and made decisions for the removal of a building, in the event that the developer does not voluntarily remove the building, the municipality does not undertake forced execution of the decisions, i.e. such buildings are not forcibly removed , among other things, due to the fact that a company was not selected for the forced execution of the decisions, that is, for the forced removal of the buildings. Another serious problem is the lack of Detailed Urban Plans for parts of the city (Kumanovo and Kriva Palanka), i.e. the old General Urban Plans, considering that the preparation of new ones is ongoing.

The Ombudsman recommends that the municipalities speed up and complete the procedures for the legalization of illegal constructions, to hire a greater number of human resources who will work on the cases for obtaining the legal status of illegally built buildings.

Also, the local authorities should respond and act on the requests and proposals of the citizens professionally, respecting the legal deadlines.

In the **Consumer Rights** area, all complaints refer to the electricity supply service. Namely, in the petitions, the citizens demanded protection for the regulation of the state of arrears, enabling the conclusion of agreements for the payment of debts in instalments, interest and disconnections from the electricity distribution network. In addition to this, they also complained about the unrealistic invoices for consumed electricity, correction of invoices for consumed electricity, as well as for not acting on requests for dislocation of electric energy facilities (poles, pole substation).

Regarding the problems related to telecommunication services, no complaints were submitted, although citizens who visited the office complained about high bills or about unprovided service by the operators "A1 Macedonia" and "Macedonski Telecom" AD Skopje, as well as on local internet "providers", where they were advised and instructed to turn to the Agency for Electronic Communications as an authority that supervises the legality of the operators' actions.

The Ombudsman recommends regular reading of electric meters, enabling the conclusion of agreements for paying debts in instalments, especially for vulnerable categories of citizens, and proportionality between the compensation for a certain service and the quality of the delivered service.

In the petitions registered in the area of **Property and Legal Relations**, the citizens pointed out problems related to the procedure for the presentation of unregistered rights, denationalization, non-compliance with the judgment of the High Administrative Court of the Republic of North Macedonia and the postponement of the procedure before the State Commission for decision-making in administrative proceedings and procedure from an employment relationship in the second degree, as well as failure to act upon a request from the Administration for Property and Legal Affairs - Regional Department for first-degree administrative procedure Kumanovo. Some of the petitions also referred to the privatization of construction land.

The Ombudsman, acting on the submitted petitions, ascertained insufficient cooperation between the Administration for Property and Legal Affairs, Regional Department for Firstinstance Administrative Procedure Kumanovo and the State Ombudsman for the area of Kumanovo, i.e. frequent submission of appeals by the State Ombudsman in Kumanovo to the decisions of the Regional Department for first-instance administrative proceedings procedure in Kumanovo following the requests for privatization of construction land, which delays the procedures, and thus the citizens cannot exercise their property rights in a timely manner.

It follows from the handling of petitions for denationalization that this reporting year the



Denationalization Commissions continued the practice of not taking actions to execute the judgments of the Administrative Court, that is, of not passing a new act in accordance with the presented legal understanding and the given instructions after the judgments. In that direction, the Ombudsman on several occasions indicated to the appropriate commissions to act on the judgments of the administrative courts, and since the Commission for deciding on the requests for denationalization for the municipalities of Chair, Gazi Baba, Kumanovo, Kratovo and Kriva Palanka did not act on the instructions of the Ombudsman to the Ministry of Finance, submit Information on obstruction of work to the immediately higher authority.

The Ombudsman recommends greater cooperation between the Administration for Property and Legal Affairs, Regional Department for First-Level Administrative Procedure Kumanovo and the State Ombudsman for the area of Kumanovo, with the aim of making decisions in a quick and economical procedure. At the same time, the Commission for deciding on requests for denationalization for the municipalities of Chair, Gazi Baba, Kumanovo, Kratovo and Kriva Palanka to take actions to enforce the judgments of the Administrative or Higher Administrative Court of the Republic of North Macedonia, i.e. to pass an appropriate administrative act in accordance with the legal understanding and the indications given in the judgments.

Acting on the petitions registered in the area of **Penitentiary Institutions** submitted by convicted persons who are serving their sentence in Kumanovo Prison with Open Ward Kriva Palanka, as well as during the visits at least once a month in conversation with the convicted persons, it is established that overcrowding is a serious problem in penal the correctional facility Kumanovo Prison, which also has a detention department. In that direction, the most common requests of convicted persons are for relocation procedures, receiving treatment, health services, and the like. Also, the problem of providing a doctor for daily care of the health of the convicted and detained persons has not been solved, i.e. PHI Health centre Kumanovo sends a doctor twice a week, while the medical brother is daily present in the Prison and he shares the therapy of the convicted and detained persons. The problem with the lack of water has not been overcome either, which is especially pronounced in the summer period.

The Ombudsman's recommendation is that the management of the Kumanovo Prison and the Administration for the Execution of Sanctions take measures to solve the problem of lack of water in the prison, provision of a doctor who will work daily in the prison clinic and regular supply of the necessary medicines.

In the area of Pension and Disability Insurance in the Regional Office of the Ombudsman in Kumanovo, the problems for which intervention was requested are, as in previous years. Namely, the largest number of petitions referred to the determination of the amount of the pension with a foreign element, as well as the prolongation of the procedure following a complaint submitted to the State Commission for decision-making in administrative procedures and procedures from employment relationships in the second degree. In most cases where a violation was found, after the intervention of the Ombudsman, the petitioners managed to exercise their rights in this area.

Prolongation of the procedures before the Pension and Disability Insurance Fund is especially noted in the cases of exercising the right to an old-age pension based on the application of bilateral social insurance agreements that the Republic of Macedonia concluded with other countries. The reason for the delay of the procedure is that some foreign countries do not deliver the data to the Fund in a timely manner. In connection with the above, the Ombudsperson indicated that the Pension and Disability Insurance Fund should continuously, with requests and urgencies, address the competent pension authorities of foreign countries in order to provide without further delay the necessary data necessary for acting on requests for exercising the rights of citizens from pension and disability insurance.

In some of the petitions, it was determined that the State Commission for decision-mak-

ing in administrative proceedings and employment proceedings in the second degree, when it decides on a stated complaint of the Pension and Disability Insurance Fund, does not comply with the legal deadline for making a decision.

The Ombudsman recommends improving the cooperation and communication between the Pension and Disability Insurance Fund and the State Commission for decision-making in administrative proceedings and second-degree employment proceedings, timely forwarding of documentation in order to make decisions on citizens' complaints within the legally stipulated period.

A small number of complaints from citizens have been submitted requesting the Ombudsman's intervention in the area of Labour Relations, Civil Conditions, Police Powers, as well as for the exercise of rights in the area of Social Protection and Environment. Namely, from the handling of the petitions for employment rights, it is established that the local public enterprises, due to insufficient expertise and professionalism of the management bodies of the public enterprises, as well as the poor financial situation, did not accept the indications of the Ombudsman. In the petitions from the field of civil conditions, it is ascertained that the Agency for National Security acted in a timely manner, which, according to the Law on Citizenship, gives an opinion on the security risk of the applicant, which is why the procedures for applications for acquiring citizenship of the Republic of North Macedonia take a long time. The cooperation with the Ministry of Internal Affairs, following the petitions concerning police powers, the Ombudsman assesses as solid, it was responded to in a timely manner and by submitting all the evidence according to the submitted requests, but still training is needed for the police officers in terms of protection, respect and promotion of human rights and freedoms, especially when detaining citizens at the police station. Procedures for realizing the right to monetary compensation for help and care from another person, as well as the right to disability compensation, are delayed due to the small number of appointments available of the Professional Medical Commission for deciding on the right to compensation for assistance and care from another person. While in relation to environmental protection, for which there is only one complaint, the finding is that the citizens do not show a real interest in initiating procedures in the field of environmental protection, although the ambient air, which, especially in the winter period, is highly polluted, and there are and several wild dumps in the city and the surrounding area.

OMBUDSMAN - REGIONAL OFFICE STRUMICA

The regional office of the Ombudsman in Strumica acts in the area of the municipalities of Strumica, Radovish, Berovo, Pehchevo, Novo Selo, Dojran, Gevgelija, Bogdanci, Valandovo, Negotino, as well as other municipalities and settlements that gravitate to that area.

In 2023, the total number of complaints submitted to the Ombudsman is 81, i.e. 47 complaints less than in 2022.

The largest number of petitions were submitted in the areas of Justice (20), Urban Planning and Construction (14), and Consumer Affairs (9). A smaller number of petitions were submitted in other areas; Social protection (7), Police powers (7), Property-legal relations (5), Employment rights (5). Three petitions were recorded in the area of Pension and Disability Insurance, 2 petitions each in the area of Correctional Institutions, Finances, Environment and Other Rights, and one petition each in the area of Civil Conditions, Prosecutor's Office and Health Care.

Otherwise, in the reporting year, more than 700 citizens were admitted to the Regional Office in Strumica, with whom a conversation was held about the problems they are facing and consequently intervened in accordance with the authorizations of the Ombudsman.

Graphic No.7



In the area of **Justice**, citizens submitted petitions for prolongation of proceedings after lawsuits filed with the Administrative Court, blocked accounts of citizens in banks, mostly by the enforcement agents, of funds from salaries and pensions, cash benefits from social protection, which according to the Law cannot be subject of forced collection. And this year, as in the previous period, citizens turned to the Regional Office regarding blocked accounts from executors, who are recipients of funds on the basis of social rights, although the executors themselves can check these funds electronically through Centres for social work.

Part of the citizens submitted petitions dissatisfied with the procedures for the lawsuits filed with the Administrative Court, pointing to the prolongation of the procedures and the failure to make meritorious decisions on the lawsuits, and from proceeding with them, it is ascertained that it often takes a longer period to hand over the complete case, with a notice of finality of the decision of a first-level or second-level authority for re-decision.

Acting on the petitions, part of the citizens exercised their rights after the intervention of the Ombudsman, considering that most authorities, courts and other institutions made decisions and acted on the indications of the Ombudsman.

The Ombudsman recommends that the Enforcement Agents to be careful in the procedures for forced collection, i.e. not to block the accounts of persons who are beneficiaries of social assistance, and instead of completely blocking the accounts of employed persons and pensioners, one third of their salary or pension should be withheld, according to the Law of enforcement.

In the area of **Urban Planning and Construction**, citizens addressed complaints and requests for advice and assistance on issues in the area of urban planning and construction, especially for failure to act upon a request for a building permit or to the competent local building inspections for the removal of illegally constructed buildings. They pointed to the delay in the procedures for issuing building permits (especially in second-level procedures and before the Administrative Court), slowness in the procedures for the removal of illegally built buildings, as well as the non-implementation of the procedure for the removal (demolition) of illegal buildings. Acting on the petitions, the ombudsman requested notification from the local authorities, and the reasons given by them were the lack of an authorized building inspector with a license in some municipalities, or they referred to the long tender procedure for carrying out the construction activities - the demolition. In addition to the above, the procedure for the removal of illegally built structures is also being delayed after a procedure was initiated by the Public Prosecutor's office and a decision was made to convict the accused builder and confiscate the structures for the benefit of the state, and the demolition procedure was not carried out at all due to the lack of interest of the State Attorney's Office. Otherwise, the Regional Office of the Ombudsman in Strumica has established good cooperation with the Municipality of Strumica, Bosilovo and Novo Selo, where meetings were personally scheduled and held with the mayors after the submitted petitions for solving the problems of the citizens and exercising their rights in the stated area.

The Ombudsman's recommendation is that the municipalities act more quickly and promptly on the requests for the issuance of construction permits, as well as for the legalization of illegal constructions. While in the procedures for the removal of illegally built buildings, the municipalities should take measures and actions within the legally determined deadlines.

In the area of **Consumer Rights**, citizens submitted complaints and sought advice on high bills for consumed electricity and on invoicing arrears. Visits and complaints on this basis became especially frequent after the last three months, where they stated that a larger amount was calculated in the account for the transmission of electricity than for the consumed electricity, and the revolt was great due to the constant entry of outdated arrears. In connection with the petitions of the citizens, which referred to high electricity bills, after the intervention of the Ombudsman, agreements were concluded between them and EVN, and they were allowed to pay them in instalments without interest.

The Ombudsman recommends that electric meters be read regularly, that citizens be allowed to enter into agreements for the payment of debts in instalments, especially for vulnerable categories, and that outdated debts should not be included in the agreements.

In the area of **Police Authorizations,** citizens complained about the way the police officers behaved, or about the delay of the procedures until a case was filed before the Basic Public Prosecutor's Office and the courts, as well as about confiscated travel documents and objects that were kept for a long time until a final judgment was passed.

The Ombudsman's recommendation is not to delay the proceedings before the bodies of the Ministry of Internal Affairs, the Prosecutor's office and the Courts, especially when it comes to confiscated travel documents and restricting freedom of





movement.

In the area of **Social Protection**, it intervened at the request of the citizens, and in connection with the petitions for the termination of the right to social protection, paid monetary compensations for help and care from another person, as well as for prolongation of the procedure after a complaint was filed before a second-level authority and registered administrative dispute before the Administrative Court.

The Ombudsman recommends that the procedure before the Administrative Court, the State Second Instance Commission and the first instance administrative body be within the legal deadlines, especially the handing over of completed cases with documentation from one authority to another.

In the area of the **Rights on Labour Relations,** the number of complaints is small, and citizens complained about the termination of fixed-time work contracts and the conclusion of contracts with other persons, especially in education and other bodies, public enterprises and state bodies. Citizens complained about the termination of an employment contract that lasts up to 6 months for not paying K-15 compensation, which is an obvious example of circumventing the Law on non-payment of that obligation.

The Ombudsman's recommendation is that the competent inspection authorities carry out control of public enterprises and legal entities for the prevention and avoidance of abuse and avoidance of the payment of K-15.

In the areas (Civil conditions, Other rights, Environment, Health insurance and protection, Property and legal relations, Penitentiary institutions, Finance and customs and Pension and disability insurance) the Ombudsman acted on a small number of complaints, often through direct inspection and visits of the bodies (Real Estate Cadastre Agency, Administration for Property and Legal Affairs, Inter-Municipal Centre for Social Affairs Strumica, Municipality of Strumica, Basic Court of Strumica, Fund for Pension and Disability and Health Insurance Regional Unit Strumica, Department for Enforcement Collection in Strumica, Fund for health insurance -Strumica Branch, Penal-Correctional Institution Strumica Prison, Gevgelija Prison) determined the actual situation and helped the citizens in exercising their rights.

The Ombudsman recommends in the field of pension and disability insurance that the Pension and Disability Insurance Fund act more promptly, especially in procedures with a foreign element where citizens cannot exercise their right to old-age pension for months. The regional office of the Ombudsman in Tetovo acts on complaints submitted by citizens/ residents of the municipalities of Tetovo, Jegunovce, Tearce, Bogovinje, Zelino, Brvenica, Gostivar, Vrapcishte, Mavrovo and Rostuse.

In 2023, 117 complaints were submitted to this Regional Office of the Ombudsman, or 20 complaints more compared to 2022

The largest number of petitions were submitted in the area of Justice (19), Consumer Rights (18), Labour Relations (16), Urban Planning, Construction and Housing (13), Finance (11).

A smaller number of petitions were submitted in the other areas, namely: Pension and disability insurance (9), Property and legal relations and social security (7 petitions each). Five (5) complaints were recorded in the Police Powers area, four (4) complaints each in the Penitentiary Institutions and Other Rights area (4) and one (1) complaint in the Environment area.

From the submitted petitions and the reception of parties, it can generally be said that the relationship between the Local Government and citizens is still not at a satisfactory level, which is certainly reflected in the cases for which citizens requested intervention. This shows that the communication with the citizens should be improved and their requests should be taken into account, since it is a matter of decisions of local importance that affect them.

Otherwise, the citizens also complained about the work of the regional departments of the state administration bodies, their inappropriate and untimely handling of the submitted requests and, as a result, the continuation of the procedures by filing complaints before the secondary authorities.

117 received complaints	Police authorizations - 5
	Civil conditions and other internal affairs - 3
	Judiciary - 19
	Social protection and security - 7
	Labor relation - 16
	Residential relations - 1
	Pension and disability insurance - 9
	Urban planning and construction - 12
	Environment - 1
	Finances - 11
	Property-legal relations - 7
	Consumer rights - 18
	Penal-corrective and educationally-corrective institutions -
	Other- 4

Graphic No.8

In the area of **Justice**, the citizens mostly expressed dissatisfaction with the procedures before the executors, based on the amount of the debt, the amount of calculated interest and costs. Only one case was recorded in which intervention was requested from a citizen, because funds from the transaction account acquired on the basis of social assistance were taken from him through forced collection, however, after the intervention of the Ombudsman, the funds taken from the transaction account were returned to him. From the analysis of the submitted petitions that refer to the work of the executors, in most cases no violation of the rights of the petitioners was found. In that direction, from the content of the submitted petitions, the Ombudsman states that the executors comply with the legal amendments from the Law on

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Obligation Relations, in the section - that the amount of interest should not exceed the amount of the principal debt. Part of the petitions from this area were submitted due to the prolongation of the court proceedings following appeals filed before the Gostivar Court of Appeal, after which the Ombudsman addressed the competent courts, taking into account the principles of autonomy and independence of the judicial authority, and demanded that the principle of trial be respected within a reasonable time, and to avoid the unjustified prolongation of court proceedings, and in some cases it was necessary to intervene by referring to emergencies. At the same time, all the interventions of the Ombudsman were acted upon and the procedure for the relevant court cases was accelerated.

Referring to the petitions before the Court of first instance, the petitioners requested the collection of information for certain court cases, and after the intervention of the Ombudsman, they received the requested information. While, in relation to the petitions in which the petitioners expressed dissatisfaction with the court decisions already made, with the negligent work of judges, the citizens were informed about the competent action of the Ombudsman and in that context, they were advised to request further protection of their rights before the Judicial Council of The Republic of North Macedonia, as the competent authority.

The Ombudsman recommends that before blocking the accounts of citizens on the basis of debt, the enforcement agents must check the material condition and social status of the debtors, because the costs of the blocked accounts fall on the debtors. At the same time, the enforcement agents need to deliver the acts orderly to the debtors.

In the area of **Consumer Rights,** almost all the complaints related to electricity services and the work of EVN Makedonija Jsc-Skopje-KEC (User Energy Centre)-Tetovo, and only one complaint requested intervention in the section for the delivery of water and other communal services and referred to the operation of PUE "Tetovo"-Tetovo.

The problems for which the citizens of the Polos region requested intervention as electricity users are identical to the problems faced by the citizens of the entire territory of the country. Namely, the largest number of petitions refer to a request to examine the state of arrears, control of meters, to enable the conclusion of agreements for the payment of arrears in instalments, a request to receive more benefits, such as enabling payment in multiple instalments and reduction of the monthly amount of the instalment due to inability to pay debts and regular invoices. Correction of invoices, intervention due to disconnection from the electricity distribution network and reconnection, action on requests for dislocation of electrical facilities (cabinets, meters, and poles), interruptions in power supply, as well as petitions requesting intervention before the Regulatory Commission were also requested for energy and water resources after submitted objections.

In the petitions requesting the correction of the invoice due to the high amount, the Ombudsman requested that the meter be checked/reeded, although the distributor of the electricity system is obliged to read the meters quarterly, since the purpose is to receive invoices for consumed electricity drawn up based on read, not estimated/acontative status. This, in order to receive real invoices, because consumers have an obligation to settle their obligations in a timely manner, but only for the amount that they actually spent in the past period and will not be further financially burdened. Interventions for such problems of the citizens were mostly accepted and after the actual consumed electricity was determined, changed invoices were drawn up to settle the situation. In the context of this problem, more precisely due to the doubt in the invoiced amount for collection, citizens in some cases also requested intervention to control the measuring device. In all these cases, the interventions resulted in receiving answers explaining the verification procedure regarding the correctness of the meter and they were directed to submit a Request for Meter Verification-A-Test, with the aim that after the received results of the meter verification, EVN to take further actions.

For the petitions based on the determination of the state of arrears, the Ombudsman requested that repeated checks be carried out in the system and that accurate information

be provided about the recorded debt, such as about the amount of the debt, the type of debt whether it is a debt for consumed electricity, whether it is a debt for compensation for a communal fee for public lighting, for interest for late payment or costs of court proceedings, then whether an enforcement procedure has been initiated for the debt collection, with which authority, court, notary, executor the procedure is located, etc. The appeals of the Ombudsman to EVN, regarding such problems of the citizens, always resulted in receiving adequate information for each individual request. Consequently, after the received information about the arrears, the citizens requested intervention to pay the debt in instalments by concluding an Agreement, and they also requested the provision of more benefits related to the number of instalments and smaller monthly annuities. In such cases, although the ombudsman did not establish a violation of rights, he nevertheless intervened, taking into account the reduced economic power of the citizens. As in previous years, EVN accepted the requests, agreements were concluded, and the citizens were additionally advised to regularly act according to the foreseen dynamics for payment of the debt after the agreement and settlement of regular invoices, in order that the claim is not subject to forced collection and not disconnection from the electrical distribution system was approached.

Part of the citizens submitted petitions that referred to requests for the dislocation of electrical facilities (cabinets, poles, poles), because their proximity represents a danger to property and safe living. After the initiated procedures, EVN reviewed the circumstances on the ground and in cases where dislocation is possible, EVN explained the procedure according to which the realization follows after settlement of all costs by the user. Of course, the citizens remained dissatisfied with the calculated amounts for the procedure, and EVN did not deviate from its claims.

In this area, at the end of this reporting period, the issue of implementing the low-cost daily rate service was current, for which a large number of citizens requested information regarding the introduction of this service, which households will be able to use between 1:00 p.m. and 3:00 p.m. Without exception, the citizens expressed dissatisfaction with the way this process was carried out, and doubts that all users will use this service in the near future, considering the dynamics of work by EVN. The citizens were informed about this situation that the Ombudsman is carefully monitoring it and has already requested a ruling on the way to implement this process, with the aim of its timely implementation for all users without exception.

Taking into account the findings, the Ombudsman recommends submitting invoices for actual consumed electricity, as well as taking into account complaints regarding the costs calculated for the dislocation of electricity facilities.

In the area of **Rights of Labour Relations** and this reporting year, the petitioners pointed to a violation of their rights due to the groundless initiation of disciplinary proceedings, assignment to a lower position, employment procedures, candidate selection procedures, i.e. they stated that candidates who are not fully fulfil the conditions given in the advertisement, as well as that during the selection of candidates for a certain job position, all stages of the procedure were not respected. Furthermore, some of the petitioners requested their protection in the conducted disciplinary procedures, while they considered that the initiated disciplinary procedures were unfounded and without the existence of specific reasons for initiation. Depending on the situation ascertained after the procedure carried out on the complaint, the Ombudsman submitted to the competent authorities to which he/she acts competently indications, opinions, suggestions, Request for explanation, information and evidence for the allegations in the complaint, Request for inspection supervision, etc. Part of the citizens asked for legal advice regarding rights arising from the Law on Labour Relations, and the Ombudsman acted appropriately by providing the necessary advice.

The Ombudsman recommends that the reference to the discretionary right of the employers during the selection of candidates should not be applied at all, but during the selection it is necessary to always and without exception take into account the criteria given in the advertisement and to select the candidates who are the high-

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est on the points list.

In the area of **Urbanism, Construction and Housing**, citizens' petitions refer to illegally built buildings, that is, without a building permit, as well as the removal of a building built without a building permit. In fact, the illegal constructions of previous years, their removal and demolition were current in this reporting year. It is characteristic that this reporting year, unlike the previous one, there were no registered petitions for the protection of rights on the basis of determining the legal status of illegally built buildings, i.e., delaying the procedures for legalization.

The regional office of the Ombudsman in Tetovo points to the insufficient cooperation of the municipalities, the urban planning departments, as well as the inspection authorities in acting upon the requests of the Ombudsman and to the delivery of incomplete and non-substantial answers.

This situation is characteristic of the Local Government bodies responsible for dealing with the submitted petitions that refer to citizens' problems due to non-implementation of the adopted acts and decisions for the removal of illegally built objects. In that sense, the answers contain unfounded justifications that during that period they do not have the financial construction for the execution of the adopted acts, emphasizing that it is about a large number of requests - cases for the removal of illegally built buildings and consequently there is a Program for the realization of the acts for the execution of the illegally built buildings.

The Ombudsman, in relation to the thus expressed attitude of the Local Government units competent to act on the submitted petitions that refer to problems of the citizens due to non-execution of the adopted acts and decisions, considers that it is impermissible and against the Law to not fulfil the obligations of the adopted decisions, thus the rights of the citizens are further violated.

Therefore, the Ombudsman recommends that municipalities take additional actions and measures to remove buildings built without a building permit and to speed up the procedure for their removal and demolition.

In the area of **Finance**, citizens requested intervention due to the unfounded determination and collection of a broadcasting fee, which fee remains a problem for some citizens. In the submitted petitions, the citizens requested intervention due to the unpaid debts and the closing of the financial cards that the Public Revenue Office maintains for the bonds. Thus, complaints have again been noted due to the blocking of transaction accounts and the indebtedness of two or more members of the same family household with the arrears on the basis of broadcasting fee collection.

After the ascertained violations, the Ombudsperson sent indications to MRT and Public Revenue Office – Regional Direction Tetovo and they were accepted in most cases, thus the petitioners managed to exercise their rights

In the area of **Pension and Disability Insurance**, there are no significant changes in relation to the problems and difficulties of citizens in exercising their rights. The citizens once again complained about the difficulty in exercising their rights in various sub-areas of pension and disability insurance due to the prolongation of the procedures themselves by the competent first instance authority, Tetovo Branch, as well as in the appeal procedures. Some of them expressed displeasure due to non-compliance with the legal deadlines for proceedings before the first-level authority, as well as the prolongation of the procedures before the second-level authority due to the non-submission of the necessary documents by the first-level authority - Tetovo Branch. In relation to exercising the right to old-age pension, citizens often complained about improperly calculated pension amount, failure to enter or incorrect entry of data in the registry, for untimely paid contributions or untimely submission of data to the Fund by the employers.

