



SPANISH CONSTITUTION

ORGANIC ACT REGARDING THE SPANISH OMBUDSMAN

REGULATION ON ORGANIZATION
AND FUNCTIONING

All or parts of the text of this publication may be reproduced providing the source is credited.

Under no circumstances may reproductions of this document be used for profit.

© Defensor del Pueblo

P.º Eduardo Dato, 31 – 28010 Madrid

Biblioteca@defensordelpueblo

<http://www.defensordelpueblo.es>

Contents

SPANISH CONSTITUTION OF DECEMBER 27, 1978 (article 54)	5
ORGANIC ACT 3/1981, APRIL 6 th , REGARDING THE OMBUDSMAN	6
PART ONE: Appointment, functions and term of office.....	6
CHAPTER ONE: Nature and appointment	6
CHAPTER II: Dismissal and replacement	7
CHAPTER III: Prerogatives, immunities and incompatibilities.....	8
CHAPTER IV: The Deputy Ombudsmen	8
PART II: Procedure.....	9
CHAPTER ONE: Initiation and scope of investigations	9
CHAPTER II: Scope of competence	10
CHAPTER III: Complaints procedure.....	10
CHAPTER IV: Obligatory cooperation of bodies requested to do so.....	11
CHAPTER V: Confidential documents.....	12
CHAPTER VI: Responsibilities of authorities and civil servants	13
CHAPTER VII: Reimbursement of expenses to individuals	14
PART III: Decisions	14
CHAPTER ONE: Content of decisions.....	14
CHAPTER II: Notifications and communications	15
CHAPTER III: Reports to Parliament	15
PART IV: Human and financial resources	16
CHAPTER ONE: Staff	16
CHAPTER II: Financial resources.....	16
TRANSITORY PROVISION	16
SOLE FINAL PROVISION: National Preventive Mechanism against Torture One	17
ORGANIZATION AND FUNCTIONING REGULATIONS OF THE OMBUDSMAN.....	18
I. GENERAL PROVISIONS.....	18
II. ON THE OMBUDSMAN	19
III. THE DEPUTY OMBUDSMEN.....	21
IV. ON THE COORDINATION AND INTERNAL REGIME BOARD	23
V. ADVISORY COUNCIL OF THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE ...	24
VI. ON THE GENERAL SECRETARY.....	26
VII. PRESENTATION, INSTRUCTION AND INVESTIGATION OF COMPLAINTS.....	27
VIII. STAFF IN THE OMBUDSMAN'S SERVICE	28

IX. DISCIPLINARY REGIME.....	29
X. ECONOMIC SYSTEM	30
ADDITIONAL PROVISION	31
TRANSITORY PROVISION	31
FINAL PROVISION	31

SPANISH CONSTITUTION OF DECEMBER 27, 1978 (article 54)

TITLE I : Concerning fundamental rights and duties

CHAPTER FOUR: Concerning the guaranteeing of fundamental rights and liberties

Article 54. An organic law shall regulate the institution of Defender of the People [Ombudsman], who shall be a high commissioner of Cortes Generales, appointed by them to defend the rights contained in this Title; for this purpose he may supervise Administration activities and report thereon to the Cortes Generales [Parliament].¹

¹ The name of the Ombudsman in Spanish is «Defensor del Pueblo» (The Defender of the People). The name of the Spanish Parliament is «Cortes Generales» (the General Assembly); it comprises a Lower House, the Congress, and an Upper House, the Senate.

ORGANIC ACT 3/1981, APRIL 6th, REGARDING THE OMBUDSMAN

(Boletín Oficial del Estado (BOE) [Official Journal] No. 109, of 7 May 1981)²

PART ONE: Appointment, functions and term of office

CHAPTER ONE: Nature and appointment

Article 1. The Ombudsman is the High Commissioner of Parliament appointed by it to defend the rights established in Part I of the Constitution, for which purpose he may supervise the activities of the Administration and report thereon to Parliament. He shall exercise the functions entrusted to him by the Constitution and this Act.

Article 2.

1. The Ombudsman shall be elected by Parliament for a term of five years, and shall address it through the Speakers of the Congress and the Senate, respectively.
2. A Joint Congress-Senate Committee shall be appointed by Parliament, to be responsible for liaison with the Ombudsman and for reporting thereon to their respective Plenums whenever necessary³.
3. This Committee shall meet whenever so jointly decided by the Speakers of the Congress and the Senate and, in all cases, in order to propose to the Plenums the candidate or candidates for the Ombudsman. The Committee's decisions shall be adopted by simple majority⁴.
4. Once the candidate or candidates have been proposed, a Congressional Plenum shall be held once no less than ten days have elapsed in order to elect him. The candidate who obtains the favourable vote of three-fifths of the Members of Congress, and is subsequently ratified by the Senate within a maximum of twenty days and by this same majority, shall be appointed.
5. Should the aforementioned majorities not be obtained, a further meeting of the Committee shall be held within a maximum of one month in order to make further proposals. In such cases, once a three-fifths majority has been obtained in Congress, the appointment shall be made when an absolute majority is obtained in the Senate.

² Modified by Organic Act 2/1992, dated March 5th (BOE No. 57, of 6 March).

³ Drafted according to Organic Act 2/1992, March 5th, amending Organic Act 3/1981 Regarding the Ombudsman, for the purpose of establishing a Joint Congress-Senate Committee for liaison with the Ombudsman.

⁴ Drafted according to Organic Act 2/1992, dated March 5th.

6. Following the appointment of the Ombudsman, the Joint CongressSenate Committee shall meet again in order to give its prior consent to the appointment of the Deputy Ombudsmen proposed by him.

Article 3. Any Spanish citizen of legal age and enjoys full civil and political rights may be elected Ombudsman.

Article 4.

1. The Speakers of the Congress and the Senate shall jointly authorize with their signatures the appointment of the Ombudsman, which shall be published in the Boletín Oficial del Estado.
2. The Ombudsman shall take office in the presence of the Procedures Committees of both Houses meeting jointly, and shall take oath or promise to perform his duties faithfully.

CHAPTER II: Dismissal and replacement

Article 5.

