

The Ombudsman as a Guardian of Good Governance: Insights from North Macedonia

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Received: 11. 3. 2025

Revised: 7. 5. 2025

Accepted: 9. 6. 2025

Published: 11. 11. 2025

ABSTRACT

Purpose: The purpose of this paper is to present the role of the Ombudsman in upholding the principles of good governance when protecting and promoting the rights of citizens and other individuals within a democratic framework. The research focuses on the work of the Ombudsman in North Macedonia, examining its activities and its authority over public institutions when acting or failing to act.

Design/Methodology/Approach: The research methods applied include desk research, an analysis of documents and reports related to the institutional and legal set-up of the Ombudsman's office in North Macedonia, and content analysis. To understand the complexities of the Ombudsman's competencies within the Macedonian institutional set-up, a comparative analysis was conducted, covering examples from the EU and other global contexts. To clarify the findings, semi-structured interviews were conducted with relevant officials, including the Ombudsman of North Macedonia and its deputies.

Findings: The results of this research indicate that, although the Ombudsman is empowered to protect the human rights and freedoms of individuals or groups when they are violated by state authorities, its efforts to contribute towards the efficient and effective operation of public administration, and to promote the principles of good governance and the right to good administration in North Macedonia, are limited. However, this corresponds with the overall efficiency of the institution and its position within the legal and political system. In general, the institutional response to the Ombudsman's remarks is weak, as evidenced by missed hearings before the Government, delays in the adoption of its annual reports by Parliament, a lack of public debate, and insufficient implementation of follow-up measures addressing the Ombudsman's remarks. Furthermore, the Ombudsman institution does not enjoy full independence.

Practical Implications: The paper is based on research conducted in 2023/2024 and provides clear and structured recommendations for the

improvement of the Ombudsman's office in North Macedonia, aimed at achieving good governance standards. Due to its practical applicability, the recommendations can serve to improve the work of Ombudsman offices elsewhere in the region and beyond.

Originality/Value: This research highlights the role of the Ombudsman in fostering good governance and presents it as a necessary condition for establishing a robust system for the protection of individual rights. Often, the work of the Ombudsman is analysed through its *ex officio* interventions aimed at protecting rights when violated by state institutions. In this sense, the office intervenes with proposals, suggestions, and recommendations, acting as a guardian of individuals' rights in relation to public administration. This research presents another perspective on the Ombudsman's role—often neglected in public discourse—by offering a broader view of its function in upholding democratic standards and good governance principles.

Keywords: challenges, good governance, human rights, North Macedonia, ombudsman

Varuh človekovih pravic kot varuh dobrega upravljanja: spoznanja iz Severne Makedonije

POVZETEK

Namen: prispevek predstavi vlogo varuha človekovih pravic pri uveljavljanju načel dobrega upravljanja pri varstvu in spodbujanju pravic državljanov in drugih posameznikov v demokratičnem okviru. Raziskava se osredotoča na delo varuha v Severni Makedoniji ter preučuje njegove dejavnosti in pristojnosti nad javnimi institucijami pri njihovem delovanju ali opustitvi dolžnega ravnanja.

Zasnova/metodologija/pristop: uporabljene raziskovalne metode vključujejo preučevanje virov, analizo dokumentov in poročil, povezanih z institucionalno in pravno ureditvijo urada varuha v Severni Makedoniji, ter analizo vsebine. Za razumevanje kompleksnosti pristojnosti varuha znotraj makedonske institucionalne ureditve je bila izvedena primerjalna analiza, ki zajema primere iz EU in drugih svetovnih kontekstov. Za pojasnitev ugotovitev so bili opravljeni polstrukturirani intervjuji z relevantnimi uradniki, vključno z varuhom človekovih pravic Severne Makedonije in njegovimi namestniki.

Ugotovitve: rezultati raziskave kažejo, da je varuh sicer pooblaščen za varovanje človekovih pravic in svoboščin posameznikov ali skupin, kadar jih kršijo državni organi, vendar so njegova prizadevanja za prispevek k učinkovitemu in uspešnemu delovanju javne uprave ter za spodbujanje načel dobrega upravljanja in pravice do dobrega upravljanja v Severni Makedoniji omejena. To pa je v skladu s splošno učinkovitostjo institucije in njenim položajem v pravnem in političnem sistemu. Na splošno je institucionalni odziv na pripombe varuha šibek, kar se kaže v izpuščenih obravnavah pred vlado, zamudah pri sprejemanju njegovih letnih poročil v parlamentu, pomanjkanju javne razprave ter nezadostnem izvajanju naknadnih ukrepov za obravnavo varuhovih pripomb. Poleg tega institucija varuha ne uživa polne neodvisnosti.

Praktične posledice: prispevek temelji na raziskavi, opravljeni v letih 2023/2024, in podaja jasna in strukturirana priporočila za izboljšanje de-

lovanja urada varuha v Severni Makedoniji z namenom doseganja standardov dobrega upravljanja. Zaradi svoje praktične uporabnosti lahko priporočila prispevajo k izboljšanju dela uradov varuhov človekovih pravic drugje v regiji in širše.

Izvirnost/vrednost: raziskava poudarja vlogo varuha pri spodbujanju dobrega upravljanja in ga predstavlja kot nujni pogoj za vzpostavitev trdnega sistema varstva pravic posameznikov. Delo varuha je pogosto analizirano skozi njegove posege po uradni dolžnosti, usmerjene v zaščito pravic, kadar jih kršijo državni organi. V tem smislu urad posega s predlogi, pobudami in priporočili ter deluje kot varuh pravic posameznikov v razmerju do javne uprave. Ta raziskava ponuja še en, v javnem diskurzu pogosto zastavljen vidik varuhove vloge, saj nudi širši pogled na njegovo funkcijo pri uveljavljanju demokratičnih standardov in načel dobrega upravljanja.

Ključne besede: izzivi, dobro upravljanje, človekove pravice, Severna Makedonija, varuh človekovih pravic/ombudsman

JEL: K23 H83

1 Introduction

This paper aims to clarify the role of the Ombudsman in upholding the principles of good governance within the political system of North Macedonia. The research examines the work of the Ombudsman in general, focusing on its authority over public institutions and the services they provide to citizens. The Ombudsman is empowered to protect the human rights and freedoms of individuals or groups when violated by state authorities, intervening with proposals, suggestions, and recommendations. Through this role, the Ombudsman indirectly contributes to the efficient and effective operation of public administration, supports achieving democratic standards and promotes the principles of good governance.

As a case study, this research paper focuses on the Ombudsman work in North Macedonia. Being a transitional democracy striving for European Union (EU) membership, North Macedonia's Ombudsman faces several challenges within its public governance system. Despite its establishment as an independent body, the Ombudsman does not hold a prominent position within the political system although its prerogatives suggest it should. An enhanced role in this setup is essential for the Ombudsman to fulfil its core function: protecting human rights. However, institutional response to the Ombudsman's remarks remains weak, hearings before the Government regarding its reports are often evaded, its annual reports acceptance are delayed by the Parliament, and follow-up measures to keep public institutions accountable are lacking. Additionally, the Ombudsman as an institution lacks complete financial independence, affecting its functional independence. On the other hand, it does not maintain separate statistics on complaints against the administration and does not report inconsistencies in how institutional and governmental bodies respond to its remarks. Therefore, it is essential to strengthen the Ombuds-

man's position to ensure that it can demonstrate and maintain strong role in upholding the principles of good governance and protection of human rights. The paper aims to identify weaknesses in the current system while also highlighting best practices and providing recommendations for strengthening the Ombudsman's position. It also highlights the importance of aligning the Ombudsman's role with other non-governmental actors, such as CSOs and the media, to better achieve its objectives.

