

PRAVNE PODLAGE
DELOVANJA VARUHA
ČLOVEKOVIH PRAVIC
REPUBLIKE SLOVENIJE



LEGAL BASIS OF THE
HUMAN RIGHTS OMBUDSMAN
OF THE REPUBLIC
OF SLOVENIA



VARUH
ČLOVEKOVIH
PRAVIC

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OF THE REPUBLIC OF SLOVENIA

Ljubljana, januar 2019

Dear Readers,

This publication provides a review of the legal documents which determine the jurisdictions, fields of work, and organisation and method of work of the Human Rights Ombudsman of the Republic of Slovenia. On 29 September 2017, the National Assembly of the Republic of Slovenia adopted the Act Amending the Human Rights Ombudsman Act (ZVarCP-B). This Act represents the implementation of one of the Ombudsman's most frequently reiterated recommendations, i.e. that Slovenia needs legal grounds for setting up a human rights institution with the possibility of acquiring Status A according to the Paris Principles relating to the Status of National Institutions for Human Rights, an objective pursued by Slovenian Ombudsmen since the setting up of the institution.

The good legal grounds of the initial act have enabled us to develop and implement the supervisory function between the citizens and the state, especially by analysing the claimed individual or systemic forms of violation of human rights and freedoms and by assessing the effectiveness and quality of action taken by the authorities. They did not enable us, as stipulated by the Paris Principles, the pluralist representation of the social forces of civilian society and political aspirations in shaping the direction of the Ombudsman's activity, which is one of the main differences between a conventional institution of the Ombudsman and the national human rights institution (NHRI).

Another important dimension provided by the amended Human Rights Ombudsman Act are the Ombudsman's broader jurisdictions in the promotion, provision of information, education, training, and preparation of analyses and recommendations from individual fields focused on facilitating and protecting human rights and fundamental freedoms. The Human Rights Ombudsman Council and three internal organisational units, i.e. the National Preventive Mechanism, Child Advocacy, and Human Rights Centre, have been set up on the basis of the amended act. The Ombudsman therefore already meets the conditions for acquiring Status A. At the end of 2018, we applied for Status A with the accreditation committee of the Office of the United Nations High Commissioner for Human Rights.

In order to comply with these amendments, we amended the Rules of Procedure of the Human Rights Ombudsman and adopted new Rules of Procedure of the Human Rights Ombudsman Council and the General Act on the Manner of Implementing Child Advocacy, Organising Advocacy, Including the Child in Advocacy and the Tasks, Composition and Method of Work of the Expert Council. This publication also includes other documents which are important for the work of the Ombudsman. All documents have been translated into English so that they are available to the broader international public.

I proudly establish that the work of the expert team in my term, i.e. the fourth term of the Human Rights Ombudsman of the Republic of Slovenia, has been done well. The development of the work of the Ombudsman will show which legal grounds might have to be amended and when.

Vlasta Nussdorfer,
Human Rights Ombudsman

Spoštovani,

v tej publikaciji objavljamo zbir pravnih aktov, ki opredeljujejo pristojnosti, področja dela ter organizacijo in način dela Varuha človekovih pravic RS. Državni zbor RS je 29. septembra 2017 sprejel Zakon o dopolnitvah Zakona o varuhu človekovih pravic (ZVarCP-B). Z njim se je udejanjilo eno izmed najpogosteje ponovljenih Varuhovih priporočil, da Slovenija potrebuje pravno podlago za oblikovanje institucije za človekove pravice z možnostjo pridobitve statusa A po t. i. Pariških načelih o položaju in delovanju državnih institucij za človekove pravice, za kar smo si varuhi ves čas prizadevali od ustanovitve institucije.

Dobre pravne podlage prvotnega zakona so nam omogočile delovanje in razvoj nadzorne funkcije med ljudmi in državo, zlasti z analizo zatrjevanih posamičnih ali sistemskih oblik kršenja človekovih pravic in svoboščin ter s presojo učinkovitosti in kakovosti delovanja organov. Niso pa nam omogočale, kakor se zahteva po t. i. Pariških načelih, zagotavljanje pluralne zastopanosti različnih družbenih skupin in političnih teženj pri oblikovanju usmeritev delovanja Varuha, kar je ena izmed poglobitvenih razlik med klasično institucijo ombudsmana in nacionalno institucijo za človekove pravice (ang.: National human rights institution).

Druga pomembna razsežnost, ki jo zagotavlja dopolnjeni Zakon o varuhu človekovih pravic, so širše Varuhove pristojnosti pri promociji, obveščanju, izobraževanju, usposabljanju ter pripravi analiz in poročil s posameznih področij spodbujanja in varstva človekovih pravic in temeljnih svoboščin. Na osnovi dopolnjenega zakona smo že ustanovili Svet varuha za človekove pravice in tri notranje organizacijske enote Varuha, te so Državni preventivni mehanizem, Zagovorništvo otrok in Center za človekove pravice. Varuh tako že izpolnjuje pogoje za pridobitev statusa A, zanj smo konec leta 2018 že zaprosili akreditacijski odbor pri Uradu visokega komisarja Združenih narodov za človekove pravice.

Da bi zadostili vsem navedenim spremembam, smo dopolnili Poslovnik Varuha človekovih pravic ter na novo sprejeli Poslovnik Sveta varuha za človekove pravice in Splošni akt o načinu izvajanja zagovorništva otrok, organizaciji zagovorništva, vključitvi otroka v zagovorništvo ter nalogah, sestavi in načinu dela Strokovnega sveta. V publikacijo smo vključili še druge akte, pomembne za Varuhovo delo, ter vse prevedli v angleški jezik in tako zagotovili, da jih spozna tudi širša mednarodna javnost.

S ponosom ugotavljam, da je bilo delo strokovne ekipe v mojem mandatu, tj. četrtem mandatu slovenskega varuha človekovih pravic, dobro opravljeno. Razvoj Varuhovega dela bo pokazal, kaj vse in kdaj bo treba pravne podlage delovanja morda dopolniti.

Vlasta Nussdorfer,

varuhinja človekovih pravic

Ljubljana, januar 2019

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HUMAN RIGHTS OMBUDSMAN

VARUH ČLOVEKOVIH PRAVIC



1. CONSTITUTION OF THE REPUBLIC OF SLOVENIA

Article 159 (Ombudsman for Human Rights and Fundamental Freedoms)

In order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities, and bearers of public authority, the office of the ombudsman for the rights of citizens shall be established by law.

Special ombudsmen for the rights of citizens may also be established by law for particular fields.



1. USTAVA REPUBLIKE SLOVENIJE

159. člen (varuh človekovih pravic in temeljnih svoboščin)

Za varovanje človekovih pravic in temeljnih svoboščin v razmerju do državnih organov, organov lokalne samouprave in nosilcev javnih pooblastil se z zakonom določi varuh pravic državljanov.

Z zakonom se lahko za posamezna področja določijo posebni varuhi pravic državljanov.