1. The Ombudsman shall be relieved from duty in any of the following cases:
 - a) Resignation.
 - b) Expiry of this term of office.
 - c) Death or unexpected incapacity.
 - d) Flagrant negligence in fulfilling the obligations and duties of his office.
 - e) Non-appealable criminal conviction.
2. The post shall be declared vacant by the Speaker of Congress in the event of death, resignation or expiry of the term of office. In all other cases it shall be decided by a three-fifths majority of the Members of each House, following debate and the granting of an audience to the person concerned.
3. Upon the post becoming vacant, the procedure for appointing a new Ombudsman shall be commenced within one month.
4. In the event of the death, dismissal or temporary or permanent incapacity of the Ombudsman, and until Parliament makes a subsequent appointment, the Deputy Ombudsmen, in order of seniority, shall fulfil his duties.

CHAPTER III: Prerogatives, immunities and incompatibilities

Article 6.

1. The Ombudsman shall not be subject to any binding terms of reference whatsoever. He shall not receive instructions from any authority. He shall perform his duties independently and according to his own criteria.
2. The Ombudsman shall enjoy immunity. He may not be arrested, subjected to disciplinary proceeding, fined, prosecuted or judged on account of opinions he may express or acts he may commit in performing the duties of his office.
3. In all other cases, and while he continues to perform his duties, the Ombudsman may not be arrested or held in custody except in the event of *in flagrante delicto*; in decisions regarding his accusation, imprisonment, prosecution and trial the Criminal Division of the High Court has exclusive jurisdiction.
4. The aforementioned rules shall be applicable to the Deputy Ombudsmen in the performance of their duties.

Article 7.

1. The post of Ombudsman is incompatible with any elected office; with any political position or activities involving political propaganda; with remaining in active service in any Public Administration; with belonging to a political party or performing management duties in a political party or in a trade union, association or foundation, or employment in the service thereof; with practising the professions of judge or prosecutor; and with any liberal profession, or business or working activity.
2. Within ten days of his appointment and before taking office, the Ombudsman must terminate any situation of incompatibility that may affect him, it being understood that in failing to do so he thereby rejects his appointment.
3. If the incompatibility should arise after taking office, it is understood that he shall resign therefrom on the date that the incompatibility occurs.

CHAPTER IV: The Deputy Ombudsmen

Article 8.

1. The Ombudsman shall be assisted by a First Deputy Ombudsman and a Second Deputy Ombudsman to whom he may delegate his duties and who shall replace him, in hierarchical order, in their fulfilment, in the event of his temporary incapacity or his dismissal.
2. The Ombudsman shall appoint and dismiss his Deputy Ombudsmen, following approval by both Houses, in accordance with their Regulations.
3. The appointments of the Deputies shall be published in the Boletín Oficial del Estado.
4. The provisions contained in Articles 3, 6 and 7 of this Act regarding the Ombudsman shall be applicable to his Deputies.

PART II: Procedure

CHAPTER ONE: Initiation and scope of investigations

Article 9.

1. The Ombudsman may instigate and pursue, ex officio or in response to a request from the party concerned, any investigation conducive to clarifying the actions or decisions of the Public Administration and its agents regarding citizens, as established in the provisions of Article 103.1 of the Constitution and the respectful observance it requires of the rights proclaimed in Part I thereof.
2. The Ombudsman has authority to investigate the activities of Ministers, administrative authorities, civil servants and any person acting in the service of the Public Administration.

Article 10.

1. Any individual or legal entity who invokes a legitimate interest may address the Ombudsman, without any restrictions whatsoever. There shall be no legal impediments on the grounds of nationality, residence, gender, legal minority, legal incapacity, confinement in a penitential institution or, in general, any special relationship of subordination to or dependence on a Public Administration or authority.
2. Individual Deputies and Senators, investigatory Committees or those connected with the general or partial defence of public rights and liberties and, especially, those established in Parliament to liaise with the Ombudsman, may, in writing and stating their grounds, request the intervention of the Ombudsman to investigate or clarify the actions, decisions or specific conduct of the Public Administration which may affect an individual citizen or group of citizens and which fall within his competence⁵.
3. No administrative authority may submit complaints to the Ombudsman regarding affairs within its own competence.

Article 11.

1. The activities of the Ombudsman shall not be interrupted in the event that Parliament is not in session, has been dissolved, or its mandate has expired.
2. In the circumstances described in the previous paragraph, the Ombudsman shall address the Standing Committees of the Houses of Parliament.
3. The declaration of a state of emergency or siege shall not interrupt the activities of the Ombudsman, nor the right of citizens to have access to him, without prejudice to the provisions of Article 55 of the Constitution.

⁵ Drafted according to Organic Act 2/1992, dated March 5th.

CHAPTER II: Scope of competence

Article 12.

1. The Ombudsman may in all cases, whether ex officio or at the request of a party concerned, supervise the activities of the Autonomous Communities, within the scope of competence defined by this Act.
2. For the purposes of the previous paragraph, Autonomous Community bodies similar to the Ombudsman shall coordinate their functions with the latter, who may request their cooperation.

Article 13. Whenever the Ombudsman receives complaints regarding the functioning of the Administration of Justice, he must refer them to the Public Prosecutor to allow the latter to investigate their foundation and take appropriate legal action, or else refer them to the General Council of the Judiciary, according to the type of complaint involved, independently of any reference that he may make to the matter in his annual report to Parliament.

Article 14. The Ombudsman shall protect the rights proclaimed in Part I of the Constitution in the field of Military Administration, without however causing any interference in the command of National Defence.

CHAPTER III: Complaints procedure

Article 15.

1. All complaints submitted must be signed by the party concerned, giving his name and address in a document stating the ground for the complaint, on ordinary paper and within a maximum of one year from the time of becoming acquainted with the matters giving rise to it.
2. All action by the Ombudsman shall be free of charge for the party concerned, and attendance by a lawyer or solicitor shall not be compulsory. Receipt of all complaints shall be acknowledged.

Article 16.

1. Correspondence addressed to the Ombudsman from any institution of detention, confinement or custody may not be subjected to any form of censorship whatsoever.
2. Nor may the conversations which take place between the Ombudsman or his delegates and any other person enumerated in the previous paragraph be listened to or interfered with.

Article 17.

1. The Ombudsman shall record and acknowledge receipt of the complaints made, which he shall either proceed with or reject. In the latter case, he shall do so in writing,

stating his reasons. He may inform the party concerned about the most appropriate channels for taking action if, in his opinion, these exist, independently of the fact that the party concerned may adopt those it considers to be most pertinent.