2 Methods

This paper is a result of research conducted in the period November 2023 – October 2024. It is a part of the project *Enhancement of Governance and Public Administration Reforms* funded by the National Endowment for Democracy (NED) and implemented by the Center for Change Management (CCM). The main aim of the project was to raise awareness among citizens to seek high professional standards, efficient institutions, and success in the operation of public administration. This research envisages the need to improve institutional accountability, encouraging citizens to be engaged and to demand responsibility from the administration for implementing the necessary reforms and applying the standards of good governance. Its particular focus was monitoring the work of the Ombudsman of the Republic of North Macedonia, considering the institutions' response towards citizens' requests and complaints.

The specific objective of the research was to understand the role of the Ombudsman in fulfilling the principles of good governance in North Macedonia, i.e. the protection and promotion of citizens' rights arising from that sphere. The assumed weaknesses in the work of the Ombudsman were that the annual reports issued by the Ombudsman do not focus on the relationship between citizens and the administration, but are narrowly focused on certain vulnerable groups, although its areas of activity are broad. Additionally, the Ombudsman's activity over the years has been modest, with a small number of initiatives and a small amount of information, i.e. the Ombudsman institution was not proactive enough.

The research methods were the content analysis based on the desk research findings (analysis of documents and reports), an analysis of the documents related to the institutional and legal set-up of the Ombudsman's office; the analysis of how the Ombudsman's reports are managed, as well as their content analysis, i.e. which aspects they cover and on which human rights are focused. Additionally, comparative analyses were conducted using EU and global examples to get valuable insights. To clarify the findings' semi-structured interviews were conducted with relevant officials, including the Ombudsman of North Macedonia and its deputies. Based on that the recommendations for improvement were created.

The undertaken research steps should answer the main research question, related to the clarification of the role, competencies, and the power of the Ombudsman in North Macedonia to promote good governance principles, and

with that support the reforms towards a more efficient and effective system of public administration.

3 Results

3.1 The Ombudsperson in Its Core

The protection of human rights and the elimination of their abuse are essential functions of democratic governments. The Ombudsman is an institution established to contribute to the fulfilment of these goals. The increased sensitivity to human rights, the challenges and problems faced by the judiciary, the expansion of the functions of the public administration, as well as the commitment to fulfilling values such as transparency, accountability, and citizen participation in public processes, are currently leading to the strengthening of the role of the Ombudsman and the increase of its function in society.

Historically, institutions or officials similar to the modern Ombudsman have been observed in the Roman, Chinese, Islamic, and Spanish systems (Reif, 2004). However, the country from which the institution of the Ombudsman originated is considered to be the Kingdom of Sweden. According to the scholarship, the King of Sweden, Charles XII, after his military defeat by Russia in 1709, took refuge in the Ottoman Empire. During this period, the King established an office that was to monitor the behaviour of the Swedish administration on his behalf, and this was the beginning of the emergence of the first modern institution of the Ombudsman (Stern, 2008). After Sweden, the institution of the Ombudsman was also established in Finland (1919), and then in Norway (1952), Denmark (1955), and West Germany (1956). Therefore, for a long historical period, the Ombudsman as an institution existed only in Northern European countries. In the early 1960s, the idea of an Ombudsman was also adopted by the Commonwealth countries, and this institution was founded first in New Zealand (in 1962), and then in other countries (Rowat, 1964). The collapse of totalitarian regimes in Portugal, Spain, and Greece, and the process of democratization in the countries of Central and Eastern Europe after the Cold War contributed to the acceptance of the idea of an Ombudsman in these regions as well, so it can be said that the Ombudsman institution contributed, i.e. was part of the democratization movements respectfully (Kucsko-Stadlmayer, 2008).

Apart from the need for democratization, one of the most important reasons that has encouraged the increase in the number of these institutions is the idea of a welfare state, which in the 1950s swept the whole world. Within the framework of these tendencies are also the ideas of establishing mechanisms for protecting the rights of citizens concerning public administration. The fact that the institution of the Ombudsman is easily accessible to citizens, it provides free assistance, and is relatively fast in comparison with the judicial system, has played a key role in the establishment of Ombudsman offices in many countries around the world (Rowat, 1964). As a result, Ombudsman institutions are considered as an alternative in situations in which

judicial procedures are unavailable, or simply unrealistic to implement (Reif, 2004). Additionally, the Ombudsman institution is inherently flexible, adaptable, and therefore acceptable to countries with different political and administrative cultures (Cheng, 1968). This contributes to the easy incorporation of Ombudsman institutions into different national contexts but is also a prerequisite for the existence of institutions that have diverse organizational structures. However, certain characteristics are common to this institution, i.e. the Ombudsman as an institution is: (1) legally established, (2) functionally autonomous, (3) outside the system of administration, (4) operationally independent of both the legislative and executive branches, (5) may have a certain specialty, (6) expert, (7) non-partisan, (8) universal, (9) citizen-oriented, (10) easily accessible and socially visible (Hill, 1974).

The name of the institution, its status, duties, powers, jurisdiction, and procedures vary between countries around the world. In Norway, the Netherlands, Australia, New Zealand, Ireland, Canada, and Malta, the original name of the institution – Ombudsman – is used. The institution is called the Parliamentary Commissioner for Administration in the United Kingdom and Sri Lanka; the Mediator of the Republic in Francophone countries such as France, Senegal, and Burkina Faso; and the Defender of the People in Spain, Argentina, Peru and Bolivia (Reif, 2004). In some countries, the institution of the Ombudsman is constitutionally established (Sweden, Norway, Spain, and the Netherlands), and in some, it is established by a law passed by the national parliament (France, Belgium, and the United Kingdom) (Kucsko-Stadlmayer, 2008). Comparatively, in most cases, the Ombudsman is appointed and dismissed by the parliament of the country. However, in the United Kingdom, the Ombudsman is appointed by the executive (or the King/Queen), in France by the Council of Ministers, while in some countries by the President of the State (Turkey, Kazakhstan, etc.). Regarding his/her dismissal, in some countries, the Ombudsman cannot be dismissed from the office before the end of his/her term of office (Austria). In many countries around the world the Ombudsman cannot be reappointed (France, Israel, and Azerbaijan). In some countries, there is no limit on the re-appointment of an Ombudsman (Sweden, Norway, and Finland), while in some countries the Ombudsman can only be appointed twice (Russia, Portugal, and Ireland) (Kucsko-Stadlmayer, 2008).

In terms of the functions of the institution, the classic function of the Ombudsman is to investigate citizens' complaints against the executive branch by acting on complaints or *ex officio*. However, in recent years, Ombudsmen around the world have been given new functions. Therefore, in addition to investigating complaints for the protection of human rights, these institutions are also gaining new roles in combating corruption, preventing abuse of power by elected and high-ranking public officials, eliminating conflicts of interest, preventing nepotism (Reif, 2004), or like in North Macedonia to monitor the principle of the equitable representation with the public administration. The powers (scope of control) of Ombudsman institutions are different in different countries and they are generally shaped by the aforementioned political and administrative traditions in the countries in which they are es-

tablished. For example, in Sweden, in addition to the central government and local authorities, the army and the judiciary are also under the control of the Ombudsman (Capozzola, 1968). In Norway, local self-government, ministerial decisions, court decisions, and the work of auditors are outside the Ombudsman's jurisdiction. Ombudsmen generally have the authority to investigate, request relevant documents, hear citizens, review the decisions of relevant public institutions, and create reports on them. However, the Ombudsman institution is not a judicial body and does not have the power to impose sanctions (Letowska, 1990).

In principle, no financial fees are required to file a complaint in front of the Ombudsman. Citizens can often communicate their complaints directly. However, in some countries such as the United Kingdom and France, a complaint cannot be submitted directly to the Ombudsman, and citizens can do so through a senator, or member of a Parliament (MP). With the exception of countries like the United Kingdom, Belgium, and Luxembourg, Ombudsmen have a general authority to act *ex officio*, as well as to conduct investigations upon the complaints (Kucsko-Stadlmayer, 2008).