2. HUMAN RIGHTS OMBUDSMAN ACT

(Official Gazette of the Republic of Slovenia, No. 69/2017, 8. 12. 2017)

Pursuant to paragraph two of Article 153 of the Rules of Procedure of the National Assembly and the decision of the National Assembly of 20 September 2017, the National Assembly approved at its session on 28 November 2017 the official consolidated text of the Human Rights Ombudsman Act, which includes:

- Human Rights Ombudsman Act – ZVarCP (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 71/93 of 30 December 1993);
- Amendment to the Human Rights Ombudsman Act – ZVarCP (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 15/94 of 18 March 1994);
- Public Employees Act – ZJU (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 56/02 of 28 June 2002);
- Act Amending the Human Rights Ombudsman Act – ZVarCP-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 109/12 of 31 December 2012);
- Act Amending the Human Rights Ombudsman Act – ZVarCP-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 54/17 of 29 September 2017).

No 000-04/17-18/3

Ljubljana, 28 November 2017

EPA 2292-VII

National Assembly

of the Republic of Slovenia

Primož Hainz

Vice-President

2. ZAKON O VARUHU ČLOVEKOVIH PRAVIC

(Uradni list RS, šte. 69/2017 z dne 8. 12. 2017)

Na podlagi drugega odstavka 153. člena Poslovnika državnega zbora in sklepa Državnega zbora z dne 20. 9. 2017 je Državni zbor na seji dne 28. 11. 2017 potrdil uradno prečiščeno besedilo Zakona o varuhu človekovih pravic, ki obsega:

- Zakon o varuhu človekovih pravic – ZVarCP (Uradni list RS, št. 71/93 z dne 30. 12. 1993),
- Popravek Zakona o varuhu človekovih pravic – ZVarCP (Uradni list RS, št. 15/94 z dne 18. 3. 1994),
- Zakon o javnih uslužbencih – ZJU (Uradni list RS, št. 56/02 z dne 28. 6. 2002),
- Zakon o spremembah in dopolnitvah Zakona o varuhu človekovih pravic – ZVarCP-A (Uradni list RS, št. 109/12 z dne 31. 12. 2012),
- Zakon o dopolnitvah Zakona o varuhu človekovih pravic – ZVarCP-B (Uradni list RS, št. 54/17 z dne 29. 9. 2017).

Št. 000-04/17-18/3

Ljubljana, dne 28. novembra 2017

EPA 2292-VII

Državni zbor

Republike Slovenije

Primož Hainz l.r.

Podpredsednik

HUMAN RIGHTS OMBUDSMAN ACT

official consolidated text (ZVarCP-UPB2)

I GENERAL PROVISIONS

Article 1

To protect human rights and fundamental freedoms against state authorities, local self-government bodies and holders of public authority, the Human Rights Ombudsman and their jurisdiction and powers shall be established by this Act.

Article 2

The Human Rights Ombudsman (hereinafter: Ombudsman) shall be elected by the National Assembly at the proposal of the President of the Republic.

Article 3

In their work, the Ombudsman shall comply with the provisions of the Constitution and international legal acts on human rights and fundamental freedoms. When intervening, the Ombudsman must invoke the principles of equity and good administration.

Article 4

In their work, the Ombudsman shall be independent and autonomous.

Article 5

The Ombudsman shall report on their work to the National Assembly by means of regular annual or special reports.

The funds for the Ombudsman's work shall be allocated by the National Assembly from the state budget.

Article 6

State authorities, local community authorities and holders of public authority (hereinafter: authorities) shall provide all information within their competence, regardless of the level of confidentiality, to the Ombudsman at their request, and facilitate the implementation of an investigation.

Article 6a

(1) In general personal data collection, the Ombudsman shall manage the requisite personal data of complainants, persons for whom a constitutional complaint was filed, and other individuals involved in proceedings instigated at the Ombudsman's own initiative. The data are processed in order to be used in proceedings as per this Act, including the protection of human rights and fundamental freedoms of persons referred to in the preceding clause

ZAKON O VARUHU ČLOVEKOVIH PRAVIC

uradno prečiščeno besedilo (ZVarCP-UPB2)

I. SPLOŠNE DOLOČBE

1. člen

Za varovanje človekovih pravic in temeljnih svoboščin v razmerju do državnih organov, organov lokalne samouprave in nosilcev javnih pooblastil se s tem zakonom ustanovi varuh človekovih pravic in določijo njegove pristojnosti in pooblastila.

2. člen

Varuha oziroma varuhinjo človekovih pravic (v nadaljnjem besedilu: varuh) izvoli državni zbor na predlog predsednika republike.

3. člen

Varuh se pri svojem delu ravna po določilih ustave in mednarodnih pravnih aktov o človekovih pravicah in temeljnih svoboščinah. Pri svojih intervencijah se lahko sklicuje tudi na načela pravičnosti in dobrega upravljanja.

4. člen

Varuh je pri svojem delu neodvisen in samostojen.

5. člen

O svojem delu varuh poroča državnemu zboru z rednimi letnimi ali posebnimi poročili.

Sredstva za delo varuha določi državni zbor v državnem proračunu.

6. člen

Državni organi, organi lokalnih skupnosti in nosilci javnih pooblastil (v nadaljnjem besedilu: organi) morajo varuhu na njegovo zahtevo zagotoviti vse podatke in informacije iz njihove pristojnosti ne glede na stopnjo zaupnosti in mu omogočiti izvedbo preiskave.

6.a člen

(1) V splošni zbirki osebnih podatkov varuh upravlja potrebne osebne podatke pobudnikov, posameznikov, za katere je vložil ustavno pritožbo, in drugih posameznikov, kadar je postopek začel na lastno pobudo. Podatke se obdeluje za namene delovanja v postopkih po tem zakonu, vključno z varovanjem človekovih pravic in temeljnih svoboščin oseb iz prejšnjega stavka oziroma preučevanja, če je prišlo do kršitev njihovih pravic ali svoboščin, ali za izvajanje nadzorov na lastno pobudo glede stanja človekovih pravic in temeljnih svoboščin.

or to examine whether violations of their rights and freedoms occurred, or to implement supervision regarding the situation of human rights and fundamental freedoms upon the Ombudsman's own initiative.