2. The Ombudsman shall not investigate individually any complaints that are pending judicial decision, and he shall suspend any investigation already commenced if a claim or appeal is lodged by the person concerned before the ordinary courts or the Constitutional Court. However, this shall not prevent the investigation of general problems raised in the complaints submitted. In all cases, he shall ensure that the Administration, in due time and manner, resolves the requests and appeals that have been submitted to it.
3. The Ombudsman shall reject anonymous complaints and may reject those in which he perceives bad faith, lack of grounds or an unfounded claim, and in addition those whose investigation might infringe the legitimate rights of a third party. His decisions may not be appealed.

Article 18.

1. Once a complaint has been accepted, the Ombudsman shall begin appropriate summary informal investigations to clarify the allegations contained therein. In all cases he shall report the substance of the complaint to the pertinent administrative agency or office for the purpose of ensuring that a written report be submitted within fifteen days by its director. This period may be extended if, in the opinion of the Ombudsman, circumstances so warrant.
2. Refusal or failure on the part of the civil servant or his superiors responsible for sending the initial report requested may be considered by the Ombudsman as a hostile act which obstructs his functions. He shall immediately make such an act public and draw attention to it in his annual or special report, as the case may be, to Parliament.

CHAPTER IV: Obligatory cooperation of bodies requested to do so

Article 19.

1. All public authorities are obliged to give preferential and urgent assistance to the Ombudsman in his investigations and inspections.
2. During the stage of verifying and investigating a complaint or in the case or proceedings initiated ex officio, the Ombudsman, his Deputy, or the person delegated by him may present himself at any establishment of the Public Administration or attached thereto or responsible for a public service, in order to verify any necessary information, hold relevant personal interviews or examine pertinent records and documents.
3. In the pursuit of this objective he may not be denied access to any administrative record or document related to the activity or service under investigation, without prejudice to the provisions of Article 22 of this Act.

Article 20.

1. Should the complaint to be investigated concern the conduct of persons in the service of the Administration in connection with the duties they perform, the Ombudsman shall so inform them and the immediate superior or body to which the former are attached.
2. The persons concerned shall reply in writing, supplying whatever documents and supporting evidence they may consider appropriate, within the period established, which in no case may be less than ten days and which may be extended at their request by half the period originally granted.
3. The Ombudsman may verify the veracity of such documents and propose to the civil servant concerned that he be interviewed, in order to furnish further details. Civil servants who refuse to comply may be required by the Ombudsman to submit to him in writing the reasons justifying their decision.
4. The information a civil servant may furnish through personal testimony in the course of an investigation shall be treated as confidential, subject to the provisions of the Criminal Procedure Act regarding the reporting of acts which may constitute criminal offences.

Article 21. Should a hierarchical superior or entity forbid a civil servant under his orders or in its service from replying to a demand from the Ombudsman or from holding an interview with him, he or it must state such prohibition in writing, justifying such action, both to the civil servant and to the Ombudsman himself. The Ombudsman shall thereafter direct whatever investigatory procedures may be necessary to the aforesaid hierarchical superior.

CHAPTER V: Confidential documents**Article 22.**

1. The Ombudsman may request the public authorities to furnish all the documents he considers necessary to the performance of his duties, including those classified as confidential. In the latter case, the failure to furnish said documents must be approved by the Council of Ministers and accompanied by a document attesting to their approval of such refusal.
2. The investigations and relevant procedures conducted by the Ombudsman and his staff shall be performed in absolute secrecy, with respect to both private individuals and offices and other public bodies, without prejudice to the considerations that the Ombudsman may consider appropriate for inclusion in his reports to Parliament. Special measures of protection shall be taken concerning documents classified as confidential.
3. Should he be of the opinion that a document declared to be confidential and not made available by the Administration could decisively affect the progress of his investigation,

he shall notify the Joint Congress-Senate Committee referred to in Article 2 of this Act⁶.

CHAPTER VI: Responsibilities of authorities and civil servants

Article 23. Should the investigations conducted reveal that the complaint was presumably the result of abuse, arbitrariness, discrimination, error, negligence or omission on the part of a civil servant, the Ombudsman may request the person concerned to state his views on the matter. On the same date he shall send a copy of this letter to the civil servant's hierarchical superior, accompanied by any suggestions that he may consider appropriate.

Article 24.

1. Persistence in a hostile attitude or the hindering of the work of the Ombudsman by anybody, civil servants, officials or persons in the service of the Public Administration may be the subject of a special report, in addition to being stressed in the appropriate section of his annual report.
2. (Repealed)⁷

Article 25.

1. If, in the performance of the duties of his office, the Ombudsman should obtain knowledge of presumably criminal acts or behaviour, he must immediately notify the State Prosecutor-General.
2. The above notwithstanding, the State Prosecutor-General shall inform the Ombudsman periodically, or whenever so requested by the latter, of the proceedings instituted at his request.
3. The State Prosecutor-General shall notify the Ombudsman of all possible administrative irregularities with which the Public Prosecutor becomes aware in the performance of his duties.

⁶ Drafted according to Organic Act 2/1992, dated March 5th.

⁷ Repealed in accordance with sub-section 1.f of the Sole Repeal Provision of Organic Act 10/1995, dated November 23rd, which establishes the following in its article 502 (Hindering the enquires by House Committees and investigative bodies), points 1 and 2:

«1. Anyone who, having been properly requested in law with due warning, fails to put in an appearance before an Investigative Committee of Parliament or a Legislative Assembly of a Regional Community shall be punished for being guilty of the offence of disobedience. If the party so found guilty were a public authority or a public servant, an additional sentence of suspension from the position or public office held for a term of form six months to two years will be imposed.

2. The same penalties will be imposed on any civil servant or public authority obstructing an investigation by the Ombudsman, Auditing Tribunal or equivalent organs of a Regional Community by refusing to send or unduly delaying the dispatch of reports requested or by hindering access to the administrative records or documents necessary for such investigation»

Article 26. The Ombudsman may, ex officio, bring actions for liability against all authorities, civil servants and governmental or administrative agents, including local agents, without needing under any circumstances to previously submit a written claim.

CHAPTER VII: Reimbursement of expenses to individuals

Article 27. Expenses incurred or material losses sustained by individuals who have not themselves lodged a complaint but are called upon by the Ombudsman to provide information shall be reimbursed; such expenses will be met from the latter's budget once duly justified.