3.2 The Ombudsman and the Principles of Good Governance

The importance of the Ombudsman is also reflected in the fact that currently, only a few countries in the world have not established such an institution (Zahid Sobaci and Hatipoğlu, 2023). In general, the role of the Ombudsman is to receive, investigate, and resolve complaints from citizens regarding the actions or inaction of the public administration. Therefore, in addition to parliamentary control and judicial review, the Ombudsman is a control mechanism of the public administration, i.e. of the executive branch. The Ombudsman is not a judicial body and cannot replace the role of the judicial authorities, but in a democratic state, it has a complementary role. To understand the role of the Ombudsman in promoting of the principles of the good governance it is necessary to clarify what is meant under the concept of good governance, and how the related standards can be effectuated.

3.2.1 The Concept of Good Governance

Good governance is the basis of democratic decision-making. It increases democracy and contributes towards social and economic development. Although there are numerous attempts to define the concept of good governance, for some theorists it is a complicated activity that does not have many practical consequences (Doornbos, 2001). However, to understand its essence, according to most authors, the concept of good governance should be divided into its constituent components (principles) (Gisselquist, 2012). Nevertheless, although there are many definitions of what constitutes good governance, they all share common elements.

The principle of transparency is one of them and is related to the openness of institutions, i.e. making information generated by institutions available to the public through various mechanisms. A way to achieve transparency is to

strengthen freedom of information, known as the right of access to public information – a right that provides the opportunity for citizens and other social entities to seek and receive information from the work of a certain institution that has the character of the public. This mechanism is a powerful (although usually underused) instrument for controlling the activities of the government and public administration. Another aspect of transparency is the proactive publication of information by institutions in a generalized manner, as well as the creation of electronic services for citizens. In addition to transparency, the principle of participation is extremely important for good governance. Through this principle, non-state actors have the opportunity to provide government actors and, in general, society with knowledge, different views, and attitudes. This ensures fairness in the processes, i.e. it contributes to decisions and policies being not only legal but also correct and appropriate, i.e. it ensures the democratic legitimacy of decisions. However, participation must be based on certain criteria that allow for the diversity and appropriateness of participants. The criteria must prevent bias, i.e. the articulation of vested interests. Therefore, they must guarantee impartiality and objectivity in the selection of participants (Shikova, 2022).

The principle of accountability is also important for good governance. It is a social relationship in which the actor feels obliged to explain and justify his behaviour to someone else (Bovens, 2005). One of the most important results of this democratic principle is the premise that those who exercise public powers must be responsible for how they use those powers since they exercise them towards the citizens, and in their name. Accountability gains greater significance if it is linked to the assumption of political responsibility by political leaders concerning their political programs (Peters, 2008). Access to information and transparency directly affect accountability and help the functioning of the above-described mechanisms that ensure it.

Good governance also encompasses the principle of effectiveness. It is the achievement of a result that corresponds to the goals set by the institution. Every institution has to act effectively, and this entails the need to act efficiently and economically. Applying the principle of effectiveness means that in performing its function, the public administration considers the available resources in relation to the goals it needs to achieve, and on this basis creates practically feasible alternatives for action. Before choosing one of them, the options need to be considered and the possible effects of the choice need to be explained (Cerrillo-i-Martínez, 2023).

There are also some traditional mechanisms for guaranteeing accountability such as elections and periodic audit reports related to public spending (Agere, 2000). But apart from them, the new accountability mechanisms that have emerged recently are more flexible and help to overcome the limitations of traditional mechanisms. Some of them are the introduction of the institution of the Ombudsman, the formation of decentralized power structures, the introduction of mechanisms for citizen participation in policy-making processes, the strengthened role of the media, as well as measures for strengthened internal administrative control.

3.2.2 The Ombudsman and Good Governance Principles

Through its activities, the Ombudsman improves the functioning of public administration and contributes to good governance. In this context, the Ombudsman institution helps to strengthen the efficiency, functionality, transparency, and accountability of public administration, educates the citizens, and this increases citizens' trust in public institutions. Therefore, the Ombudsman institution directly backs the achievement of democratic standards. This corresponds with focused investigation of the activities of public officials, external financial audit, various internal methods and mechanisms, as well as a strengthened role of the Ombudsman. This role of the Ombudsman arises from global trends, in which, in light of economic and other problems, the state is forced to respond to growing public expectations. Therefore, it is extremely important to balance the interests of the individuals and groups with the public interest, to connect them and accommodate them. Although the public servants should be dedicated to the public interest, that is not always the case, i.e. often, there are occasions in which public servants avoid or even refuse to do what is essentially expected of them, i.e. to decide, act, propose, defend, etc., or simply to be responsible. Therefore, in this social setting, the role of the Ombudsman gains importance. The Ombudsman as an institution influences and promotes the ethics, and responsibility of public servants, and through its acting towards complaints of human rights violations, it directly targets the unlawfulness, abuse of power, and unfair behaviour (Pliscoff, 2019).

Unclear administrative procedures additionally burdened with various bureaucratic manoeuvres can directly affect the protection of citizens' rights. As a result of past legacies, the administrative state was (and still is to some extent) highly bureaucratic, and hence, under the influence of EU integration processes, it can be observed that established concepts and related understandings are already changing. As a result, the state is becoming more service-oriented toward citizens and more aware that the services provided should be within the framework of legality and the principles of the rule of law (Leyland and Anthony, 2016). By failing to act or acting outside the established legal competencies, the rights of the citizen are affected, especially the rights of those who are marginalized and stigmatized by the majority community (such as homosexuals, transgender people, people with disabilities, and even in some cases women).

Although the duties, powers, and procedures of the Ombudsman vary from country to country, increased awareness of human rights has paved the way for the specification of international standards related to the structure and powers that the institution should have. In this regard, there are numerous regional and international initiatives, as well as international organizations that assist the standardization process. In addition to establishing standards for the structure and functioning of the Ombudsman, another issue is need to assess the effectiveness of the work of a particular institution (Zahid Sobaci and Hatipoğlu, 2023).

3.2.3 Classical vs. Human Rights Ombudsman in Upholding Good Governance Principles

In theory and practice, there is a division between classical and human rights ombudsmen, and those two models or a hybrid one can be found in most European countries, considering their role in promoting good governance by monitoring administrative behaviour and protecting and promoting human rights. The classical model is often in Scandinavian countries (to which competencies over jurisdiction to human rights are given in addition to their primary role in administrative justice), while the human rights Ombudsman and hybrid ones are typical for the countries that transitioned to democracy, mostly Eastern European countries. The Ombudsman institutions play a variety of roles in building good governance by monitoring the administrative activity in the country and in protecting and promoting human rights. Their acting can be observed by monitoring the “legality” of the public administration, embracing notions of equality, fairness, and good governance. Human rights monitoring is mainly considered an enlargement of the classical or initial role of the Ombudsman after functioning for a relatively long time (for example Sweden, Finland, Netherlands, etc.). On the other hand, when it comes to the younger democracies, the typical model is human rights, or hybrid model of the Ombudsman with priority in its human rights protection function. The efforts of the Ombudsman which follows the classical model, are more visible in the promotion of good governance in public administration, and its additional competencies in human rights contribute to monitoring of a state’s compliance with human rights obligations. In that sense, the direct use of human rights norms can be used to determine if the administrative conduct is in line with the laws. For instance, in the Netherlands, the Ombudsman uses human rights norms as “orientation criteria” in the assessment of the administrative conduct that is in question. The classical Ombudsman institution investigates administrative conduct if the administration violates the legal interests of the individual if the administration is not fulfilling specific obligations imposed by an administrative act, or in cases when the administration by its acting violates the principles of good administration and transparency. This example can be found in Greece where the institution is considered to be a human rights Ombudsman with classical ombudsman powers, but the majority of complaints are against poor administrative practices and not human rights protection (Reif, 2004).