- (2) The following data shall be processed in the personal data collection:
 - name and surname or company name or any other name of the complainant and other persons referred to in sentence one of the preceding paragraph, address of their permanent or temporary residence or registered office;
 - name and surname or company name or any other name of the representative or authorised representative of the complainant, address of their permanent or temporary residence or registered office;
 - statement of the matter or issue, relevant circumstances or other data relating to the matter or issue which indicate or appear to indicate that a violation of human rights or fundamental freedoms occurred;
 - name of the authority referred to in the preceding article considering the case being examined by the Ombudsman, including the reference number of the case or the reference or any other unique number of the case discussed by the authority referred to in the preceding article;
 - sensitive personal data submitted by persons from paragraph one, or submitted by the authority from the preceding article as a reply to the Ombudsman's request.
- (3) The Ombudsman shall process sensitive personal data in such a way as to limit access to them to the fewest authorised persons possible. When the Ombudsman receives such data from the persons mentioned in paragraph one of this Article or authorities referred to in the preceding article, the Ombudsman shall decide in 30 days whether the data or some of the data are to be returned.
- (4) To observe the principle of confidentiality of proceedings referred to in paragraph one of Article 8 of this Act, the data shall be stored permanently by the Ombudsman. Data from closed cases shall be relocated to the archival section of the collection and stored permanently by the Ombudsman for to the reason provided in the preceding sentence.
- (5) The case files referred to in paragraph one of this Article and cases referred to in Chapter IIIa of this Act shall be stored permanently by the Ombudsman in compliance with the principle of confidentiality of the proceedings.

Article 7

The Ombudsman may address proposals, opinions, criticisms or recommendations to the authorities, which are obliged to discuss them and reply within the deadline set by the Ombudsman.

- (2) V zbirki osebnih podatkov se lahko obdelujejo ti podatki:
- osebno ime oziroma firma oziroma drugo poimenovanje pobudnika in drugih oseb iz prvega stavka prejšnjega odstavka, naslov njegovega stalnega ali začasnega prebivališča oziroma sedeža,
 - osebno ime oziroma firma oziroma drugo poimenovanje zastopnika ali pooblaščenca pobudnika, naslov njegovega stalnega ali začasnega prebivališča oziroma sedeža,
 - navedba zadeve ali vprašanja, pomembnih okoliščin ali drugih podatkov v zvezi z zadevo ali vprašanjem, ki naj bi izkazovali ali izkazujejo, da je prišlo do kršitve človekovih pravic ali temeljnih svoboščin,
 - navedba organa iz prejšnjega člena, ki obravnava zadevo, ki jo preiskuje varuh, lahko pa tudi opravilna številka zadeve, ali tudi opravilna ali druga enolična številka zadeve organa iz prejšnjega člena,
 - občutljivi osebni podatki, ki so jih posredovale osebe iz prvega odstavka ali jih je organ iz prejšnjega člena posredoval kot odgovor na zahtevo varuha.
- (3) Občutljive osebne podatke varuh obdeluje na način, da se z njimi seznanijo najmanjši krog pooblaščenih oseb. Ko varuh prejme te podatke od oseb iz prvega odstavka tega člena ali organov iz prejšnjega člena, odloči v 30 dneh, ali je treba podatke ali del podatkov vrniti.
- (4) Zaradi spoštovanja načela zaupnosti postopka iz prvega odstavka 8. člena tega zakona se podatki v zbirki hranijo trajno pri varuhu. Podatki iz zaključenih zadev se prestavijo v arhivski del zbirke in se iz razloga iz prejšnjega stavka hranijo trajno pri varuhu.
- (5) Spisi zadev iz prvega odstavka tega člena ter zadev iz III.a poglavja tega zakona se zaradi spoštovanja načela zaupnosti postopka hranijo trajno pri varuhu.

7. člen

Varuh lahko naslovi organom predloge, mnenja, kritike ali priporočila, ki so jih ti dolžni obravnavati in nanje odgovoriti v roku, ki ga določi varuh.

Article 8

The proceedings carried out by the Ombudsman shall be confidential.

The Ombudsman shall inform the public and the National Assembly of all findings and measures taken.

Article 9

Anyone who believes that their human rights or fundamental freedoms have been violated by an act of an authority may file a complaint to initiate proceedings with the Ombudsman. The Ombudsman may also instigate proceedings on their own accord.

The Ombudsman may address wider issues relevant to the protection of human rights and fundamental freedoms, and to the legal certainty of citizens in the Republic of Slovenia.

All proceedings conducted by the Ombudsman shall be informal and free-of-charge for the parties involved.

The Ombudsman shall conduct proceedings impartially and consider the positions of all the affected parties in each case.

Article 10

The head office of the Ombudsman shall be in Ljubljana.

The organisation and proceedings shall be defined by the Rules of Procedure and other general acts.

II ELECTION AND POSITION OF THE OMBUDSMAN AND DEPUTIES

Article 11

Only a citizen of the Republic of Slovenia may be elected Ombudsman.

Article 12

The Ombudsman shall be elected by the National Assembly by a two-thirds majority of all deputies for a term of six years. At the end of this term of office, they may be re-elected only once.

Article 13

The election procedure for the Ombudsman shall commence no later than six months prior to the end of the term of office of the current Ombudsman.

The National Assembly shall decide on the proposal made by the President of the Republic within 45 days after the nomination was proposed.

8. člen

Postopek pri varuhu je zaupen.

O svojih ugotovitvah in ukrepih varuh obvešča javnost in državni zbor.

9. člen

Vsakdo, ki meni, da so mu z aktom organa kršene človekove pravice ali temeljne svoboščine, lahko da pobudo za začetek postopka pri varuhu. Varuh lahko začne postopek tudi na lastno pobudo.

Varuh lahko obravnava tudi širša vprašanja, ki so pomembna za varstvo človekovih pravic in temeljnih svoboščin ter za pravno varnost državljanov v Republiki Sloveniji.

Postopek pri varuhu je neformalen in za stranke brezplačen.

Varuh je dolžan voditi postopek nepristransko in v vsaki zadevi pridobiti stališča prizadetih strani.

10. člen

Sedež varuha je v Ljubljani.

Svojo organiziranost in delo uredi varuh s poslovnikom in drugimi splošnimi akti.

II. IZVOLITEV IN POLOŽAJ VARUHA IN NJEGOVIH NAMESTNIKOV

11. člen

Za varuha je lahko izvoljen le državljan Republike Slovenije.

12. člen

Varuha izvoli državni zbor z dvotretjinsko večino glasov vseh poslancev za dobo šestih let in je po poteku mandatne dobe lahko še enkrat izvoljen.

13. člen

Postopek za izvolitev varuha se mora začeti najpozneje šest mesecev pred potekom mandatne dobe prejšnjega varuha.

Državni zbor odloči o predlogu predsednika republike v 45 dneh od dne predložitve predloga.

Article 14

During the candidacy, the provisions of the Constitutional Court Act which govern candidacies of constitutional court judges shall apply by analogy.

Article 15

The Ombudsman shall have a minimum of two, and a maximum of four, deputies. The deputies shall be appointed by the National Assembly at the proposal of the Ombudsman.

The Ombudsman shall submit the nomination for deputy to the National Assembly no later than six months prior to the end of the term of office of the current deputy.

The National Assembly shall decide on the nomination of the Deputy Ombudsman within 45 days after its submission.

Article 16

The term of office of a Deputy Ombudsman shall be six years. At the end of their term of office, the Deputy Ombudsman may be re-appointed.

Article 17

In the event of absence, death, end of the term of office, permanent or temporary inability to perform the duties of the office, the Ombudsman shall be replaced by the Deputy Ombudsman.