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In the petitions from this area, intervention was requested due to irregular payment of an old-age pension to a person living outside the Republic of North Macedonia. After the actions taken, it was determined that this situation occurred due to untimely delivery of the necessary documentation, which is why the pension beneficiary was instructed to submit a life certificate twice a year. In relation to the petitions for exercising the right to a pension with a foreign element, where there is a delay in the procedure, due to the need to check the completed service in our country and in the foreign country in order to overcome the possible doubt of doubling the service, the conclusion is that this procedure is particularly slow and it takes place with difficulties when the internship is completed in the Republic of Italy because it is still being done according to the Convention on Social Security between the Republic of Italy and the former Yugoslavia, in the absence of a concluded Bilateral Agreement between the Republic of Italy and the former former by our authority in correlation with the foreign insurance authority, the procedure following these petitions lasts for a longer period, during which actions remain to be taken only in the direction of speeding up the procedure and timely completion of the requested data.

The Ombudsman recommends that actions be taken for the timely completion and forwarding of the documentation between the competent authorities, i.e., the Fund, the Branches and the State Commission that decides on the appeals. Whereas, the Fund should take actions more promptly and continuously before the competent pension authorities in foreign countries.

In the area of **Social Protection**, citizens requested intervention from the Ombudsman for exercising the right to compensation for assistance and care from another person, for violation of the right to guaranteed minimum assistance, and for social security for the elderly. At the same time, the complaints were related to the Inter-Municipal Centre for Social Affairs of Tetovo, primarily because of the problems they face in the first instance procedure when submitting the requests, the length of the procedures after deciding on their requests, the late payment of the funds after the decisions made, etc. They also complained about the Centre's failure to act after the rulings of the Administrative Court and their instructions. In these cases, the prolongation of the re-decision procedure, as well as non-compliance with the instructions given by the Court, was noted, without a specific explanation for such a procedure. Taking into account the reduced economic situation of the citizens, and above all of this vulnerable category, many of them complained about the amount of financial aid during the immediate admission to the office.

By the way, in the immediate visits by the citizens, remarks were made on the realization of the right to compensation and assistance from other persons, because the controls at the Professional Commissions that the citizens have to do in order to realize the right are outside the place of residence, which means for part of that category, transportation is a big problem for them because it is about people who are in a serious health condition.

Taking into account what has been established, the Ombudsman recommends taking actions for timely action on citizens' requests with the aim of obtaining decisions within the legally stipulated period and more up-to-date operation in relation to re-decision procedures.

In the area of **Property-legal relations**, most of the petitions refer to the sub-area of privatization of construction land in state ownership and that on the basis of prolongation of the procedure for privatization of construction land in state ownership. One case was established for denationalization, in connection with the non-implementation of a court decision of the Administrative Court of the Republic of North Macedonia.

A finding in relation to the cases in the area of property-legal relations in the Regional Office of the Ombudsman in Tetovo, is that there is promptness on the part of the competent authorities in delivering complete and substantial answers.





The Ombudsman recommends that the Denationalization Commissions take actions to enforce the judgments of the administrative courts, that is, to pass a new act in accordance with the presented legal understanding and given indications in the judgments.

In the areas of **Penitentiary Institutions, Police Authorizations, Civil Conditions, Environment and Other Rights,** the Ombudsman - Tetovo District Office acted on a relatively small number of complaints from citizens and his interventions were always aimed at correctly and completely determining the factual situation for the purpose of enforcement the rights of citizens. In that context, taking into account the limitation of freedom of movement of persons serving prison sentences in Penal-Correctional Institution Prison Tetovo, the Regional Office regularly made visits to the facility and talks with convicted persons.

It is a finding that only convicted persons are serving their sentences in Penal-Correctional Institution Prison Tetovo-Tetovo, because the detention department has not been in operation since 2017. By the way, the accommodation capacity of the Penal-Correctional Institution Prison Tetovo are 52 beds, and currently 63 people are serving their sentences in the Prison, which means that the number of convicted persons is seriously exceeded in terms of accommodation facilities. During a visit to the Penal-Correctional Institution Tetovo Prison, it was ascertained that with the direction given by the director of the institution, one of the convicted persons voluntarily held English language classes, as a fulfilment of the free time of the convicted persons, with which educational activities are carried out in the Prison, but also, cultural and sports activities are also organized within the resocialization program.

During 2023, the prison clinic in the Penal-Correctional Institution Tetovo Prison is equipped with a new EKG device and a new blood analysis device, but no changes have been noted in relation to the health care of convicted persons, as they continue to receive this service and treatment only in the working hours of the family doctor, that is, there is no appropriate health service that will work 24 hours.

Regarding the provision of a functional educational process in the KPU Prison Tetovo -Tetovo, according to the information received from the prison administration, this right cannot be implemented because the convicted persons who are serving a prison sentence are adults, and in cooperation with the educational authorities take measures and actions to find a way to adopt a program for adult convicted persons, as well as professional teaching staff in order to realize the right to education.

Consequently, the Ombudsman recommends improving the system of health care for convicted persons in Penal-Correctional Institution Tetovo Prison, that is, that convicted persons receive health treatment and health services 24 hours a day in the prison infirmary. Actions should also be taken to ensure a functional educational process in Tetovo Prison for adult convicts, as well as measures to expand the accommodation facilities in the Penal-Correctional Institution Tetovo Prison.

OMBUDSMAN - REGIONAL OFFICE STIP

The regional office of the Ombudsman in Stip acts on complaints from citizens/residents from the cities of Probistip, Kocani, Vinica, Sveti Nikole, Delcevo and Makedonska Kamenica.

In the reporting year 2023 in the regional office in Stip, a total of 112 complaints were received, which is an increase of 52 complaints compared to 2022. At the same time, the most numerous are the complaints of convicted persons in the Penitentiary Institution Stip (30) and in the area of Justice (21).

A smaller number of petitions were submitted in the area of Consumer Rights (8), and Urban Planning, Construction and Housing (7), for Employment Rights (6), in the area of Police Powers (5). In the area of Property-legal relations and other rights there are 4 complaints each, Pension-disability insurance (3), Rights from higher education (2). One complaint each was recorded in the area of Finance and Customs and Health Care.

The regional office in Stip, advocating for the protection and promotion of human rights and freedoms, and in this reporting year, in accordance with its powers, with the actions and measures taken, has endeavoured to contribute to the realization of the rights of the citizens, so according to the ascertained factual situation, it has sent recommendations, opinions and indications for the method of removing the ascertained injuries.

The authorities and institutions, with their timely and essential answers, cooperate with the Ombudsman to a great extent, listening to the citizens' concerns and contributing to their realization, prioritizing the petitions submitted by the citizens, and acting promptly on all the remarks and indications of the Ombudsman.

91 received complaint	Police authorizations - 5
	Judiciary - 18
	Prosecutor's office - 3
	Labor relation - 6
	Residential relations - 1
	Health protection - 1
	Pension and disability insurance - 3
	Education and science - 1
	Urban planning and construction - 6
	Finances - 1
	Property-legal relations - 4
	Consumer rights - 8
	Penal-corrective and educationally-corrective institution
	Other - 4

Graphic No.9

In the area of **Penal-Correctional Institutions** during the reporting period, 30 convicted persons requested the intervention of the Ombudsman for the protection of rights through a notification in the Ombudsman's mailbox, placed at the Penal-Correctional Institution in Stip, or personally, during visits to the Institution. In some of the petitions, it was noted that they refer to other institutions, so they were submitted to the authorities by the Ombudsman. Otherwise, the most common complaint of convicted persons was about ensuring the right to health care, especially the right to secondary health care, dental services and lack of regular psychiatric examinations. In addition to this, it was requested to enable the use of facilities, and they reacted to the inappropriate behaviour of certain officials from the prison police, as well as intervention due to the invasion of insects in the summer period.

The Ombudsman, for each of the cases, proceeded with an examination of the allegations, so in that context, although the dissatisfaction with the health services was in the fore-

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ground, especially ensuring the right to secondary health care, during the inspections of the employed doctor in the Institution and inspection of medical documentation, it was determined that all persons who reported a health problem were examined, and according to the doctor's assessment, they were referred to a specialist examination. The biggest problem arises when organizing the escort of convicted persons to health facilities outside the Penal-Correctional Institution, where the Ombudsman indicated that special attention should be paid to urgent and urgent cases, in order not to cause additional complications for the health and life of convicted persons. In addition to the above, due to the unsatisfactory way of life, many convicts are concerned about their physical and mental health, which is why the Ombudsman asked to consider the introduction of a mandatory systematic examination for a certain period of time for all convicts.

Referring to complaints about inappropriate behaviour by certain members of the prison police, it was intervened by indicating to take into account the reactions of the convicted persons and to take actions and measures in order to respect the Code of Conduct of the officials in the prison institution, as and to act on the awareness of the employed officials about the existence of the basic rights of convicted persons who should be treated humanely and humanely. The Stip penitentiary provided timely answers and acted on the instructions given. Following the complaint that the normal functioning was hampered due to the presence of a huge number of insects, the institution, on the instructions of the Ombudsman, carried out extermination of all facilities within the Penal-Correctional Institution Stip.

The Ombudsman recommends increasing the promptness of the Institution when escorting convicted persons to health facilities outside the prison, in order to provide them with the necessary secondary health care in a timely manner. At the same time, measures and activities should be undertaken for work engagement of convicted persons, educational and leisure activities, sports and recreation and mandatory medical-psychological treatment for the purpose of effective resocialization of convicted persons.

Taking measures by the penitentiary in the direction of improving the attitude of officials towards convicted persons and respecting the Code of Conduct when taking actions related to the treatment of convicted persons.

In the **Judiciary** area, the citizens in the petitions pointed to the violation of rights in second-degree proceedings, first-degree civil proceedings, for proceedings before the Administrative Court, as well as the actions of lawyers and notaries. In addition to this, they requested intervention due to the irregular delivery of the documents by the executors, the high amount of the debts, especially the interest, the denial of the right to receive information regarding the paid part of the debt and the remainder of the debt, and after many years of paying monthly instalments, they considered that have settled the debt. In some of the petitions, they complained about the obsolescence of the claims, unfounded blocking of accounts, and although in a smaller number, they also filed petitions about the operation of Public Prosecutor Stip, which referred to the failure to inform the petitioners about the course of the procedure.

In several cases, the Ombudsman found non-compliance with the legally provided deadlines for decision-making, and in that direction addressed to the Court, to take into account both the legal provisions and the additional circumstances due to which it is necessary to give priority to the specific cases during the decision-making process, where the Court of Appeal in Stip acted on the instructions of the Ombudsman, and the petitioners exercised their rights by speeding up the decision-making procedures.

Regarding the first-level civil proceedings, the petitioners in the petitions expressed dissatisfaction with the court decisions, for which the Ombudsman clarified their jurisdiction, advising them to use the legal remedies available to them within the legal deadlines.

The petitioners also reacted to the long duration of the proceedings before the Administrative Court, while the conclusion remains that the courts do not decide on the merits by adopting an act that would replace the annulled one, so the citizens are put in a situation of endless repetition of the proceedings before the first instance authority. The Administrative Court of the RNM delivered timely and substantial answers and took measures to protect the rights of the petitioners, which cannot be said for the Attorney Association of the RNM, which, even after several urgent requests, refuses to cooperate, and does not pronounce at all according to the requests of the Ombudsman.

Citizens' dissatisfaction with the work of notaries related to the disorderly delivery of notarial deeds, and the unfounded inclusion of validity and enforceability clauses on the issued notarial decisions, which then constitute the basis for execution in an executive procedure, so the citizens were previously unaware that they had a debt to pay, and without to give them a voluntary deadline for payment, are unreasonably burdened with additional execution costs. In this direction, he pointed out that the notaries should deliver the documents, which result from their work, verbatim in compliance with the provisions of the Law on Civil Procedure. If they determine that the certificates of validity or enforceability have been unfounded, they should act in accordance with the provisions of the Notary Law, and officially cancel them so that citizens are not exposed to additional costs in enforcement collection procedures.

In the majority of the submitted petitions against the enforcement agents, no violation of the rights of the petitioners was found, that is, the enforcement actions were taken in accordance with the law, with proper delivery to the parties in the procedure and compliance with the legal deadlines. The misconception of the petitioners that despite the long-term payment of instalments, the main debt remained unpaid, is due to the order of closing the debt according to the Law on Enforcement Collection, i.e. the costs for enforcement collections are paid first, then the procedural costs according to the executive document, the legal interest awarded and finally the main debt. In all submitted petitions, the Ombudsman determined that the Executors comply with the legal amendments from the Law on Obligation Relations regarding the provision that the amount of interest should not exceed the amount of the principal debt.

Acting on the petitions of the citizens that related to the operation of the Public Prosecution Kocani, i.e. for not notifying the petitioners about the course of the procedure, the Ombudsman intervened before the Public Prosecutor's office, which provided the requested information to the petitioners by delivering timely and substantial answers. In that direction, he recommended greater promptness in the work of the Prosecutor's Offices, especially in delivering notices to the citizens about the course of the initiated procedures, as well as respecting the legal deadlines in the procedures.

The Ombudsman recommends more frequent independent merit-based decisionmaking in administrative disputes in order for citizens to exercise their rights within a reasonable period of time.

The Attorney Association of RNM should respect the provisions of the Law on the Ombudsman, where the duty of cooperation of the authorities with the Ombudsman is prescribed.

The enforcement agents should increase transparency before the parties, both for the actions taken in the procedure, and for the collected funds and the method of their distribution. At the same time, it is mandatory to check the material condition, work and social status of the debtors before their accounts are blocked, as well as to observe the legal provisions for the orderly delivery of the acts of the enforcement agents to the debtors.

In the area of **Consumer Rights**, the subject of citizens' complaints were the consumption of electricity, i.e. regulation of arrears, disconnection from the electricity distribution network, enabling the conclusion of agreements for the payment of debts in instalments, unjustified borrowing with street lighting fees, i.e. double taxation. EVN Makedonija Jsc Skopje confirmed the cooperation with the Ombudsman, through the delivery of quick and substantial answers and interventions according to the directions given in the letters from the Ombudsman





for the exercise of citizens' rights.

In relation to the delivery of water and other communal services, the citizens' complaints related to the recording of arrears in the invoices, which according to the explanation of PE Komunalec - Sveti Nikole, the citizens had no obligation to pay, but it creates confusion and fear for them in the future not to be unjustly burdened with outdated debts, which was the subject of the Ombudsman's instructions.

This year, the issue of overdue debts from citizens, which have been sued, that is, enforcement documents have been issued, after which forced collection procedures have not been initiated, and which, according to the legally stipulated deadlines, are in the category of obsolete debts, has arisen in particular this year. The ombudsman pointed out this problem to the users through legal advice, and the service providers were instructed to find an appropriate way of informing the citizens about the real state of the debts without asking them for outdated claims.

The Ombudsman recommends that utility companies inform citizens about the actual amount they have to pay, without recording arrears in the submitted bills, which create a sense of uncertainty among citizens that one day they will be asked for these outdated bills.

It is recommended that EVN Makedonija Jsc Skopje, when claiming from citizens for arrears, take into account the objections of the persons for the obsolescence of the claimed, i.e. unclaimed invoices, invoices that have been claimed before a notary or a court for which an executive document has been issued, but no proceedings have been initiated of execution, which according to the Law on Obligation Relations are considered obsolete, should not be demanded from the citizens.

In the area of **Urbanism, Construction and Housing,** the largest number of complaints from citizens refer to the work of building inspectors. Namely, although the municipal building inspectors promptly acted on the complaints of the citizens, their dissatisfaction appears from the notices delivered after the completed inspection, i.e. they were sent, stating the facts that the petitioner's request was acted upon, an on-the-spot inspection was made and they were informed that there were no irregularities, without explaining the ascertained situation, i.e. what was undertaken in order to determine it. In several cases, the Ombudsman requested inspection supervision from the State Inspectorate for Construction and Urbanism of RNM, but despite the urgent calls, no information was received as to whether the municipal inspectors acted fully in accordance with the legal authorizations.

Regarding the Housing, the citizen's complaint referred to dissatisfaction with the nonaction of the Housing Inspector of the Municipality of Stip, following a submitted request for an inspection. According to the provided information, it was stated that the Inspector acted on the petitioner's request and his right was exercised in the meantime.

In the area of **Rights on Labour Relations,** citizens in their petitions expressed dissatisfaction with the procedures implemented during employment, especially the selection of candidates, payment of salaries and allowances, problems with providing transportation to the place of work, expressed doubts about the correct recording of the hours of work and work performed longer than full-time, and in one case a problem during the procedure for renewing a license for a kindergarten teacher, under the threat of losing the applicant's job.

In the field of **Pension and Disability Insurance,** the petitions referred to the amount of pensions, i.e. an error in the calculations made by the PIOSM (Pension and disability insurance fund of North Macedonia) Fund, non-delivery of a response from the Fund at the request of the citizens, exercise of the right to a disability pension, untimely adoption of decisions by the first instance authority according to the guidelines of the State Commission for decisionmaking in administrative procedure and procedure from employment relationship in the second degree, are the main problems to which the pensioners reacted in the past year. Acting on the same, the Ombudsperson demanded that the Pension and Disability Insurance Fund of the RNM respect the legally stipulated obligation and deadlines when submitting a response to the submitted requests of citizens.

In the area of **Police Authorization**, most of the complaints related to failure to take measures following criminal complaints by citizens, refusal to file them and take measures in accordance with the Law on Police, groundless search of persons and means of transport and allegations of exceeding official authority by of police officers. The police stations from the region mainly submitted timely and exhaustive answers about the actions taken after the citizens' reports and where a violation was ascertained, that is, it was established that action was omitted, and there was competence, action was taken after the Ombudsman's indication. At the same time, he recalled the basic function of the police - protection and respect for the basic freedoms and rights of man and citizen, protection of the legal order, prevention and detection of criminal acts, taking measures to prosecute the perpetrators of those acts, as well as maintaining public order and peace in society.

The Ombudsman recommends that police officers act humanely, respecting the dignity, reputation and honour of persons and their basic freedoms and rights in the performance of their work.



The regional office of the Ombudsman in Kicevo has the municipalities of Kicevo, Ohrid, Struga, Debar, Makedonski Brod, Debarca, Vevcani, Plasnica, Centar Zupa under its jurisdiction.

In the reporting year 2023, the total number of complaints received in this Regional Office is 192, that is, seven complaints less than last year. At the same time, the largest number of petitions were submitted in the area of Justice (69), Consumer rights (18), Urban planning, construction and housing (15), Other rights (13), Labour relations (12), Police powers (11), and 10 petitions were submitted in the areas of Property and Legal Relations and Finance and Customs.

In the other areas, a smaller number of petitions were submitted, namely: Civil conditions (9), Pension and disability insurance (8), Prosecutor's office (7), Social protection (6), Higher education rights (5) and Environment (4) and 2 petitions each from the Housing District and Correctional and Correctional Institutions.

Otherwise, in this reported period, the office of the Ombudsman in Kicevo continued to hold regular monthly meetings with the citizens of the Debar municipality, every last Thursday of the month, and with the citizens of the Struga municipality and the surrounding municipalities every second Friday of the month. Namely, at the beginning of the year, the Regional Office of the Ombudsman in Kicevo delivers, electronically, a Notice to each of the above-mentioned municipalities about the implementation of the visits, which are displayed in a prominent place (at the entrance of the municipal buildings, the Centres for Social Work, the Courts, the Prosecutor's Offices, Penitentiaries, as well as in the interior parts of the premises where convicted persons move) for the purpose of timely notification of the possibility of meetings and conversations with the deputy ombudsman and other employees of the Regional Office in Kicevo.



Graphic No.10

In the area of **Justice**, the largest number of petitions were submitted, in which citizens demanded the protection of rights in first-degree civil and criminal proceedings, proceedings before administrative courts, as well as for proceedings conducted before persons with public authority - lawyers, executors and notaries. At the same time, in relation to the work of the judicial authorities, the citizens often asked the Ombudsman for intervention to obtain information that they could not obtain from the courts, about what stage the procedure is in, whether it was decided after a complaint was submitted to the Courts of Appeal, etc. A greater number of complaints refer to already completed court proceedings, where a change of a court decision

is requested and illegal actions of specific judges are pointed out, expressing dissatisfaction with the court decisions taken and requesting their change. After these petitions, the Ombudsman advised the petitioners to seek protection of their rights before the Judicial Council of the Republic of North Macedonia, informing them of the authority of this body to determine professional and negligent work of judges.

Regarding the petitions that refer to the work of the holders of public powers - lawyers, the Ombudsman's finding is that the Bar Association of the Republic of North Macedonia responds to requests late or by submitting formal answers. Not a single lawyer was subject to disciplinary action, that is, all procedures ended with the rejection of the request for determining the Attorney's disciplinary responsibility.

In this area, seven petitions refer to the Prosecutor's Office, and after measures were taken by the Basic Public Prosecutor's Office, Kicevo, Ohrid and Struga promptly and substantially responded to the Ombudsman's requests.

A large number of petitions have been submitted by citizens with allegations of irregularities in the work of the enforcement agents, in which intervention was requested in relation to the blocked account of recipients of the right to guaranteed minimum assistance, social security for the elderly, the right to compensation for assistance and care from other person, or indicated non-action on the request for enforcement. This behaviour of the executors has been noted among new recipients of these cash benefits whose transaction accounts were blocked a while ago, that is, before a decision was made to exercise the right to Guaranteed Minimum Assistance or other social benefits. In certain cases, citizens did not react after the execution order was delivered, but after their transaction accounts were blocked or after the deadline for submitting an objection to the competent court had passed. In cases where the Ombudsman determined a violation of rights after the procedure, he intervened with appropriate indications, which in most cases were accepted by the executors. Also, after the intervention of the Ombudsman (by submitting a confirmation from the Centres for Social Work that they are recipients of monetary benefits), the executors unblocked the funds on the basis of social protection, and the confiscated funds were returned to the citizen's account.

Otherwise, some of the citizens' petitions also referred to the non-action of the executors following the requests for statute of limitations of the execution, as well as the cessation of interest calculation when the amount of the charged interest reaches the principal debt, in accordance with the amendments to the Law on Bond Amendments and the Law on Enforcement Collection, and the action on these petitions showed that the executors do not apply the provisions of the Law on Amendments and Supplements to the Law on Obligation Relations regarding the statute of limitations, stating that the provisions are inapplicable, i.e., that there are no rules through which the statute of limitations can be implemented in practice.

The Ombudsman recommends that the provisions of the amendments and additions to the Laws on Obligation Relations and Enforcement be consistently applied, in relation to the statute of limitations for enforcement and in the area of calculation and collection of interest and legal penal interest.

In the area of **Consumer Rights**, from the content of the petitions, it is established that the citizens most often requested intervention for the electricity supply service, namely to regulate the state of arrears through the conclusion of agreements for payment in instalments, and they also complained about the high amounts in the name of interest for unpaid debt, as well as disconnections from the electricity distribution network. In a smaller number of petitions, citizens requested intervention in relation to the water delivery service and other communal services, most often advice on how to settle the bills or check the amounts with which they were in debt. In the petitions, which referred to telecommunication services, citizens were advised and directed to contact the Agency for Electronic Communications as an authority that supervises the legality of the operators' actions.

The Ombudsman recommends regular reading of electric meters and enabling citizens to pay their debts by concluding agreements in instalments.



In the area of **Urbanism, Construction and Housing,** citizens most often asked for intervention in connection with illegally built buildings, that is, their removal, pointing out that they were built without a building permit, or they asked for help in order to submit an answer to a request submitted to the municipality. From the handling of these petitions, it is established that the municipalities have not yet completed the procedures for the submitted requests to determine the legal status of an illegal object, even though they were started several years ago, and a large number of citizens are waiting for an appropriate decision (decision), even though they have submitted all of the necessary documents. A serious challenge in this area is the initiation of forced execution of decisions for the removal of a building in the event that the investor does not voluntarily remove the building, among other things, because a company has not been selected for the forced execution of the decisions, i.e. for the forced removal of the buildings. **The Ombudsman recommends that the municipalities need to speed up and complete the procedures for obtaining the legal status of illegally built buildings.**

In the petitions registered in the area of **Property and Legal Relations**, the citizens pointed out problems related to the procedure for the presentation of unregistered rights, denationalization, non-compliance with the judgment of the High Administrative Court of the Republic of North Macedonia and the postponement of the procedure before the State Commission for decision-making in administrative proceedings and procedure from an employment relationship in the second degree, as well as failure to act on a request from the Administration for Property and Legal Affairs - Regional Department for first-degree administrative procedure in Kicevo, Ohrid and Struga. Some of the petitions also referred to the privatization of construction land. The ombudsman, acting on the submitted petitions, found insufficient cooperation between the Administration for Property and Legal Affairs, the Regional Departments for first-level administrative proceedings and the State Attorney's Office.

It follows from the handling of petitions for denationalization that even in this reporting period, the Commissions for Denationalization continued with the practice of not taking actions for the execution of the judgments of the Administrative Court, i.e., of not passing a new act in accordance with the presented legal understanding and the given instructions after the judgments.

The regional office of the Ombudsperson in Kicevo visited the Penal-Correctional Institution Ohrid Prison with the Struga Open Department at least once a month, during which they held conversations with the convicted persons and observed the conditions in which they are serving their prison sentences. The finding is that the most common requests of these persons are in relation to procedures for moving, receiving treatment, health services, etc. Undeniably, the number of convicted persons in this penitentiary has decreased, and consequently there is no overcrowding, but there is a need to improve the conditions in the Open Ward in Struga, especially in terms of hygiene and cleanliness of the premises. **The recommendation of the Ombudsman, i.e. the Ohrid and Struga Prison Administration and the Administration for the Execution of Sanctions to take measures to improve hygiene, as well as measures to provide a doctor and medical staff who will work daily in the prison clinics and regularly supply of the necessary medicines.**

EXAMPLES FROM PRACTICE

NP No. 1046/23

A complaint was submitted to the Ombudsman by the person B.S., an employee of the Public Revenue Administration in Regional Direction Bitola, in which the complaint expresses a complaint about direct and prolonged discrimination on the basis of disability in the field of employment, which violation, as he states, was continuously carried out by the management of the Public Revenue Administration, and the culmination of the violations occurred with the announcement of an internal advertisement for the promotion of tax officers, to which advertisement she was rejected.

Namely, acting on this complaint, the Ombudsman sent an initial written request for a ruling to the employer who is cited as the perpetrator of the discrimination, after which a very short and insubstantial answer was submitted that did not provide the answers to our questions and did not refute the allegations of the person who submitted the petition.