The Human Rights Ombudsman, as an institution mainly occurred after the collapse of the Soviet Union and the beginnings of the democratization of Central and Eastern Europe. In their attempts to establish democracies, these countries started to redesign or create new institutions that would enhance the rule of law, overcome bureaucratic practices, and improve human rights records. Therefore, the countries established national human rights institutions, attempting in the same time, and within the same institution to address human rights protection and poor administration. Those institutions often have a predominated mandate and that is human rights protection. In essence that is misleading, since although the term “ombudsman” is

used, most of those institutions are close to the Human Rights Commission model, instead of institutions that have a mandate to protect administrative justice. There are theoreticians who argue that the role of the human rights Ombudsman is more important in the countries that went through the transition to democracy (the ones in Central and Eastern Europe, in comparison to the established democracies) since the Ombudsman can help in the development of democracy, strengthen the rule of law and influence the modernization of the state institutions. Through its acting it can draw attention to needed legislative changes, harmonization of the laws, reform of the structure and the institutions of the government, and change of the public authorities' practices (Bizjak, 2001).

Nevertheless, classical and hybrid Ombudsman institutions play a crucial role in fostering democratic accountability and development by functioning as both horizontal and vertical mechanisms of oversight within a democratic state. This dual role enables Ombudsmen to enhance the effectiveness of public administration while contributing to the broader objectives of good governance. The Ombudsman institutions are increasingly seen as instrumental in achieving good governance, which is often linked with public administration and human rights protection. In many countries, the executive branch has historically dominated governance, often at the expense of weaker legislative and judicial branches, prompting efforts to strengthen these institutions, particularly during democratic transitions or post-conflict reconstruction. These efforts frequently involve reforming the executive or administrative branches to address legacies of authoritarian rule, human rights violations, administrative inefficiency, corruption, and the absence of democratic norms. Establishing classical or hybrid Ombudsman institutions has become a common response, with the aim of enhancing accountability and promoting democratic governance. These institutions—especially hybrid ones with mandates in human rights protection, anti-corruption, or enforcement of leadership codes—function as mechanisms of horizontal accountability by independently investigating administrative conduct, recommending legal or policy reforms, reporting to legislatures and the public, and in some cases, initiating legal action. However, the effectiveness of an Ombudsman is closely tied to the quality of democracy in a given state; in states lacking democratic structures, Ombudsmen face significant operational challenges, and any regression in democratic governance can directly impair their ability to function. In a well-functioning democracy, Ombudsman institutions help ensure that the administrative branch remains accountable to the public and operates within legal and ethical boundaries (Reif, 2004).

For an Ombudsman institution to serve effectively as a mechanism of horizontal accountability, it must be structurally independent of the executive or administrative branch of government—a fundamental requirement—along with other factors that influence its overall effectiveness. Vertical accountability is often associated with the ability of citizens to hold leaders accountable through regular, free, and fair elections. However, the Ombudsman enhances this process by allowing individuals to file complaints about unlawful or unjust

administrative behaviour. In doing so, they subject government conduct to impartial review, potentially resulting in criticism or, where empowered, more substantial consequences. In that way, the Ombudsman reinforces democratic governance and positions it closely with the principles of good governance. By working to improve all the core elements such as transparency of public administration, the accountability of public authorities, public participation, and application of principles of fairness, the Ombudsmen institutions help in building good governance.

It is obvious that at some point, the Ombudsman as a concept and even as an institution was removed from its legal roots in the administrative law (Erkila, 2020). It expanded outside the Scandinavian context since it was mainly seen as a country milestone towards democratic accountability and good governance. After the collapse of totalitarianism, within the countries in Europe that established them, the institutions were modified and adjusted to the specific social, economic, cultural, and political contexts upon which the success of the institution depended. This novelty of the institution affected its legitimacy and public perception, considered to be even at some point "a legal transplant." Those issues have to be borne in mind when assessing the efficiency of a particular institution in protecting good governance principles. It is without doubt the institution's effectiveness will be limited if it is dependent on the executive. This could create a 'patron-client relationship', and in general will influence not only public perception but also well perception of the administrative institutions towards it. The effectiveness depends on the function that has been given to the institution, but on the other hand, it depends on the personality of the office holder. Lack of responsiveness of all public authorities and less proactivity in some cases led to the phenomenon of 'institutional hypocrisy', where the institution finds the reasons for ineffectiveness in a lack of resources, although in most cases the institution's effectiveness depends upon office holder authority, the public support that enjoys as well as the responsiveness of all public authorities towards the institution (Dragos, 2021).

As it is now, in younger democracies, the Ombudsman Institution's primary role appears to focus more on providing an additional layer of constitutional oversight rather than ensuring the implementation of good governance principles by the administration. However, its effectiveness must be understood within the broader context of the country's democratic tradition, whereas the institution is often seen more as symbolic affirmations of democratic values than as practical tools for enforcing accountability and administrative integrity (Balica, 2011). The mere establishment of the Ombudsman Institution, as outlined in the Constitution and its governing statute, has not automatically led to enhanced legal protection for citizens in their interactions with public authorities. Its effective implementation depends on time, the presence of a democratic framework, a supportive legal and political culture, as well as general level of democracy (Dragos, 2021).

There are certain theoretical debates accompanied with some empirical evidence, that are assessing the capacities of the Ombudsman institution in de-

veloping the norms of good administration (Dragos & Neamtu, 2017). Based on the powers that has, the Ombudsman institutions are classified as basic or classical model, the rule of law model, and the Ombudsman that follows the human rights model (Kucsko-Stadlmayer, 2008). If the standards of assessments are applied that take into consideration the legal norms, the good administration principles, and human rights (Remac, 2014), arguably only in the systems where the good administration is used as the main standard of assessment, the Ombudsmen can provide content, and the institution have more potential to materially develop the concept of good administration materially. The examples of their acting can include checklists for good administrative practice, the codes of good administrative behaviours, as well as taking initiatives to tackle the existing and systemic maladministration. On the other hand, other types of Ombudsmen will be limited in that regard, and can only apply the existing legal provisions within the initiated cases. Even in a sort of advanced model, this limitation can be observed in the case of the EU Ombudsman as well, where the institution is developer of norms of good administration predominately in the area of free access to information, but has a rather limited role as developer of norms of good administration through individual decisions. However, the power to apply and to present the principles understandably should not be underestimated in creating good administration norms, although legally this can be more seen as an interpretation, and giving meaning to the existing principles (Dragos & Neamtu, 2017).

3.2.4 EU Practices

Considering the EU practices, the European Administrative Space is a growing body of European administrative standards. The administrative convergence of the EU is also reflected through the general administrative procedures. One of the most recent initiatives is the codification of the EU administrative procedural law as Model Rules applicable to all procedures carried out by the EU institutions, bodies, offices, and agencies. In South-Eastern Europe, the ongoing reforms of the general administrative procedural acts are an interaction between the legalistic tradition and the political and managerial pressure for the rationalization of public administration. The general administrative procedure is one of the key components in the system of legal protection of citizens. This system is complex and consists of an interdependent set of legally regulated institutions, procedural protection in public administration, national and international judicial control over administrative acts and actions, judicial protection of constitutional rights (most often in constitutional courts), and among them protection through the Ombudsman. It guarantees of open access to the public information and protection of human rights and fundamental freedoms. All these efforts are in line with the right to good administration, part of the Charter of Fundamental Rights of the EU (2000), stipulated in Article 41. The right to good administration indicates that every person has the right to have his or her affairs handled impartially, fairly, and within a reasonable time by the institutions, bodies, offices, and agencies of the Union. This right includes (a) the right of every person to be heard, before any individual measure that would adversely affect him or her is taken; (b) the

right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and professional and business secrecy; (c) the obligation of the administration to give reasons for its decisions. Every person has the right to have the Union reimburse any damage caused by its institutions or by its servants in the performance of their duties, under the general principles common to the laws of the Member States. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language (European Union, 2000).