The Ombudsman shall specify the order of deputies replacing them.

Article 18

The Ombudsman and deputies shall assume their offices after taking the following oath before the National Assembly: *"I hereby swear that I will perform my duties in accordance with the Constitution and the law. I will protect human rights and fundamental freedoms. I will perform my duties conscientiously and impartially, and in doing so I will adhere to the principles of equity and good governance."*

Article 19

The function of the Ombudsman is incompatible with functions in state and local authorities, bodies of political parties and trade unions or other functions and activities which, according to the law, are not compatible with the implementation of a public function.

A function otherwise performed by a candidate for Ombudsman which is not compatible with the function of the Ombudsman must cease when the Ombudsman takes office or must be suspended if so determined by the law.

14. člen

V postopku kandidiranja se smiselno uporabljajo določbe zakona o ustavnem sodišču, ki urejajo kandidiranje za sodnike ustavnega sodišča.

15. člen

Varuh ima najmanj dva in največ štiri namestnike. Namestnika imenuje na predlog varuha državni zbor.

Varuh predlaga državnemu zboru imenovanje namestnika najkasneje šest mesecev pred potekom mandatne dobe prejšnjega namestnika.

O predlogu varuha za imenovanje namestnika državni zbor odloči v 45 dneh od dne predložitve predloga.

16. člen

Mandatna doba namestnikov traja šest let. Po poteku mandatne dobe so lahko ponovno imenovani.

17. člen

V primeru odsotnosti, smrti, poteka mandatne dobe, trajne ali začasne nesposobnosti za opravljanje funkcije nadomešča varuha njegov namestnik.

Varuh določi vrstni red namestnikov, ki ga nadomeščajo.

18. člen

Varuh in njegovi namestniki nastopijo funkcijo po prisegi, ki jo podajo pred državnim zborom in se glasi: »Prisegam, da bom opravljal svojo nalogo na podlagi ustave in zakona, da bom varoval človekove pravice in temeljne svoboščine, da bom opravljal svoje delo vestno in nepristransko ter pri tem spoštoval načela pravičnosti in dobrega upravljanja.«.

19. člen

Funkcija varuha ni združljiva s funkcijami v državnih organih, organih lokalnih skupnosti, organih političnih strank in sindikatov ter z drugimi funkcijami in dejavnostmi, ki po zakonu niso združljive z opravljanjem javne funkcije.

Funkcija, ki ni združljiva s funkcijo varuha, varuhu z dnem nastopa funkcije varuha preneha ali miruje, če tako določa zakon.

If the Ombudsman fails to suspend a gainful activity which by law is incompatible with the Ombudsman's function, the latter function shall be terminated within 30 days from the day the relevant committee of the National Assembly establishes incompatibility.

Article 20

The Ombudsman may not be held liable for opinions or proposals stated during the implementation of their function, and may also not be detained during a criminal procedure initiated against them regarding the implementation of their function without the consent of the National Assembly.

Article 21

Early dismissal of the Ombudsman is subject to the Ombudsman's own request, or if the Ombudsman is convicted of a criminal offence subject to a custodial sentence with imprisonment or due to the permanent loss of the capacity to perform their duties.

The procedure for dismissing the Ombudsman shall commence at the proposal of one third of deputies.

The National Assembly shall dismiss the Ombudsman if two thirds of the attending deputies vote for the dismissal.

Article 22

The provisions of Articles 19, 20 and 21 of this Act shall also apply to Deputy Ombudsman.

III POWERS OF THE OMBUDSMAN

Article 23

The Ombudsman shall have the powers stipulated in this Act with regard to all state authorities, local self-government bodies and holders of public authority.

Article 24

The Ombudsman shall not consider cases subject to court or other legal proceedings unless they involve undue delays or a clear abuse of power.

Article 25

The Ombudsman may submit their opinion from the perspective of protection of human rights and fundamental freedoms to any authority in a case under consideration, regardless of the type or level of procedure that is concerned before these authorities.

Če varuh ne opusti pridobitne dejavnosti, ki je po zakonu nezdružljiva s funkcijo varuha, v tridesetih dneh od ugotovitve pristojne komisije državnega zbora o nezdružljivosti, mu funkcija preneha.

20. člen

Varuh ne more biti klican na odgovornost za mnenje ali predlog, ki ga je izrekel v okviru opravljanja svoje funkcije.

Varuh ne sme biti priprt v kazenskem postopku, ki je uveden proti njemu v zvezi z opravljanjem njegove funkcije, brez dovoljenja državnega zbora.

21. člen

Varuh je lahko predčasno razrešen samo, če to sam zahteva, če je obsojen za kaznivo dejanje s kaznijo odvzema prostosti ali zaradi trajne izgube delovne zmožnosti za opravljanje svoje funkcije.

Postopek za razrešitev varuha se prične na predlog tretjine poslancev.

Državni zbor razreši varuha, če za razrešitev glasujeta dve tretjini navzočih poslancev.

22. člen

Določbe 19., 20. in 21. člena veljajo tudi za namestnika varuha.

III. PRISTOJNOST VARUHA

23. člen

Varuh ima pooblastila, določena s tem zakonom, do vseh državnih organov, organov lokalne samouprave in nosilcev javnih pooblastil.

24. člen

Varuh ne obravnava zadev, o katerih tečejo sodni ali drugi pravni postopki, razen če gre za neupravičeno zavlačevanje postopka ali za očitno zlorabo oblasti.

25. člen

Varuh lahko vsakemu organu posreduje svoje mnenje z vidika varstva človekovih pravic in temeljnih svoboščin v zadevi, ki jo obravnava, ne glede na vrsto ali stopnjo postopka, ki je v teku pred temi organi.

IIIa CHILD ADVOCACY

Article 25a

- (1) In the field of children's rights protection, the Ombudsman shall organise and provide child advocacy within an internal organisational unit in addition to other tasks determined by this Act. Child advocacy shall be implemented by child advocates (hereinafter: advocates) in a network of volunteers, which enables equal access to an advocate to all children.
- (2) The purpose of the advocacy is for the advocate to provide professional assistance to a child when expressing its opinion in all proceedings and matters involving the child, and to forward the child's opinion to the competent bodies and institutions deciding on the child's rights and benefits. The advocate shall not be their statutory representative. Professional assistance includes psychosocial support for the child, discussions about their wishes, well-being and opinions, informing the child about proceedings and activities in a manner they understand, seeking the most suitable solution together with the child, and accompanying the child before bodies and institutions deciding about their rights and benefits.
- (3) Anyone who believes that a child cannot realise their right to express their opinion may submit a request to appoint an advocate. If the Ombudsman assesses that the request is founded, they shall obtain consent either from both parents or from statutory representatives and appoint an advocate from the list of advocates. The consent of a parent who has been relieved of their parental responsibility or who is permanently incapable of expressing their will shall not be necessary. The consent of parents or statutory representatives is not required if a child who has reached the age of 15 agrees to the appointment of an advocate. If parents or statutory representatives refuse to consent or if their consent is withdrawn, the Ombudsman shall submit a proposal to appoint an advocate to the competent social work centre or the court, which appoints the advocate from the list of advocates if this is assessed to be in the interest of the child in proceedings implemented by the social work centre or the court.
- (4) The realisation of child advocacy shall be monitored by an expert council appointed by the Ombudsman from among advocates and experts working with children. The expert council shall be led by Deputy Ombudsman responsible for protection of children's rights.
- (5) The members of the expert council shall perform their work honourably and independently. The members of the expert council are entitled to the reimbursement of costs for attending council meetings. The costs are reimbursed from the Ombudsman's budget.
- (6) The manner of implementing child advocacy, its organisation and procedure for including children in advocacy, the tasks of the expert council, its