Due to the answer given in this way, an expert team of the Ombudsman conducted an unannounced inspection in two regional directorates, where conversations were held with persons who are from the management staff, whereby through a conversation and an inspection of certain documentation were ascertained several violations of the existing legislation that regulates the work of the Public Revenue Office, but at the same time the allegations of discrimination against the petitioner were confirmed.

As a result of what was stated, the Ombudsman submitted an appropriate written instruction to the director of the General Directorate of the Public Revenue Administration, indicating that certain procedures of exclusion and putting the petitioner in an unequal position compared to other employees of the Administration can be treated as discrimination according to the existing legal regulation, which is why he indicated and asked the director to take measures in the direction of resolving and overcoming the situation. This has been requested in order to comply with the Act on systematization of jobs and placement of employees in positions where they will actually work in accordance with the positive legal framework that governs the operation of the Public Revenue Administration. At the same time, he indicated that it is necessary to take measures for the immediate removal of this direct and prolonged discrimination based on disability in the field of employment, which the petitioner is complaining about.

The Public Revenue Office accepted the indication in principle, without taking essential steps to overcome the existing situation, so that the petitioner would actually exercise her rights guaranteed by law, for which she was notified and referred by the Ombudsman in judicial procedure to fight for one's rights.



NP No. 1660/23

A petition was submitted to the Ombudsman by T.D., in which she requested an intervention before the Centre for Social Affairs in Demir Hisar, indicating a violation of her rights, because she was not provided with meetings with her biological daughter placed in a foster family, and for whom even in 2023 she understood that she was alive. The information she received from the family, after giving birth, was that the daughter was stillborn.

When acting on the complaint, the Ombudsman determined that after the birth, all information regarding the new born, i.e. everything that happened to the child (that she was born alive, that she has a disability and that she will be placed in the Home for Infants) her husband was promptly notified.

In order to maintain contact with her child, experts from the Demir Hisar Intermunicipal Centre for Social Work constantly made contact with the child, who, after learning about the applicant as the biological mother, showed resistance to meetings, but after appropriate conversations from on the part of the foster carers, as well as on the part of experts from Centre for social work Demir Hisar, two meetings were held.

Taking into account the complexity of the case, as well as the disability of her daughter, the Ombudsman advised the petitioner to be patient and careful, which is the most important for building a mother-daughter relationship and to follow the instructions given by the experts from the Centre for social work Demir Hisar.

NP No. 2262/23



The Ombudsman, acting on a petition of S.D. from Bitola, managed to speed up the procedure for admission to RNM citizenship of the petitioner.

Acting on the complaint, the Ombudsman concluded from the collected evidence that the procedure for acquiring the citizenship of RNM was unjustified. Namely, after the application for citizenship of RNM, a case was registered in the Department of Civil Affairs Bitola in August 2020. The request, after just a few days, in the same month, was submitted for processing to the Ministry of Internal Affairs - Department for Civil Affairs, Sector for Administrative Supervisory Affairs in Skopje. This authority, at the beginning of September 2020, submitted a request to the National Security Agency, in order to give an opinion on the acquisition of citizenship, as an essential document in this procedure.

The Ombudsman states that the procedure for issuing an opinion on acquiring citizenship was delayed by this Agency for more than 3 years. Therefore, the Ombudsman submitted an Instruction to the National Security Agency, with which he requested that the opinion be drawn up immediately and submitted to the Ministry of Internal Affairs-Civil Affairs Department in Skopje, as to how the procedure for acquiring citizenship could continue. The Agency acted on the indication of the Ombudsman and submitted the Opinion to the authority in November 2023.



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NP No. 1609/23

A petitioner from Stip complained to the Ombudsman about a blocked account from the Pubic Revenue Office in RNM, on the basis of unjustified indebtedness with RDT. Namely, in the Register of Obligors for payment of broadcasting fee from MRT, the petitioner was recorded at an address where he did not live during the period for which he is liable for the fee, i.e. the apartment that was owned by the petitioner's father was sold back in 2010 to another person.

The Ombudsman requested from MRT Skopje to provide him with explanations, information and evidence regarding the indicated case, a copy of the identity card of the petitioner, which confirms the person's place of residence, and a Contract for the sale of property were also submitted, from which it is evident that the apartment was sold to another person by the petitioner's father. In that direction, he indicated that actions should be taken immediately, in such a way that if the petitioner is unjustifiably entered in the register of bonds for broadcasting fee, he should be deleted, and that the MRT should additionally adequately inform the Pubic Revenue Office about such a situation.

After the Ombudsman's intervention, it was established by PRC MRT Skopje that for the family household at the indicated address, the new owner of the real estate was responsible for paying this public tax, and accordingly, the petitioner is released from the obligation to pay the broadcasting fee. At the same time, a notice was sent to the Public Revenue Office of RNM for the purpose of updating the data, i.e., releasing the petitioner from this obligation.

Following the request of the Ombudsman, the Public Revenue Office of RNM - Stip ruled that it acted in accordance with the notice of the MRT and in accordance with the letter from the Ombudsman, and the debtor's transaction account was unblocked on this basis.



NP No. 1995/23

A citizen from Kumanovo, for a sold apartment in Struga, with a sales contract, which the buyer has conducted in in the Real Estate Cadastre Agency, receives a property tax decision, and at the same time the new owner is charged with a property tax decision for the same apartment.

After the established violation of the rights of the petitioner, the Ombudsman turned to the Municipality of Struga, where he indicated and requested that the petitioner be deleted from the records as a taxpayer for the real estate and that the new owner of the apartment be registered as the sole taxpayer.

After the persistent subject intervention of the Ombudsman (urgent and repeated urges were submitted), the Municipality of Struga acted on the instructions of the Ombudsman and deleted the petitioner from the records as a taxpayer, and the new owner of the apartment remained as the sole taxpayer for property tax.



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NP No. 1824/23

During an inspection in a kindergarten in Stip, it was found that a renewed license for a caregiver was missing for an employed caregiver, so the director of the kindergarten was instructed to provide the license for this employee within 45 days, from the delivery of the Decision.

The petitioner requested the intervention of the Ombudsman to protect her rights, that is, although she promptly submitted the documents for the renewal of the license to the Ministry of Labour and Social Policy - Licensing Commission Skopje, and attached proof of the payment made, and of the educator's license and for a license for a caregiver, as well as proof of delivery, during our handling of the specific case, the competent Ministry did not find the submitted documents for the renewal of a caregiver, but categorically claimed that the person had only submitted documents for the renewal of a license for an educator.

In a situation where the petitioner's documents could not be found even after the attached evidence, and bearing in mind the short period in which the petitioner had to reapply for a license, under the threat of losing his job, the intention of the National Ombudsman was to provide the applicant with an appointment to take the exam in order to meet the deadline.

Given that there were many candidates to take the exam, and a small number of terms, by the Commission for Licensing of Professionals in the Care and Education of Preschool Children and Directors of Children's Institutions under the Ministry of Labour and Social Affairs policy, they did not have optimistic forecasts that the petitioner would be able to get an appointment to take the test by the end of the deadline, however, an appointment was provided to the petitioner and she informed the Ombudsman that she had managed to acquire a new license for a provider in a timely manner and exercise her right.



NP No. 187/23

А.И., граѓанка од Тетово, поднесе претставка до подрачната канцеларија на HapoA.I., a citizen from Tetovo, submitted a complaint to the regional office of the Ombudsman in Tetovo, in which she requested intervention due to double indebtedness with the broadcasting fee.

Acting on the complaint, the Ombudsman found that two people from the same family household were in debt and asked the register of bonds to delete the name of the complainant and to redirect the collected funds to the name of her husband.

The Administration for Public Revenues-Tetovo and the PE Macedonian Radio and Television-Skopje informed the Ombudsman in writing form that his indication was accepted, in such a way that the decisions already submitted in the name of the petitioner were withdrawn and the paid funds redirected to the name of the husband.

The complainant thanked the Ombudsman for the action taken.

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NP No. 2454/23

Following a complaint from an employee of the Public Enterprise "Cistota i Zelenilo" Kumanovo, with which he requested the protection of the rights from employment, the Ombudsman found a violation and addressed the director and the Management Board of the Public Enterprise with an indication.

Namely, with the Agreement concluded between SUTKOZ (Union of workers from catering, tourism, communal-housing economy, crafts and protective societie), Union Organization of SUTKOZ at the Public Enterprise and the Public Enterprise represented by the director of the same, an agreement was reached for the termination of the strike and a linear increase in the wages of all employees in the amount of 2.806,00 denars, starting from 01.07. 2022, i.e. their alignment with the amendments to the Law on Minimum Wage (Official Gazette of RNM, No. 41 dated 24.2.2022). This agreement entered into force on the day of its signing by the contracting parties. The Board of Directors of the Public Enterprise " Cistota i Zelenilo " Kumanovo, acting in accordance with the above Agreement, makes a Decision for a linear increase in the salaries of all employees in the amount of 2,806.00 denars, starting from 01.07.2022. With a new Decision from 09.10.2023, the Management Board puts into effect the previous Decision for a linear increase in the wages of all employees in the amount of 2.806,00 denars, not taking into account the Agreement concluded between SUTKOZ, SUTKOZ's UO at the Public Enterprise " Cistota i Zelenilo " Kumanovo and the Public Enterprise " Cistota i Zelenilo" Kumanovo, represented by the director of the same.

From this legal and factual state of affairs, the conclusion indisputably follows that in this particular case it is about acting contrary to the positive legal provisions, collective bargaining, and the Management Board exceeded its legal authorizations when making the Decision of 09.10.2023. Also, with this Decision, legal uncertainty is created, and what is most important, it takes away the already acquired right from the employment relationship of the employees of the public enterprise, which certainly represents a violation of the rights from the employment relationship.

Noting a violation of the rights of the employees of the Public Enterprise, the Ombudsman asked the Management Board of the public enterprise to put the Decision of 09.10.2023 into effect and enable, i.e. continue with the application of the Agreement concluded between SUTKOZ, UO of SUTKOZ at the Public enterprise and the Public Enterprise, represented by the director of the same.

After the notification, no action was taken, but the legal representative of the public company submitted a letter to the Ombudsman in which he informed that they remain of the position that the decision made is legal, citing conclusions and arguments that are subjective and legally unsupported, which is why the petitioner has been advised in court procedure to seek protection of his right.





NP No. 2109/23

A complaint was submitted to the Ombudsman by the person J.N. from Ohrid, whose transaction account was completely blocked by the Public Revenue Office – Regional Direction Bitola. With the ban placed on his account, he was unable to use his 2/3 salary that should be exempt from enforcement collection. Since this method of tax debt collection is contrary to the provisions of the Law on Tax Procedure, through his lawyer he submitted to the Public Revenue Office – Regional Direction Bitola a Request to stop the decision on forced collection by placing a ban on his transaction account in order to release 2/3 from his salary which he receives on the blocked transaction account. Due to the failure of the authority to act on such a request, the intervention of the Ombudsman was requested. The ombudsman, during the procedure following the complaint, immediately contacted - by phone an official in the Public Revenue Office – Regional Direction Bitola and pointed to the provision of Article 130 point 10 of the Law on tax procedure, according to which the forced collection of the tax debt is carried out from the entire property, income, claims of the debtor in forced collection, except: two-thirds of his personal income based on work, but up to an amount of 150 euros in Denar equivalent of net personal income based on work. In the conversation, the official said that the complainant has additional income and the salary is not his only source of income, therefore it is quite justified to withhold the entire salary of the complainant.

After this, the Ombudsman submitted a written Instruction to the Public Revenue Office – Regional Direction Bitola in which he indicated that the provision of Article 130 Point 10 is clear and does not refer to a different interpretation of the withholding of personal income based on work except 1/3 up to a maximum of 150 euros in Denars contrariness, which in itself means that personal incomes based on work cannot be subject to compulsory collection in full amount. When determining the amount of salary that can be subject to forced collection, the legislator also took into account the social aspect, which includes the right of every person to a minimum amount of money to satisfy basic life needs. Also, this legal provision is not conditional on the additional incomes that the tax debtor realizes on another basis, for the simple reason that all other incomes that are not personal incomes on the basis of work, the tax authority can forcefully collect them in full amount. Therefore, the Law in Article 132 foresees the objects of compulsory collection, namely: monetary assets of the debtor in compulsory collection, monetary claims of the debtor in compulsory collection, non-monetary claims and other rights of the debtor in compulsory collection, cash and securities and movable objects and real estate. None of these items for compulsory collection are limited in collection as it is with personal incomes based on work and as such the authority can collect them in full forcibly in a legally determined procedure. From what was stated and provided for in the legal provisions cited above, the Ombudsman indicated that he could not accept as legal the oral explanation of an official from the Public Revenue Office – Regional Direction Bitola that the debtor had additional income on his account, and thus his salary was not his only source of income, so the Administration will not deduct the salary in the amount of 2/3 of the forced collection. In the Indication, the Ombudsman pointed out that if this is the position of the Public Revenue Administration, and not just the personal position of the official with whom the Ombudsman communicated by phone, he found a violation of the right of the petitioner and demanded consistent compliance with the provision of Article 130 point 10 of the Law on tax procedure and exemption of 2/3 of the salary of the debtor, now the petitioner, by adopting an appropriate administrative act to stop the forced collection on 2/3 of his salary.

The Ombudsperson was notified back that the authority acted according to the given Instruction and passed a Decision on forced collection of funds for the payment of a tax debt with a ban on the use of 1/3 of the wage in accordance with the Law on Tax Procedure, in which way the Ombudsman removed the violation of the right of the petitioner.

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NP No. 362/23

After receiving information from the media that a sixteen-month-old baby from Struga, with severe injuries (head hematoma and fractures of the chest and left upper arm) was taken to the Hospital for Orthopaedics and Traumatology "St. Erasmo" Ohrid, the Ombudsman deemed it necessary to open a case on his own initiative.

Acting on the case, the Ombudsman addressed the competent authorities with a request to take measures to protect the rights of this baby/child, but also of other children from the family, as well as measures to determine the perpetrators of this crime and sanction them accordingly.

The Ministry of Internal Affairs of PC Struga has submitted a notice of actions taken, among other things, that an appropriate criminal complaint has been filed against the parents of the child, as well as a notice that the PPO Struga has opened a criminal case against the first accused A. And for a crime - Neglect and abuse of a child, and against the second accused A. M. from Struga, for a crime - Violation of family obligations, and to the Basic Court in Struga, submitted an indictment.

Public Institution Municipal Centre for Social Work Struga also acted on the request, i.e. the baby was placed in the PI "Home for Infants and Small Children" in Bitola, while the other two minor children from the family were temporarily placed in the home of the grandparents by the father side.



NP No. 2189/23

A person convicted of serving a prison sentence in the Stip Police Department filed a complaint with the Ombudsman for the provision of health services at the Institution, stating that after suffering an injury to the right wrist and visible symptoms, despite the persistent insistence of the employed doctor, he was not taken for treatment on x-ray imaging.

The Ombudsman, with a request for an explanation, information and evidence for the allegations in the complaint, turned to the Penal-Correctional Institution Stip in order to be informed whether the petitioner had consulted the doctor of the Institution regarding the condition of the hand, whether according to the assessment of the medical person, an X-ray of the right hand was provided to him wrist, to submit a copy of the medical documentation for the convicted person, especially a report from the last specialist examinations and to provide information from the employed doctor about the therapy he is receiving

After receiving information that the person has exercised his right to a specialist examination outside the Institution, the medical reports from an orthopaedic examination performed by a specialist doctor were requested, where it was determined that he had created additional instructions for performing X-ray imaging, but there was no information as to whether such imaging was carried out, and whether the convict was subjected to a control examination according to the instructions in the specialist report.

The Ombudsman directed the Director of the Institution to pay attention to the realization of the right to health care of the convicted person, so according to the directions of an orthopaedic specialist, an X-ray of the wrist should be performed.

With the additionally attached medical reports, Penal-Correctional Institution Stip proved that the convicted person underwent a control examination by an orthopaedic specialist, and that an X-ray of his wrist was performed.



NP No. 1847/23

The Ombudsman acted on a complaint submitted by P.S. from Bitola, but also on behalf of all other owners of construction plots, and on the basis of obtaining information whether the construction of infrastructure street StU-9 in ARM 2 is foreseen in the Budget for 2023, and if not, whether it will be foreseen in the Budget for 2024. This, in particular, because the construction plots were purchased in the distant 2011 and the construction of the infrastructure in that area has not been started for 12 years, and thus the ownership right of the buyers of the plots to dispose of them without hindrance has been denied.

Pointing to the allegations in the complaint, the Ombudsman requested written information from the Mayor of the Municipality, the Secretary and the President of the Council of the Municipality, to which authorities the Request from all owners was last delivered on 02.12.2022, and in the direction of taking future actions on the owners, and according to the answer received.

As can be seen from the content of the Request, the Ombudsman states that none of the signatories of the Request has specified contact details - street address or at least a mobile phone number, but, taking into account the principle of service orientation of public bodies, the Ombudsman considered that the services in the municipality that possess contacts from persons - owners of construction plots in ARM 2, can provide this information and the authorities to which the Request was submitted to provide a response.

In addition to this indication by the Ombudsman, the answer from the Municipality was submitted only to the Ombudsman, without giving any information as to whether the services at all tried to secure the data of the petitioners of the Request dated 02.12.2022.

In the Response, the Ombudsman is informed that the Municipality of Bitola and the Mayor have held an "Open Day for the citizens of the Municipality of Bitola" on 26.11.2021, 04.03.2022, 09.03.2022, 17.01.2023 and 11.05.2023, and at each meeting there were representatives from the owners of the construction plots in ARM quarter 2. Also, in the mayor's office, meetings were held with the owners on several occasions.

On the part of the mayor, the owners were informed that the construction of the infrastructure of St-U-9 in ARM quarter 2 represents a huge investment for which the programs for 2023 do not provide funds for its realization and that for its realization another will be required way of providing financing (World Bank, EU funds, loans).

Taking into account this answer, the Ombudsman states that the Local Government has no interest in providing financial resources for the construction of the infrastructure of ST-U-9 in the ARM from its own sources, after which financial resources will be sought from other sources that require long-term procedures and uncertain outcome.

The Ombudsman pointed to the provisions of the Rulebook on the development level of construction land with communal infrastructure facilities and the method of determining the amount of costs for the development depending on the development level, from which it indisputably follows that the Local Government has the obligation to provide infrastructure and arrangement of the construction land which she herself sold to the current owners. In this way, the Local Government undeniably hinders the right of the owners to dispose of the real estate - building plots that they bought from the Local Government.

Not having the authority to force the Local Government to provide financial resources for this purpose from its own sources, or to indicate the manner for which purposes and how to distribute the funds in the Budget, and on the other hand the Local Government does not avoid its obligation - building the infrastructure, but not from his own financial sources, but in the next unknown period of time and from other means of financing, the Ombudsman had no basis for further action on the petition and informed the petitioner that he was ending the procedure, because after the actions taken, he had exhausted all legal possibilities.

NP No. 1092/23

A resident of the village of Kavrak, Kratovsko, about his long-standing problem with his neighbour who obstructed his right to use spring water, submitted a complaint, in which he stated that he regularly informed the police in Kratovo, which did not act on his complaints, and requested intervention in that direction.

The Ombudsman turned to the Ministry of Internal Affairs, Sector for Internal Affairs Kumanovo and the Police Station in Kratovo with a Request for explanation, information and evidence for what was stated in the complaint, and in particular whether the petitioner's reports have been recorded in the official records, whether an intervention has been carried out in the meantime following the petitioner's report, and if not, to state the objective reasons for the same.

After it was determined from the received response that the reports of the petitioner and his brother, on the basis stated, were not recorded at all, the Ombudsman proceeded with a notification sent to the Police Station in Kratovo for the realization of their basic function - ensuring protection and respect the basic freedoms and rights of man and citizen guaranteed by the Constitution of the Republic of North Macedonia, laws and ratified international agreements, protection of the legal order, prevention and detection of criminal acts, taking measures to prosecute the perpetrators of those acts, as well as maintaining public order and peace in society.

The Ombudsman pointed out that according to Art. 28 paragraph 1 item 10 and item 16 and art. 63-c of the Law on Police, it is the responsibility of the police, after reporting an event by a person, to take all measures in order to determine the circumstances, and in accordance with the determined to take the necessary measures and actions, that is, if it is considered justified, depending on the determined situation, to apply the provisions in art. 54 of the same law.

The Ministry of Internal Affairs, Sector for Internal Affairs Kumanovo and the Police Station in Kratovo acted on the indication and took actions to check the situation on the ground and submitted a notification with appropriate evidence attached to the measures and actions taken.



NP No. 110/23

A petition was submitted to the Ombudsman by A.U. for the purpose of intervention before the Ministry of Finance, Administration for Property and Legal Affairs with an area in the Municipality of Chair, in a procedure for the privatization of construction land due to an unjustified delay in the procedure, despite the fact that the petitioner has submitted/attached all the necessary documentation.

The Ombudsman initiated a procedure for the indicated case and undertook a series of activities and actions, among other things he gave instructions to the Administration for Property and Legal Affairs with guidelines for handling the case, for which he was forced to request an inspection from the inspection services, as well as to collects evidence from the competent institutions necessary for deciding on a case, for which, in fact, the administration itself is in charge of collecting them ex officio.

After the intervention of the Ombudsman, a decision was made to privatize construction land.





NP No. 502/23

A complaint was submitted to the Ombudsman by a parent of a child studying in a private high school, where he was enrolled as a scholarship student due to good results in the entrance exam.

Namely, the parent, in the complaint, expresses a complaint about discrimination by the Ministry of Education and Science, based on education and status, in the field of the educational process, in the procedure of obtaining a scholarship when awarding 100 (one hundred) scholarships for talented students from secondary education in the field of technical and natural sciences from public and private secondary schools in R.N. Macedonia.

Considering the allegations from the petition and the attached evidence, first of all how the relevant ministry expanded the quota of additional scholarships, exclusively for students studying in public secondary schools, which contributed to favouring them and placing them in a more favourable position than students attending private schools, the National the ombudsman sent an appropriate request for an explanation to the competent Commission for Awarding Scholarships at the Ministry of Education and Science, stating questions that required concise and precise answers, through which the competent Commission for Awarding Scholarships had to give a transparent answer that would probably have confirmed the accusation of the petitioner the complaint for committed discrimination and unequal treatment of students who attend classes in private schools.

As a result of the request for an explanation of the Ombudsman, the competent Commission for awarding scholarships probably realized its failure during the initial selection, thus contributing to the violation of their rights, which it did to a certain group of applicants, after which it submitted to the Ombudsman "Amendment and addition of the Report on the work of the Commission for the awarding of scholarships for talented students...", on the basis of which Report a new Decision was adopted respecting the application for the awarding of a scholarship to this student, thus exercising his right.

NP No. 1284/23

The Ombudsman, acting on a petition from E. J. from Skopje, from its content, the circumstances of the case, as well as the attached facts and evidence, states that it was founded.

Namely, from the City of Skopje, for a debt on the basis of property tax, through a ban on the use of funds, the entire amount of money, which he receives monthly on the basis of social protection rights (deafness allowance), is blocked on his transaction account.

In view of such a situation, the Ombudsman instructed the City of Skopje to immediately unblock the transaction account of the respective person, the forced collection of the tax debt in question, to be carried out with the consistent application of the provisions for limitation/ exemption in the case of forced collection, normatively prescribed in Article 57 from the Law on Property Taxes.

The given indication has been accepted and the City of Skopje has prepared an appropriate written notice to the relevant bank for the withdrawal of the decisions in question for forced collection of property tax and for unblocking the transaction account.



NP No. 1155/23



DD from Skopje appealed to the Ombudsman person with a complaint, who expressed dissatisfaction with the failure of the Pension and Disability Insurance Fund to act on his request for exercising the right to a family pension, as a person with a disability, who lived with his parent (father) who supported him, and after the death of the parent, he lives alone and has no income.

The petitioner, before submitting the petition, contacted the Fund and was verbally told that he would be rejected for the family pension due to the fact that he was married, that is, he was told that his wife was supposed to support him.

The ombudsman, referring to a court decision on the petitioner's divorce, and pointing out this fact, in his address to the Pension and Disability Insurance Fund, pointed out that marital status cannot be an obstacle to exercising the right, especially since the petitioner He is currently divorced. At the same time, he supported the request with the attached documentation from the Work Ability Assessment Commission, issued after an examination of the petitioner.

Taking into account what was presented, the Ombudsman requested that a decision be made without delay, emphasizing that the Fund, in addition to the findings and opinion of the Commission, should take into account the provisions of Articles 63 and 64 of the Law on Pension and Disability Insurance, which contain the basis for exercising the right to a family pension due to incapacity for work and incapacity for independent living.

The fund acted after the intervention and made a decision to exercise the right to a family pension of the petitioner.

NP No. 1301/23

The Ombudsman, acting on a petition from a parent whose child is being treated at the PHI Psychiatric Hospital Skopje, respecting the mother's concerns regarding the conditions of stay and treatment methods, which he stated are outdated and below all human dignity, opened a procedure and addressed the director of the Public Health Institution with a request for an explanation and information related to the aspect of the patient's health care and the conditions of stay.

For this purpose, in the direction of further action, he requested data on the reception of the person and his state of health, the method of treatment and treatment of the same, and in view of the allegations that the person was mistreated by other patients, he requested that measures be taken in order to move him to another department. At the same time, after learning that the State Sanitary and Health Inspectorate conducted a visit and supervision at PHI Psychiatric Hospital Skopje, it turned to the authority to be notified of the established conditions, and requested to be provided with a copy of the report, i.e. the Minutes of the supervision.

The authorities provided the necessary explanations and evidence, and the parent, on our advice, subsequently made several visits to his son in the institution, after which he informed the Ombudsman that, following the intervention of the Ombudsman, he had been moved to another department, continued to receive regular the prescribed therapy, and his health condition has improved.





NP No. 317/23

The Ombudsman led a procedure based on a petition submitted by J.T from Bitola, in which it was requested to ascertain whether court summonses and decisions had been duly served to him, for the reason that he did not know that court proceedings were being conducted against him due to a traffic offense committed before the Basic Prilep court. In the court proceedings, he, as a defendant, did not participate, nor did he receive a verdict so that he could file an appeal.