The European Code of Good Administrative Behaviour is a European Ombudsman's document, that in 2002 was approved by the European Parliament. The Code shares best practices and promotes – within the institutions and beyond – a harmonized European citizen-centered administrative culture that listens to and learns from, interactions with citizens, businesses, and stakeholders. The Code is a guide to practical steps towards greater effectiveness, transparency, and accountability of public administration. All European citizens and residents benefit from good administration. The European Code of Good Administrative Behaviour is a vital instrument for putting the principle of good administration into practice. It helps citizens understand and exercise their rights and promotes the public interest in an open, efficient, and independent European administration. Creating an agreed and harmonized service culture in the EU is increasingly challenging, and the institutions are becoming aware of the practical business case for a citizen-centered approach. The Code therefore concretises the concept of good administration and encourages administrations to reach the highest standards. It also acts to raise citizens' awareness of what administrative standards they have the right to expect and serves as a useful guide for civil servants in their relations with the public (European Code, 2002). Therefore, the Code strongly affirms the Ombudsman role in protecting good governance principles.

3.3 The Ombudsman in North Macedonia

The protection of citizens from the decisions of state bodies is a contemporary process and follows recent developments in which the citizen is perceived as the essence of the modern administrative state. Based on that position, the state has various duties and this encompasses the responsibility of administrative bodies, as well as legal remedies that are available to citizens faced with abuse of power. The direct impact on the protection of human rights can also be seen in the legal framework of North Macedonia regarding fundamental rights, which is largely in line with European standards. However, some mechanisms are not yet fully functional and they are a potential barrier to the full enjoyment of the granted rights. This particularly affects those whose rights are most often threatened and highlights the role of the Ombudsman as a guardian of citizens' rights concerning the public administration. The Ombudsman in North Macedonia is a human rights Ombudsman (*Народен правобранител*), and that role is predominant. The Ombudsman mainly deals with the complaints concerning the treatment of persons deprived of their liberty (e.g. detainees, prisoners, persons in psychiatric facilities), police con-

duct, property rights, social and economic rights, and unreasonable delays in obtaining decisions in court and administrative proceedings feature prominently. That differs from the classical Ombudsman's primary role is to investigate the complaints that consider that the administration of government was conducted in an illegal, unfair, or improper manner. Although appointed by the legislative, its nomination is done by the executive, making it a less independent institution, whereas both the executive and the legislative branches are not very responsive to the recommendations and reports of the Human Rights Ombudsman.

3.3.1 Legal Framework

According to the Constitution of the North Macedonia (North Macedonia) (1991) (article 77 and Constitutional amendment XI), and the Law on the Ombudsman (2003), the Ombudsman is an independent national institution with the authority to protect the human rights and freedoms of individuals or groups of citizens when they are violated by the state authorities. The Law on the Ombudsman stipulates the condition for election, dismissal, competences and way for working of the Ombudsman (Law on the Ombudsman 2003, article 1). The Ombudsman is elected for a term of eight years, with the right to one more election (Constitution of the Republic of North Macedonia, 1991, article 77). The election of the Ombudsman is upon so called *Badinter majority*, under which the Parliament elects the Ombudsman with a majority of votes from the total number of Members of Parliament, whereby there must be a majority of votes from the total number of Members of Parliament belonging to communities that are not in the majority in North Macedonia (Constitution of the Republic of North Macedonia, 1991, Constitutional amendment XI). Upon the Constitution and the Law, the Ombudsman is a body that protects the constitutional and legal rights of the citizens and any other individuals when they are violated with the acts and omissions of the bodies of the state administration and others institutions and bodies that have public authorities (Constitution of the Republic of North Macedonia, 1991, article 77; Law on the Ombudsman 2003, article 2). The Ombudsman's powers do not extend to the private sector or the judiciary, except in cases of unjustified delay in the court procedure or irresponsibility of the judicial services (Law on the Ombudsman 2003, article 12). In this sense, the Ombudsman has no legislative, executive, or judicial powers and is neither a prosecution body nor an inspection body. The Ombudsman is a control mechanism that intervenes with proposals, suggestions, recommendations, etc. Its role is ethical and moral and its activities are primarily aimed towards promoting and improving the efficient and effective operation of public administration, so the citizens and other individuals can exercise of their rights. The Ombudsman has an educational and advisory role as well (ombudsman.mk).

Summarized, the principles that underpin the work of the Ombudsman are independence, impartiality, professionalism, conscientiousness, objectivity, accountability, and urgency in terms of promoting, respecting, and protecting human rights and freedoms. The Ombudsman is independent in perform-

ing its function. It performs its competences according and within the frame of Constitution, law and international agreements that are ratified upon the Constitution. In its acting, the Ombudsman can call as well upon the principle of fairness (Law on the Ombudsman 2003, article 3). The Ombudsman of the Republic of North Macedonia received additional responsibility with the adoption of the Ohrid Framework Agreement in 2001. Namely, according to the Law and in practice the Ombudsman takes the measures for protection of the principles of non-discrimination and equitable and fair representation of the members of the communities in the bodies of the central power, the local - self-government unities and public institutions and services (Law on the Ombudsman 2003, article 2), i.e. in all state and local government bodies and public institutions.

Every person in communication with the Ombudsman can use one of the country official languages and its script, and the institution responds on the Macedonian language and its Cyrillic script as well as on the official language and script used by the one who submitted the appeal (Law on the Ombudsman 2003, article 15). The appeal should consist the data about the applicant, as well as the circumstances, facts and proves upon the appeal is based, however there is no mandatory form that need to be followed during the submission, neither process or tax fees (Law on the Ombudsman 2003, article 16).

The new draft Law on the Ombudsman (which is still not brought by the Parliament), among other things, it predicts full implementation of the Paris Principles,¹ and financial independence as the basis for the functioning of the institution (Draft Law for amend and supplement the Law on the Ombudsman, 2025; ombudsman.mk).

3.3.2 The Work of the Ombudsman

Through its activities, the Ombudsman indirectly improves the functioning of public administration and contributes to good governance. The Ombudsman acts towards achievement of democratic standards. It intervenes: when the acts and activities of administrative bodies and other bodies within the public sector violate the individual rights of citizens and non-citizens; when responsible persons or other civil servants have incorrectly adopted administrative acts, incorrectly applied the laws; when they violated administrative or other procedures; when they arbitrarily or incorrectly undertaken activities; and when they discriminated against people on any basis or behaved inhumanely. Considering its work the Ombudsman creates annual reports that are publicly presented and accepted in the Parliamentary session, and upon them, the

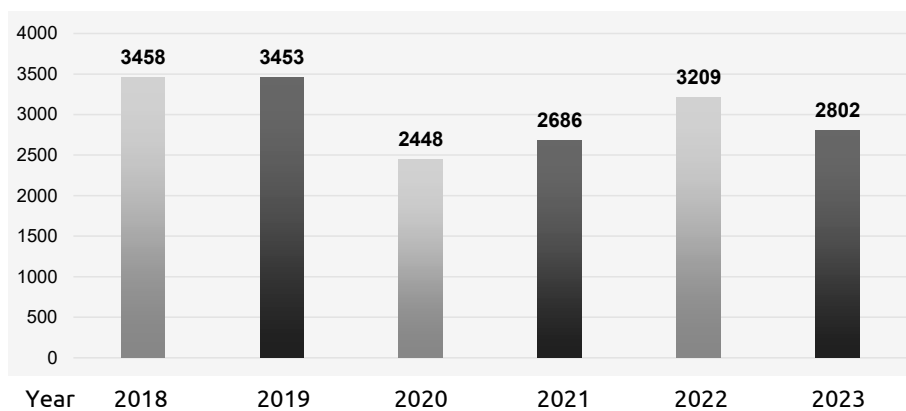
¹ The Paris Principles, adopted by the UN General Assembly in 1993 (Resolution A/RES/48/134), set out the following standards: Establishment under primary law or a constitution; Broad mandate to promote and protect human rights; Formal and functional independence; Pluralism, representing all aspects of society; Adequate resources and financial autonomy; Freedom to address any human rights issue; Annual report on the national human rights situation; Cooperation with national and international actors, including civil society. The accreditation process is essential as it demonstrates the credibility of the institution and ensures that these principles are applied in the national context, <<https://ennhri.org/about-nhris/un-paris-principles-and-accreditation/>>.

measures are created for the institutions to correct their behavior and improve human rights status.