III.a ZAGOVORNIŠTVO OTROK

25.a člen

- (1) Na področju varstva otrokovih pravic poleg drugih nalog, določenih s tem zakonom, varuh organizira in skrbi za zagovorništvo otrok v okviru notranje organizacijske enote. Zagovorništvo otrok izvajajo zagovorniki otrok (v nadaljnjem besedilu: zagovorniki) v okviru mreži prostovoljcev, ki zagotavlja vsem otrokom enako dostopnost do zagovornika.
- (2) Namen zagovorništva je, da zagovornik nudi strokovno pomoč otroku, da izrazi svoje mnenje v vseh postopkih in zadevah, v katerih je udeležen, ter mnenje otroka posreduje pristojnim organom in institucijam, ki odločajo o njegovih pravicah in koristih. Zagovornik ni njegov zakoniti zastopnik. Strokovna pomoč vključuje psihosocialno podporo otroku, pogovore o njegovih željah, počutju in mnenju, seznanjanje otroka s postopki in dejavnostmi na njemu primeren način, iskanje najbolj primerne rešitve skupaj z otrokom ter spremljanje otroka pred organi in institucijami, ki odločajo o njegovih pravicah in koristih.
- (3) Pobudo za imenovanje zagovornika lahko poda vsakdo, ki meni, da otrok ne more uresničiti pravice, da izrazi svoje mnenje. Če varuh oceni, da je pobuda utemeljena, pridobi soglasje obeh staršev ali zakonitih zastopnikov in določi zagovornika s seznama zagovornikov. Ni potrebna privolitev tistega od staršev, ki mu je bila odvzeta starševska skrb ali ki trajno ni sposoben izraziti svoje volje. Soglasje staršev ali zakonitih zastopnikov ni potrebno, če z imenovanjem zagovornika soglašata otrok, ki je že dopolnil 15 let. Če soglasja staršev ali zakonitih zastopnikov glede imenovanja zagovornika ni ali če je naknadno umaknjeno, varuh pošlje predlog za imenovanje zagovornika pristojnemu centru za socialno delo ali sodišču, ki ga imenuje s seznama zagovornikov, če oceni, da je to v postopku pred centrom za socialno delo ali sodiščem v korist otroka.
- (4) Uresničevanje zagovorništva otrok spremlja strokovni svet, ki ga varuh imenuje izmed zagovornikov in strokovnjakov s področja dela z otroci. Strokovni svet vodi namestnik varuha, pristojen za varstvo otrokovih pravic.
- (5) Člani strokovnega sveta opravljajo svoje delo častno in samostojno. Člani strokovnega sveta imajo pravico do povrnitve stroškov za prihod na sejo sveta. Stroški se krijejo iz proračunske postavke varuha.
- (6) Način izvajanja zagovorništva otrok, njegovo organiziranost in postopek vključitve otroka v zagovorništvo, naloge strokovnega sveta, njegovo sestavo in način dela podrobneje določi varuh s splošnim aktom, ki se objavi v Uradnem listu Republike Slovenije.

composition and methods of work shall be determined in more detail by the Ombudsman in a general act published in the Official Gazette of the Republic of Slovenia.

Article 25b

- (1) The Ombudsman shall publish an open call for advocate candidates on their website or in another suitable manner.
- (2) The Ombudsman shall place on the list of advocates persons who meet the following conditions:
 - is a citizen of the Republic of Slovenia;
 - has legal capacity;
 - has not been relieved of parental responsibility;
 - has not been convicted *res judicata* of a wilful criminal offence;
 - an indictment has not been filed against them for a deliberate criminal offence which is being prosecuted *ex officio*;
 - has completed at least short-cycle higher education;
 - has at least five years of work experience in the field of working with children or families,
 - has, as an advocate candidate, undergone training and the test of knowledge for an advocate according to the programme and procedure determined by the Ombudsman at the proposal of the expert council;
 - is a trustworthy person;
 - is prepared to cooperate with the Ombudsman regularly and attend training and further training courses organised by the Ombudsman, and
 - there are no other reservations to doubt that the person would act in the best interests of a child.
- (3) The Ombudsman shall organise regular expert training and further training courses.
- (4) An advocate placed on the list receives an identity card from the Ombudsman, which the advocate presents when implementing their tasks.
- (5) The work of the advocate is voluntary and honourable. Advocates shall be entitled to a bonus determined with a general act by the Ombudsman, and the reimbursement of travel expenses in the amount applicable for public employees.
- (6) The Ombudsman shall remove the advocate from the list if:
 - the advocate so requests;
 - the advocate no longer meets the conditions;
 - the advocate performs their tasks irregularly or negligently;
 - the advocate fails to attend regular forms of expert training and further training courses as determined by the Ombudsman.

25.b člen

- (1) Varuh objavi javni poziv za kandidate za zagovornike na svoji spletni strani ali na drug primeren način.
- (2) Varuh lahko na seznam zagovornikov uvrsti osebo, ki izpolnjuje te pogoje:
 - je državljan Republike Slovenije,
 - je poslovno sposoben,
 - ji ni odvzeta starševska skrb,
 - ni bila pravnomočno obsojena zaradi naklepnega kaznivega dejanja,
 - zoper njo ni bila vložena pravnomočna obtožnica zaradi naklepnega kaznivega dejanja, ki se preganja po uradni dolžnosti,
 - ima končano najmanj višješolsko izobrazbo,
 - ima najmanj pet let delovnih izkušenj na področju dela z otroki oziroma na družinskem področju,
 - je kot kandidat za zagovornika opravila usposabljanje in preizkus znanja za zagovornika po programu in postopku, ki ga določi varuh na predlog strokovnega sveta,
 - je zaupanja vredna oseba,
 - je pripravljena redno sodelovati z varuhom ter se udeleževati izpopolnjevanja in usposabljanja, ki ga ta organizira,
 - ni drugih zadržkov, ki bi vzbujali dvom, da bo delovala v največjo korist otrok.
- (3) Varuh zagotavlja redno strokovno izpopolnjevanje in usposabljanje zagovornikov.
- (4) Varuh zagovorniku, ki ga uvrsti na seznam, izda izkaznico, s katero se zagovornik izkazuje pri izvajanju svojih nalog.
- (5) Delo zagovornika je prostovoljno in častno, pripada pa mu nagrada, ki jo s splošnim aktom določi varuh, ter povrnitev potnih stroškov v višini, kot velja za javne uslužbenke.
- (6) Zagovornika varuh izbriše s seznama, če:
 - sam tako zahteva,
 - ne izpolnjuje več pogojev,
 - neredno ali nevestno opravlja svoje naloge,
 - se ne udeleži obveznih oblik strokovnega izpopolnjevanja in usposabljanja, ki jih določi varuh.