The Ombudsman, after the actions carried out and the statement provided by the judge who judged the case, concluded that court hearings were scheduled, but postponed due to the absence of the accused. The Court summons for the hearings were delivered to the petitioner on several occasions and in several ways (by mail, with personal delivery by a courier from the Basic Court of Bitola, written notices were left by both the personal courier and the post office that there was a package to pick up), but the petitioner as a defendant in the misdemeanour procedure, he did not appear at hearings, and the judge postponed them on the basis of "improper delivery". Finally, at a search scheduled for 21.02.2022, for which the summons was sent by mail, but the letter was returned with the conclusion of the post office that "he did not request" even though he was notified about the letter by the post office on 30.12.2021. The trial judge considered this submission to be in order according to the provisions of the Law on Misdemeanours, held a hearing and issued a Verdict declaring him guilty and imposing a fine.

Although the Court undisputedly took actions for the accused to attend the court hearings, the Ombudsman found from the submitted copy of his identity card that his residential address is at one address, and in the payment order and the record of the established offense another address is indicated, which is why the entire misdemeanour procedure and all the actions taken to deliver the documents were carried out at the wrong address. In this way, he, as a defendant in the misdemeanour procedure, did not have the opportunity to be heard and present facts and evidence before the Court that are in his defence, nor did he have the opportunity to appeal against the verdict, which is a violation of his constitutionally guaranteed right to a two-stage trial in court proceedings. In conditions where court proceedings are conducted and a final judgment is passed, the Ombudsman has no duty or authority to change it, cancel it or cancel it. Therefore, the Ombudsperson referred the petitioner to the competent court to initiate a procedure for the annulment of the clause on the validity and enforceability of the judgment in question.



NP No. 71/23



The Ombudsman acted on a petition submitted by a woman sentenced to prison, who requested the protection of her rights as a parent, in connection with the impossibility of having personal relations and direct contact with her three minor children, although on several occasions she addressed a request to the competent Centre for social work.

The Ombudsman intervened, taking into account the best interest of the children and the right to have uninterrupted and regular contact with the mother, before the competent guardianship authority through a request for the submission of evidence in relation to the action, that is, the failure to act in the case, as well as a request to take measures in order to delivery of a response to the convicted person after the submitted requests.

Acting on the request of the Ombudsman, the Centre for Social Work took measures in the direction of meeting the parents with the children, and the petitioner was duly informed about the same.



NP No. 493/23

The Ombudsman acted on a complaint in order to protect the rights and best interests of a child due to the impossibility of overcoming the conflictual communication at the parental level regarding the realization of the personal relations and direct contacts of the child with the parent with whom he does not live.

The petitioner requested the intervention of the Ombudsman, due to the fact that the competent Centre for Social Work only respects the opinion of the father, and does not take into account the fact that the mother cannot take the child to the scheduled appointments due to the nature of her work obligations. The petitioner did not find understanding and cooperation with the other parent, according to her, he used this for revenge, submitting on the other hand reports against the mother for disregarding the sightings, for which there was even a court verdict against the petitioner for taking away the child. At the same time, the child was denied the right to issue a travel document, which prevented him from moving freely.

Considering this situation, the Ombudsperson checked the actions of the competent Centre and requested supervision from the PI Social Activities Office to give an assessment of the justification and actions of the expert team in relation to the way of determining the sightings.

After the supervision of the expert work of the Centre, measures were determined for the further handling of the case, and in that direction, in order to determine the action of the competent expert team, the Ombudsman inspected the files of the case.

Although the common position and opinion of the OMBD team was that the two parents did not show willingness to cooperate in terms of finding a common agreement regarding the regulation of the way of seeing the child, that is, they have extremely opposing views, which are to the detriment of the child, the Ombudsman determined the need for work with the father by the local competent Centre for Social Work, as well as holding continuous consultations between the two centres involved in the procedure in the case, in order to take measures in a timely manner, which would be effective for both the mother and the father , and in order to protect the rights of the child.

The Ombudsman directed the two competent centres to exchange opinions and evidence regarding the work with parents, and to agree on the further joint steps of action, through active monitoring of the actions of parents in the performance of parental responsibilities, mandatory referral of parents to a counselling centre in order to raising their parental capacities.



NP No. 681/23

The person Z F. from Skopje, submitted a petition to the Ombudsman for the protection of his constitutional and legal rights based on the registration of real estate rights in the real estate cadastre.

The Ombudsman, from the content of the complaint, the circumstances of the case and the attached documentation, states that it was founded.

In view of such a situation, the Ombudsman, in accordance with the powers of the Law on the Ombudsman, instructed the Real Estate Cadastre Agency - Kavadarci Real Estate Cadastre Department ex officio to take action to remove the technical error made in the content of the property list for the Municipality of Kavadarci in the section – data on the owner of the right of ownership.

From the received explanations, information and evidence, the Ombudsman states that the Department for Real Estate Cadastre - Kavadarci has acted on the referral.





NP No. 2581/23

A petition was submitted to the Ombudsman by S.N. from Strumica, due to violation of the right to health insurance, i.e. failure to act by the competent authorities in the Health Insurance Fund. The petitioner stated that in 2020, her employment as a teacher was transformed for an indefinite period, on the basis of which her health insurance contributions were regularly paid. However, despite the timely application, as well as the regular payment of contributions, the health insurance for her as the holder of the insurance and her family was not available, i.e. for reasons unknown to her, the system showed that the family members were not related to the holder of the right.

In order to overcome the problem, she initially asked for help from the Regional Office of the Fund for Health Insurance in Strumica, from where she was directed to contact the FZO in Skopje, and from the Fund in Skopje, she received an explanation that the problem was in the data from the Administration for Keeping Family Registers, due to that she also checked the records at the Administration in Strumica, during which she was informed that the registration numbers of all family members were OK.

The Ombudsman asked the Fund for Health Insurance of Macedonia to take measures in order to investigate the presented situation, to determine the possible problem that prevents the petitioner and her family members from having health insurance, and consequently, in accordance with the competences of this authority, to find an appropriate solution for the sake of unhindered exercise of the right to health insurance. Given that, according to the allegations in the complaint, the problem dates back to a longer period of time, the Ombudsman requested to be informed whether the problem has been overcome in the meantime and whether the insured is enjoying his rights under mandatory health insurance without interruption, or whether the procedure is still ongoing. If the procedure has not yet been completed, the Ombudsman indicated the need to take all necessary actions respecting the principle of good governance and management, as the basis of the administrative procedure, as well as the appropriate application of the regulations in the field of health insurance and the principle of determination of the material truth, with the aim of unhindered realization of the rights and the insured/s not to suffer damage and violation of the rights in the future.

Acting on the indication, the Health Insurance Fund of the Republic of North Macedonia informed the Ombudsman that it has taken action and the problem has been resolved, i.e. the petitioner as an insured has active health insurance on the basis of an employee in an employment relationship and in that direction can use health services at the expense of the Fund in accordance with the provisions of the Law on Health Insurance.



NP No. 1036/23

A petition was submitted to the Ombudsman by M.M. from Kavadarci, which is of interest to a large number of citizens, and refers to the need to supplement/refine the legal instruction in the Enforcement Collection Orders delivered by the enforcement agents to the debtors.

In particular, the petitioner clarified that in the enforcement orders in the section of legal instruction it is only stated that: "according to Article 86 of the Enforcement Law, the debtor has the right to appeal to the Basic Court of the territory where the enforcement will be carried out", but without stating what is the legal deadline, i.e. within how many days, it can be submitted.

The incompleteness of such legal instruction in enforcement orders, as well as the fact that most of the debtors are not legally informed and educated, so it is necessary to consult a lawyer or other legal entities, in practice contributes to their hindrance in enforcement procedures to use it in a timely manner their legal right - to submit an objection to the cases and, if any irregularity is determined, to be properly removed by the competent Court.

Considering this situation, the Ombudsman took action and turned to the Ministry of Justice with a Recommendation for the removal of the identified violations, thus giving a recommendation that in the best interest of the citizens, it is necessary to change the form of the forms of the Execution Order , in the part of the legal instruction, i.e. it should be supplemented with the deadline for submitting the objection, so that they would of course receive a complete legal instruction and would be able to provide them with proper information for the timely submission of objections. In particular, the Ombudsman requested to amend and supplement the Rulebook on the form of orders, conclusions, minutes, requests, official notes, confirmations and other acts drawn up by the executor (Official Gazette of RNM No. 88/19) in such a way that the form will be changed on Form No. 20 of the Execution Order in the section of the Legal Instruction - where it is stated that ("Against the order, an objection can be submitted to the Basic Court of the territory where the execution will be carried out in accordance with the provisions of Article 86 of the Law on Enforcement collection").

The Ombudsman's recommendation in question was not accepted by the Ministry of Justice, and the Ombudsman received a reply, which has an exclusively formal character - a review of the existing legal solution is given and it is stated that "by changing the form of the forms of the Order for enforcement, in the area of legal education, will not contribute to a better protection of citizens' rights". At the same time, the Ministry of Justice "expressed its readiness to consider the recommendation of the Ombudsman in future amendments to the Law on Enforcement Collection".

The Ombudsman, taking into account the response of the Ministry of Justice, prepared a special report to the Government of the Republic of North Macedonia in which he informed about the ascertained situation and asked to take measures and actions to overcome it, i.e. approval of amendments and additions to the Rulebook on the form of orders, conclusions, minutes, requests, official notes, confirmations and other acts drawn up by the executor, all for the purpose of efficient and effective protection and realization of citizens' rights.

However, the Government of the Republic of North Macedonia also sent a notice to the Ombudsman with which they report that in relation to the need to amend and supplement the Initial Letter on the form of the orders, conclusions, minutes, requests, official notes, confirmations and other acts that prepared by the enforcement agent, the Government decided to adopt the opinion of the Ministry of Justice.

In view of the fact that the request of the Ombudsman was not supported by the competent authorities or the Government of the Republic of North Macedonia, the Ombudsman will hold a press conference in which he will inform the public in detail about the procedure in this case, as well as about not acting on his Recommendations for better protection of citizens' rights.







NP No. 2068/23

A citizen of Kumanovo submitted a petition in which he requested legal advice which legal remedy to file against the decision of the Fund for Health Insurance-Regional Service of Kumanovo, which determines the termination of his status as an insured person who is registered in compulsory health insurance, in accordance with Article 5 paragraph 1 item 15 of the Law on Health Insurance.

Acting on the petition, and taking into account the provisions of the Law on Health Insurance and the provisions of the Rulebook on the content and method of exercising the rights and obligations of the mandatory health insurance, legal advice was given to the citizen and he was advised, with the possibilities for exercise of the right.

Namely, the citizen is notified that he can file an appeal against the decision of the Fund for Health Insurance-Regional Service Kumanovo within 15 days, from the day of receipt of the same, to the Minister of Health as a secondary authority, and until the adoption of the secondary decision, he will be without health insurance, i.e. the right to health insurance depends on the outcome of the appeal process, whether it will be accepted or not.

Furthermore, he is informed that he can submit a new request for determining the status of an insured person in accordance with Article 5 paragraph 1 point 15 of the Law on Health Insurance, with the fact that in order to receive free health insurance, i.e. the contributions for health insurance must be paid by the Ministry of Health is required to submit a Certificate from the Public Revenue Office for earned income for 2022, as well as a Certificate for earned income for July and August 2023. At the same time, it is necessary that the realized income for 2022 does not exceed the amount of 296.382,00 denars and for July and August 2023 not more than 36.000,00 denars. If the income earned for the year 2022 exceeds the amount of 296,382.00 denars, then in order to acquire the status of an insured person, he will have to pay on the basis of 50% of the average salary per worker in the RNM for the current year, or about 1.852,00 denars.

He was also informed that the data on realized income in 2023 will be submitted by the Public Revenue Administration to the Health Insurance Fund in February 2024, then if the realized income for 2023 does not exceed 296.382,00 denars, it can be submitted in February to submit a new request for determining the status of an insured who is registered in mandatory health insurance, in accordance with Article 5 paragraph 1 point 15 of the Law on Health Insurance and to acquire health insurance for which the contributions will be paid by the Ministry of Health.



NP No. 377/23

A complaint was submitted by the National Union of Persons with Physical Disabilities of Macedonia - Mobility Macedonia in connection with a problem faced by persons with physical disabilities, otherwise members of this association, who were hindered in exercising their right to exemption from payment toll, a right they are entitled to according to the Law on Public Roads.

Namely, the Public Enterprise for State Roads did not act on a total of 68 requests for the issuance of an electronic card for exemption from toll payment, which violated the rights of these persons. After the instructions given to the Public Enterprise for State Roads on the method of removing the identified violations, which indicated the immediate taking of measures and actions in order to ensure the right to exemption from paying tolls for persons with physical disabilities, and in that direction, the issuance of electronic card for exemption from toll payment, the concerned persons were provided with this right.



NP No. 1782/23

The Ombudsperson acted on a case based on an anonymous complaint, for the reason that it was of general interest, and in which irregularities were stated in the actions of the Inter-Municipal Centre for Social Work Stip in relation to the personal assistance service. Namely, the Ombudsman informed the Ministry of Labour and Social Policy about the allegations, and the Department for Inspection Supervision in the field of social protection and child protection carried out an extraordinary inspection, during which irregularities in the operation were ascertained. Because of this, specific measures and a deadline for their execution were proposed to the Centre by the inspection authority.

The Ombudsman asked the Intermunicipal Centre for Social Work of Stip to state what measures and activities it is taking in order to eliminate the detected irregularities and shortcomings, after which the Centre submitted detailed explanations about the actions taken. Among other things, an order was issued by the director of the Centre to all independent professionals and case managers, with which they were obliged to make a decision when providing the personal assistance service after a direct inspection of the household and to hold joint meetings at least once a month with the user, the personal assistant and the coordinator of the service and to compile minutes of the meetings.

NP No. 103/23



A petition was submitted to the Ombudsman, through the Local Ombudsman of Subotica, by L.S., who is the beneficiary of a proportionate part of a pension according to the decision of the PIOM Branch from Tetovo, which was denied the right to exercise. The petition states that the named person has not received any amount of pension for several months (since March 2022), although she submitted the life certificates twice during 2022.

The Ombudsperson took action against the Pension and Disability Insurance Fund of the Republic of North Macedonia with a request to be notified whether the pensions have been paid in the meantime, and if the procedure is still ongoing, he indicated that actions should be taken to eliminate the causes and payment is made.

In connection with the procedure for this complaint, after the notification received from the Pension and Disability Insurance of Macedonia that the petitioner has received the funds in the name of pension, the Local Ombudsman from Subotica contacted electronically with a notification that the petitioner has been paid all arrears of pensions, i.e. the same according to our intervention exercised the right.



NP No. 299/23

R.A. from Mala Recica, Tetovo submitted a complaint to the Ombudsman in which he requested intervention in EVN Makedonija Jsc-Skopje (EVN) due to the regulation of a situation with an overdue debt.

After studying the petition and the attached evidence, the Ombudsman concluded that it was founded, because the petitioner, according to a previously concluded agreement, has made the payment in full and regularly pays the invoices for consumed electricity.

Starting from the justification of the requested intervention, the Ombudsman requested from EVN to check the state of arrears.

After the intervention of the Ombudsman, EVN established that according to the record system, it is a debt from 2005, for which no legal actions will be taken by EVN in the future.

NP No. 2479/23

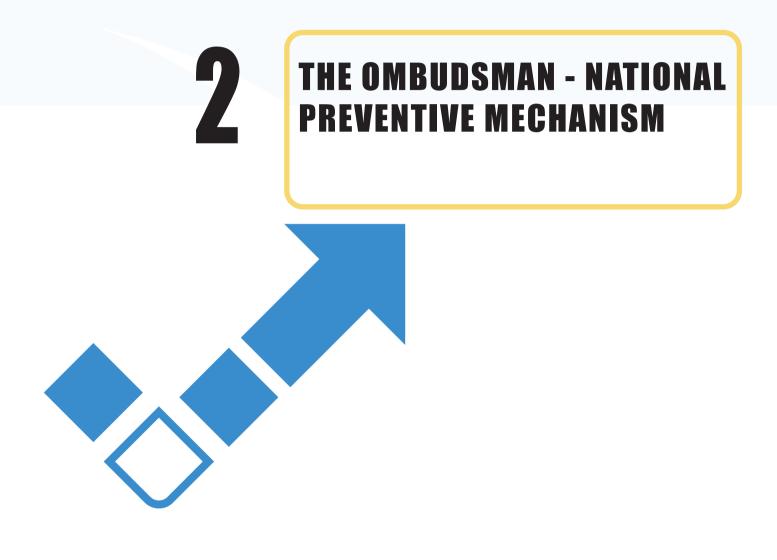


A petition was submitted to the Ombudsman by the PP from Strumica, in which the inclusion of the OMBD. as a Friend of the Court was requested in a court proceeding conducted at the Basic Court of Strumica.

The Ombudsman, after evaluating the allegations from the petition and carrying out a detailed investigation into an already conducted case for the same petitioner, where actions were taken and evidence obtained before the state administration bodies that could contribute to the adoption of a correct and well-founded judgment based on appropriate evidence, within the scope of his competence, he initiated a procedure and submitted a Proposal to the Basic Court of Strumica in the capacity of a friend of the court (amicus curiae).

With the submitted Proposal, evidence was submitted to the Court that it did not have at its disposal, and the Ombudsman obtained it during his actions before the bodies of the state administration (after the initiation of the court proceedings), and with that action, while not infringing the principles of autonomy and independence of judicial authority, the Ombudsman contributed to the conduct of a just and fair court procedure.





The Ombudsman - National Preventive Mechanism (OMBD. NP) continuously monitors the treatment and respect of the rights of persons in places of deprivation of liberty and detention, with the aim of preventing torture and other types of cruel, inhuman or degrading treatment or punishment. Referring to this issue, in the reporting year, the OMBD.NP Team conducted a total of 19 visits, of which: 7 visits to police stations of general jurisdiction, 2 visits to police stations for border surveillance, 5 to penitentiary institutions, 3 to centres where they are housed and they detain migrants, i.e. foreigners and asylum seekers, and one visit each in a psychiatric hospital and in a public institution for protection and rehabilitation.

During the implementation of some of the preventive visits, external collaborators were hired, who with their expertise contributed to strengthening professionalism and ensuring a multidisciplinary approach to the work.

During 2023, the OMBD.NP team visited the police stations of general jurisdiction (PS of General jurisdiction) in Bit Pazar, Tetovo, Kriva Palanka, Kavadarci, Resen, Veles and Stip. The conditions found during the visits indicate limited capacities and conditions for normal functioning and operation, which also affects the increase in the risk of inappropriate treatment of persons deprived of their liberty or detained in police stations. Namely, almost every police station faces a shortage of uniformed police officers, and it has been noted that police officers are transferred or assigned to work positions and perform work tasks for which they have no previous experience or adequate training. In some of the police stations, allegations were also received about redistribution of jobs or assignment of work tasks to police officers that were not based on professional reasons, but as a result of reward/punishment for similar reasons or politically based motives. Material conditions and means of operation are also a challenge noted in most police stations, especially in the area of official vehicles that are necessary for uniformed police.

During the visit to **Police Station of General Jurisdiction Bit Pazar**, it was found that some of the recommendations made during previous visits, such as removing the irregularities that were noted in the part of the system for calling and video-monitoring, repairing the electrical installation in the detention rooms, as well as raising the level of hygiene in the detention rooms and in other rooms within the police station. However, it was also established that no measures have been taken to adapt and equip rooms for talking and holding children. Namely, conversations with children in conflict with the law, as well as with children who are victims of crimes, are carried out in the office of the juvenile delinquency inspectors who are in extremely poor financial condition, and in certain cases the office of the shift leader is also used for this purpose. In Tetovo, it was also found that there is no special room for conversations and detention of children, malfunctions in the call system in all detention rooms were also noted, as well as remarks regarding hygiene, and the need for repair was also noted of the box for complaints and petitions sent to SIA Tetovo, in the sense of closing it and preventing any unjustified removal of complaints and petitions from citizens. In **PS of General Jurisdiction** Kriva Palanka, it was noticeable that certain activities were undertaken to improve the material conditions in the police station, but no effort was made to provide appropriate and separate rooms for detention, as well as providing appropriate conditions and enabling rooms for talking with people deprived of their liberty, i.e. detained, detained or summoned. PS of General Jurisdiction Kavadarci also does not have adequate rooms for conversations, nor has it installed video surveillance. The detention rooms located in the basement part of the building

do not meet internationally accepted standards¹, they do not have natural light and adequate ventilation, and at the time of the visit they did not even have artificial lighting, although in one of them there was detention two days before the Ombudsman National Preventive Mechanism visit, and not nor was a calling system set up. In **PS of General Jurisdiction Resen**, similarly as in PS of General Jurisdiction Kriva Palanka, the activities undertaken in the direction of renovating the police station were noted (here, above all, we mean whitewashing, replacement of the floor and windows), but special rooms for conducting conversations, such as and a toilet in the part of the detention rooms have not been equipped/made, nor has video surveillance been installed. In PS of General Jurisdiction Stip, poor realization of the previously sent recommendations was noted, which refer to the need to equip the two rooms for conversations with people, as well as putting into operation the so-called rear entrance leading to these rooms and to the holding rooms, and also the recommendations for repairing the broken window in one of the holding rooms, nor regarding the need to take greater care of hygiene, as in the premises, as well as in the police station in general, where objects and paper were found scattered in several places. Hygiene is also a serious challenge for **PS of General Jurisdiction** Veles, especially in the detention rooms that do not meet the minimum expected domestic and international standards for that purpose. Namely, in addition to deficiencies in terms of the necessary square footage, it was noted that there is no natural light in the detention rooms at all, and the artificial light is weak and muted. The bed linen in the rooms was dirty and in extremely bad condition, on some of the pillows and mattresses there were visible traces of blood and blood discharges, and moisture was visible on the walls of the corridor of these rooms.

Border Surveillance Police Stations (**PS of General Jurisdiction**) **Caska and Blace** also face a serious challenge in terms of personnel and material resources that really question the capacity of these two police stations to fulfil their basic task and purpose, that is, to exercise appropriate supervision over the territory of Macedonia bordering R. Kosovo. Otherwise, police stations for border surveillance are not designated as police stations where people are detained, which is why even in cases where there is a need to detain a person who has been detained or deprived of liberty, it is carried out in the Police Station of general jurisdiction of Gjorche Petrov (if he is detained, i.e. deprived of his liberty in PS of General Jurisdiction Caska), or in the Police Department in Mirkovci (if he is detained, i.e. deprived of his liberty in PS of General Jurisdiction Blace).

In the part of monitoring the treatment of detained and convicted persons, during the reporting year, the Penal-Correctional Institution Idrizovo was visited on two occasions with a focus on the closed department, as well as the way in which resocialization is carried out in this penitentiary institution, and a special two-day visit was carried out in the women's department located in this institution. Furthermore, the detention department of the Skopje Prison was visited, as well as the Tetovo Prison.

The Penal-Correctional Institution Idrizovo was the focus of the National Preventive Mechanism last year, for which it was visited on three occasions, and that was a visit to the Closed Department, then a dedicated visit was carried out in order to assess the degree of implementation of resocialization in the institution, and it was also carried out a two-day visit to the Women's Department.

The visit to the closed department was carried out in the first quarter of the year with a focus on 3, 4, 7 wings, etc. "Ambulance". The situation found was seriously worrying, which is why it was noted that the situation in these wings could easily be subsumed under the term of inhuman and degrading treatment². Namely, serious remarks were noted regarding the mate-



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¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Detention by Police, Available at: https://rm.coe.int/16806cea26 (Accessed on: 17/07/2023)

² More about the current situation is contained in the Annual Report of the OMBD.M team, available at: https://ombudsman.mk/CMS/Upload/NarodeOMBD.ravobranitel/upload/OMBD.M-dokumenti/2022/OMBD.M%20Godisen%20izvestaj-2022-Mk -Alb-Ang.pdf (last visited 20.01)

rial and other conditions in which convicts live in this part of the penitentiary. The overcrowding was obvious, due to which convicts slept on the floor of the corridor in certain wings, while 14 and 15 people each stayed in certain rooms on improvised beds on four floors.

The health care situation is also of serious concern, which is primarily due to the lack of a sufficient number of medical personnel, as a result of which the Emergency Medical Service is often called, especially in the afternoon. Due to the increased workload, the existing health workers are not able to respond to the needs of the convicts, so the number of complaints from them is high.

The second visit of the Penal-Correctional Institution Idrizovo was carried out by the OMBD.NP team in the second quarter of the year, i.e. immediately after the declaration³ of the State of Crisis, which on 06.06.2023 by the Decision of the Government of the Republic of North Macedonia established the existence of a state of crisis in part of the territory of Republic of North Macedonia, in the area of Gazi Baba Municipality where the Idrizivo Penitentiary is responsible. The state of crisis was declared in order to prevent security threats and strengthen the security of the facility, which is why members of the Ministry of the Interior and the Army temporarily got involved in securing the facility.

Regarding the crisis situation, later on July 19, 2023, in cooperation with the Macedonian Association of Young Lawyers (MZMP), a thematic forum was organized, attended by representatives from the Office of the Permanent Coordinator of the United Nations in the Republic of North Macedonia, the Management Centre with crises, the Ministry of Labour and Social Policy, the Ministry of Health, the Administration for the Execution of Sanctions and civil society organizations. At the forum, in addition to the rest, it was concluded that approval by the Assembly is necessary for the continuation of the crisis situation, and the need to include representatives from OMBD.NP and civil society organizations in the sessions of the General Headquarters (HQ) for crisis management was also highlighted for the purpose of immediate information about the implementation of operational plans for overcoming the crisis situation. In this sense, subsequently, representatives from OMBD.M and civil information attended the meetings of the GS for crisis management.

When it comes to the noted situation in relation to resocialization, from the inspection made during the second visit to the Penal-Correctional Institution Idrizovo, it was ascertained that the Department for resocialization has 23 people (together with the head and the assistant head), i.e. half of the planned systematized staff. Of them, only two are psychologists who were absent due to illness at the time of the OMBD.NP visit. Hence, 80-90 convicted persons are under the authority of one educator, a number impossible to manage, effectively and efficiently implement the process of resocialization and any assistance in terms of correcting behaviour, detecting early symptoms of mental problems, etc.