If we analyze the Annual reports of the Ombudsman office work in North Macedonia, in the last five years, that are available to the public, we can observe many discrepancies.

Annually, approximately, in North Macedonia there are around 3000 complaints directed to the Ombudsman office, which is quite a lot for the country that has less than 2 million inhabitants.

Table 1: Number of the complains directed to the Ombudsman office per year.



Source: The Annual Report of the Ombudsman on the degree of granting, upholding, enhancement and protection of the human rights and freedoms, 2023.

The complaints that Ombudsman office receives annually, are the most numerous in the area of justice, followed by the complaints in labour relations, children's rights, penal – correctional and educational institutions.

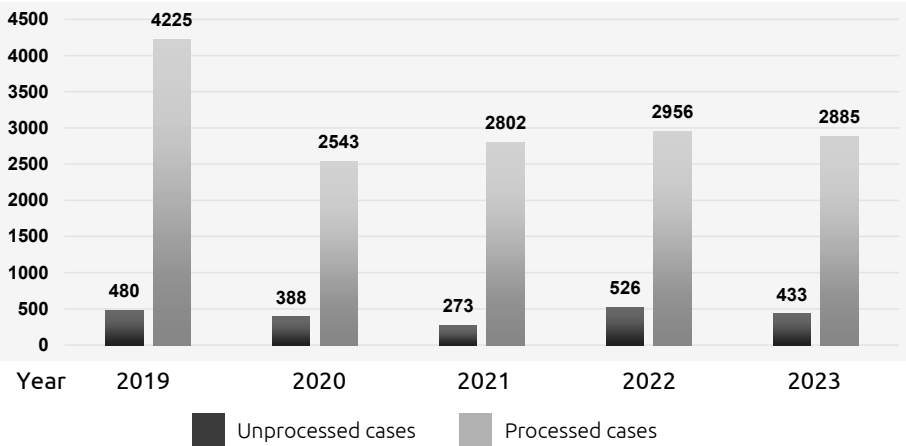
Table 2: The areas in which the complains are submitted per year.

	2018	2019	2020	2021	2022	2023
Judiciary	945	639	406	436	534	488
Labor relations	335	282	258	218	288	267
Children's rights	153	246	111	254	252	231
Penal – correctional inst.	247	267	166	162	206	166
Other	1778	2019	1507	1616	1929	1650
Total	3458	3453	2448	2686	3209	2802

Source: The Annual Report of the Ombudsman on the degree of granting, upholding, enhancement and protection of the human rights and freedoms, 2023.

Approximately 1/3 of the received cases are not processes in the ongoing year, meaning the office does not have sufficient capacities to proceed all the received complains annually.

Table 3: The number of the processed cases by the Ombudsman office vis a vis non processed cases per year.

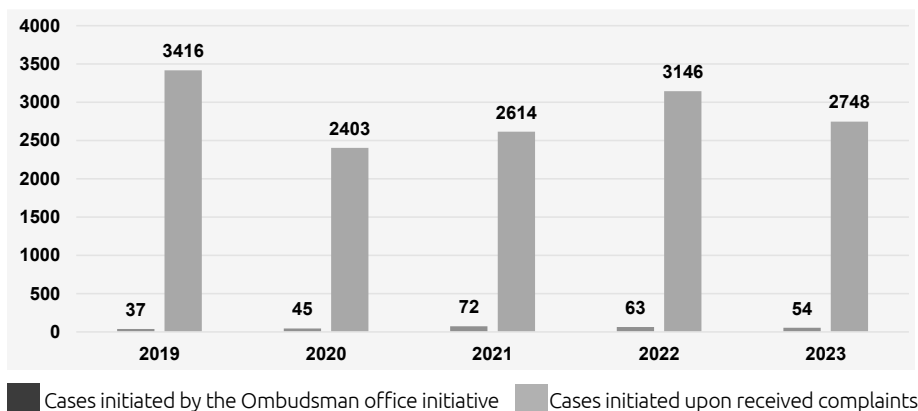


Source: Data from the Annual reports of the Ombudsman on the degree of granting, upholding, enhancement and protection of the human rights and freedoms, for years 2019–2023, compiled and processed by CCM.

Most of the cases are initiated upon individual complaints, or complains logged by the CSOs or group of citizens, and a very small number are initiated by the Ombudsman office. For example, in 2023, only 1,93% cases are formed by the Ombudsman office own initiative, i.e. upon “heard voice” (Annual Report, 2023). That can be accounted to the Ombudsman office lack in equipped personnel and understaffed, but as well as the restrictions that institution faces as a result of its semi-independent position within the political system and its codependence on the other institutions (for example Ministry of Finance approval over the Ombudsman institution budget, etc.). Additionally, still six out of ten Deputy Ombudspersons are not yet elected by the Parliament (European Commission, 2024).

When processed and directed towards the public institutions, at the first indication only in 20% of the institutions are acting and responding. This number increases as the Ombudsman office repeats its quests. The number of 20% corresponds only with response towards Ombudsman office, and does not indicates resolving of the cases, or acting upon Ombudsman remarks. This clearly shows that institutionally and practically, the Ombudsman office inquires do not have such a strong impact over the concerned institutions.

Table 4: Cases initiated by the Ombudsman own initiative *vis a vis* complains lodged by the other parties' complaints.

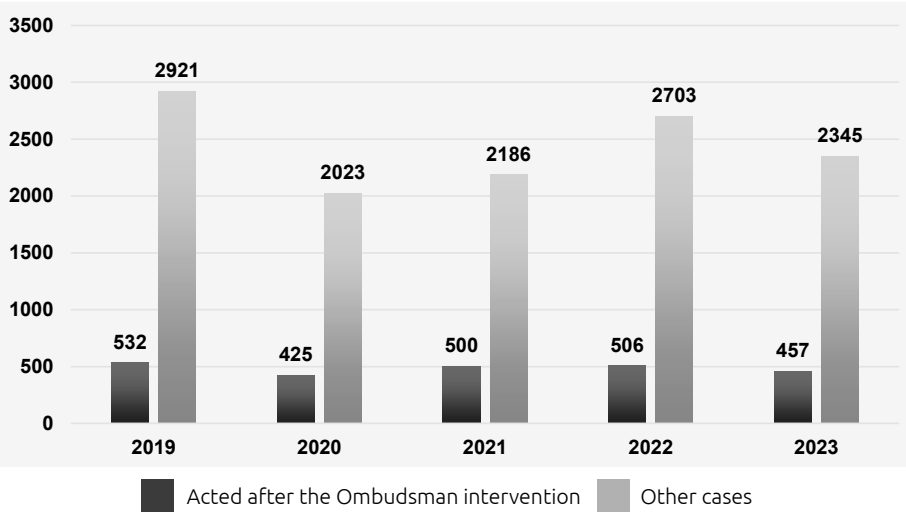


Source: data from the Annual reports of the Ombudsman on the degree of granting, upholding, enhancement and protection of the human rights and freedoms, for years 2019-2023, compiled and processed by CCM.