- (7) To make a decision on the removal from the list of advocates, the Ombudsman may obtain suitable personal data free of charge from state bodies' personal data collections.

Article 25c

- (1) A child shall have the right to an advocate, who has the right to have contacts with the child when performing their tasks. Parents and other persons shall be obliged to enable the child to have contacts with the advocate.
- (2) The Ombudsman shall enable parents or statutory representatives of the child to whom an advocate is appointed to learn in greater detail about the purpose and objectives of child advocacy.
- (3) The advocate shall protect the confidentiality of everything the child entrusts to them. When forwarding the child's opinion, the advocate shall observe the child's wishes. The advocate shall submit the child's statement and their report to the social work centre or the court unless the child objects to this.
- (4) The advocate may, as a witness, refuse to testify about facts which the child related to them when performing the activity of the advocate and with regard to which the child is opposed to their submission.

Article 25č

- (1) A child's statement obtained with the help of an advocate may be used in any procedure in which the child's rights and benefits are decided.
- (2) The authority which decides on the child's rights or benefits must particularly explain in its decision how the child's statement was taken into consideration and how it acted in the child's best interest.

Article 25d

- (1) In order to appoint an advocate in an individual case, the Ombudsman shall establish, keep and manage a list of advocates, which is made public.
- (2) The list shall include the following information: name and surname of the advocate, personal identification number, permanent or temporary residence, type and level of education and date of placement on the list.
- (3) For the purpose of statistical monitoring, the Ombudsman shall establish, keep and manage a record of cases that are considered, which consists of the following data:
- the complainant's status (e.g. child, mother, father, social work centre, court);
 - the date when the complaint was filed;
 - the complainant's town or region;

- (7) Varuh lahko za odločanje o izbrisu s seznama zagovornikov pridobi ustrezne osebne podatke brezplačno iz zbirk osebnih podatkov državnih organov.

25.c člen

- (1) Otrok ima pravico do zagovornika, ki ima pri opravljanju svojega dela pravico do stikov z otrokom. Starši in druge osebe imajo dolžnost, da otroku omogočijo stike z zagovornikom.
- (2) Varuh omogoča staršem ali zakonitim zastopnikom otroka, ki mu je postavljen zagovornik, da se podrobneje seznanijo z namenom in cilji zagovorništva otrok.
- (3) Zagovornik mora varovati kot tajnost, kar mu je zaupal otrok. Pri posredovanju otrokovega mnenja zagovornik upošteva otrokovo voljo. Zagovornik posreduje centru za socialno delo ali sodišču izjavo otroka in svoje poročilo, razen če otrok temu nasprotuje.
- (4) Zagovornik sme kot priča odreči pričanje o dejstvih, za katera je izvedel od otroka pri opravljanju dejavnosti zagovornika in glede katerih otrok nasprotuje njihovemu posredovanju.

25.č člen

- (1) Izjava otroka, pridobljena s pomočjo zagovornika, se lahko uporabi v vsakem postopku, v katerem se odloča o otrokovih pravicah in koristih.
- (2) Organ, ki odloča o otrokovih pravicah ali koristih, mora v svoji odločitvi posebej utemeljiti, kako je upošteval otrokovo izjavo in deloval v njegovo največjo korist.

25.d člen

- (1) Z namenom izbire zagovornika v posamezni zadevi varuh vzpostavi, vodi, upravlja in vzdržuje seznam zagovornikov, ki je javno objavljen.
- (2) Seznam vsebuje te podatke: ime in priimek zagovornika, EMŠO, stalno ali začasno prebivališče, vrsto in stopnjo izobrazbe ter datum uvrstitve na seznam.
- (3) Z namenom statističnega spremljanja varuh vzpostavi, vodi, upravlja in vzdržuje evidenco obravnavanih zadev, ki vsebuje te podatke:
- status pobudnika (npr. otrok, mati, oče, Center za socialno delo, sodišče),
 - datum pobude,
 - kraj pobudnika oziroma območje,

- description of the case;
- name, gender and age of the child;
- name and surname of the advocate;
- name and surname of the regional coordinator;
- date when the advocate was appointed;
- manner in which the advocate was appointed;
- date of the closing meeting.

IV PROCEDURE

Article 26

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may instigate a complaint procedure with the Ombudsman.

The Ombudsman may also instigate proceedings on their own accord.

The consent of the person affected shall be required to initiate the procedure if such a procedure is initiated by the Ombudsman or filed by another person in the name of the person affected.

Article 27

All complaints addressed to the Ombudsman shall be signed and marked with the complainant's personal data; they must contain circumstances, facts and evidence regarding the complaint in order for the procedure to be initiated. The complainant must also state if legal remedies have been used in the matter and which legal remedies.

Complaints instigating a procedure are usually submitted in written form. Formality or the assistance of a lawyer are not required to submit a complaint.

Persons deprived of their liberty shall have the right to send a complaint to the Ombudsman in a sealed envelope.

Article 28

When the Ombudsman receives a complaint, necessary inquiries shall be conducted on the basis of which it is determined whether:

1. the complaint should be discussed by means of a summary procedure;
2. a full investigation should be instigated;
3. the complaint should be rejected;
4. the complaint should not be discussed because it is anonymous, received too late, offensive, or constitutes an abuse of the right to appeal.

If the Ombudsman rejects a complaint and does not consider it for the reasons provided in points 3 or 4 of the preceding paragraph, the complainant shall

- opis zadeve,
- ime, spol in starost otroka,
- ime in priimek zagovornika,
- ime in priimek območnega koordinatorja,
- datum imenovanja zagovornika,
- način imenovanja zagovornika,
- datum zaključnega srečanja.

IV. POSTOPEK

26. člen

Vsakdo, ki meni, da so mu z aktom ali dejanjem državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil kršene človekove pravice ali temeljne svoboščine, lahko naslovi na varuha pobudo za začetek postopka.

Varuh lahko začne postopek tudi na lastno pobudo.

Če v posamični zadevi začne varuh postopek na lastno pobudo ali jo vloži v imenu prizadetega posameznika kdo drug, je potrebno za začetek postopka soglasje prizadetega.

27. člen

Vse pobude, naslovljene na varuha, morajo biti podpisane in označene z osebni podatki pobudnika ter vsebovati okoliščine, dejstva in dokaze, na katerih temelji pobuda za začetek postopka. Pobudnik mora tudi navesti, ali je v zadevi že uporabil pravna sredstva in če, katera.