In the Penal-Correctional Institution for years, there has been no professional hiring or training for convicts as was the case in the past (craftsmanship, auto mechanics, animal husbandry, gardening, etc.), the only thing offered to them is to help maintain hygiene as in the buildings themselves where they live, as well as in the circle of the Penal-Correctional Institution Idrizovo. In this penitentiary there is no educational process, and there are no rooms where it would take place if there was one. Any individual, group treatments and programs are not implemented.

As for the **Women's Department of the Penal-Correctional Institution Idrizovo**, the main focus was on assessing the state of mental health of female convicts, for which two external collaborators, a psychiatrist and a psychologist, were hired. In this sense, it was established that there is no psychologist in the women's department of the Idrizovo prison, that is, the only psychologist is in the reception department (excusedly absent for a long time),

³ Одлука за постоење на кризна состојба на дел од територијата на Република Северна Македнија бр.41-5397/3 од 6 јуни 2023 година (Службен весник на Р.С. Македонија бр.116 од 7 јуни 2023 год.)

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which is why there is no psychological finding and opinion for the newly arrived convicts, which is a mandatory document on which to determine further treatment⁴. In relation to the access to a psychiatrist, it was established that the Penal-Correctional Institution Idrizovo has a doctor-psychiatrist who comes once a week, and who is also engaged in the Penal-Correctional Institution Prison Skopje and has a regular employment relationship in the Psychiatric Hospital "Skopje". Taking into account the numerous obligations of one psychiatrist who is simultaneously engaged in three institutions, as well as the volume, i.e. the number of people who need psychiatric care, treatment and supervision, especially if it is known that the risk of mental/ psychiatric disorders in the convict population problems is particularly pronounced in the initial period of deprivation of liberty, it was noted that it was impossible or seriously challenging for one person to adequately and expediently respond to the needs of patients in the three institutions, which is why it is necessary for each penitentiary institution to have a psychiatrist employed, as well as a nurse trained to work in this type of facility. During the visit, it was established that the strongest stress for women is the separation from children and family. Separation is especially difficult for mothers of small children, so maintaining family contacts and relationships was highlighted as an extremely important goal in relation to female convicts, which is why it was recommended to ensure mandatory provision of better-guality contacts for female convicts with their children (more frequent, longer and in conditions suitable for children, in a separate room). Regarding the material conditions, it was found that there is a high percentage of humidity in most rooms, and the access of female convicts to the toilet and bathrooms in the closed department is a serious concern, because all convicts are forced to share access to them. The toilet and bathrooms are not adapted for convicts who have a certain type of physical disability or for those who, due to other conditions, need help from a third party. Fear and insecurity are especially pronounced among those convicts who are there for the first time. Well, in this sense, and taking into account that the handling of the convicted person in the reception department should represent a set of activities and measures for dealing with the convicted person in order to familiarize them with the rules for serving a prison sentence (the House Rules for convicted persons serving a sentence imprisonment in a penitentiary), assessment of his personality, risk assessment, development of a sentence plan and determination of the treatment of the convicted person during the serving of the prison sentence, the OMBD.M team recommended that the admission of new female convicts be carried out in another part of the women's ward, separated from the closed ward.

In the **Detention Department of the Skopje Prison**, the number of detained persons on the day of the visit exceeded the accommodation capacity of the department, which could also be seen during an inspection of the premises where those detainees who were visited by the OMBD.NP team were staying. Namely, from the inspection of the premises where the detained persons are housed, as well as from the conducted conversations with the detainees, it can be freely concluded that the material conditions do not meet the minimum standards for accommodation and are below any level of decency. The rooms that the OMBD.NP team inspected are full of moisture, and in some rooms and entire walls were black with mould. The air in the rooms is stale due to poor ventilation, and in some of them there is a lack of artificial light (the rooms were mostly lit by only one light bulb). The presence of tawtabites also contributes to the bad conditions in which the detainees are staying, so in one of the visited rooms where five people were staying, all of them were bitten by them (stings were literally all over their bodies: arms, legs, back). As an additional aggravating circumstance is the presence of violence or arbitrariness of certain detainees towards their roommates, due to which those who suffer pressure live in constant fear, and are quite often exposed to physical and psychological attacks. So, taking into account the fact that the very stay in detention can cause serious psychological problems (suicide rates among detainees are higher than those among convicts), but also other health difficulties⁵, such conditions of stay, as well as the danger of violence



⁴ In the institution there is another psychologist by education who works as an educator.

⁵ Ibid 6

between people placed in one room, additionally represents an aggravating circumstance, but also a risk to the health and safety of the detained person. Based on the situation ascertained during the visit, the OMBD.NP Team stressed that it is imperative to take immediate measures to improve the material conditions for the detainees' stay, especially to pay attention to the special needs of women detainees, as well as to do good risk assessments in order to prevent violence between persons located in the same room. The lack of officials in the prison police, as well as the inadequate working conditions, combined with the received allegations about the (non)established career advancement system only further indicate the serious challenges that this institution is facing.

During the visit to the **Tetovo Prison,** the actions taken to improve the material conditions were noted, and it was noted that the institution has been renovated from a material aspect with decent rooms for staying and toilets equipped with furniture and sanitary facilities, mattresses, ennobled and horticulturally arranged parks, rooms for viewing, fitness room. As a positive example, the management of medical documentation and the method of sharing the therapy can be highlighted. However, in this Penal-Correctional Institution, similarly to the others, a serious challenge is the insufficient number of employees, especially female prison police officers. Obstacles to the improvement of the procedure were also addressed in the area of full compliance with national and international standards when conducting a search/examination of a newly admitted person in the Tetovo Prison, i.e. if it is necessary to remove clothes and check the body cavities, this should be done in a dignified manner to avoid complete undressing of the convict, and it was also emphasized the need for medical examinations (either during admission or later) to be performed without the presence of prison officials, unless the doctor requests otherwise.

The OMBD.NP team visited the **Public Health Institution – "Negorci" Psychiatric Hospital**, i.e. the so-called judicial (forensic) department in which persons with a pronounced security measure are placed - mandatory psychiatric treatment and custody in a health institution. This department is located in a separate facility within the hospital, and it is relatively new, with neat sanitary facilities, individual rooms that accommodate two to three patients and a day room with two televisions, as well as several board games: cards, backgammon and chess. The facility has a secured terrace, which means that the possibilities of leaving the hospital at will are limited. At the level of the entire hospital, the number of employees is insufficient for the full and efficient implementation of the planned work activities, and there is a lack of psychiatrists and social workers in particular. A social worker is in charge of all patients in the hospital including patients from the court ward. During the visit, it was noted the lack of productive and structured, designed activities that would contribute to the improvement of the general mental state of the patients and their resocialization and productive functioning after the completion of the measure. There is no occupational therapy, as well as individual and group counselling, constructive therapeutic, but also regular sports activities. Regarding the mechanical/physical fixation, it was noted that when there is a need, it is performed in the acute, reception department, where a special room is provided for that purpose, lined with protective walls and surveillance from both sides of the room in the form of glass walls. Belts with magnets are used for fixation, and for the fixation itself, a Protocol for the fixation of patients in PHI Psychiatric Hospital "Negorci" has been drawn up, as well as a Form for fixation containing data on the patient, history of illness, description of the mental state, prescribed therapy, type of fixation, duration of fixation, control and management person who approves the fixation.

The Institute for Protection and Rehabilitation "Banja Bansko" has two facilities where the users are accommodated, the so-called "old" (since 1974) and "new" (since 2002). Conditions are generally satisfactory in both facilities. In the so-called old building, the hygiene was at a decent level, the bedrooms (a large number of them for individual accommodation) equipped with the most necessary pieces of furniture: bed, dresser, drawers, desks and ward-robes, and in some of them there were also TV receivers provided by the users themselves and their relatives. The rooms had a sufficient amount of daylight, neat and relatively well heated. This facility also has a living room equipped with a sofa, table, chairs and TV receiver. Remarks

were noted regarding the toilets in the section for male users, where it was ascertained that out of the three toilets, only one was fully operational, but even in that one, holders for persons with physical disabilities were not installed, which represents a risk of possible injury to the users. The institution's new facility has individual apartments equipped with a toilet and a mini-kitchen with necessary household appliances, which accommodates users who can take care of themselves with occasional support from a third party. The apartments are spacious, neat and clean, well heated and with a sufficient amount of daylight. During the visit, a group of users raised allegations against deinstitutionalization in the way it is being implemented and emphasized the need for the state to provide them with the conditions and support they had until a few years ago, in terms of professional staff, sensitized to their condition. In this sense, when it comes to the employees' attitude towards them, it was said that not all employees are equally polite, and some even used verbal insults. Complaints were also received about the lack of interest on the part of the social work centres to carry out adequate supervision in the part of the beneficiaries' condition, and allegations were also received about an ignorant attitude towards the beneficiaries who have been appointed a quardian.

Following the treatment of migrants, i.e. foreigners and asylum seekers, the OMBD.M team during 2023 visited the Temporary Transit Centres (TTC) in Tabanovce and Vinojug, as well as the Reception Centre for Foreigners in Gazi Baba. In **TTC Tabanovce**, which functions as an open-type centre, entry is allowed to all persons who express their intention to stay in the Centre, and who do not have any documents for their personal identification. These persons, in accordance with the established practice, are first fingerprinted and identified based on the data they will provide about themselves, after which they are handed over for care and accommodation to the representatives of the Ministry of Labour and Social Policy (MLSP). Representatives from the MLSP, as well as from the Ministry of Internal Affairs (MIA), are constantly present 24/7 at the Centre, and representatives from the Red Cross are available on call in the evenings. In addition to the Red Cross, health care is still provided by a doctor and med. sister who are hired through IOM (International Organization for Migration) and who are present every working day, only the first shift until 3:30 p.m. In TTC Vinojug, it was noted that the situation on the ground has changed in a positive sense, both in terms of coordination of the representatives of the various authorities and organizations present in the field, as well as in terms of the handling and treatment of the persons who were placed in the Centre, which are immediately it also reflects on their mental health, which is one of the issues continuously monitored by the OMBD.M team. Namely, in the area of mental health and psychosocial needs, from the conducted focus groups, the situation indicates the improved psychosocial well-being of people compared to previous years. From the interviews with the competent persons, it appears that the changes may be due to changes in the processing of the arrested persons and the increased freedom of movement, as well as the easier access to the asylum procedures, which may have been influenced by the presence of FRONTEX representatives. In terms of material conditions, the OMBD.M team continues to maintain the position that TTC Vinojug should not be used for longer-term accommodation, as well as the need to find accommodation alternatives for particularly vulnerable categories of migrants. In the part of arranging the space, it is necessary to immediately remove the seized and damaged vehicles from the Centre, i.e. their deployment in a suitable location, and in terms of the available resources, a serious challenge is the lack of suitable vehicles for transporting people, which is why the procedures are being delayed for transporting asylum seekers to the Reception Centre for asylum seekers in Vizbegovo.

The Reception Centre for foreigners in Gazi Baba is of a closed type, and various categories of persons are accommodated and detained in it due to various grounds established in the provisions contained in several laws, such as: in the Law on Foreigners, the Law on International and Temporary Protection, The Law on misdemeanours, etc. The Reception Centre continues to face the problem in terms of employment, detected during the last visit of the OMBD.NP team in 2022. In this sense, it was noted that about half of the systematized job positions have not been filled, and the currently employed staff represents only twenty percent of the total number of planned jobs. Among the systematized positions that are empty is



that of the psychologist, and there are also missing police officers, inspectors, and especially authorized female officials. The small number of female police officers can affect the quality of communication with the women detained in the centre, but also pose a challenge in terms of ensuring security for female foreign nationals, considering that their number is not to be neglected. In general, the lack of staff is a serious problem that complicates the normal functioning of the Reception Centre and is reflected in the treatment of detained persons and their ability to exercise their rights⁶. Compared to the situation noted during the visit of the OMBD. NP team in 2022, significant positive changes from a material aspect were visible. Namely, although no activities have been undertaken to relocate the centre in accordance with the given recommendations, during the fasting period in the reporting year 2023 a visible improvement of the conditions within the possibilities of the centre was ascertained, i.e. the creation of a more humane stay for the people housed here. However, the conclusion remains that the Reception Centre is not suitable for people with disabilities, which is why it is recommended not to refer, receive and keep people with disabilities here, and also considering that the Reception Centre does not meet the conditions either for the retention of children, it is recommended not to refer, receive or retain them either. The OMBD.NP team also believes that the Reception Centre does not have the conditions (both personnel and material) to accommodate victims of human trafficking during the period of recovery and reflection. In the part of dealing with detained persons, it was noted that the grounds for detention and the duration are the subject of constant interest on the part of detained persons, and the lack of information about the same among persons manifests itself through anxiety, nervousness, depression, and the like. In this sense, it was established that none of the persons who were accommodated in the Reception Centre during the visit had the decisions on the basis of which they were accommodated and kept in it. Taking into account that the deadlines for submitting a legal remedy against such a decision begin to run from the reception of the decision on accommodation/detention, the OMBD.NP team emphasized that it is necessary to give each person who is accommodated/ detained in the Reception Centre an individual decision/ decision about it, to be informed orally about the contents of the same, as well as about the possibility to submit a legal remedy and request legal assistance, and it is also necessary to record when the same was done.

In addition to the preventive visits, during 2023 the OMBD.M team initiated and held a meeting with the State Secretary of the Ministry of Internal Affairs (MIA) at which, among other things, it was agreed to nominate persons responsible for forwarding the answers on the occasion of the recommendations contained in the special reports of the OMBD.NP team addressed to the competent authorities within the Ministry of the Internal Affairs.

In 2023, a working meeting was held with representatives from the Fundamental Rights Officer (FRONTEX), where they discussed the way of handling complaints about serious incidents and reporting them, the monitoring of fundamental rights of migrants, as well as for the specific activities that FRONTEX is currently implementing in Macedonia.

This meeting was a planning activity within the study visit of the Polish OMBD.M that the members of the OMBD.NP team realized in the period from April 25 to 28, 2023 in Warsaw, Poland. In addition to this, within the framework of international cooperation, representatives from the OMBD.NP team also attended the regular meetings of the Network of National Preventive Mechanisms of Southeast Europe, which were held under the presidency of the Greek OMBD.NP in Thessaloniki and Athens.

Ombudsman - National Preventive Mechanism, as every year, prepares an Annual Report in which the activities undertaken and the conditions found during the visits to the places of deprivation of liberty are recorded. The annual report of the National Preventive Mechanism team is submitted to the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) at the United Nations and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

⁶ In this sense, it was pointed out that one of the reasons for which detained persons are not given the right to take a walk in the fresh air.

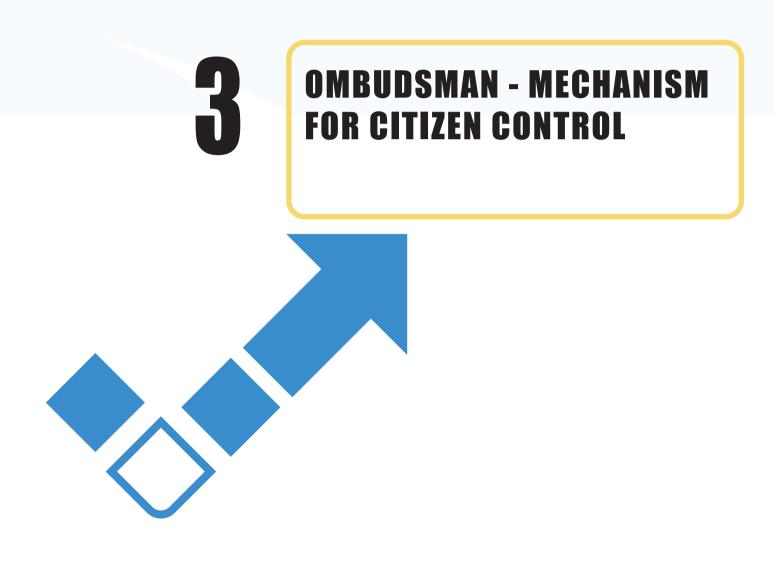
(CPT), but also to all domestic relevant institutions, as well as to the Network of National Preventive Mechanisms of Southeast Europe.

In 2023, an employee of the Ombudsman – National Preventive Mechanism was elected as a member of R.N. Macedonia in the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which is particularly significant for the institution and the National Preventive Mechanism.

In addition to the implemented activities, one cannot help but emphasize the challenges that the OMBD.NP team is facing, namely that the National Preventive Mechanism has limited, that is, insufficient personnel and financial opportunities for the full, effective and efficient implementation of its mandate. In this sense, it must be emphasized again that the state should consistently implement the obligations arising from the signing and ratification of the Optional Protocol to the Convention against Torture and accordingly, the responsible authorities must provide sufficient resources for the efficient execution of the OMBD.NP mandate.







The Ombudsman - Citizen Control Mechanism (CCM) acted on 19 (nineteen) complaints in the reporting period, 8 more compared to 2022. At the same time, 11 cases were initiated by citizens' petitions, 2 by petitions submitted by citizens' associations, and 6 by their own initiative, i.e., by voice vote.

Taking into account the seriousness of the allegations of torture and other forms of inhumane or degrading treatment and punishment, that is, the use of serious threat, force or means of coercion resulting in death, serious bodily injury, bodily injury, unlawful deprivation of liberty, torture and other cruel, inhuman or degrading treatment and punishment committed by police officers or members of the prison police, the Ombudsman, in accordance with the legal competences of the Citizen Control Mechanism in order to provide support and protection of the victim and his rights and interests, participated in all procedures that are lead in the bodies of the state administration, as well as in the proceedings before the prosecutor's office and the courts, by monitoring the judicial process. Of the established cases, 13 related to excessive use of force or harassment in the performance of duty by police officers, and 6 cases to members of the prison police.

In order to investigate the allegations, the Mechanism for Citizen Control carried out its own research through conversations/interviews, review of all the files of the internal police investigations, inspection of the cases and access to the relevant documents, and in order to provide verbal and material evidence, they carried out conversations with the victim, witnesses and potential perpetrators. After the actions taken, the Ombudsman stopped the proceedings in 8 (eight) cases, because he did not find a violation of rights. In one case, which refers to members of the prison police, the Ombudsman in July 2023 to the Department for Investigation and Prosecution of Crimes Committed by Persons with Police Powers and Members of the Prison Police, at the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and corruption submitted a request for the determination of criminal responsibility, due to reasonable suspicion of the crime "harassment in the performance of duty" punishable under Article 142 of the Criminal Code. Consequently, the Ombudsman has been notified by the said authority that the case is under pre-investigation procedure. In the same month, the Ombudsperson, acting on a case established at the end of 2022, submitted a Request for the determination of criminal responsibility, due to well-founded suspicion of the crime of "harassment in the performance of duty" against (2) two police officers belonging to the EBR (Rapid Deployment Unit) at the Ministry of the Internal Affairs, and the procedure for this case is ongoing.

In this context, the Ombudsman-Mechanism for Citizen Control on its own initiative initiated a procedure regarding an event in the Penal-Correctional Institution Idrizovo that happened on 28.10. 2023, in the semi-open department, in lane A1 and A2. Namely, after the measures taken to examine and document the case (inspection of the premises of the Penal-Correctional Institution Idrizovo where the event took place, as well as the entire official and medical documentation related to the event, photographs and video surveillance, conversation with the victims/convicted persons) from on the part of the Ombudsman, it was established that during the search of premises and persons, members of the special units - EBR at the Ministry of the Internal Affairs, used excessive force against the convicted persons, inflicting injuries on the head, limbs and other parts of the body, while 36 convicted persons were injured. Consequently, the Ombudsman - Mechanism for civil control against unknown persons belonging to the special units - EBR in the Ministry of Internal Affairs submitted a Request for determination of criminal responsibility to the Department for Prosecution of Criminal Offenses Committed by Persons with Police Powers for Crimes Against Freedoms and Human Rights and the citizen, i.e. torture, punishable under Article 143 of the Criminal Code of the Republic of North Macedonia. The remaining cases are under consideration, and after them the Civil Control Mechanism undertakes all actions and activities in accordance with the powers provided by Article 11-d of the Law on the Ombudsman.

Otherwise, the Ombudsman - Mechanism for Citizen Control continuously took actions in relation to cases from previous years, and in that context, during the reporting period, 4 (four) requests to initiate proceedings for the purpose of determining criminal responsibility were submitted to the competent Public Prosecutor's Office, after which pre-investigative actions and activities were undertaken by the authority.

For one case, after a criminal procedure was carried out, a final conviction-conditional sentence was passed, with which the police officer was found guilty of the crime of "harassment in the performance of duty". Of the remaining three cases, in one case a first-instance conviction was passed by the Basic Criminal Court Skopje, by which two police officers were found guilty of the crime of "harassment during the performance of their duties" and sentenced to a suspended sentence, and for the other two cases, the procedure is still ongoing.

Otherwise, the Ombudsman - Citizen Control Mechanism continued to monitor the actions of the authorities in a case from 2020, after which, as early as 21.01.2021, he submitted a Request for determining criminal responsibility against a member of the prison police, and in July 2023 he was notified that a final court verdict was passed - a suspended sentence for the member of the prison police.

Regarding the cooperation with the specialized department for the investigation and prosecution of crimes committed by persons with police powers and members of the prison police at the Basic Public Prosecutor's Office for the prosecution of organized crime and corruption as institutions with competence for external control of the police and prison police, general the conclusion of the Ombudsman - Citizen Control Mechanism is that even after 4-5 years since its establishment, cooperation is still not at a satisfactory level.

Undoubtedly, the competent prosecutor's office acts on the requests of the Ombudsman to determine criminal responsibility, but the pre-investigation procedures last too long, in some cases even after 2-3 years, which does not satisfy the principle of efficient investigation. As a matter of fact, this was also noted in the Judgments of the European Court of Human Rights, for the violation of Article 3 of the European Convention on Human Rights from a procedural aspect. According to the legal obligation to execute the judgments of this court in North Macedonia, the competent authorities of the state have the obligation to conduct a thorough and efficient investigation.

In addition to this, the answers from this prosecutor's office to the Ombudsman's requests are submitted much later than the given legal deadline, often even after an Urgency or Repeated Urgency has been submitted, which delays or hinders the handling of the case by the Ombudsman-Mechanism for Citizen Control which leads to dissatisfaction among victims and their families.

According to the Ombudsman, the frequent change of Public Prosecutors assigned to the specialized department for the investigation and prosecution of crimes committed by persons with police authorizations and members of the prison police also contributes to this situation, and in addition, the continuity in the proceedings is lost, as well as the established cooperation and trust with the Citizen Control Mechanism.

Regarding the cooperation with the Department of Internal Control, Criminal Investigations and Professional Standards at the Ministry of the Interior, it is at a satisfactory level, in contrast to the Administration for the Execution of Sanctions, which, although it is responsible for the prison police, has not established effective cooperation with the Citizen Control Mechanism and does not take seriously allegations of ill-treatment or the use of excessive force by





members of the prison police, although Civilian Oversight Mechanism employees are afforded an unimpeded examination of each case.

By the way, the Citizen Control Mechanism as a separate organizational unit at the Ombudsman started its work on July 1, 2019, in which three advisers are employed, but it did not function in full composition in the reporting year. Namely, the Assembly of R.N. Macedonia as late as November 2023, selected 2 (two) associations (Macedonian Association of Young Lawyers Skopje and Helsinki Committee for Human Rights - Skopje), while the procedure for selecting the third association as an external member of the Citizen Control Mechanism is ongoing.

For the full functionality of the Citizen Control Mechanism in the composition of the Ombudsman together with the selected associations, additional financial resources are needed from the Budget of the RNM, which is why the Ombudsman submitted a written letter to the Parliament, but with the adoption of the Law on Execution of the Budget of the RNM for 2024, no additional funds were approved.

4 OMBDUSMAN -FRIEND OF THE COURT (AMICUS CURIAE)

The Ombudsman, within the framework of the received mandate and competence, also acted as a friend of the court (amicus curiae) this reporting year, with the authority to actively participate in all stages of the court procedure with the right to give suggestions and opinions, which the court should take into account. This reporting year, the figures in the area show an almost identical number of petitions to the previous one, i.e. (14) fourteen petitions were submitted by citizens, with which the Ombudsman was requested to act as a friend of the court. At the same time, the Ombudsperson in (1) one case from 2022 continued the proceedings in 2023, and in relation to it he gave an opinion to the Basic Criminal Court Skopje in the capacity of friend of the court (amicus curiae) and after taking all the actions the procedure for this petition was completed this reporting year.

Citizens requested from the Ombudsman the protection of their rights and the taking of actions as a friend of the court in (5) five first instance civil proceedings, of which (3) three referred to the Basic Civil Court Skopje, one (1) before the Basic Court Strumica and one (1) for the Basic Court of Kocani. The largest number of submitted petitions (7) seven related to first degree criminal proceedings, namely (2) two for the work of the Basic Criminal Court Skopje, (2) two for the Basic Court Tetovo, (1) one each for the Basic Court Strumica and Basic court of Bitola, while in (1) a criminal proceeding that was conducted before the Basic Court of Struga, it was pointed out and sought protection for irregularities committed during the operation of the Medical Chamber of the RNM. In the remaining (2) cases, protection was requested for a procedure conducted in the second instance - before the Skopje Court of Appeal and in the third instance before the Supreme Court of R.N. Macedonia.

In this reporting year, the Ombudsman initiated a procedure for (8) eight of the submitted petitions, during which he was involved in actively monitoring the court hearings and providing protection, while in (6) six cases no procedure was initiated, because it was not competent to act, i.e. it was not a question of violation of constitutional and legal rights or otherwise it was a less significant case which, even after the examination, could not give adequate results.

In addition to actively participating in court hearings and following them, in the capacity of Friend of the Court (amicus curiae), and in the direction of protecting the constitutional and legal rights of specific petitioners, the Ombudsman in one case before the Supreme Court of RNM has given an opinion in in the capacity of a Friend of the Court, and submitted a proposal in the capacity of a Friend of the Court to the Basic Court of Strumica, and the procedures in which the same were given are still ongoing.

Also, within the framework of the Program for initial training-practical teaching that takes place at the Academy for Judges and Public Prosecutors "Pavel Shatev" provided part of the practical teaching for the trainees of the initial training in the office of the Ombudsman, during which the candidates were familiarized in detail with the mandate and the competence of the Ombudsman-Friend of the Court (Amicus Curiae) and his action before the courts in the territory of R.N. Macedonia.