Based on the interviews conducted with the relevant officials, the institutions in the public sector are often reluctant towards Ombudsman office findings. Additionally, its annual reports that summarize office work in one calendar year reflecting the human rights situation in the country, are not seriously taken into account by the public sector. Often the Ombudsman's Annual Report is adopted late, at the last yearly session of the Parliament, and due to the short deadline, there is no debate in regards the implementation of the recommendations part of the previous annual report. According to the deputy Ombudsman, in the last two years, no measures have been adopted that need to be followed up, but only recommendations (Interview with Deputy Ombudsman Jovan Andonovski). Considering the implementation of the right to good administration and principles of good governance, the Ombudsman office does not keep separate statistics on complaints against the administration in respect of the legality, transparency, accountability, responsibility, conflict of interest, use of discretionary powers, etc., or at least they are not public. The reasons for this can be found in the challenges that the institution generally faces and its primary focus on the field on human rights protection instead of monitoring of the administrative conducts. As a result of its obviously weak position within the political system, according to the obtained insights, in general, only 50% of the institutions are responding to the Ombudsman's remarks; 30% of them react only after a second, or a third indication that they have not responded; and 15% of the institutions never respond to the Ombudsman inquiries. Considering the responses that Ombudsman receives, 40% of them are strictly formal, indicating that the remark was received and the institution will consider it, and 60% are content-wise. The ones that evade the most the Ombudsman remarks are the bodies that have special powers (Commissions, Agencies, etc.), as well as the prosecutor's offices, the Ministry of Internal Affairs, and the National Security Agency. How-

ever, after verification that there has been a violation of the law in respect to the human rights, the number of the institutions that are acting towards Ombudsman's recommendations increases up to the 70% in total. When there is no response from the appropriate institution, the Ombudsman addresses the hierarchically higher authority, and in 2023, that happened 22 times. Although certain issues require a confrontation between the Ombudsman and the authority to which it relates, the Government does not organize such discussions. The institution authority is not called to explain its position, and the Government only relies to the given answer in written form. That does not mean that the answer is adequate, considers the Ombudsman in office Naser Ziberi (Interview with Ombudsman Naser Ziberi). In addition, the Ombudsman as an institution does not enjoy full independence but is dependent in respect of the personnel, finances, and facilities. The institution does not have a sufficient budget to fully exercise its powers, as well as to network within international and regional associations of Ombudsman (Sakam da kazam, 2016). The Macedonian Ombudsman cooperates with the European Ombudsman, but in the European Ombudsman Association is a member - observer, i.e. an institution with status B, precisely because of its dependent position.

Table 5: The cases upon the institutions acted after the Ombudsman intervention vis a vis the cases that haven't been any actions even after the Ombudsman intervention per year.



Source: data from the Annual reports of the Ombudsman on the degree of granting, upholding, enhancement and protection of the human rights and freedoms, for years 2019-2023, compiled and processed by CCM.

4 Discussion

The Ombudsman in its acting supports the principle of good governance and helps to reach democratic standards. In protecting human rights, the Ombudsman's office does not make binding decisions and impose sanctions;

however, it has strong, informal power that exceeds the formal limits and directly influences society. It is evident that in North Macedonia the Ombudsman's role in promoting good governance principles is not so prominent, and to take a step forward the institution itself should get a more notable place in the democratic system that has tendencies to join the EU. The standards should be in place, and aligned with EU standards, but even more, a strong emphasis should be given to their implementation. To begin with, the extent to which institutions cooperate with the Ombudsman's Office has to increase. Nonetheless, the cooperation is not a result of success but a level of institutional response towards the Ombudsman's remarks. It is without doubt that this is not in consideration of a formal, provisional response, but it is related to the response that systematically and coherently addressed the Ombudsman's remarks. That non responsiveness points towards low level of public accountability of the public authorities and the public administration. Besides the responsibility related to the institutional responsiveness to the Ombudsman remarks, the Ombudsman office needs to ensure a more systematic way for monitoring the implementation of its findings, as well as to measure implementation progress when addressing indicated shortcomings. That will increase the general transparency. Those aspects are important because in North Macedonia the citizens' right to good administration is supported by the legal framework, but its implementation remains highly questionable, and even it in North Macedonia is a human right Ombudsman, the right to good governance is as well a right that has to be protected. Considering the general remarks about the functioning of the administration, that right is constantly violated since the institutions are not proactively publishing public data, the administrative disputes are unreasonably delayed, the appeal procedures are complex and lengthy, and the procedural shortcomings are common (European Commission, 2023). Additionally, the debates in Parliament on Ombudsman reports are very limited, and there is need the Ombudsman findings and recommendations to be followed up more systematically and that can increase public scrutiny over the work of the authorities, as well over the work of the Ombudsman institution. All of that indicated above is pointing that so far there has been lack of developments and progress related to the citizens' rights to good administration (European Commission, 2024).

To improve this situation, the Ombudsman's role in general needs to be strengthened, and at the same time to be promoted as one of the mechanisms that should secure good governance principles and effectuate the right to good administration. Being the candidate country for EU membership, North Macedonia's public sector should raise up to certain standards (European Commission, 2024).

It is without doubt that the Ombudsman should fully implement legally given competencies. The most important power at the Ombudsman's disposal is the publication of its annual reports. These reports carry significant moral and political weight, which should lead to voluntary compliance by institutions towards Ombudsman's remarks. This activity creates pressure on public officeholders and public institutions and it increases their accountability

(Sobaci and Hatipoğlu, 2023). Given the scope of work and diversity of the Ombudsman activity, the aspect of good governance needs to be stressed whereas the special reports need to be created that investigate systemic deficiencies in the administrative system. Through this activity, the Ombudsman can contribute towards achieving good governance standards, a topic that is particularly relevant not only for the EU candidate countries but also for EU member states. Creating a common administrative space, in which EU citizens can protect their rights concerning the European administration precisely through the European Ombudsman, is proof of that (ComPact, 2023). Such a commitment in North Macedonia would not discredit the rest of the Ombudsman's work but it will strengthen it. In this way, a general overview of the administration's acting toward citizens' rights would be secured, and the rights related to the separate categories of citizens (prisoners, residents of psychiatric institutions, the elderly, children...) could be a part of separate, special reports that will promote the work of the Ombudsman as a human rights defender. Currently, the annual reports of the Office of the Ombudsman in North Macedonia have been focusing on the protection of the rights of numerous categories of citizens, but not on the general acting of the administration that violates those rights. The more focused approach will effectuate the principles of good governance and in the same time will secure more scrutiny over human rights protection. Additionally, following the European Code of Good Governance (European Code, 2002), the Ombudsman of North Macedonia can create a National Code of Good Governance, as a set of standards that citizens can expect from the administrative acting. The Ombudsman should also keep separate statistics on complaints against the administration regarding the right to good administration that in itself embodies the good governance principles (legality, transparency, accountability, responsibility, conflict of interest, discretionary powers, etc.). To secure its role as a promotor of good governance principles, the Ombudsman institution should create not only quantitative but qualitative reports related to the work of the administration that can be publicized periodically. To achieve this, cooperation with the European Ombudsman should be strengthened and the EU's good practices should be considered. In these endeavours, the Ombudsman should really on media support. The media and the civil society sector can help the institution to put pressure, influence public opinion, as well as to encourage citizen activism aimed at change (Sobaci and Hatipoğlu, 2023). The role of the Ombudsman is greater than simply handling complaints, and the institution should be focused more on raising public awareness about the general effectiveness and efficiency of the public administration (Interview with State Counselor in the Ombudsman's Office, Vaska Bajramovska Mustafa). Additionally, to achieve the above-mentioned standards, and towards the successful functioning of the Ombudsman institution in general, it is necessary to monitor the institutional implementation of the recommendations arising from it. This will put pressure on the administration and will strengthen responsibility and accountability in the implementation of these recommendations, which are again in the direction of good governance protection. These special efforts will help towards society democratization that in recent

years has been in decline (n.b. For instance, the latest democracy index points that the Republic of North Macedonia is ranked 68th out of 210 countries and territories in the world, as a partially free country in the exercise of civil liberties and rights, Freedom House, 2024).