PART III: Decisions

CHAPTER ONE: Content of decisions

Article 28.

1. Although not empowered to modify or overrule the acts and decisions of the Public Administration, the Ombudsman may nevertheless suggest modifications in the criteria employed in their production
2. If as a result of his investigations he should reach the conclusion that rigorous compliance with a regulation may lead to situations that are unfair or harmful to those persons thereby affected, he may suggest to the competent legislative body or the Administration that it be modified.
3. If action has been taken in connection with services rendered by private individuals with due administrative authorization, the Ombudsman may urge the competent administrative authorities to exercise their powers of inspection and sanction.

Article 29. The Ombudsman is entitled to lodge appeals alleging unconstitutionality and individual appeals for relief, as provided by the Constitution and the Organic Act Regarding the Constitutional Court.

Article 30.

1. The Ombudsman may, in the course of his investigations, give advice and make recommendations to authorities and officials in the Public Administration, remind them of their legal duties and make suggestions regarding the adoption of new measures. In all cases such authorities and officials shall be obliged to reply in writing within a maximum period of one month.
2. If within a reasonable period of time after such recommendations are made appropriate steps are not taken to implement them by the administrative authority concerned, or if the latter fails to inform the Ombudsman of its reasons for non-

compliance, the Ombudsman may inform the Minister of the Department concerned, or the highest authority of the Administration concerned, of the particulars of the case and the recommendations made. If adequate justification is not forthcoming, he shall mention the matter in his annual or special report, together with the names of the authorities or civil servants responsible for this situation, as a case in which although the Ombudsman thought that positive solution was possible, it was not however achieved.

CHAPTER II: Notifications and communications

Article 31.

1. The Ombudsman shall inform the party concerned of the results of his investigations and operations, and similarly of the reply from the Administration or civil servants involved, except in the event that on account of their subject matter they should be considered confidential or declared secret
2. Should his intervention have been initiated under the provisions of Article 10.2, the Ombudsman shall inform the Member of Parliament or competent committee that requested investigation of the matter and, upon its completion, of the results obtained. Equally, should he decide not to intervene he shall communicate his decision, giving his reasons.
3. The Ombudsman shall communicate the results of his investigations, whether positive or negative, to the authority, civil servant or administrative office in respect of which they were initiated.

CHAPTER III: Reports to Parliament

Article 32.

1. The Ombudsman shall inform Parliament annually of the action that he has taken in an annual report submitted to it when meeting in ordinary session.
2. When the seriousness or urgency of the situation makes it advisable to do so, he may submit a special report that he shall present to the Standing Committees of the Houses of Parliament, if these latter are not in session.
3. The annual reports and, when applicable, the special reports, shall be published.

Article 33.

1. The Ombudsman shall give an account in his annual report of the number and type of complaints filed, of those rejected and the reasons for their rejection, and of those investigated, together with the results of the investigations, specifying the suggestions or recommendations accepted by the Public Administrations.

2. No personal data that enables public identification of the parties involved in investigation proceedings shall appear in the report, without prejudice to the provisions of Article 24.1.
3. The report shall include an appendix, directed to Parliament, detailing the settlement of the budget of the institution during the corresponding period.
4. An oral summary of the report shall be presented by the Ombudsman to the Plenums of both Houses. It shall be open to debate by the parliamentary groups in order that they may state their positions.

PART IV: Human and financial resources

CHAPTER ONE: Staff

Article 34. The Ombudsman may freely appoint the advisers necessary for the execution of his duties, in accordance with the Regulations and within budgetary limits⁸.

Article 35.

1. Persons in the service of the Ombudsman shall, while so remaining, be deemed as being in the service of Parliament.
2. In the case of civil servants from the Public Administration, the position held by them prior to joining the office of the Ombudsman shall be reserved for them, and the time served with the latter shall be taken into consideration for all purposes.

Article 36. Deputy Ombudsmen and advisers shall automatically be relieved of their duties when a new Ombudsman, appointed by Parliament, takes office.

CHAPTER II: Financial resources

Article 37. The financial resources necessary for the operation of the institution shall constitute an item of the Parliamentary Budget.

TRANSITORY PROVISION

Five years after the coming into force of this Act, the Ombudsman may submit to Parliament a detailed report containing the amendments that he considers should be made thereto.

⁸ See the Regulations on the Organisation and Functioning of the Ombudsman, Chapter VIII, Staff in the Ombudsman's service.

SOLE FINAL PROVISION⁹: National Preventive Mechanism against Torture One

One. The Ombudsman shall perform the duties of the National Preventive Mechanism against Torture in accordance with the Constitution, this Act and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Two. An Advisory Board is created as a technical and legal cooperation body for the performance of the duties inherent to the National Preventive Mechanism against Torture and shall be chaired by the Deputy to whom the Ombudsman delegates the duties set out in this provision. The Regulation shall determine the structure, composition and operation of the Board

⁹ Introduced by art. 3 Organic Law 1/2009, 3rd November, supplementary to the Act for the reform of the procedural legislation for the establishment of the new Judicial Office, amending Organic Law 6/1985, 1 July, on the Judiciary (BOE No. 266, of 4 November 2009).

ORGANIZATION AND FUNCTIONING REGULATIONS OF THE OMBUDSMAN

(Boletín Oficial del Estado (BOE) [Official Journal] No. 92, of 18 April 1983)¹⁰

The Procedures Committees of Congress and Senate, in their joint meeting of 6 April 1983, approved, at the proposal of the Ombudsman, the Organisational and Functioning Regulations of this latter Institution under the terms inserted hereinafter:

I. GENERAL PROVISIONS

Article 1.

1. The Ombudsman, as High Commissioner of Parliament for the defence of the rights included in Part I of the Constitution, shall be able to supervise the activities of the Administration and report thereon to Parliament.
2. The Ombudsman shall perform the duties of the National Preventive Mechanism against Torture, foreseen on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 18 December 2002, and shall have responsibility for his activities to Parliament and the Subcommittee on Prevention of Torture of the United Nations.
3. The Ombudsman shall not be subject to any imperative mandate whatsoever. He shall receive instructions from no authority and shall undertake his duties with autonomy and in accordance with his judgement.
4. He shall exercise the duties entrusted to him by the Constitution and his Organic Act¹¹.

