

**ABOUT
NATIONAL PREVENTIVE MECHANISM
of the
REPUBLIC OF SLOVENIA**

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international treaty that was adopted at the 57th session of the General Assembly of the United Nations on 18 December 2002.

In order for a national preventive mechanism to fulfil its tasks and authorities, State Parties to the Protocol have bound themselves to provide:

- access to all information on the number of persons who have been deprived of liberty in places of detention, and the number of such places and their locations,
- access to all information on the treatment of such persons and the conditions of their deprivation of liberty,
- access to all places of detention and their installations and facilities,
- the possibility of confidential interviews with persons who have been deprived of liberty, without witnesses, personally or with a translator (if required) and with any person whom the national preventive mechanism believes can supply relevant information,
- a free choice of places that they wish to visit and persons with whom they wish to talk, and
- the right to contact with the subcommittee, to send information to the subcommittee and to meet with them.

With the Act of Ratification of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette, no. 20/2006 International Treaties, Official Gazette no. 114/2006) the Human Rights Ombudsman RS was designated as the national preventive mechanism in the Republic of Slovenia. Article 4 of the Ratification Act, namely, specifies that the competences and tasks of national preventive mechanism under the Optional Protocol, in compliance with its Article 17, shall be performed by the Ombudsman, and in agreement with the Ombudsman also non-governmental organisations registered in Slovenia and organisations that have obtained the status of humanitarian organisations in Slovenia.

In view of the confidential tasks and authorities of the national preventive mechanism, in 2007 the Ombudsman commenced activities or preparations for the commencement of implementing these tasks. Five associates and a head were therefore appointed at the Ombudsman for carrying out tasks under the Optional Protocol, all of whom also perform work in other fields of activity of the Ombudsman.

The Ombudsman made the selection of non-governmental and humanitarian organisations for cooperation in executing the competences and tasks of national preventive mechanism on the basis of a public tender (Official Gazette RS, no. 90/2007). In 2008, both non-governmental organisations that applied at the public tender were selected for cooperation –

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the Peace Institute and the Legal and Information Centre of Non - Governmental Organizations, since they both met all the criteria specified in the public tender. On 11 March 2008, the Ombudsman signed a contract of cooperation with the selected non-governmental organisations, which regulated in more detail the mutual obligations of the contract parties for the period until 31 December 2008. At the end of last year, on the basis of a new public tender for cooperation, the Ombudsman selected all three organisations that applied, i.e., the Legal and Information Centre of Non -Governmental Organizations, the Slovenian Red Cross and Inštitut Primus.

The selected non-governmental and humanitarian organisations perform the tasks and exercise the authorities in performing monitoring using their own staff, trained for individual fields of monitoring. These persons operate as members of a group for performing monitoring and checking the treatment of persons in places in which persons are placed who have been deprived of their liberty. The Ombudsman appoints the groups. Each group that performs monitoring is thus composed of representatives of the Ombudsman and the selected organisations.

The place and time of monitoring and the number of members of a group for performing monitoring at an individual place of monitoring is decided by the Ombudsman for each case individually, taking into account the programme of visits which the Ombudsman, together with the selected organisations, adopts for this purpose, and as necessary taking into account other circumstances that may require an immediate visit.

The Ombudsman made a first visit as national preventive mechanism to Radeče Correctional Home on 19.3.2008 and the last in 2008 on 17.12.2008 to Pegazov dom Rogaška Slatina. A total of 35 visits to various places of detention were made in 2008.

Persons from the selected organisations that perform monitoring are entitled to the reimbursement of necessary costs and reward. For this purpose, the Ombudsman issued Rules on the reimbursement of costs and rewards to persons from organisations that perform tasks or exercise authority under the provisions of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, which were published in the Official Gazette of the Republic of Slovenia.

The Rules cover the reimbursement of travelling expenses and costs of food and accommodation and the right to compensation of pay or compensation of lost earnings during the time of monitoring. Rewards under these rules include payment for producing a complete report on the monitoring carried out and a symbolic payment.

At the time of each visit and inspection of monitored institutions, the Ombudsman produces a report with proposals for rectifying deficiencies and irregularities or with recommendations for improving conditions. Persons from the selected non-governmental or humanitarian organisations, after carrying out monitoring, also produced a short report on their own findings, with proposals for rectifying irregularities, which is part of the final report on monitoring carried out. The Ombudsman may also designate a person from a selected organisation for producing the final report on monitoring carried out.

Findings, proposals and recommendations for improving conditions which the Ombudsman makes in carrying out tasks and exercising authorities of national preventive mechanism frequently appear in improved conditions and treatment of persons who have been deprived of liberty.

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