The Ombudsman - National Reporter on Trafficking in Human Beings and Illegal Migration (OMBD. - NITLIM), during 2023, in accordance with the mandate, continued to monitor the activities of state bodies and institutions in the Republic of North Macedonia, competent for the prevention, prevention and protection of trafficking with people and illegal migration, as well as providing adequate treatment, i.e. support and reintegration of victims. In that context, it continuously cooperated with the National Commission for Combating Human Trafficking and Illegal Migration, as a body that unites and coordinates all stakeholders in the fight against human trafficking and illegal migration. Consequently, in order to monitor the implementation of the National Strategy to Combat Trafficking in Human Beings and Illegal Migration 2021-2025, the Recommendations of GRETA (the monitoring body for the implementation of the European Convention on Combating human trafficking) and the TIP report (Report from the US State Department).

Following the situation in this sensitive area, OMBD. - NITLIM (National Reporter on Trafficking in Human Beings and Illegal Migration), during 2023 provided information from the Ministry of Internal Affairs on seven cases of human trafficking, i.e. on 7 identified victims (5 female and 2 male), all citizens of the Republic of North Macedonia. One of the identified victims is a 52-year-old adult, and the rest of the victims are children aged 9-17. According to the type of exploitation, 5 were identified as victims of sexual exploitation, 1 victim of begging and 1 victim of begging and labour exploitation.

In relation to the identified cases, the Ministry of Internal Affairs conducted 11 investigations during 2023 and submitted 5 criminal charges to the Basic Public Prosecutor's Office for prosecuting organized crime and corruption. (1) One of the criminal charges was filed against 10 persons, in which two persons are accused under Article 187 of the Criminal Code, i.e. for "Abusing a powerless person", (2) two persons are accused under Article 193, i.e. for "Production and distribution of child pornography" and (6) six persons are charged under 418, that is, for "Trafficking with a minor".

Authorities in dealing with victims are guided by the Standard Operating Procedures (SOP) for dealing with victims of human trafficking, and in that context identified victims are appropriately placed in the Centre for Victims of Trafficking in Human Beings, in the Centre for Victims of Domestic Violence, and three of the child victims are placed in a small group home. The adult identified victim is placed in the Centre for the Support of Persons with Developmental Disabilities. Undeniably, in cooperation with the victims, an individual plan was drawn up with the involvement of an expert from the Centre for Social Affairs.

In the context of the treatment and protection of victims of human trafficking, the Ombudsman-National Reporter on human trafficking and illegal migration states that, in addition to safe care, provision of health and legal protection, and involvement in the educational system, work is being done to prepare the victims for reintegration and resocialization, in the direction of successful inclusion in society on an equal basis with others. Otherwise, the Ministry of Labour and Social Policy operates with full utilization of capacities in handling and treatment of victims of human trafficking, and in that direction, the Ombudsman, taking into account the challenges regarding the facilities for accommodation of identified victims of human trafficking, in accordance with the mandate of the National Rapporteur on human trafficking and illegal migration, he ascertains the need for intensification and priority of the initiated activities to ensure an institutional framework, budget and provision of accommodation capacities for victims of human trafficking.

Regarding identified potential victims of human trafficking and illegal migration, during 2023 (9) nine potential victims of human trafficking were identified. Eight (8) of them are from the Republic of Macedonia, and one of the victims - a child, is from the Republic of Serbia and during 2023 he was issued a temporary residence permit on the territory of the Republic of Macedonia. According to the data received from the Ministry of Internal Affairs and the Ministry of Labour and Social Policy, during 2023 all victims of human trafficking were provided with coordinated assistance and support according to the individual needs of the victims.

The National Unit for the Suppression of Migrant Smuggling and Human Trafficking -NESKLMT, which was established in 2018, with the signing of the Memorandum of Cooperation concluded between the Ministry of Internal Affairs and the Public Prosecutor's Office of the RNM, has an extended mandate until 2025. From the working meetings held with the deputy head of NESKLMT, the Ombudsman-National Reporter on human trafficking and illegal migration, during 2023 stated that most of the police officers of NESKLMT are seconded workers from other organizational units of the Ministry of the Internal Affairs. This status of the members indirectly affects their commitment and desire for professional improvement, which is directly conditioned by their uncertainty - until when and if they will remain as members of the Unit or will be returned to their old jobs. The strategic importance of the National Unit for the Suppression of Migrant Smuggling and Human Trafficking is indisputable, which is why the Ombudsman-National Reporter recommended that the Ministry of Internal Affairs undertake activities aimed at providing a systemic institutional framework for the permanent status of the Unit within the Ministry.

Mobile teams also represent a successful example of a multidisciplinary approach and intersectoral collaboration with a proactive approach. Monitoring their actions by the Ombudsman-National Reporter on Human Trafficking and Illegal Migration states that during 2023 the teams identified vulnerable categories of citizens at high risk of human trafficking. At the same time, in communication and working meetings with some of the Mobile teams, the Ombudsman-National Reporter on human trafficking and illegal migration states that there is no systemic sustainability of these teams, which in turn has its impact on the quality of mutual coordination, functioning and cooperation of the teams and competent ministries and authorities. Therefore, the Ombudsman-National Reporter on Human Trafficking and Illegal Migration believes that it is necessary to find a solution to the above.

In March 2023, at the initiative of the National Commission with the support of the EU and Council of Europe project for the prevention and fight against human trafficking as a result of the need for coordinated action of the institutions in the fight against organized crime, between the Ministry of the Internal Affairs and the State Labour Inspectorate - DIT signed a Memorandum on inter-institutional cooperation in the detection of crimes related to human trafficking and labour exploitation and referral of potential victims of human trafficking, with the aim of labour exploitation. In direct communication with the members of the Ministry of the Interior and the DIT, it was established that the above contributed to strengthening the cooperation between the two institutions. However, in the reporting period, there was no specific activity that would be the target of monitoring by OMBD. - NITLIM.

From the perspective of monitoring the measures taken in relation *to illegal migration*, during 2023, 6 investigations were conducted in accordance with Article 418-b. "Smuggling of migrants" and 418-c. "Organizing a group and encouraging the commission of the acts of human trafficking, trafficking of minors and smuggling of migrants" and *an international criminal group was suppressed. Consequently, 5 (five) criminal charges were filed against 27 persons, of which 26 are citizens of the Republic of Macedonia and one person originally from Iraq, with travel documents from Germany.*

The Ombudsman-National Reporter on Human Trafficking and Illegal Migration identified



the following challenges in identifying victims of human trafficking in migrant groups: the short period of time migrants stay, lack of interest in the right to asylum, inadequate premises for interrogation in the transit centres, unavailability of translators in the language of the migrants, unstable and insufficient funds for the permanent presence of non-governmental organizations in the transit centres specialized in this issue, who could approach and provide logistics in the identification of potential victims of human trafficking.

In relation to the adoption and implementation of laws that directly and indirectly relate to the support and protection of victims of human trafficking, the Ombudsman-National Reporter on human trafficking and illegal migration highlights the importance of the Law on Payment of Monetary Compensation to Victims of violent crimes, adopted November 2022, in accordance with Council Directive 2004/80/EC of April 29, 2004 on the compensation of victims of crime CELEX number 32004L0080, which entered into force in May 2023. Namely, with this law it is possible to protect the victim of violence and improve her access to justice. Of particular importance is the provision that determines that the victim will receive compensation for damages at the earliest stage, before the procedure is legally completed, even when no criminal proceedings have been initiated against the perpetrator, except in exceptional cases when the basis and amount of the compensation cannot be determined without legally completed criminal proceedings. The monetary compensation is provided in order to prevent secondary victimization as additional suffering of the victim caused by the attitude of the competent authorities. In connection with the implementation of this law, the Ministry of Justice has received information that during the year 2023, 3 cases were submitted by the proxies of the victims of human trafficking, i.e. requests for monetary compensation to victims of a violent crime. However, even this small number of requests have not been realized, considering that the Commission for monetary compensation of victims of violent crimes has not yet been established, which means that the realization of the right to monetary compensation of victims of violent crimes has not started. Hence, the Ombudsman, as the National Rapporteur on human trafficking and illegal migration, emphasizes the need for the priority of the procedure for selecting members of the Commission. It also recommends institutional proactivity and intensification of the procedure for the adoption of the Draft Law on Justice for Children, which is in accordance with the Directives for the procedural protection of children who are suspected or accused in criminal proceedings and with the Directive for establishing minimum standards for rights, support and the protection of crime victims. This law is in parliamentary procedure at the end of 2023.

The Ombudsman-National Reporter on Human Trafficking and Illegal Migration, as in the past years, from the monitoring of human trafficking and illegal migration situations, will prepare a Special Report with specific conclusions and recommendations in the direction of overcoming weaknesses, proactive action, better and better performance of the authorities responsible for identification and treatment of victims of human trafficking and illegal migration.

6 PROMOTION OF HUMAN FREEDOMS AND RIGHTS (PROJECT WORK)

The series of activities that years ago the Ombudsman carried out in partnership with the UN High Commissioner for Refugees - Office Skopje, "*Improving the system of legal protection in relation to asylum and naturalization"*, continued in 2023, but this time with the direct mediation of The Macedonian Association of Young Lawyers as the responsible entity for managing the finances intended for the activities that the Ombudsman-National Preventive Mechanism (OMBD.NP) realized within the framework of the project.

So, as part of the project activities, there was a study visit that the National Preventive Mechanism (OMBD.NP) conducted in Poland, where it exchanged experiences and practices with its colleagues from the OMBD.NP there, and had the opportunity to conduct two field visits and visit the Regional Education a children's centre that accommodates girls with problems with general functioning in the environment in which they live, as well as the Centre for the placement of migrants, namely asylum seekers and illegal migrants awaiting deportation.

Field visits to the transit border centres Tabanovce and Vinojug, as well as to the Centre for foreigners "Gazi Baba", were an integral activity of OMBD.NP within the framework of this project.

The project "Support for the rule of law in the Republic of North Macedonia", financially supported by the European Commission and implemented by the Ludwig Boltzmann Gesells-chaft - Institute for Basic and Human Rights (LBI-GMR) in partnership with the Ministry of the Interior of the Republic of Slovenia, the Ministry of Justice and Public Administration of the Republic of Croatia and the Centre for International Legal Cooperation, resumed its activities in May 2023, after being temporarily suspended in September 2022 by the donor, the European Commission.

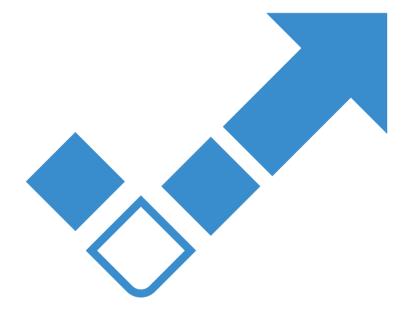
The Ombudsman, together with the Commission for Prevention and Protection from Discrimination, is also in charge of the fourth component of the project in this renewed project stage.

So, in the period from the renewed implementation (June 2023), until the end of the year, a series of activities were carried out, including promotional days of the Ombudsman in several municipalities in the country, activities whose focus was children's rights, trainings and workshops for the employees of the Ombudsman offered and implemented by the other three components of the project, as well as the organization of a promotional event of the Institution on the occasion of 25 years of the Ombudsman.

On this occasion, let's not forget to mention the cooperation that the Ombudsman has had for years with the Council of Europe, especially with the Program Office of this international organization in Skopje.

After all, the Ombudsman actively participates in several projects, the core of which are topics dedicated to non-discrimination, hate speech, the civil control mechanism, all as part of the large regional project "Horizontal support for the Western Balkans and Turkey" - phase 2.

COMMUNICATION AND COOPERATION OF THE OMBUDS-MAN WITH INTERNATIONAL BODIES AND ASSOCIATIONS



For national human rights institutions, international cooperation is an activity of exceptional importance because through it, recognition and promotion of the institution is carried out internationally, as well as networking and cooperation with related institutions and bodies.

Unfortunately, for several years in a row due to the lack of staff at the Department for International Cooperation, which otherwise has three positions, the international cooperation of the Ombudsman has been difficult and with reduced intensity.

This situation is directly reflected not only in terms of the cooperation that the institution has with other institutions and bodies in the region and beyond, but also in terms of the overall obligations that a human rights institution has on the international level, which is of exceptional importance for this kind of institution.

COOPERATION WITH INTERNATIONAL INSTITUTIONS AND BODIES IN EUROPE AND THE WORLD

Although seemingly modest, in the past year the Ombudsman was an active participant in several events of an international nature, and hosted one of them, the Academy of the European Network of National Institutions for Human Rights (ENNHRI).

In 2023, the Academy was held for the tenth time, placing its focus on the rule of Law. So, in an interactive way, the participants, among them a representative of the Ombudsman, were trained to recognize the challenges related to the rule of law, as well as the competences of the National Institutions for the protection of human rights in the event of a violation of the rule of Law principle.

The Ombudsman-National Preventive Mechanism (OMBD.), although staffed with only three people, takes an active part in international events and makes an effort to be a recognized and respected team among related bodies and mechanisms.

And so, in 2023 the team made a study visit, this time to the Polish National Preventive Mechanism, within the framework of which a meeting was held with representatives of the Fundamental Rights Office of FRONTEX (Fundamental Rights Officer (FRO).

Representatives of the Ombudsman, Dr. Jovan Andonovski - Deputy Ombudsman and associate of the National Preventive Mechanism (OMBUD.NP) team, in the period from May 22 to 26, 2023, in Rome, participated in a regional training for observers of forced return of migrants to organization of the European Border and Coast Guard Agency - Frontex. The aim of the training was to strengthen the national integrated management system for forced return of migrants by ensuring the immediate and longer-term availability of qualified personnel to monitor forced return operations by air.

In the past year, the National Rapporteur on human trafficking and illegal migration also took an active part internationally, so at the beginning of the year, in the organization of the Organization for Security and Cooperation in Europe (OSCE), he participated in a conference whose focus was the fight against trafficking with people. Regarding the European Union's regional support for management systems to protect against illegal migration in the Western Balkans, the FUNDAMENTAL RIGHTS OFFICE (FRO) of FRONTEX in Warsaw, Poland, organized a regional meeting attended by representatives of ombudsman institutions and National reporters on human trafficking and illegal migration from the Western Balkans region, at which the Office presented its activities.

In the past year, the Council of Europe also organized an international event in Strasbourg, France, dedicated to the fight against human trafficking, in which the National Rapporteur on human trafficking and illegal migration from the Ombudsman's office participated.

Deputy Ombudsman, Suzana Saliu, MA, participated in the 12th Conference and General Assembly of the Association of Ombudsman Institutions of the Mediterranean Countries (AOM), which was held in Pristina. The conference discussed independence, including financial independence as a fundamental element for the successful functioning of ombudsman institutions and the successful protection of human rights and freedoms. The Conference also adopted a Declaration (the Pristina Declaration), which once again affirmed the need to promote, advance, respect and protect human rights and freedoms in every country.

Within the rule of law program - MATRA, sponsored by the Dutch Ministry of Foreign Affairs, the deputy ombudsman, Mr. Ilber Rufati participated in a three-week training dedicated to human rights and minorities seen through European law and the law of member states such as the Netherlands.

A representative of the Ombudsman-National Preventive Mechanism (OMBUD.NP), participated in the first meeting for 2023 of the Network of National Preventive Mechanisms of South-Eastern Europe, organized by the Greek OMBUD.NP as chairman of the Network for that year. The meeting was dedicated to "Monitoring the situation in mental health departments in penitentiary institutions", which thoroughly discussed the way in which persons deprived of liberty are treated who have been sentenced to a security measure or persons deprived of liberty, whose mental health is impaired during serving the sentence.

In the organization of the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the United Nations, a several-hour webinar dedicated to strengthening the role of OMBUD.NP teams in the prevention of torture were held.

The topics on which some of the European OMBUD.NP spoke were the protection from reprisals as well as strengthening the capacities of the OMBUD.Ms to effectively monitor the level of implementation of the recommendations resulting from preventive and follow-up visits to places of deprivation of liberty.

The Macedonian OMBUD.NP team presented on the second topic of the webinar and shared their views and experiences about the way in which the recommendations of the National Preventive Mechanism are implemented in Macedonia.

In the organization of the Organization for Security and Cooperation in Europe (OSCE) in Podgorica, Montenegro, an international conference was held to mark the twentieth anniversary of the Ombudsman institution of this country, in which the Ombudsman, Mr. Nasser Ziberi.

The international cooperation of the Ombudsman institution and the cooperation with related institutions in the region was enriched by signing a Memorandum of Cooperation with the Local Ombudsman of the City of Kragujevac. The memorandum contributes to the strengthening of friendly relations between the institutions in order to protect the rights of citizens based on the principles of equality and mutual benefit, and in accordance with the laws and regulations of the Republic of North Macedonia and the Republic of Serbia.

Representatives from the Ombudsman's office participated in a regional workshop in Sarajevo, Bosnia and Herzegovina, organized by the Organization for Security and Co-operation (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR).

The monitoring of the Penal-Correctional Institutions, for the purpose of protecting the rights of convicted persons in the fight against violent extremism and radicalism, was the main focus of the workshop, and the participants had the opportunity to exchange experiences and good practices, each from their scope of work. The workshop was attended by international ex-



perts on the fight against terrorism, representatives from ombudsman institutions and national preventive mechanisms of the countries of the region, as well as representatives from the civil sector.

The fight against migrant smuggling was the focus of an international event held in Belgrade, Serbia in October 2023, supported by the Macedonian Association of Young Lawyers and featuring the National Rapporteur on Human Trafficking and Illegal Migration.

This body, established under the Ombudsman in 2018, rounded off its international promotion in 2023 with participation in a round table held in Sarajevo, Bosnia and Herzegovina, with the support of the International Organization for Migration (IOM). The event highlighted the response of judicial authorities in the fight against human trafficking and migrant smuggling in the context of mixed migration movements.

In November 2023, a representative of the institution participated in the meeting dedicated to mental health in places of deprivation of liberty organized by the Association for the Prevention of Torture (APT), the Organization for Security and Cooperation (OSCE) and the Council of Europe held in Copenhagen, Denmark, and which was attended by representatives of the National Preventive Mechanisms (OMBUD.NP) and civil society organizations working on this problem in the OSCE region. The meeting was also a forum for the exchange of practices, information, but also challenges faced by the National Preventive Mechanisms, and offers and information about the conditions in places of deprivation of liberty, primarily prisons and psychiatric institutions in the OSCE region.

Representatives of the Ombudsman-National Preventive Mechanism (OMBUD.NP) participated in Athens in the second meeting for 2023 of the Network of National Preventive Mechanisms of Southeast Europe organized by the Greek OMBUD.NP as the chairman of the Network for that year. The theme of this meeting was "Existing policies and practices for prison education, vocational training and skills development as prisoners' rights and as a means of supporting rehabilitation and reintegration into society". So, on the one hand, the legal rules and norms in that part were discussed, as opposed to the practice, that is, what actually happens on the ground in the penitentiary system.

On November 30 and December 1, a representative of the Ombudsman's office participated in an event organized by the European Network of National Human Rights Institutions (ENNHRI) - ENNHRI Co-Lab: AI, in Ljubljana, Slovenia, where the focus was on the impact of artificial intelligence on human rights. Representatives from more than 40 national human rights institutions (NHRIs) attended the event.



In the reporting year, which marked the 30th anniversary of the adoption of the United Nations Convention on the Rights of the Child, the Ombudsman devoted most of his extracurricular work to this category of citizens - children, and in that direction conducted several researches, of which part in cooperation with non-governmental organizations. Also, two pieces of information related to the rights of the child in the educational process were prepared, and an opinion was submitted on the Proposal for the Law on Secondary Education, with an emphasis on students with disabilities, and an Analysis was prepared on the access of persons with disabilities to higher education.

The Ombudsman's focus was on the beneficiaries from the Public Institutions (PI) for the care of children with educational and social problems and disturbed behaviour - Skopje, namely the high-risk beneficiaries (children who are victims of human trafficking and/or sexual abuse, children's beneficiaries of drugs, children with accentuated aggressive, antisocial and antisocial behaviour, children with psychiatric disorders, children who commit serious crimes), due to their specific needs. For this purpose, research was carried out and **a Special Report was prepared on the situation with the realization of the rights of children cared for in the Public Institution for caring for children with educational-social problems and disturbed behaviour - Skopje, with an emphasis on high-risk beneficiaries.**

Namely, the Ombudsman has noted in several reporting years that the treatment of children in small group homes, as well as their overall functioning, is disputed, for several reasons. Namely, due to the fact that the institution is of an open type, there are frequent occurrences of escapes (voluntarily leaving the home and moving away in an unknown direction), which is why the intervention of the police services is often required. Another problem identified by the Ombudsman is that the officially appointed guardians from the Children's Social Work Centres are often changed in this institution, which is not in the interest of the children. Another problem is that the staff from the small group homes do not have enough professional competences to work with children with psychiatric disorders, for whom the treatment must necessarily include, in addition to psycho-social interventions, interventions by health professionals, necessarily a child psychiatrist but also other specialists according to the needs, due to prescribing regular medication therapy and monitoring its effects. A special problem is the child drug users who, due to the purchase of the drug, often go on the run during which they commit crimes - usually serious theft. Despite the measures taken by the professional teams from the institution, the antisocial and deviant behaviour of these children continues and poses a serious risk to the lives and health of the children, as well as to the environment. These children are also treated at the Psychiatry Clinic, where they are prescribed appropriate medical therapy, but they do not receive it continuously due to frequent and long-term escapes.

Users who are victims of human trafficking, or who are suspected of being victims of human trafficking, present a special problem, because the professionals in charge of care in the homes cannot prevent the users from leaving the home, and thus maintain contact with persons who are suspected of being involved in the human trafficking chain. In this way, the users are again and again victims of sexual abuse.

The special report on the observations regarding the mentioned problem, along with recommendations for overcoming the weaknesses regarding the protection of rights and appropriate treatment of the high-risk users placed in the public institution, was submitted to the Ministry of Labour and Social Policy. Part of the recommendations referred to the urgent taking of measures by the relevant Ministry in the direction of the final opening of the long-awaited

specialized departments, in which adequate and high-quality care for high-risk children will be provided by a multidisciplinary team, as well as measures for up-to-date treatment of the authorities for the purpose of effectively finding and returning the users to the institution in case of their escape or in case of committing crimes.

In order to perceive the situation with children on the street, the effects of placing these children in a day care centre, whether they are included in the educational process, what is the help and support of children and families at risk by the competent authorities, as well as to determine of appropriate recommendations in the direction of improving the existing system for supporting children/families, in the direction of overcoming this multi-year negative phenomenon, which is detrimental to the development of children, the, **Ombudsman conducted research and prepared a Special Report from the conducted research and analysis for the situation with street children in the Republic of North Macedonia**.

The conclusion is that this problem is still present, with the children begging at a very young age, and the largest number of registered children on the street are of school age, spending the day begging or doing other things, instead of educate. In addition to being on the street, children beg alone or with their parents in front of religious buildings, and in the afternoon in front of the homes of the local population, which makes the stated problem even more sensitive and indicates that it is necessary to consider this negative phenomenon in a wider context, including of the family, the local community, schools, centres for social work, health institutions, the police, as well as civil society organizations that work in the field with this vulnerable group of citizens.

In addition, the Ombudsman recommended:

- Regular and continuous mapping and identification of street children by the competent Centres for Social Work with the involvement of the Local Government units. To carry out an adequate assessment of the situation in the family, needs and possible risks, especially of families living in substandard conditions, by providing adequate housing and means/means of livelihood;
- To take measures for continuous monitoring and work with families at risk to prevent this phenomenon and to implement activities to strengthen parental capacities and potentials, as well as measures for timely registration of the birth of a child in the birth register, in order to realization of all other guaranteed rights;
- Strengthening of cooperation between professional services in educational institutions and centres for social work for the purpose of including street children in the educational system;
- To increase the number of Day Care Centres for children at social risk/street children, wherever there is a need for it, but also to support the existing Day Care Centres for street children from every aspect (professional, material, technical);

In the reporting year, the Ombudsman continued to monitor the realization of the right to personal and educational assistants for students with disabilities included in municipal elementary schools, and for the same prepared **Information on inclusive education with a focus on the realization of the right to educational and personal assistance for students with disabilities disability in municipal primary schools in the 2022/2023 academic year.**

A novelty in the legislation governing this right was the adoption of the Rulebook on functional assessment, which was signed by the three relevant ministers – for labour and social policy, for education and for health. This Rulebook prescribes the way of conducting the functional assessment and determines the measures for additional support in the field of education, health, social protection and the protection of children and youth with an affected health condition up to 26 years of age. Article 13 of the Rulebook lists the measures for additional



support of children and young people in the field of education, in which, among other things, the following are noted: education with intensified support according to an individual educational plan; education with special support according to a modified program and services for educational assistance. Article 15, on the other hand, prescribes the measures for additional support of children and young people from the field of social protection, among which are listed the services in the home, which in turn includes personal assistance.

According to the data obtained from the primary schools with a resource centre, the conclusion is that in the academic year 2022/2023, 92.7% of the students with disabilities for whom it was requested received educational assistance, that is, out of a total of 836 requests, a total of 61 requests were not positively answered. In relation to personal assistants, the service was requested in 35 cases, of which 28 were answered positively, and the others were answered negatively, some because they did not fulfil the conditions for providing the social service personal assistance, but in 2 cases even though they met the requirements, the reason for not providing a personal assistant is the distance from the place of residence of the service requesters.

In order to overcome the problems and achieve efficient and smooth inclusion of children with disabilities and full participation in the teaching process, according to the best interest of the child, the Ombudsman gave a series of recommendations to the Ministry of Education and Science, the Ministry of Labour and Social Policy and the Ministry of Health , everyone within their competences to take the necessary actions and measures in order to ensure full and quality inclusive education for every child. Among other things, the Ombudsman recommended that the assessment of the need for additional support of the student (child) be carried out in a timely manner, so that the children could use the specified services at the beginning of the school year. Consequently, he recommended the provision of the necessary number of educational and personal assistants for each student who needs it, and that the services be provided by previously well-trained assistants, and that they be continuously monitored by competent experts during the provision of the service.

The Ombudsman, in accordance with his competences, continued to monitor the **situation with the enrolment of Roma students in the 2023/24 school year,** in the Municipality Primary School "Gjorgi Sugarev" - Bitola and the Municipality Primary School "Goce Delchev" - Stip, where the last school year (2022/23) was ascertained segregation, which is why, among other things, he recommended that appropriate legal measures be taken to solve the problem.