Article 2.

1. The Ombudsman shall enjoy immunity, and he may not be arrested, disciplined, fined, persecuted or tried on account of the opinions he formulates or the acts he undertakes in the exercise of the powers inherent to his office.
2. In other cases, and while he remains in the exercise of his duties, the Ombudsman may not be held in custody except in the event of *in flagrante delicto*.
The decision on accusation, prison, prosecution and trial falls exclusively to the Criminal Courtroom of the Supreme Court.
3. The above rules shall be applicable to Deputy Ombudsmen in the performance of their duties.
4. The above points shall be expressly noted in the official document to be issued by Parliament accrediting his status and office.

¹⁰ Modified by Resolutions of the Committees of the Congress of Deputies and of the Senate on 21 April 1992, 26 September 2000 and 25 January 2012 (BOE No. 99 of 24 April 1992, No. 261 of 31 October 2000 and No. 52 of 1 March 2012).

¹¹ Article drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

Article 3.

1. The Ombudsman has sole responsibility to Parliament for his management.
2. The Deputies are directly responsible to the Ombudsman for their management and also to the Joint Congress-Senate Committee for liaison with the Ombudsman¹².

Article 4. The election of Ombudsman and of the Deputies shall be done in accordance with the provisions contained in his Organic Act and in the Regulations of Congress of Deputies and of Senate, or of Parliament, as appropriate.

Article 5.

1. The governing and administrative functions of the institution of Ombudsman correspond to the holder of that office and to Deputies within the scope of their respective authorities.
2. For the exercise of his duties, the Ombudsman shall be assisted by a Coordination and Internal Regime Board.

Article 6. The appointment of Ombudsman or of the Deputies shall, if they are public civil servants, imply that they go over to a situation of special leave or equivalent in the Profession or Staff from whence they came.

Article 7.

1. The Ombudsman and the First and Second Deputies shall have the treatment that corresponds to their constitutional category. The Regulations of Parliament shall determine as appropriate with regard to their participation and order of precedence in official acts of the Houses or of Parliament.
2. Otherwise, it shall as established by general legislation in the subject.

II. ON THE OMBUDSMAN

Article 8. In addition to the basic competencies established in the Organic Act, it falls to the Ombudsman:

- a) To represent the institution.
- b) To propose Deputies, so that the Joint Congress-Senate Committee for liaison with the Ombudsman can grant its conformity prior to the appointment and resignation of them.
- c) To maintain direct liaison with Parliament via the Speaker of the Congress of Deputies, and with both Houses via their respective Speakers.
- d) To maintain direct liaison with the President and Vice-Presidents of the Government, Ministers and Secretaries of State, and with the Delegates of the Government in the Autonomous Communities.

¹² Article drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate in 21 April 1992.

- e) To maintain direct liaison with the Constitutional Court and with the General Council of the Judiciary, likewise via their Chief Justice and Chairman, respectively.
- f) To maintain direct liaison with the State Prosecutor-General.
- g) To maintain direct liaison with the Presidents of the Executive Councils of the Autonomous Communities and with similar bodies of Ombudsman that might be set up in those Communities.
- h) As for the National Preventive Mechanism, to nominate the President of the Advisory Council between his Deputies and nominate the Members that make it up, pursuant to the proceedings established in these Regulations.
- i) To convene and determine the agenda for meetings of the Coordination and Internal Regime Board and to direct its discussions.
- j) To establish the staff and proceed with the appointment and resignation of the General Secretary and personnel of the Institution's service.
- k) In accordance with the general guidelines set by the Committees of Congress and Senate, to approve the draft budget for the Institution and to agree to its being sent to the Speaker of Congress, for its final approval by those Committees and its incorporation into the budgets of Parliament.
- l) To set the guidelines for the enforcement of the budget.
- m) To exercise disciplinary powers.
- n) To approve the bases for the selection of staff and the contracting of works and supplies, pursuant to that established in articles 31 and 42 of these Regulations.
- o) To approve instructions of an internal nature that are issued for the better organisation of the services.
- p) To supervise the functioning of the Institution¹³.

Article 9.

1. The Ombudsman shall resign from his office for the reasons and in accordance with that set down in articles 5 and 7 of the Organic Act.
2. In these events, the Deputies shall carry out his duties, on an interim basis, and in their order of seniority.

Article 10.

1. The Ombudsman shall be able to be assisted by a Technical Office, under the direction of one of the Advisors, which shall be freely appointed and dismissed.
2. It falls to the Technical Office to organise and manage the private Secretariat of the Ombudsman, conduct studies and reports assigned to them and exercise the functions of protocol.
3. The Ombudsman shall be able to establish a Press and Information Office under his immediate dependency or that of the Deputy in whom he delegates this task. And he shall be able to set up any other assistance body that he considers necessary for the exercise of his duties.

¹³ Drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

Article 11.

1. The annual report which, according to articles 32 and 33 of the Organic Act of the Ombudsman, the latter must provide for Parliament, shall be previously submitted to the Joint Committee for liaison with the Ombudsman.
2. Notwithstanding that report, and any extraordinary reports that he might present to the Standing Committees of the Houses when so advised by the gravity or urgency of events, the Ombudsman shall also be able to inform that Committee periodically of his activities in relation to a particular period or a specific topic, and the Committee shall be able to obtain information from him.
3. The Ombudsman shall prepare specific reports on his activity as National Preventive Mechanism. Such reports shall be submitted to Parliament through the Joint Committee for liaison with the Ombudsman and to the Subcommittee on Prevention of Torture of the United Nations¹⁴.

III. THE DEPUTY OMBUDSMEN

Article 12.

1. The following powers shall fall to the Deputy Ombudsmen:
 - a) To perform the duties of Ombudsman in cases of delegation and substitution provided for in the Organic Act.
 - b) To direct the processing, checking and investigation of complaints that are brought and of actions that are instigated ex officio, proposing to the Ombudsman as appropriate the admission for processing or the rejection of the complaints and the decisions that are considered proper, and carrying out the relevant actions, communications and notifications.
 - c) To collaborate with the Ombudsman in liaison with Parliament and the Procedures Committee in it constituted for the purpose and in supervising the activities of the Autonomous Communities and within them, coordination with similar bodies that exercise their functions within this scope.
 - d) To collaborate with the Ombudsman in the exercise of his duties as National Preventive Mechanism.
 - e) To prepare and propose to the Ombudsman the draft of the annual report and others reports that must be submitted to Parliament or to the Subcommittee on Prevention of Torture of the United Nations.
 - f) To take on the remaining duties entrusted to them by law and by the regulating provisions in force.
2. The demarcation of the respective scopes of duties of the two Deputies shall be drawn by the Ombudsman, who shall give notice of this to the Procedures Committee

¹⁴ Drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

constituted in Parliament with regard to the said Ombudsman. For this purpose, each Deputy shall be responsible for the areas assigned to him.