Pobuda za začetek postopka se praviloma vloži pisno. Za vložitev pobude ni potrebna obličnost ali pomoč odvetnika.

Osebe, ki jim je odvzeta prostost, imajo pravico nasloviti varuhu pobudo za začetek postopka v zaprti kuverti.

28. člen

Ko varuh prejme pobudo za začetek postopka, opravi potrebne poizvedbe in na tej podlagi sklene, da:

1. pobudi odloči po skrajšanem postopku;
2. začne preiskavo;
3. pobudo zavrne;
4. pobude ne vzame v obravnavo, ker je anonimna, prepozna, žaljiva in predstavlja zlorabo pravice do pritožbe.

Če varuh sklene, da pobudo zavrne ali je ne vzame v obravnavo iz razlogov po 3. ali 4. točki prejšnjega odstavka, je dolžan o tem v čimkrajšem roku pobudnika obvestiti, mu pojasniti razloge za to in ga po možnosti napotiti na drugo ustrezno pot za rešitev zadeve.

be notified thereof as soon as possible. The reasons for rejection must be explained, and if possible, the complainant must be informed of other ways of resolving the matter.

Article 29

The Ombudsman shall decide on the matter by a summary procedure (point 1 of paragraph one of Article 28), especially when the current situation and positions of the parties affected are evident from the documentation accompanying the complaint.

Article 30

The Ombudsman shall reject the complaint (point 3 of paragraph one of Article 28), particularly for the following reasons:

- if it is evident from the available data and circumstances that human rights or fundamental freedoms have not been violated or no other maladministration occurred;
- if the complaint is incomplete and has not been completed at the Ombudsman's prior request;
- if the case is being considered by judicial authorities, except for the cases specified in this Act;
- if the case falls under the competency of the investigative committees of the National Assembly in relation to holders of public functions;
- if not all ordinary or extraordinary legal remedies have been exhausted, unless it is assessed that it would be excessive to start or continue such proceedings for an individual, or if it is assessed that individuals would suffer great damage or damage difficult to repair;
- if it is clear from the complaint that this is a less important matter which could not yield a suitable result, even following an investigation.

Article 31

The Ombudsman's decision to decline or reject a complaint shall be final.

Article 32

The Ombudsman shall not instigate proceedings if the action or the last decision of the authority concerned took place over a year ago unless it is assessed that the complainant missed the deadline for objective reasons or that the case is so important that this justifies the Ombudsman's action regardless of distance in time.

Article 33

When the Ombudsman decides to instigate an investigation (point 2 of paragraph one of Article 28), the decision about the investigation shall be submitted to the complainant and the authority or authorities to which the complaint refers, and necessary clarifications and additional information are required.

29. člen

Varuh o pobudi odloči po skrajšanem postopku (1. točka prvega odstavka 28. člena) zlasti v primeru, kadar so dejansko stanje in stališča prizadetih strani razvidna iz dokumentacije, priložene k pobudi za začetek postopka.

30. člen

Varuh zavrne pobudo (3. točka prvega odstavka 28. člena) zlasti iz naslednjih razlogov:

- če iz razpoložljivih podatkov in okoliščin nedvoumno izhaja, da ne gre za kršitev človekovih pravic ali temeljnih svoboščin, ali drugo nepravilnost;
- če je vloga nepopolna in jo pobudnik po predhodnem opozorilu varuha ne dopolni;
- če je zadeva v postopku pred pravosodnimi organi, razen v primerih določenih v tem zakonu;
- če gre za zadevo, ki je v pristojnosti preiskovalnih komisij državnega zbora v razmerju do nosilcev javnih funkcij;
- če niso bila izčrpana vsa redna ali izredna pravna sredstva, razen če oceni, da bi bilo za posameznika nesmotrno začeti ali nadaljevati takšne postopke ali oceni, da bi bila posameznikom medtem prizadejana velika ali težko popravljiva škoda;
- če je iz pobude razvidno, da gre za manj pomembno zadevo, ki tudi po opravljeni preiskavi ne bi mogla dati primernega rezultata.

31. člen

Odločitev varuha, da pobude ne vzame v obravnavo ali jo zavrne, je dokončna.

32. člen

Varuh ne začne postopka, če je od dejanja ali zadnje odločitve organa preteklo več kot eno leto, razen če oceni, da je pobudnik zamudil rok iz objektivnih razlogov ali da gre za tako pomembno zadevo, ki opravičuje njegovo ukrepanje ne glede na časovno oddaljenost.

33. člen

Ko se varuh odloči za začetek preiskave (2. točka prvega odstavka 28. člena), pošlje sklep o preiskavi pobudniku in organu ali organom, na katere se nanaša pobuda za začetek postopka, ter zahteva potrebna pojasnila in dodatne informacije.

The Ombudsman shall specify a deadline by which the authority must submit the clarifications and information stated in the preceding paragraph. The deadline may not be shorter than 8 days. If the authority fails to provide clarifications or information by the deadline, it shall immediately explain to the Ombudsman why their request has not been granted.

The Ombudsman may notify the relevant superior authority directly about the missed deadline.

A refusal or failure to respond to the Ombudsman's request shall be considered an obstruction to the Ombudsman's work.

In such cases, the Ombudsman may send a special report to the competent working body of the National Assembly, the National Assembly or notify the public.

Article 34

All state authorities shall be obliged to provide suitable assistance to the Ombudsman in the implementation of any investigation and provide suitable help if so requested.

Article 35

In relation to their work, the Ombudsman shall have the right to access all information and documents pertaining to the competence of state authorities.

The regulations on the confidentiality of data shall be binding on the Ombudsman, the deputies and other staff.

Article 36

All officials and public employees referred to in Article 6 of this Act shall respond to the Ombudsman's request to participate in an investigation and to provide explanations.

The Ombudsman may summon any witness or expert to an interview regarding the case being discussed. The invited person shall be obliged to respond to the invitation.

Article 37

The Ombudsman may suspend an investigation if it is established that the case has already been settled in another way, or if the complainant unreasonably fails to cooperate in the proceedings or if it is obvious from their actions that they are not interested in continuing the proceedings.

Article 38

When an investigation is completed, the Ombudsman shall draft a report of their findings and forward it to the parties affected. Within the deadline set by

Varuh določi rok v katerem mu mora organ poslati pojasnila in informacije iz prejšnjega odstavka. Ta rok ne more biti krajši od 8 dni. Če organ ne pošlje varuhu pojasnil oziroma informacij v zahtevanem roku, mora varuhu brez odlašanja sporočiti razloge, zaradi katerih ni ugodil njegovi zahtevi.

O zamudi roka iz prejšnjega odstavka lahko varuh obvesti neposredno nadrejeni organ.

Odklonitev ali nespoštovanje zahteve varuha se šteje za oviranje dela varuha.

Varuh lahko o tem poroča s posebnim poročilom pristojnemu delovnemu telesu državnega zbora, državnemu zboru ali obvesti javnost.