In that context, he addressed the above-mentioned schools and asked to be notified of the measures being taken to overcome the problem, data on the total number of students in the school, for the academic year 2023/2024, data broken down by ethnicity for all students from I- IX grade, number of first grade classes in the 2023/2024 school year, number of students per class, as well as data on classes that have a mixed composition of students according to ethnicity. It also requested data on the number of first graders in the 2023/24 academic year, for whom consent was issued to enrol in another school, their ethnicity, along with information on the reasons why parents/guardians requested consent to enrol in another school even though, they belong to the area of the named school according to the place of residence/ permanent residence.

From the data received, for the total number of students, the number of students enrolled in the first grade, as well as the consents issued for the enrolment of students in other elementary schools for the school year 2023/2024, the Ombudsman states that the **problem with segregated classes with Roma students in the schools the Municipality Primary School "Giorgji Sugarev" - Bitola and the Municipality Primary School "Goce Delchev" - Stip is still present,** with a high percentage of Roma students in the Municipality Primary School "Giorgji Sugarev" - Bitola (90% of the total number of students) while in the Municipality Primary School "Goce Delchev" - Stip students with Roma ethnicity are 53% of the total number of students. Both schools, for the 2022/2023 academic year, at the request of parents/guardians, issued a total of 53 consents (34 from the Municipality Primary School "Goce Delchev" - Stip and 19 from the Municipality Primary School "Gjorgi Sugarev" - Bitola), for the enrolment of children in the first grade, so they are enrolled in other municipal schools. The largest number of consents refer to students from the Macedonian ethnic community and according to the information from the schools, these students, according to the Decision on rezoning, that is, according to their place of residence/permanent residence, belong to the area covered by the above-mentioned schools, but the parents do not want their children to study with Roma.

In order to overcome this situation, the Ombudsman repeated the recommendations already given to the Ministry of Education and Science, contained in the Information on the segregation of Roma students in the academic year 2022/23.

The Ombudsman and the Foundation for Educational and Cultural Initiatives "Step by Step" conducted comprehensive research **on children's rights.** The research is carried out as part of the project "Children in the 1st place!" financed by the European Union (Thematic Program for Human Rights and Democracy). The purpose of this research was to examine the attitudes and opinions of students, teachers and parents from primary schools in the country with Macedonian, Albanian, Turkish, Bosnian and Serbian languages of instruction on the knowledge and respect of the Convention and its application in schools, as and to gain insights into the conditions and practices in schools regarding student participation in decision-making, safety and violence at school, online and in their immediate environment.

The research, among other things, showed that the students are familiar/informed about the Convention on the Rights of the Child, whereby they usually get such knowledge within the framework of formal teaching, i.e. during classes. Almost half of the students (48.3%) stated that they are familiar with the Convention, while 37% of the students are partially familiar. Such data indicates that, however, there are some students who need further familiarization with the rights of the child through formal and informal activities. Most parents are also familiar with the Convention (47%), while 94% of teachers state that they use the Convention in their work.

Also, according to the students, **the rights of the child are generally respected** in the school (average value is 3.87 on a scale where 1 = not respected at all and 5 = completely respected). Parents agree with the attitude of the students (mean value 3.76), while, on the other hand, the attitude of the teachers is that the child's rights are fully respected in the school (mean value 4.61). The majority of students and parents generally believe that teachers have knowledge about children's rights, as well as that they respect children's rights in school and support children in exercising their right to participate. However, despite the existence of a certain level of knowledge among teachers about children's rights, students as well as parents state that teachers need continuous training for better familiarization with children's rights.

According to more than half of the teachers (51.7%), **the rights provided for in the Convention are partially represented in the curricula and materials** according to which they work.

For most of the children involved in the research, the **most important** right is the right to life (42%). This is followed by the right to say what they think (19%) and the right to protection from violence (13%). On the other hand, almost a third of the student's state that some **right was violated at school**, and the most frequently violated rights are the rights to participate in decision-making (36%), the right of children to say what they think (32.5%) and the right to protection from violence (18.9%). This points to the conclusion that those rights that are most important to children are also often violated in the school environment, as well as that the school to a certain extent curtails the children's freedom to say what they think and participate in decision-making..

Professional services in schools, in accordance with their legal obligations and rights of action, are the first instance and thus directly responsible for action in case of violation of the



rights of the child. However, the research showed that the **confidence of students and parents in professional services is low.** Namely, the majority of students (32.9%) and the majority of parents (68.4%) have the most trust in the head of department and they would turn to him first in the event of a violation of a child's right, followed by the school director. and in third place according to the degree of trust are professional services.

Considering findings and conclusions of the conducted research, it is recommended, among other things:

- to continue with continuous and focused training and information about the Convention and about the rights of the child among all three groups of respondents. The trainings should be comprehensive both in terms of content and in terms of the involvement of all school factors and all children. A special focus should be placed on training for children's right to participate in decision-making;
- schools and teachers should provide information and acquaintance of children with all the mechanisms through which the rights of the child are realized in the school context, as well as the mechanisms through which students have the opportunity to report violations of rights. A special focus should be placed on the role of professional services and the student ombudsman in situations of violation of students' rights, so that students, as well as parents, can better familiarize themselves with what is in the competence of professional services, in order to strengthen confidence in them;
- to continue the partnership with citizen society organizations and their support to schools through programs, trainings and other activities aimed at strengthening the capacities of all actors for the promotion, protection and advancement of the rights of the child;
- students and the entire staff should become more familiar with the role and mandate of the Ombudsman, as well as with the method and form of submitting a complaint for a violated right. Schools are encouraged to make greater use of the Ombudsman mechanism for the protection of children's rights, as well as their inclusion in school activities;
- The Education Development Bureau should present in detail to all schools and all stakeholders the *Guidelines for the procedure for reporting and protecting a student victim of any of the forms of violence, abuse and neglect.* At the same time, the State Educational Inspectorate should regularly check the application of the procedures indicated in the *Guidelines*;
- schools should commit to regular monitoring and reporting of incidents of violence, not only to the competent institutions (municipality, Ministry of Education, Government) but also generally to make these findings available to the public through a special section in the schools' annual reports.

The Ombudsman, in cooperation with the Westminster's Democracy Foundation for a more inclusive society for young people and persons with disabilities, prepared an analysis on the topic "Access to higher education for persons with disabilities in the Republic of North Macedonia". More specifically, the goal was to see the physical accessibility of the facilities (faculties) within the state universities, the access to information in an accessible format (accessible literature), the provision of assistive technology and/or other types of individualized support for students with disabilities, such as and organized transportation - to and from faculties for students with disabilities. Additionally, the analysis looked at the number of students with disabilities at state colleges, as well as those who completed undergraduate, graduate, and doctoral studies.

The analysis showed that although universities and faculties mostly have the responsibilities for appropriate adaptation and adoption of support measures and policies to meet the individual needs of students with disabilities, they are not solely responsible for enabling adequate access to higher education for this category of persons. Hence, it is necessary for the Ministry of Education and Science to launch initiatives that will mandate the mandatory keeping of digital records for students with disabilities, and jointly with the Government to include accessibility as a criterion in the planning of faculties and student dormitories. The Ministry of Transport and Communications and the competent inspectorates should pay particular attention to the extent to which faculties are physically accessible for students with disabilities and meet building standards and regulations, as well as to ensure that students with disabilities have accessible transportation - to and from the faculties. Some of the recommendations that these competent institutions should act on are:

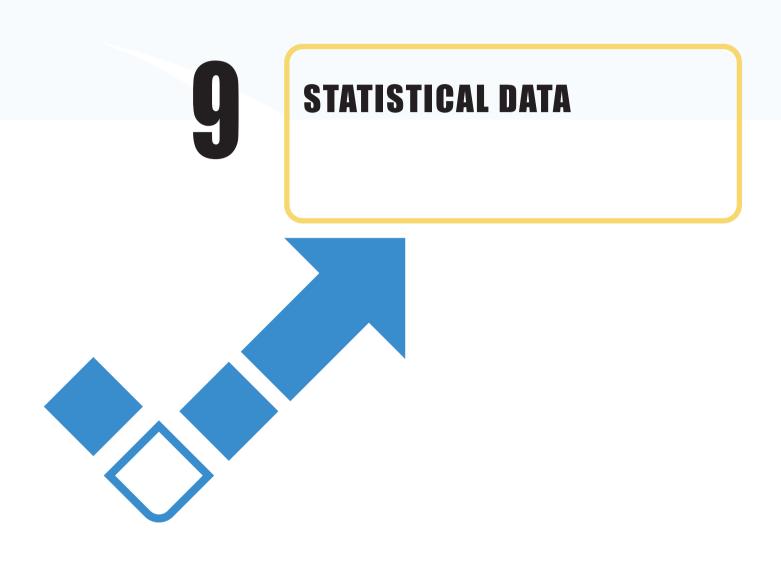
- Mandatory keeping of digital records of statistical data for students with disabilities, with the aim of better planning in accordance with their needs and ensuring inclusiveness at the faculties.
- Mandatory application of the principle of appropriate adaptation by the faculties, in
 order to meet the needs of students with all types of disabilities, such as, for example,
 changing the room for taking the exam, providing an additional time period for taking
 the exam, providing tests in an accessible format and the like.
- Mandatory inclusion of accessibility as a criterion in procurement, reconstruction and strategic planning of faculties and student dormitories. - Provision of physical infrastructure of the faculties, i.e. installation of access paths, ramps, elevators, toilets, in accordance with the necessary standards.

In the reporting year, the ombudsman submitted to the Ministry of Education and Science an **Opinion on the Proposal - the Law on Secondary Education**, in which he commented on this proposal together with the civil society organizations - members of the National Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities. Among other things, the Ombudsman reminded that quality inclusion is not possible without ensuring the necessary human conditions within all secondary schools. Hence, it is necessary to provide adequate professional and quality staff (especially special educators and rehabilitators) in all secondary schools; sensitizing, further training and improving the professional competences of the entire educational staff for working with students with disabilities, while the education of the teaching staff should be through the prism of the rights of children and the rights of persons with disabilities.

All research, information, analysis and opinion are published on the website www.ombudsman.mk







In the reporting year 2023, 2.802 complaints were received/filed in the Ombudsman institution, and 526 cases were transferred from the previous year. Thus, the total number of cases/ petitions on which the Ombudsman acted/considered in this reporting year is 3.328.

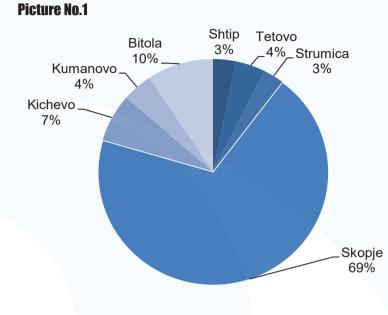
The largest number of received petitions, i.e. 1.663 were submitted personally by the petitioners in the offices of the Ombudsman in Skopje, Bitola, Kichevo, Kumanovo, Tetovo and Stip, followed by the petitions submitted by e-mail 562, by post 386, through the website 11, 21 complaints were made by telephone, and 54 complaints were made on their own initiative.

Review No.1

	RE	VIEW	OF SU	BMISS	IONS R	ECEIVE	D/FILE	D				
	2018		2019		2020		2021		20)22	20	23
	Num	%	Num	%	Num	%	Num	%	Num	%	Num	%
Non-discrimination and adequate fair representation	77	2,23	60	1,74	62	2,53	43	1,60	76	2,37	50	1,78
Police authorizations	199	5,75	170	4,92	130	5,31	117	4,36	146	4,55	141	5,03
Civil conditions and other internal affairs	57	1,65	70	2,03	63	2,57	96	3,57	133	4,14	123	4,39
Judiciary	945	27,33	639	18,51	406	16,58	436	16,23	534	16,64	488	17,42
Prosecutor's office			63	1,82	32	1,31	71	2,64	87	2,71	63	2,25
Social protection	127	3,67	159	4,60	142	5,80	183	6,81	151	4,71	106	3,78
Labor relation	335	9,69	282	8,17	258	10,54	218	8,12	288	8,97	267	9,53
Residential relations	35	1,01	17	0,49	10	0,41	27	1,01	34	1,06	28	1,00
Health protection	77	2,23	106	3,07	53	2,17	80	2,98	51	1,59	50	1,78
Pension and disability insurance	142	4,11	146	4,23	109	4,45	88	3,28	112	3,49	100	3,57
Higher education, science, culture and sports	27	0,78	22	0,64	20	0,82	13	0,48	28	0,87	24	0,86
Children's rights	153	4,42	246	7,12	111	4,53	254	9,46	252	7,85	231	8,24
Urban planning and construction	131	3,79	185	5,36	124	5,07	136	5,06	144	4,49	126	4,50
Environment	16	0,46	18	0,52	10	0,41	12	0,45	17	0,53	21	0,75
Finances	166	4,80	137	3,97	117	4,78	111	4,13	139	4,33	152	5,42
Property-legal relations	175	5,06	188	5,44	134	5,47	150	5,58	208	6,48	164	5,85
Consumer rights	230	6,65	367	10,63	218	8,91	228	8,49	337	10,50	283	10,10
Penitentiaries and Correctional Institutions	247	7,14	267	7,73	166	6,78	162	6,03	206	6,42	166	5,92
People with disabilities	21	0,61	24	0,70	37	1,51	17	0,63	23	0,72	19	0,68
Ombudsman as friendly			5	9,26	5	55,56	10	55,56	15	0,47	14	0,50
Ombudsman as civil control mechanism					21	9,95	8	3,98	11	0,34	19	0,68
Voting rights	35	1,01	54	1,56	9	0,37	18	0,67	5	0,16		
Population census							6	0,22	2	0,06		
Defense							1	0,04				
Other	263	7,61	228	6,60	211	8,62	201	7,48	210	6,54	167	5,96
TOTAL:	3458	100	3453	100	2448	100	2686	100	3209	100	2802	100

185

The Office of the Ombudsman in Skopje processed/reviewed 1,939 complaints, the regional office in Bitola 262, in Kichevo 192, in Kumanovo 120, in Tetovo 117, in Stip 91, and in Strumica 81 complaints.



Out of a total of 2.802 complaints filed in 2023, the largest number 1,100 or 39.26% refer to the violation of rights by public services and institutions, 721 or 25.73% refer to the violation of rights by the Central Government, 331 petitions or 11.81% referred to the violation of rights by the Local Government, 258 petitions or 9.21% referred to the violation of rights by the judicial authority, 190 petitions or 6.78% referred to the violation of rights on the part of legal entities, 63 petitions or 2.25% of citizens complained about violation of rights by both the central and local authorities, and in 139 petitions or 4.96%, the petitioners complained about vio-

lation of rights by other entities.

Central and local government 63 Central government 721 Legal entities 190 Judicial Authority 258 Local government 331 Public services and institutions 1100 Other 139

Graphicone No.11

Out of 2.802 petitions filed this reporting year, 2.587 petitions or 92.33% were submitted by citizens/natural persons or by a group of citizens-petitioners, 137 or 4,89% were submitted by organizations or associations, 54 or 1,93% were formed on their own initiative after a voice vote, 24 or 0,86% petitions are anonymous.

The total number of petitioners in the reporting year 2023 is 2.878 petitioners (individuals or group of citizens), of which only 37,28% or 1.073 petitioners declared their ethnicity when submitting the petitions to the offices of the Ombudsman in Skopje, Bitola, Kichevo, Kumanovo, Strumica, Tetovo and Stip. Of them, 655 or 61,04% are Macedonians, 271 or 25,26% are members of the Albanian ethnic community, 68 or 6,34% are members of the Roma ethnic community; 33 or 3,08% are members of the Turkish ethnic community; 18 or 1,68% are Serbs; 6 or 0,56% each were submitted by members of the Bosniak and Vlach ethnic communities, and 16 or 1,49% were submitted by members of other ethnic communities.



Review No.2

GVIGW NO.2																	
		,	OVER ACCORD		OF SUI			٨									
		-					ETHNICITY										
AREA	Received complaints in 2023	Anonymous	Number of submitted complaints by own imitative	Organization (Association)	Number of applicants	Macedonians	Albanians	Serbians	Roma	Bosniaks	Vlahs	Turkish	Non-defined ethnicity	Others			
Non-discrimination and appropriate and equitable	50		3	12	46	5							40	1			
Police authorities	141	1		8	137	40	12	1	7			3	74				
Civil status and other internal affairs	123			5	126	24	20	3	4			4	67	4			
Judiciary	488			17	475	120	65		8			9	272	1			
Prosecution	63			6	58	15	4		2				37				
Social Protection	106		1	1	104	19	21		10				54				
Labour relations	267	12		9	274	62	21	5		1		4	177	4			
Housing relations	28			1	27	5	2	1	2				17				
Health Protection	50		6	2	42	9							33				
Pension and disability insurance	100		2	6	92	38	11	1				1	41				
Education and science	24			1	23	9	2					4	8				
Culture and sport					0												
Rights of the children	231	1	26	27	192	28	14		3	3			143	1			
Urbanism and construction	126	3		3	173	46	12		2		1		111	1			
Environment	21		4	1	36	26	2						8				
Finance	152	1		1	152	39	14	1	1			1	96				
Property-legal affairs	164			5	170	48	15	2	1		2	2	100				
Consumer rights	283		2	4	286	64	41	3	19	1	1	3	151	3			
Penitentiary and correctional homes	166		1	11	156	11	2		9				134				
Persons with disability	19		2	3	14	3					1		10				
Ombudsman as Friend of the Court	14			3	11		1					1	8	1			
Ombudsman Mechanism for civil control	19		6	2	11	2	1						8				
Voting rights					0												
Census of the population					0												
Defence					0												
Other	167	6	1	9	273	42	11	1		1	1	1	216				
TOTAL:	2802	24	54	137	2878	655	271	18	68	6	6	33	1805	16			

According to the place of residence of the petitioners, the largest number of petitions were submitted by citizens from Skopje, i.e. 1.108, followed by petitions by petitioners from: Bitola, Kumanovo, Kicevo, Tetovo, Stip, Strumica, Prilep, Veles, Ohrid and other larger urban areas, as well as from other countries.

Review No.3

OVERVIEW OF THE RECEIVED COMPLIANTS													
	BY CITIES		IES OF DIFFERENT APPLICANTS										
City	2022 year	2023 year	City/Country	2022 year	2023 year								
Berovo	6	9	Makedonska Kamenica	4	1								
Bitola	217	204	Makedonski Brod	16	11								
Bogdanci	4	1	Mavrovo	7	8								
Valandovo	4	5	Negotino	13	15								
Veles	54	60	Ohrid	45	49								
Vinica	6	7	Pehcevo	6	4								
Debar	13	8	Prilep	82	60								
Delchevo	13	9	Probishtip	7	5								
Demir Kapija	4		Radovish	20	10								
Demir Hisar	6	9	Resen	15	5								
Dojran	2	3	Skopje	1356	1109								
Gevgelija	15	14	Struga	36	25								
Gostivar	35	37	Strumica	98	64								
Zletovo		3	Sveti Nikole	10	6								
Kavadarci	39	34	Tetovo	114	132								
Kichevo	138	134	Stip	86	108								
Kochani	35	38	Germany	1									
Kratovo	7	6	Козоvо	7	1								
Kriva Palanka	21	14	Serbia	1	5								
Krushevo	7	1	Czech Republic		1								
Kumanovo	155	140	No selected any city or country	504	447								
			TOTAL:	3209	2802								

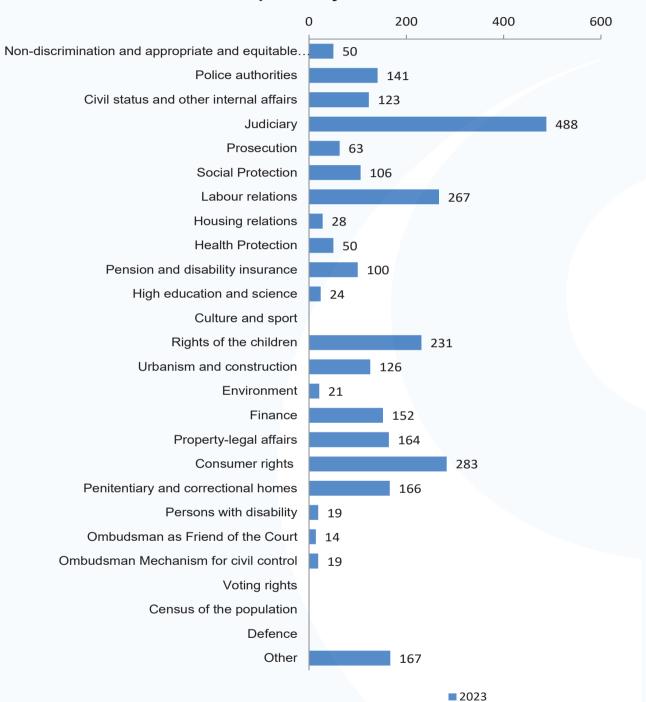
DATA BY AREA

And in this reporting year, the largest number of received/filed petitions related to the protection of rights in the field of justice, 488 or 17,42%; followed by complaints from consumer rights 283 or 10,10%; from labour relations 267 or 9,53%; from the field of children's rights 231 or 8,24%, from penal and correctional institutions 166 or 5,92%; from the property-legal area 164 or 5,85%; from finance and financial operations 152 or 5,42%; from the area of rights protection under police powers 141 or 5,03%; from urbanism and construction 126 or 4,50%; from civil conditions and other internal affairs 123 or 4,39%; from social protection 106, that is 3,78%; from pension and disability insurance 100 or 3,57%; from the prosecutor's office 63 or 2,25%; from non-discrimination and adequate and fair representation and health care each 50 or 1,78%; from the environment 21 or 0,75%; protection of the rights of persons with disabilities 19 petitions; OMBUD. as Mechanism for Civil Control 19 petitions or 0,68%; from acting of the



OMBUD. as a friend of the court 14 petitions or 0,50%, as well as other rights 167 or 5,96% of the petitions.

Graphicone No.12



Received complaints by fields

Review No. 4

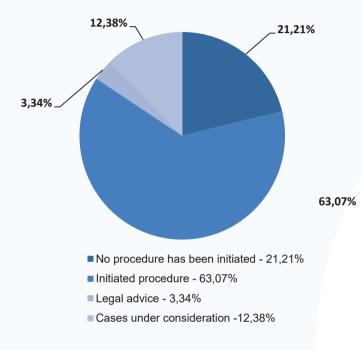


ACTING

Out of a total of 3.328 cases, the Ombudsman in this reporting year initiated a procedure for 2.099 or 63,07% of complaints, and did not initiate a procedure for 706 or 21,21% of complaints.

In 111 or 3,34% of complaints/cases, the citizens asked questions based on which the Ombudsman, after analysing the legal regulations, answered the citizens in writing, gave them legal advice, thereby guiding them in solving their problems, and thus exercising their rights, while 412 or 12,38% cases are still under review. (Picture No.2)

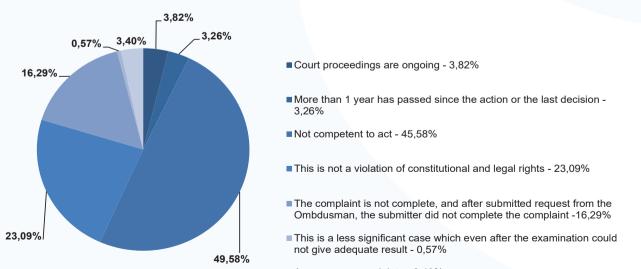
Picture No.2



Out of 706 petitions for which no proceedings have been initiated, the Ombudsman is not competent to act on 350 petitions or 49,58%. Furthermore, after 163 petitions or 23,09% it is not a matter of violation of constitutional and legal rights, after 115 petitions or 16,29% and after a submitted request to supplement a petition, the petitioner did not supplement the petition, after 27 petitions or 3,82% are ongoing court proceedings, in 23 cases or 3,26% more than 1 year has passed since the action or the last decision, in 4 petitions or 0,57% it is about less significant cases that even after the end of the examination could not to give appropriate results, and 24 petitions or 3,40% were anonymous, in which dissatisfaction with certain situations is usually expressed, or a violation of a specific right is indicated, and no information is given about the authority and

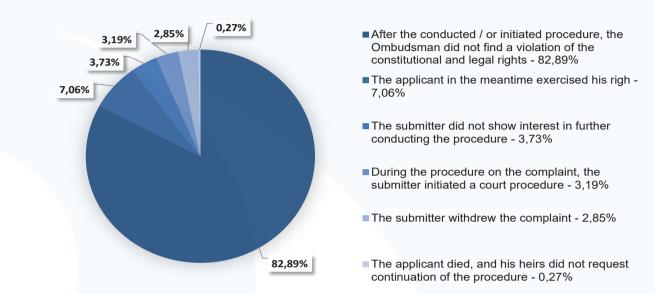
the person whose right was violated, nor data for possible contact for the purpose of further explanation and addition of a complaint. (Picture No.3)

Picture No.3



Anonymous complaints - 3,40%

Of the 2.099 cases on which the Ombudsman initiated proceedings, in 626 or 29,82% he found a violation of human freedoms and rights, and acted with the aim of removing the violations, that is, realizing the rights of the citizens-petitioners. While, in 1.473 or 70,18%, after taking actions to examine the allegations from the complaint, no violation of human freedoms and rights was found, and consequently the procedure was stopped.