Notwithstanding that established in article 8 of these Regulations, the First Deputy shall take on the coordination of the services coming under the Ombudsman, and also the ordinary business of the General Secretary. In his absence, these duties shall be performed by the Second Deputy.

3. The Deputy in which the Ombudsman delegates the duties of the National Preventive Mechanism shall assume the presidency of its Advisory Council.
4. The final acceptance or rejection and, as the case might be, the ultimate decision on complaints that are brought, falls to the Ombudsman or to the Deputy in whom this is delegated or who stands in for him.
5. The Ombudsman shall, having first listened to the Coordination and Internal Regime Board, be able to ask for a hearing, management or treatment of any complaint or investigation that it falls to the Deputies to deal with¹⁵.

Article 13.

1. The Deputies shall be proposed by the Ombudsman via the Speaker of Congress, for which purpose, the Joint Congress-Senate Committee in charge of liaison with the Ombudsman shall grant its prior conformity to that appointment.
2. Within a period of fifteen days, the proposal for appointment of Deputies shall proceed to take place, as provided for in the Organic Act and in these Regulations.
3. Having obtained conformity, the corresponding appointments shall be published in the Boletín Oficial del Estado.

Article 14. The Deputies shall take possession of their post before the Speakers of both Houses and the Ombudsman, giving oath or promise to observe the Constitution and to carry out their duties faithfully.

Article 15.

1. Within ten days of their appointment and before taking office, the Deputies must terminate any situation of incompatibility that may affect them, it being understood that in failing to do so they thereby reject their appointment.
2. If the incompatibility should arise after taking office, it is understood that he shall resign therefrom on the date that the incompatibility occurs.

Article 16.

1. The Deputy Ombudsmen shall be relieved of their duties in any of the following cases:
 - a) Resignation
 - b) Expiry of their term of office.
 - c) Death or unexpected incapacity.
 - d) Flagrant negligence in fulfilling the obligations and duties of their office. In this case, removal shall require a reasoned proposal from the Ombudsman, which

¹⁵ Drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

must have been approved by the Joint Congress-Senate Committee, in accordance with the same procedure and majority required for granting prior conformity to their appointment, and after having heard the concerned party¹⁶.

- e) Non-appealable criminal conviction.
2. The relief of Deputies shall be published in the Boletín Oficial del Estado and in those for both Houses.

IV. ON THE COORDINATION AND INTERNAL REGIME BOARD

Article 17. The Coordination and Internal Regime Board shall be composed of the Ombudsman, the Deputies and the General Secretary, who shall act as Secretary and attend its meeting with voice and without vote.

Article 18.

1. In order to perform its duties, the Coordination and Internal Regime Board shall have the following powers:
- a) To inform on matters affecting the determination of the staff, and on the appointment and relief of personnel in the service of the Institution.
 - b) To know and be informed on the possible filing of writs of relief and appeals of unconstitutionality before the Constitutional Court.
 - c) To know and be informed on any matters corresponding to the drawing up of the draft budget and its enforcement, as well as its settlement formulated by the General Secretary, prior to its referral by the Ombudsman to Parliament.
 - d) To discuss proposals for works, services and supplies.
 - e) To assist the Ombudsman in the exercise of its powers with regard to personnel and economic-financial matters.
 - f) To cooperate with the Ombudsman in the work of coordinating the activities of the different areas and in the best performance of the services.
 - g) To know the drafts of those reports that shall be submitted to Parliament or to the Subcommittee on Prevention of Torture of the United Nations and assist the Ombudsman in the direction and approval of them.
 - h) To know and report on the appointment and relief of the General Secretary.
 - i) To inform on the designation of members of the Advisory Council of the National Preventive Mechanism.
 - j) To report and advise on the project for reforming these Regulations.
 - k) To advise the Ombudsman on whatsoever questions that he considers are appropriate for being submitted to his consideration.
2. Meetings of the Coordination and Internal Regime Board shall be able to be attended by the area managers, for the purposes of information and having been duly summoned by the Ombudsman.

¹⁶ Drawn up in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 21 April 1992.

Likewise, any other person considered appropriate by the Ombudsman shall be able to attend for the purposes of information and for the better resolution of the matters subject to his consideration.

3. The topics forming the object of deliberation shall be noted in the Agenda of the summons, and the agreements adopted by the Coordination and Internal Regime Board shall be communicated to all its members¹⁷.

V. ADVISORY COUNCIL OF THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE¹⁸

Article 19.

1. The Advisory Council is the technical and legal cooperative organ of the National Preventive Mechanism.
2. The Advisory Council shall comprise the Ombudsman's Deputies, as ex officio members, and a maximum of ten Members.
3. The Deputy in which the Ombudsman delegates the duties of the National Preventive Mechanism shall assume the presidency of its Advisory Council and be replaced by the other Deputy in case of absence or vacancy.
4. The Members shall be designated among people of legal age in full possession of their civil and political Rights, with an indebted experience in the defence of Human Rights or in spheres somehow related to the treatments of people deprived of freedom.
5. The designation of the Members shall be made in accordance to the following distribution:
 - a) A Member designated through the proposal of the General Council of Lawyers of Spain.
 - b) A Member designated through the proposal of the Medical Association.
 - c) A Member designated through the proposal of the General Council of Official Psychology Associations of Spain.
 - d) A maximum of two members designated through the mutual proposal of the organizations and institutions that subscribed collaboration agreements with the Ombudsman to develop the duties of the National Preventive Mechanism, if foreseen in those agreements. The proposals shall not contain more than one representative per entity.
 - e) Five Members elected among the candidacies that, in a personal capacity or on behalf of organizations or associations representative of the civil society, may be submitted to the Ombudsman in accordance with the designation proceeding established in these Regulations.
6. The secretary shall be the General Secretary of the institution.