The tendency towards EU membership and public administration reforms can help in those endeavours, but so far, the EU recommendations have not been addressed consistently, and the European Commission is repeating them yearly. The Commission is notifying the lack of Parliamentary consensus for adopting important laws related to public administration reform, as well as the laws that were supposed to improve the status of the Ombudsman's office. The debate in the Parliament on the reports of the Ombudsman continued to be very limited and the Commission pointed to the absence of progress in citizens' rights to good administration. This has to be further addressed as well as the need for the allocation of the necessary resources for the Ombudsman Office to be able to fulfil its mandate (European Commission, 2024). Apart from this, the financial independence of the institution has to be strengthened. In this line, it is important to mention that the State Audit Office recently identified systemic weaknesses, i.e. pointed out inconsistent and imprecise legal regulations that regulate the status, rights, and obligations of the Ombudsman's office employees, as well as the procedure for the election and appointment of the Ombudsman's deputies (State Audit Office, 2023). All of these recommendations are recurrent but there is no systematic response towards them yet.

Despite technical and legal challenges, in addition to responding to the citizens' complaints, the Ombudsman should also act on his own initiative and so far, the institution is not so notably proactive. The Ombudsman needs to maintain neutrality, but also to ensure due respect in society. For the Ombudsman to be successful, citizens need to believe that their complaints will have a result and that the actions taken by the institutions will be objective. The integrity of the Ombudsman contributes to increasing citizens' trust in the Ombudsman institution, as well as in the public institutions. Citizens should have a high awareness of the institution; they should be informed about the procedures before it and the institution should always be accessible. To increase the visibility of the institution and emphasize its practical work, in addition to legal requirements, modern technical solutions are undoubtedly needed.

All those factors affect the success of the institution but also point to weaknesses where action needs to be taken. To improve, continuous efforts are necessary to address the shortcomings that are continuously highlighted by current and former responsible persons of the Ombudsman office, as well as by the professional and general public. In North Macedonia, the Ombudsman's Office has good cooperation with the media and civil sector, but there is a need for even stronger cooperation. In addition to appropriate legal and technical solutions, for the effectiveness of the Ombudsman, it is essential to have high standards of democracy and civic awareness that are mutually interconnected.

5 Conclusion

This paper is based on research aimed at understanding the role of the Ombudsman in upholding the principles of good governance, specifically in protecting and promoting citizens' rights in a democratic framework. The research focused on the work of the Ombudsman in North Macedonia, examining its authority over public institutions and the services they provide to citizens. The Ombudsman is empowered to protect the human rights and freedoms of individuals or groups when they are violated by state authorities. It is a flexible and dynamic institution. Many countries around the world have established an Ombudsman institution at different levels of government (national, state, regional, and local), for different social groups (such as the disabled, children, women, and minorities) and in different sectors (such as universities, media, health services, etc.). However, it is difficult to say that the Ombudsman institution is very powerful and functions successfully in every country. For a powerful Ombudsman, some requirements need to be met, including maintaining the independence of the institution. A prerequisite for this is that the functioning of the Ombudsman institution is guaranteed by a constitution and laws, and this relates to the appointment of the Ombudsman and its conditions regarding the repeatability and duration of the mandate, and the resources that are at the institution's disposal.

The Ombudsman also contributes to the efficient and effective operation of public administration, helps achieve democratic standards, and promotes the principles of good governance. However, the Ombudsman in North Macedonia faces several challenges. It does not maintain separate statistics for complaints against the administration (upon the right to good administration), or if such statistics exist, they are not made public. There is also a weak response from the public institutions to the Ombudsman's remarks, including missed hearings before the Government, delayed adoption of annual reports by the Parliament, and absence of subsequent measures that should address the Ombudsman's remarks. Moreover, the Ombudsman institution does not enjoy complete independence. It is crucial to highlight the role of the Ombudsman in fostering good governance—a necessary condition for the protection of citizens' rights. Systematic monitoring of the achievement of standards in this area is essential.

There is no doubt that changes towards a modern Ombudsman institution are needed in North Macedonia not only for upholding human rights but also for democratization and protection and promotion of good governance principles. It is evident that the Ombudsman of North Macedonia is not operating at its full potential in contributing to administrative efficiency and the promotion of good governance principles. Its engagement in these areas can be characterized as moderate at best, and response of the public authorities towards its findings notably limited. This underperformance stems not only from systemic barriers—such as legal, institutional, and resource-related constraints—but also from internal shortcomings, including moderate to low level of self-initiative, i.e. an inclination toward passivity in addressing key governance challenges.

5.1 Recommendations for Improvement

Based on the conduct research and performed analysis, several recommendations can be envisaged. To strengthen the role and impact of the Ombudsman, there is need to modernize and reinforce both its internal methodology of working and its external influence over the system of governance. To begin with, the Ombudsman's Annual Report should be revised to reflect the principles of good governance—principles that are especially significant in the context of the European Union and its commitment to a shared administrative space. Therefore, a fresh approach to the structure and preparation of the Annual Reports is needed. Rather than compiling a single comprehensive report, the Ombudsman should consider separating findings into thematic reports, each dedicated to specific vulnerable groups—such as prisoners, individuals in psychiatric institutions, and elderly people, as well as compiling a special report that will deal with defects and flows of the administrative acting. This would allow for more detailed analyses and targeted policy responses. Equally important is the need for systematic monitoring of the implementation of the Ombudsman's recommendations. Public administration should not only be informed of these findings but held accountable for addressing them. This is a two-sided aspect, but for the general aspects of accountability, it is crucial that the Annual Report is reviewed in a timely manner—well before the final annual parliamentary session. Early review would enable substantive debate on the level of implementation of previous recommendations, allow space for the adoption of new measures based on the latest findings and keep the public institution accountable for their acting or omission to act. In that respect, both the Government and Parliament must assume responsibility for responding to the Ombudsman's reports. Their inaction, or failure to follow up on critical issues, should be subject to scrutiny. At the same time, the visibility of the Ombudsman must be increased. Citizens need to be more aware of the institution's protective role, and public administration should recognize it as a vital check on executive power. The introduction of a National Code of Good Administration—that can be modelled like the European Code—could serve as a practical tool to standardize administrative behaviour and improve service delivery. Education is also key. Both citizens and public servants should be informed about the Ombudsman's work and its importance in safeguarding rights. Public institutions, in turn, should become more proactive in engaging with the Ombudsman's office and acting on its guidance. Finally, to truly empower the Ombudsman, systemic barriers must be dismantled. This includes enacting legal reforms that solidify the office's authority, and ensuring its operational independence through adequate staffing, space, and financial resources. Legal and administrative reforms should not take place in isolation; they must be accompanied by improvements in the overall political climate and the strengthening of democratic values and practices. Only under such conditions can the Ombudsman effectively carry out its mandate to protect human rights and in the same time to promote good governance principles.

This article is a revised version of the monograph entitled “Народниот правобранител во заштита на правото на добра администрација” (The Ombudsman in the protection of the right to good administration), and a result of the project “Enhancement of Governance and Public Administration Reforms” funded by the National Endowment for Democracy (NED) and implemented by the Center for Change Management (CCM).

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