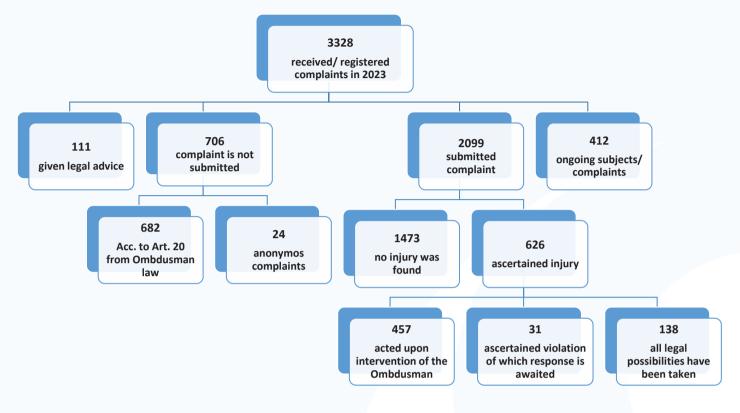
Picture No.4

More precisely, in 1.221 or 82,89% of cases the procedure was stopped because no violation of rights was found, in 104 or 7,06% the procedure was stopped because the petitioner exercised his right in the meantime, in 55 or 3,73% the petitioner did not show interest in further conducting the procedure, in 47 or 3,19% during the procedure after the petition the petitioner started court proceedings, in 42 or 2,85% the petitioner withdrew the petition, and in 4 or 0,27% the petitioner died and his heirs did not request continuation of the procedure. (Picture No.4)



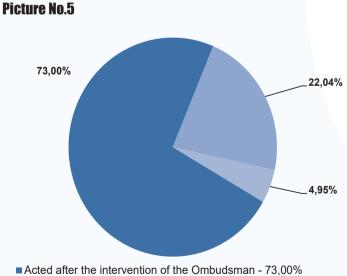






INJURIES FOUND AND MEASURES TAKEN

Out of a total of 626 cases in which the Ombudsman found violations and took all legal actions, in 457 or 73,00% cases the state administration bodies, other authorities and organizations with public powers accepted the Ombudsman's interventions, in 138 or 22,04% of cases

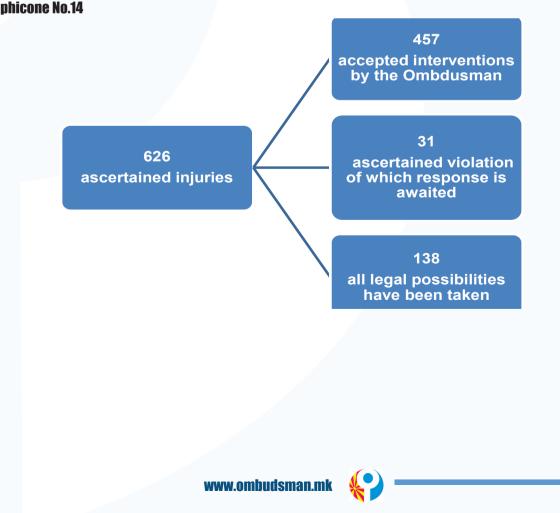


after the ascertained violation The Ombudsman submitted an instruction on the method of removing the ascertained violation to the competent authority, which was not accepted, after which he took other actions in accordance with the legal competences, i.e. submitted information and special reports to the higher authority, after which he exhausted all legal possibilities , and in 31 or 4,95% cases, after a violation has been established and a recommendation has been submitted, a response from the competent authority is still awaited.(Picture No.5)

Acted after the intervention of the Ombudsman - 73,00%
 All actions taken by the Ombudsman - 22,04%

Ascertained violation after which a response is awaited - 4,95%

This reporting year, the largest number of ascertained violations were from the area of justice, that is, 76 violations or 12,14% were ascertained, of which 61 cases or 80,26% were acted upon according to the instructions of the Ombudsman to remove the ascertained violation. Then follow the petitions from the field of civil conditions and other internal affairs where 64 violations or 10,22% were ascertained, of which in 58 cases or 90,63% the indications of the Ombudsman were accepted. In the petitions for the protection of children's rights, violations were found in 62 cases or 9,90%, of which in 51 cases or 82,26% the instructions of the Ombudsman were acted upon to remove the found violation. Then follow the complaints from finance and financial operations where 51 violations or 8,15% were found, of which in 36 cases or 70.59% the indications of the Ombudsman were accepted. In the petitions from the field of pension and disability insurance operations, 43 violations or 6,87% were found, of which in 41 cases or 95,35% the indications of the Ombudsman were accepted for removing the found violation. Then follow the petitions from the area of property-legal areas, where 42 violations or 6,71% were ascertained, of which in 27 cases or 64,29% the indications of the Ombudsman were accepted. In the petitions in the field of consumer rights, violations were found in 35 cases or 5,59%, of which in 27 cases or 77,14% the indications of the Ombudsman were accepted for removing the found violation. Then follow the complaints from the field of social protection, where violations were found in 33 cases or 5,27%, of which in 31 cases or 93,94% the recommendations of the Ombudsman were accepted. In the petitions for the protection of rights from labour relations, violations were found in 32 cases or 5,11%, of which the indications of the Ombudsman were accepted in 16 cases or 50,00%. Then follow the petitions from the field of urbanism, where violations were found in 31 cases or 4,95%, of which in 17 cases or 54,84% the recommendations of the Ombudsman were accepted. In the petitions in the area of police powers, violations were found in 30 cases or 4,79%, of which in 19 cases or 63,33% the instructions of the Ombudsman were accepted. This is followed by petitions from penitentiary and correctional institutions, health care, non-discrimination and adequate and fair representation, the prosecutor's office, persons with disabilities, etc.



Graphicone No.14



ABOUT THE INSTITUTION

25 YEARS OMBUDSMAN

Report 2023, the Ombudsman celebrated a jubilee - 25 years since the establishment of the institution, which was marked by a series of events related to different areas of his work.

Most of the events, including an international conference on the supervisory role of the ombudsman over the security sector, were held within the framework of the "rule of law" project funded by the European Union, in collaboration with the Geneva Centre for Security Sector Management (dcaf)

CONFERENCE ON "EU WITH YOU PROMOTES THE RIGHTS OF THE CHILD TO DEMO-CRATIC PARTICIPATION AND INCLUSION"

05.06.2023, Skopje



The Ombudsman, Mr. Nasser Ziberi gave a welcome speech at today's Conference, whose focus was on children's rights, and at which the child's right to democratic participation and the right to involvement in all spheres of social action were promoted. The conference was organized and financially supported by the Delegation of the European Union as part of the celebration of the 25th anniversary of the institution of the Ombudsman, in cooperation with the Foundation for Educational and Cultural Initiatives "Step by Step", the First Children's Embassy in the World "Megjasi" and The Centre for Family and Child Care KMOP-Skopje

In his presentation, the ombudsman, stressing that children enjoy special protection, sublimated

the continuous commitment and work of the ombudsman institution in the field of protection and realization of children's rights in its 25 years of existence, the commitment to the realization of children's rights, the actions taken and activities for their promotion, as well as the daily handling of cases for the protection of children's rights. He also thanked the long-term cooperation with the Office of UNICEF, which for 25 years already supports all the projects that the Institution works on in the field of children's rights, and with whose help, in fact, in 1999, a special Department for the protection of children's rights was established which in a short time became a member of the European Network of Children's Ombudsmen (ENOC), as the first and only one from the region of South-East Europe. The Ombudsperson Institution, through the Department for the Protection of Children's Rights, has over the years conducted a large number of researches with the aim of understanding the situation with children's rights in the country, in all segments, and for the detected problems, it continuously submitted recommendations to the competent authorities for overcoming/improving the ascertained situations, respecting the best interests of children and realizing children's rights in accordance with internationally

196

recognized conventions and declarations/documents.

At the conference, the Ambassador of the European Union in the Republic of North Macedonia, H.E. David Geer, gave a welcoming speech, who emphasized the need to protect children, especially now, in the field of digitization and availability of information. In the working part, the state adviser from the office of the Ombudsman, Mr. Vaska Bajramovska-Mustafa, the president of the "Step by Step" foundation, Mrs. Snezhana Kirandziska, the president of the First Children's Embassy "Megjasi", Mr. Dragi Zmijanac and the director of KMOP, Mrs. Kristina Vasilevska.

WORKSHOP ON "COOPERATION OF THE OMBUDSMAN WITH LOCAL GOVERNMENT AND THE EFFECTS OF THE DECENTRALIZATION PROCESS FOR THE CITIZENS"

13.09.2023, Shtip



Organized by the Office of the Ombudsman, and within the framework of the IPA project "Rule of Law", the first of the planned 15 workshops was held in Stip, in several regions of the country, on the topic "Cooperation of the Ombudsman with the local government units and the effects of decentralization for citizens".

The Workshop was opened by the Ombudsman, Mr. Nasser Ziberi, who in his welcome speech emphasized the importance of the cooperation between the Ombudsman and the local government, emphasizing that with the process of decentralization, the municipalities received the authority to decide on a series of matters with which they should

improve the quality of services to citizens.

"The cooperation between the Ombudsman and the local government units plays a big role, above all in the effective protection of citizens' rights. It is of great importance, because precisely a large number of powers that mean the creation of assumptions for a humane life arranging the space life in a clean environment, waste management, then the process of education, as a significant link in the development and education of children and young people and a series of other things that are the responsibility of local authorities.

I am fully aware of the difficulties faced by the largest number of municipalities - the lack of sufficient funds and staff to deal with the problems that citizens have at the local level. That is why, through these meetings, we want to encourage debate and determine what the weaknesses are and how they can be overcome, all in order for decentralization to really deliver the expected results, and thus for the citizens to get an administration that will be their real service" - pointed out the Ombudsman, Mr. Nasser Ziberi.

At the workshop, the Minister of Local Government, Mr. Risto Penov, gave a welcoming speech, who referred to the effects of decentralization, the detected weaknesses of the existing legislation and the need to change it.

The Mayor of Stip, Mr. Ivan Jordanov and the Mayor of Sveti Nikole, Mr. Dejan Vladev participate in the discussion

Also, one of the topics of discussion was the segregation in the Primary School "Goce Delchev" in Stip established by the Ombudsman, confirmed by the Judgment of the European Court of Human Rights.



INTERNATIONAL CONFERENCE ON THE SUPERVISORY ROLE OF THE OMBUDSMAN OVER THE SECURITY SECTOR

08.11.2023, Skopje



"The right to privacy, the secrecy of letters and all other forms of communication, the inviolability of the home are basic human rights guaranteed both by international documents and by domestic regulations. Their violation represents a serious violation of human rights and freedoms and one of the grossest intrusions that a government can make using the secret services. Our country in the recent past has had a very bad experience in the area of violation of these rights, and as a result of the absence of civil and political control over these institutions. For that reason, I think that the experiences that we will hear today, above all about the role of the Ombudsman as a supervisory body over these services, will be of great benefit to us as an Institution that has

this mandate. In a situation of shaken trust towards the secret services (such as we have in our country in the last few years), the cooperation of the Ombudsman with these authorities, or rather the supervision of them by the Ombudsman, I consider to be a common interest, because trust is easily it collapses, but it is difficult to regain it afterwards.

This, among other things, was emphasized by the Ombudsman, Mr. Nasser Ziberi in his welcoming speech at the opening of the International Conference on "The supervisory role of the Ombudsman over the security sector from the aspect of protecting citizens' rights", which the Institute organized in cooperation with the Geneva Centre for Security Sector Management (DCAF), within the framework of the Program for Reforms in the Intelligence and Security Sector in the Republic of North Macedonia (2021-2026), implemented by DCAF, and financed by Switzerland, Sweden, the Netherlands and the European Union.

According to the Ombudsman, citizens must be convinced that the privacy in their home, as well as the communications they use daily (telephone conversations, internet communication, etc.) are guaranteed to them and that no one is allowed to intrude on them beyond what the Constitution and the law allow. Also, citizens must be convinced that the competent institutions will protect this right, that these bodies are functioning and that any violation will not only be detected but also sanctioned accordingly.

The President of the Republic of North Macedonia, Mr. Stevo Pendarovski, also gave his welcoming speech at the Conference, who emphasized that the topic of the conference, and especially its conclusions and recommendations, will have a multifaceted meaning for the Republic of North Macedonia.

"As one of the new members of NATO, our security services have the responsibility to fulfil their key task, which is - protection of national security and the democratic order of the state, as well as the rights and freedoms of citizens. A prerequisite for the achievement of this goal is the successful interception and obstruction of malicious influences and interference in the internal affairs of the state, with the aim of weakening institutions and disrupting social cohesion. As a candidate for membership in the European Union, we have the responsibility for the work of the security services to be in accordance with the Constitution and laws and under the control of democratic political institutions, but also of independent institutions for supervision, as well as civil society, in order for the security services to perform his function respecting the principle of the rule of law and protecting the rights and freedoms of the citizens", said the President of the Republic of North Macedonia, Mr. Stevo Pendarovski.

The importance of the Conference was emphasized by the Ambassador of Switzerland in the Republic of North Macedonia, H.E. Veronik Hulman, as well as Hans Born, assistant direc-

tor and head of the Department of Policy and Research, DCAF, who was also a panellist in the first session "The Ombudsman and the supervision of the security sector: roles, responsibilities and current trends", where the panellists were also Luka Glushac, Institute of Philosophy and Social Theory, University of Belgrade, Iskra Akimovska - Maletic, university professor, Faculty of Security-Skopje and Vediye Ratkoceri, university professor, University of Southeast Europe.

In the second part of the Conference, on the topic "Practical Components of the Ombudsman's Role in Intelligence and Security Oversight: Perspectives, Challenges and Best Practices in Relation to Other Forms of Oversight", the panellists were Kimo Haakkonen, Intelligence Ombudsman, Finland, Ljupco Prendzov, President of the Parliamentary Commission for Supervision of the Work of the Intelligence Agency and National Security Agency, Assembly of the Republic of North Macedonia, Lora Vidovic, former People's Advocate of the Republic of Croatia and Dzemali Saiti, Supreme Judge, President of the Association of Judges of the Republic of North Macedonia.

25 YEARS OF THE ESTABLISHMENT OF THE OMBUDSMAN INSTITUTION

12.12.2023, Скопје



"When it comes to the commemoration of the 25th anniversary of the establishment of the Ombudsman Institution, which I now manage, I would like to return to its beginnings, but from another aspect - from the aspect of its foundation in the Constitution, and then the adoption of The Law on the Ombudsman. Abandoning the system of collective responsibility and putting the citizen first required the establishment of an institution that would protect his freedoms and rights, and I think that this was one of the main motives for the framers of the constitution, which stipulated in Article 77 that it must function in the state independent national body for the protection of citizens' rights. The very

fact that the Institution is based in the Constitution indicates its importance in and for the society as a whole", said the Ombudsman, Mr. Nasser Ziberi, in his address to the audience at the reception organized on the occasion of the celebration - 25 years since the establishment of the Institution and 75 years since the adoption of the Universal Declaration of Human Rights and Freedoms, organized with the support of the "Rule of Law" project, financed by the European Union.

He pointed out that although it is relatively young in years, the Institution is adequately represented in society and citizens know where to turn for the protection of their rights. Speaking about the development of the Institution over the years, Ziberi said that with regret he can state that the state does not follow the growth of the institution, pointing out the increasingly frequent challenges for the Institution and the series of problems that have persisted over the years, primarily due to finances, the amount of personal income of the employees, as well as some of the mechanisms are still not properly determined within the legal framework, for which, as he said, they have remarks from the state audit, then the staffing, and all the way to the spatial conditions.

The President of the Assembly of the Republic of Macedonia, Mr. Talat Xhaferi emphasized in his address that in these 25 years of existence and work, the Ombudsman has confirmed itself as a highly professional and independent institution, which in its work starts from the principles of equality in the protection of rights and the freedoms of citizens, regardless of gender, colour, race, religion, political affiliation, etc., and this gives hope.

The celebration of the anniversary was also attended by the Minister of the Interior, Mr.



Oliver Spasovski, who emphasized that the Ombudsman has been professionally performing his duties for 25 years, and that the Ministry of the Interior provides full support and encouragement for a further proactive approach to procedures that mean the elimination of abuse and violation of human rights. Congratulating the jubilee, the Minister of Justice, Mr. Krenar Loga, emphasized that for a democratic society, the existence of the Ombudsman institution as a protector of citizens' rights is of great importance. Mrs. Marija Kanelopolu, a representative of the delegation of the European Union, also addressed the audience. Republic of North Macedonia.

The ceremony was attended by the Ombudsman of the Republic of Croatia, Mrs. Tena Shimonovic Einwalter, representative of the Austrian Ombudsman Board, Mr. Johannes Kareniel, as well as representatives of the diplomatic corps, from the judiciary, state institutions and from the non-governmental sector.

ORGANIZATION (LEGAL BASIS)

- 1. Constitution of RNM ("Official Gazette of RM" no. 52/91, 91/01),
- Law on the Ombudsman ("Official Gazette of the Republic of Macedonia" no. 60/03, 114/09, 181/16, 189/16 and 35/18), Decision U no. 111/2007 of the Constitutional Court,
- 3. Rulebook for the systematization of jobs in the Professional Service, the Team of the National Preventive Mechanism, the Special Departments and the Offices of the Ombudsman number 1695/3 from 01.07.2021 and 01-1616/1 dated05.04.2022.and
- 4. Rulebook for the organization and scope of work of the Professional Service, the National Preventive Mechanism Team, the Special Departments and the Offices of the Ombudsman number 1695/1 dated 11.05.2021
 - 11 departments,
 - Team of the National Preventive Mechanism,
 - Ombudsman mechanism for civil control,
 - Three departments and
 - Regional offices.

MODE OF WORK

Reception of parties, petitions and legal advice:

1. In person during the working day and without notice. Citizens can be received, heard and assisted by experts when filling out a complaint if during the conversation it is established that there is a legal basis for action. If it is established that as an Institution, we do not have the authority to act, the parties are given legal advice and a reference to where and in what way they can exercise their right.

Office locations:

- Skopje "Macedonia" street, no. 19,
- Kicevo- "Liberation" boulevard, no. 44,
- Tetovo- "Ilindenska" street, no. 62,
- Bitola- "Vienska" street, no. 28,

- Stip- "Tosho Arsov" street, b.b. (building of Kyubi-Macedonia),
- Kumanovo- "11 Oktomvri" street, b.b. (Macedonian Post Office building) and
- Strumica- "Marshal Tito" street, b.b. (at Komercijalna Banka)

Working hours: 08:00-16:00, every working day.

- 2. By **e-mail** at any time of the day, with archival records being filed the next working day after receipt **contact@ombudsman.mk**
- 3. By phone on the following phone numbers:
 - Skopje 02/3129-351, 3129-367, 3129-327, 3129-335,
 - Kicevo 045/228-584, 228-586,
 - Tetovo 044/344-081, 344-083,
 - Bitola 047/242-310, 242-510,
 - Stip 032/389-700, 389-701,
 - Китапоvo 031/431-488, 431-520 и
 - Strumica 034/329-995, 329-997.

PERSONNEL STATUS

With the latest Rulebook for amending and supplementing the Rulebook for the systematization of jobs in the Professional Service, the Team of the National Preventive Mechanism, the Special Departments and the Offices of the Ombudsman number 1695/3 dated 01.07.2021 and 01-1616/1 dated 05.04.2022. 183 jobs are planned for the performance of work duties, of which 87 jobs have been filled by December 2023.

Given the fact that as of July 2021, the mandate of five deputy Ombudsmen (in Skopje, Regional Office Kumanovo, Regional Office Tetovo, Regional Office Stip and Regional Office Strumica) has expired, and still by the Assembly of R.N. Macedonia has not elected new deputies of the Ombudsman, and in 2023 the institution continued to perform its mandate and competences without the required number of deputies.

Namely, for a long period of time, the institution has been facing this problem, which is why certain areas/subjects for action, promotion of human rights and freedoms, prevention and protection of citizens' rights were taken over by the existing deputies or state advisers authorized by the ombudsman, and that for an indefinite period of time and without additional financial compensation.

However, in this way, the principle of fairness is seriously violated when assigning an employee with work duties, taking into account the systemically arranged level of performance of work tasks and the fact that the position - deputy carries a wider responsibility in the work. At the same time, this problem seriously affects the work of those district/regional offices that work without a deputy ombudsman, and with only one expert executor-lawyer, and which, according to the Rules of Procedure, cover/act regionally.

As for the professional service of the Ombudsman, in the past year nine people were employed (a state adviser, a counsellor, four junior associates in the K-5 program, two technical secretaries and a junior clerk), and five people had their employment terminated in the institution on the basis of settlement and retirement (state adviser, adviser, junior associate and two technical secretaries).



Qualifi cation, gender and ethnic structure of employees:

Review No.5

			LEVEL OF EDUCATION Post-												
		Employees bygender				Highereducatio n		secondaryedu cation		Secondaryedu cation		nary ation	a		
	М	F	М	F	М	F	М	F	Μ	F	Total				
Elected or appointed persons	3	3	3	3							6				
Managerial job positions	11	19	11	19							30				
Non-managerial job positions	22	35	14	24			8	11			57				
Total:	36	57	28	46			8	11			93				

Review No.6

		COMMUNITY AFFILIATION										
	Macedonian	Albanians	Turks	Roma	Serbians	Vlachs	Bosniaks	Other	total employ			
Elected or appointed persons	3	3							6			
Managerial job positions	15	10		1	2	1	1		30			
Non-managerial job positions	22	28		2	2	2	1		57			
Total:	40	41	0	3	4	3	2		93			

FUNDS FOR WORK

The funds for work are provided by the Institution from the RNM Budget. In the past years, project collaborations with donors were realized, which directly supplemented the lack of funds in the basic budget, but in 2023, there was no such influx of donor funds in the budget of the institution.

This reporting year, the institution was financially supported – with a donation through the European Commission project in the amount of R.N. Macedonia "Support for the rule of Law of the RNM" under whose 4th component the Ombudsman is a direct beneficiary, as well as through the Office of the UNHCR in Skopje, whose financial resources intended for the National Preventive Mechanism were managed through the Macedonian Association of Young Lawyers, in a total amount from about 300,000.00 den.

The budget in 2023 underwent changes through two Decisions on the redistribution of funds between budget users of the Central Government and between funds (Official Gazette of RNM, no. 207/23 and 264/23), as well as four redistributions of funds with which from the initial 96.760.000 decreased to 91.155.200 denars, i.e., by 5.604.800 denars.

At the very stage of budget approval, it was clear that the funds determined for the four sub-programs within the basic budget are in an insufficient amount, which the international community can evaluate as insufficient, but also not serious for the execution of the mandate and competences of the Ombudsman, especially in comparison with the budgets of the Ombudsman institutions from the region. Namely, all subprograms were allocated 200.000,00 denars each, although the budget request was significantly higher. However, even that amount

of funds was not used effectively due to the difficulties in finding the legal form for hiring all the profiles of experts that the departments need and who are the main "consumer" of their budgets.

The National Preventive Mechanism, as well as the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities, are particularly affected here, for which the method of hiring external collaborators/experts through public procurement is inapplicable. That is why the OMBUD.M sub-programme was implemented with only 17% in the part intended for the hiring of external collaborators, that is, cooperation was implemented with only five experts - in accordance with the need for their professional expertise when carrying out visits to institutions where persons are deprived of their liberty, while The mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities recorded an insignificant 8%, and the sub-program of the National Reporter on Human Trafficking and Illegal Migration 6%.

In the Citizen Control Mechanism as a separate organizational unit under the Ombudsman, this year too, the addition of three external members - representatives of civil associations - did not take place. Namely, the Assembly of R.N. Macedonia selected 2 (two) associations in November 2023, and the procedure for selecting the third association as an external member of the Civil Control Mechanism in the reporting year was not completed. Consequently, the funds allocated to this subprogram were not used at all.

In that context, the fact should be highlighted that for the full functionality of the Citizen Control Mechanism in the composition of the Ombudsman together with the selected associations, additional financial resources are needed from the RNM Budget, which is why the Ombudsman submitted a written letter to the Parliament with the aim during the planning of the Budget for 2024, to foresee the necessary funds for this purpose, but with the adoption of the Law on the execution of the RNM Budget for 2024, additional funds were not approved.

The structure of the realization of the budget by groups expressed in percentages is as follows: 71% of the OMBUD. Budget is realized for basic salaries and social security contributions, 25% for goods and services and 4% for capital expenditures.

The realization of the Budget of the Ombudsman's program, as well as the total realization with the four sub-programs for 2023 is 97%.

Accordingly, the rest of unspent funds in the amount of MKD 258,082.00 were returned and this donor account was closed.



Review No.7

Subite	Description	NP budget 2023	NPM budget 2023	MGK budget r 2023	MDLP budgetT 2023	TL budget 2023	NP realization 2023	NPM realization 2023	MGK realization 2023	MDLP realization 2023	TL realization 2023	Total realization	Rest	% NP	% NPM	% MGK	% MDLP	%ТL
401	Basic salaries	44.794.000,00					44.699.892,00					44.699.892	94.108,0	99,79				
402	Contributions for social insurance	17.436.000,00					17.350.059,00					17.350.059	85.941,0	99,51				
404	Fees	860.000,00					860.000,00					860.000	0,0	100,00				
40	Salaries and supplements	63.090.000,00					62.909.951,00					62.909.951	180.049,0	99,71				
420	Travel and daily allowances	600.000,0					368.614,0					368.614	231.386,0	61,44				
421	Public utility services	5.600.000,0					4.496.557,0					4.496.557	1.103.443,0	80,30				
423	Materials and tools	800.000,0					480.838,0					480.838	319.162,0	60,10				
424	Repair and current maintenance	2.060.000,0					1.851.828,0					1.851.828	208.172,0	89,89				
425	Contracted services	13.683.000,0	200.000,0	200.000,0	200.000,0	200.000,0	13.683.000,0	34.259		16.604	12.260	13.746.123	736.877,0	100,00	17,13		8,30	6,13
426	Other operational expenses	930.000.0					820.681.0					820.681	109.319.0	88,25				
420	Good and services	23.673.000,0	200.000.0	200.000.0	200.000.0	200.000.0	21.701.518.0	34.259		16 604	12.260	21.764.641	2.708.359.0	91.67	17.13		8.30	6,13
	Various transfers	146.000.0	200.000,0	200.000,0	200.000,0	200.000,0	141.426.0	04.200		10.004	12.200	141.426	4.574.0	96.87	17,10		0,00	0,10
46	Total transfers	146.000.0					141.426.0					141.426	4.574.0	96.87				
480	Payments after executed documents	608.200,0					607.992,0					607.992	208,0	99,97				
485	Investment and non- financial assets	446.000,0					445.808,0					445.808	192,0	99,96				
486	Purchase of vehicles	2.392.000,0					2.391.689,0					2.391.689	311,0	99,99				
48	Total capital expenditures	3.446.200,0					3.445.489,0					3.445.489,0	711,0	99,98				
	TOTAL	90.355.200,0	200.000,0	200.000,0	200.000,0	200.000,0	88.198.384,0	34.259		16.604	12.260	88.261.507	2.893.693,0	97,61	17,13		8,30	6,13
	TOTAL		91	.155.200				88.261	.507						96,	83		



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