¹⁷ 1 Drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

¹⁸ Introduce by Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.

Article 20.

1. The Members of the Advisory Council shall be designated for a four-year period and be renewed by half every two years.
2. The designation proceeding shall begin through public notice. The candidacies to cover the membership referred to in letter e) of the fifth paragraph of article 19 shall be received within 15 natural days following to the public notice and shall meet the formal requirements established therein.
3. Designating the Members and ending their functions are the Ombudsman's duties.
4. Once the period referred to in the first section of the current article is fulfilled, the withdrawing members shall continue exercising their duties until the designation of new members.
5. The members of the Advisory Council shall not receive economic compensation for the exercise of their duties but those which may arise from the application of the legal regulation on indemnities concerning the service.

Article 21.

1. The Advisory Council of the National Preventive Mechanism shall reunite at least twice a year.
2. To the sessions of the Advisory Council may attend the staff in the service of the Ombudsman, representatives of Human Rights international organizations or others summoned by its President.

Article 22. The Advisory Council of the National Preventive Mechanism shall have the following duties:

- a) To make proposals to visit places where people deprived of freedom are located.
- b) To make proposals for the improvement of visiting arrangements and for its monitoring.
- c) To draw up those reports requested by the Ombudsman on the legal backgrounds of the situation of people deprived of freedom.
- d) To propose training programs and specialization courses in preventing torture and other cruel, inhuman or degrading treatment or punishment.
- e) To follow up the reports made by the National Preventive Mechanism and by the Subcommittee on Prevention of Torture of the United Nations.
- f) Other duties of his consideration.

VI. ON THE GENERAL SECRETARY¹⁹

Article 23.

1. The General Secretary shall have the following powers:
 - a) The governing and disciplinary system of all personnel, exercising the powers not specifically attributed to the Ombudsman, the Deputies or the Coordination and Internal Regime Board.
 - b) Directing the services coming under the General Secretariat.
 - c) Preparing and presenting to the Coordination and Internal Regime Board the proposals for the selection of Advisors and other personnel, for their report and subsequent decision by the Ombudsman.
 - d) Preparing the draft Budget and bringing it before the Coordination and Internal Regime Board.
 - e) Administrating credits for expenses of the Ombudsman's Budget.
 - f) Drawing up minutes and giving notification of the resolutions of the Coordination and Internal Regime Board.
 - g) Summoning the Advisory Council of the National Preventive Mechanism when ordered by the President and taking the minutes of its meetings.
2. In the event of vacancy, absence or illness, the General Secretary shall be replaced on an interim basis by the Manager designated by the Ombudsman, after hearing the Coordination and Internal Regime Board²⁰.

Article 24. The General Secretariat shall be structured into two services: the Economic Regime and the Internal, Studies, Documentation and Publications Regime. An Advisor shall be able to assist the General Secretary in his duties.

Article 25. The Economic Regime Service shall be structured into the following units:

- a) Economic Affairs and Accounting Section.
- b) Authorisations Section.
- c) Personnel and General Affairs Section.

Article 26.

1. Coming under the Internal, Studies, Documentation and Publications Regime Service shall be a General Registry and an Information Office.

All letters written to the Ombudsman shall be received via the Registry Office, where they shall be examined and classified.

The General Secretary, by virtue of being in charge of the Registry, shall inform the First Deputy or otherwise the Second Deputy, of the number and nature of letters written to the Office of the Ombudsman, for the appropriate purposes.

¹⁹ Chapter and articles renumbered in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 25 January 2012.

²⁰ Article drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012

2. The Archives Section shall be set up under the direct responsibility of the General Secretary. The appropriate measures shall be adopted in order to protect and safeguard confidential or secret documents, in accordance with the provisions of article 22 of the Organic Act and article 30 of these Regulations.
3. The Information Office, which shall be headed by an Advisor, shall inform people who so request in relation to the powers of the Ombudsman, and it shall provide guidance on the manner and means of filing a complaint with him. The library, which shall include all means of reproduction of documents, shall also come under this Service.

VII. PRESENTATION, INSTRUCTION AND INVESTIGATION OF COMPLAINTS²¹

Article 27.

1. In the exercise of the powers inherent to the Ombudsman and the Deputies, as well as in the processing and investigation of complaints, the provisions contained in the Organic Act and in these Regulations shall be abided by.
2. The presentation of a complaint before the Ombudsman, and its later admission as appropriate, shall in no case suspend the appeal periods provided in Law, whether via administrative or jurisdictional routes, nor the enforcement of the resolution or act concerned.

Article 28.

1. For the better exercise of the duties attributed to him by the Organic Act, the Ombudsman shall, with respect to all Public Administrations, exercise top-level coordination between his own powers and those attributed to similar bodies which might be set up in the Autonomous Communities, without prejudice to the autonomy corresponding to them in monitoring the activity of the respective autonomous administrations.
2. In the exercise of his own powers, the Ombudsman shall be able to request the collaboration and assistance of similar bodies of the Autonomous Communities.
3. The Ombudsman may not delegate to similar bodies of the Autonomous Communities the powers attributed to him by article 54 of the Constitution regarding the defence of the rights contained in its part one.

Article 29.

1. When the Ombudsman receives complaints referring to the functioning of the Administration of Justice, these must be passed on to the Public Prosecutor's Office so that it can investigate into their reality and adopt the appropriate measures pursuant

²¹ Chapter and articles renumbered in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 25 January 2012.

to the Law or pass them on the General Council of the Judiciary, depending on the type of complaint it concerns.

2. In ex officio actions, the Ombudsman shall act in coordination with the Chairman of the General Council of the Judiciary and with the State Prosecutor-General, as the case might be, to whom he shall report the result of his investigations.
3. The actions that might be undertaken in relation to the Administration of Justice and the result of them shall be reported by the Ombudsman to Parliament in his periodical reports or in his Annual Report.

Article 30.

1. Only the Ombudsman and, as appropriate, the Deputies and the General Secretary shall have knowledge of documents officially classified as secret or confidential.
2. Such documents shall be duly safeguarded under the Ombudsman's direct responsibility.
3. The Ombudsman shall order that which is appropriate with regard to the classification of «confidential» for documents of an internal nature.
4. In no case may reference be made to the content of secret documents in the Ombudsman's reports or in his replies to persons who have presented a complaint or asked for his intervention.
5. References to confidential documents in reports to Congress and Senate shall be appraised with prudence by the Ombudsman.

VIII. STAFF IN THE OMBUDSMAN'S SERVICE ²²

Article 31.

1. The staff in the service of the Ombudsman shall have the consideration of being staff in the service of Parliament, without prejudice to the organic and functional dependence of the Ombudsman.
2. When staff coming from other public administrations join the Ombudsman's service, they shall be in the situation provided for in article 35.2, of the Organic Act.
3. The selection of staff in the Ombudsman's service shall be freely made by him, in accordance with the principles of merit and ability. In making these appointments, the aim shall be to give priority to public civil servants.
4. Other staff who do not meet the conditions of being career servants of the public administrations shall have the nature of being temporary civil servants in the Ombudsman's service.

Article 32. Staff in the service of the Institution of the Ombudsman shall be composed of Area manager advisors, Technical advisers, clerks, assistants and subordinates.

²² Chapter and articles renumbered in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 25 January 2012.

Article 33.

1. The Advisers shall provide the Ombudsman and Deputies with the technical and juridical cooperation they need for carrying out their duties.
2. They shall be freely appointed and relieved by the Ombudsman, in accordance with the provisions of these Regulations and shall in all cases be relieved when the provisions of article 36 of the Organic Act occur.

Article 34. All persons in the service of the Ombudsman are subject to the obligation to maintain strict confidentiality in relation to the matters being dealt with as part of that service. Breach of this obligation shall be sanctioned in accordance with the provisions of these Regulations.

Article 35.

1. The system for the rendering of services shall be full-time for all staff.
2. The position of advisor to the Ombudsman shall also be incompatible with any representative mandate, with any public office or the exercise of managerial duties of a political party, trade union, association or foundation and with employment at the service of the same; and also with the exercise of whatsoever other professional, liberal, mercantile or labour activity. Nevertheless, with prior acknowledgement of compatibility granted in accordance with the provisions contained in the Statute of Institution Staff, advisors to the Ombudsman shall be able to be contracted for carrying out teaching or research duties in universities or other academic institutions having a similar nature and ends. In all cases, such activities shall be carried out on a part-time basis and they may not impair the rendering of services to the Ombudsman. Those wishing to obtain acknowledgement of compatibility must present an application, which shall be accompanied by all necessary data so that a pronouncement can be made. The Ombudsman, having heard the Coordination and Internal Regime Board and with a prior report from the General Secretary, shall decide as appropriate²³.

IX. DISCIPLINARY REGIME²⁴

Article 36.

1. Staff in the service of the Ombudsman shall be able to be sanctioned for committing disciplinary offences as a result of breach of their duties in accordance with Law.
2. The offences may be minor, serious or very serious.
3. Minor offences shall have a prescription of two months; serious ones, six months; and very serious ones, one year. The same periods shall apply to the prescription on

²³ Drawn up in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 26 September 2000.

²⁴ Chapter and articles renumbered in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 25 January 2012.

sanctions, starting from the day on which the decisions that are imposed become definite, or their enforcement is violated.

Article 37.

1. Sanctions shall be imposed and shall accord with the greater or lesser severity of the offence, and shall be as follows:
 - a) For minor offences, those of warning and suspension of employment and salary for between one and ten days.
 - b) For serious offences, suspension of employment and salary for a period of up to six months.
 - c) For very serious offences, suspension or employment and salary or dismissal from the service, for between six months and six years.

Article 38.

1. Sanctions for minor offences shall be imposed by the hierarchical superior of the civil servant, they shall not lead to the opening of proceedings, though the offender must in all cases be heard.
2. Sanctions for serious and very serious offences shall be imposed by virtue of proceedings opened for the purpose and which consist of the procedures of charge sheet, evidence as the case might be, and proposed decision, with the civil servant having to be allowed to formulate pleadings in them.
3. The instigation of proceedings and the imposition of sanctions fall to the General Secretary. Nevertheless, the sanctions of suspension and dismissal from the service may only be imposed by the Ombudsman.
4. Notes made in the service sheet relating to sanctions imposed may be cancelled at the request of the civil servant once a period has passed equivalent to the prescription of the offence, always provided that no new proceedings have been instigated against the civil servant giving rise to a sanction. Cancellation shall not prevent the appraisal of re-incident if the civil servant again commits an offence; in this case, the cancellation periods shall be double the duration.

X. ECONOMIC SYSTEM²⁵

Article 39.

1. The budget for the Institution of the Ombudsman shall be included in the budgetary section of the budget for Parliament as a further service of the same.
2. The accounting and auditing system that shall apply in the Ombudsman shall be that of Parliament.

²⁵ Chapter and articles renumbered in accordance with the Resolution of the Procedures Committees of the Congress of Deputies and Senate of 25 January 2012.

3. The Auditor of Parliament shall perform the critical and auditing function in conformity with the rules applicable to Parliament.

Article 40.

1. The structure of the budget for the Institution of the Ombudsman shall be accommodated to the budget for Parliament.
2. The rules applying in Parliament for the transfer of credits among budgetary items shall apply.
3. Authorisation for transfers shall be made by the Ombudsman, with a report from the Auditor of Parliament.

Article 41. The powers with regard to the ordering of payments shall correspond to the Coordination and Internal Regime Board; to the Ombudsman and to the General Secretary depending on the amount and the manner in which this is determined by said Board, at the proposal of the Ombudsman. The ordering of the payment corresponds to the Ombudsman.

Article 42. The system of contracting and of acquisition in general in the Ombudsman shall be that which governs for Parliament.

ADDITIONAL PROVISION

The Ombudsman shall propose the reform of these Regulations, as appropriate, to the competent bodies of Parliament, via the Speaker of Congress.

TRANSITORY PROVISION²⁶

Two years after the first Advisory Council of the National Preventive Mechanism takes office, the Members that have to be renewed shall be determined at random. If there were nine Members in the Council, four of them shall be renewed.

FINAL PROVISION

These Regulations shall be published in the Official Bulletin of Congress, in the Official Bulletin of Senate and in the Boletín Oficial del Estado, and they shall come into force on the day following their publication in the latter.

²⁶ 1 Drawn up in conformity with the Procedures Committees of the Congress of Deputies and Senate on 25 January 2012.



**DEFENSOR
DEL PUEBLO**

www.defensordelpueblo.es