34. člen

Vsi državni organi so dolžni pomagati varuhu pri izvedbi preiskave in mu nuditi na njegovo zahtevo ustrezno pomoč.

35. člen

V zvezi s svojim delom ima varuh pravico vpogleda v podatke in dokumente iz pristojnosti državnih organov.

Predpisi o varovanju tajnosti podatkov obvezujejo varuha, njegove namestnike in uslužbence.

36. člen

Vsi funkcionarji in uslužbenci organov iz 6. člena tega zakona se morajo odzvati varuhu na vabilo za sodelovanje v preiskavi ter zaradi dajanja pojasnil.

Varuh lahko vabi vsakogar kot pričo ali izvedenca na razgovor v zadevi, ki jo obravnava. Vabljeni se je dolžan vabilu odzvati.

37. člen

Varuh lahko prekine preiskavo, če ugotovi, da je bila zadeva rešena na drug način, če pobudnik neupravičeno ne sodeluje v postopku ali je iz njegovih dejanj razvidno, da ne kaže zanimanja za nadaljevanje preiskave.

38. člen

Po opravljeni preiskavi varuh izdela osnutek poročila o svojih ugotovitvah in ga posreduje prizadetim strankam. Te lahko v roku, ki ga določi varuh, pošljejo svoje pripombe ali predloge za dopolnitev ugotovitev v poročilu.

the Ombudsman, the parties may communicate their comments or proposals in order to complete the findings stated in the report.

In urgent cases and when it is assessed on the basis of available documentation that the facts are indisputable, the Ombudsman may accept the findings and related proposals without the prior verification as per the preceding paragraph.

Article 39

In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other maladministration occurred in the investigated case.

Simultaneously, the Ombudsman shall propose the manner of eliminating the established maladministration. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate maladministration that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage.

The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established maladministration.

Article 40

The authorities as per the preceding Article shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days.

If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly thereof. A special report may be issued for the National Assembly, or the matter may be made public.

At the expense of the authority, the Ombudsman may publish their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request.

Article 41

When dealing with acts and actions of local self-government bodies, the Ombudsman shall be obliged to observe the special features of their position, especially the manner of decision making.

V nujnih primerih in kadar oceni, na podlagi dokumentacije s katero razpolaga, da so dejstva nesporna, lahko varuh sprejme svoje ugotovitve in predloge brez predhodnega preverjanja iz prejšnjega odstavka.

39. člen

Varuh v končnem poročilu navede svojo oceno dejstev in okoliščin posameznega primera in ugotovi ali je šlo v obravnavanem primeru za kršitev človekovih pravic ali temeljnih svoboščin ter na kakšen način so bile kršene oziroma ali je šlo za drugo nepravilnost.

Varuh hkrati predlaga način, s katerim naj se ugotovljena nepravilnost odpravi. Pri tem lahko predlaga, da organ ponovno izvede določen postopek v skladu z zakonom, predlaga povrnitev škode ali predlaga drug način odprave nepravilnosti, ki je bila povzročena posamezniku. Pri tem ne posega v civilnopravne pravice, ki jih ima posameznik za povrnitev škode.

Varuh lahko predlaga uvedbo disciplinskega postopka zoper uslužbenca organov, ki so zakrivili ugotovljeno nepravilnost.

40. člen

Organi iz prejšnjega člena so dolžni varuha obvestiti o ukrepih, na podlagi njegovih predlogov, mnenj, kritik ali priporočil, najkasneje v roku 30 dni.

Če organ ne predloži poročila o upoštevanju predlogov varuha ali njegove predloge upošteva le delno, lahko varuh o tem obvesti neposredno nadrejeni organ, pristojno ministrstvo, poroča s posebnim poročilom državnemu zboru ali zadevo javno objavi.

Varuh lahko na stroške organa objavi svoje poročilo in svoj predlog v javnih glasilih, če se organ na njegove predloge ali priporočila, po ponovni zahtevi, ni ustrezno odzval.

41. člen

Pri obravnavanju aktov in dejanj organov lokalne samouprave je varuh dolžan upoštevati posebnosti njihovega položaja, zlasti način sprejemanja odločitev.

Article 42

The Ombudsman or persons authorised by the Ombudsman may enter the official premises of any state authority, local community authority or holder of public authority.

The Ombudsman may inspect prisons or other places where persons deprived of liberty are held, and other institutions with limited freedom of movement.

The Ombudsman shall have the right to speak in private with persons in the institutions mentioned in the preceding paragraph.

Article 43

The Ombudsman shall submit to the National Assembly regular or special reports about their work and findings about the level of respect for human rights and fundamental freedoms, as well as legal certainty of citizens in the Republic of Slovenia.

The annual report shall be submitted no later than by 30 September for the previous year.

The Ombudsman may submit special reports to the competent working body of the National Assembly or directly to the National Assembly.

Article 44

When the regular annual report is being discussed by the National Assembly, the Ombudsman may present a summary of the report and their findings in person.

The Ombudsman's regular annual report shall also be made public.

Article 45

The Ombudsman may submit to the National Assembly and the Government initiatives to amend acts and other regulations under their jurisdiction.

The Ombudsman may submit proposals for improving operations and the treatment of clients to state authorities, institutions and organisations with public authority.

Article 46

At the Ombudsman's request, the President of the National Assembly, the Prime Minister and ministers shall be obliged to accede to a meeting with the Ombudsman within 48 hours.

42. člen

Varuh oziroma oseba, ki jo varuh pooblasti, lahko vstopi v uradne prostore vsakega državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil.

Varuh lahko opravi preglede zaporov, drugih prostorov, v katerih so osebe, ki jim je odvzeta prostost ter drugih zavodov z omejeno svobodo gibanja.

Varuh ima pravico, da opravi razgovor z osebami v zavodih iz prejšnjega odstavka brez navzočnosti drugih oseb.

43. člen

Varuh poroča državnemu zboru z rednimi ali posebnimi poročili o svojem delu, ugotovitvah o stopnji spoštovanja človekovih pravic in temeljnih svoboščin ter o pravni varnosti državljanov v Republiki Sloveniji.

Letno poročilo mora predložiti najkasneje do 30. septembra za preteklo leto.

Posebna poročila lahko varuh naslovi pristojnemu delovnemu telesu državnega zbora ali neposredno državnemu zboru.

44. člen

Ob obravnavi rednega letnega poročila v državnem zboru lahko varuh osebno na seji državnega zbora predstavi povzetek poročila in svoje ugotovitve na tej podlagi.

Redno letno poročilo varuha se javno objavi.

45. člen

Varuh lahko daje državnemu zboru in vladi pobude za spremembe zakonov in drugih pravnih aktov iz njune pristojnosti.

Varuh lahko daje državnim organom, zavodom in organizacijam, ki izvajajo javna pooblastila, predloge za izboljšanje njihovega poslovanja in ravnanja s strankami.

46. člen

Predsednik državnega zbora, predsednik vlade in ministri so dolžni osebno sprejeti varuha na njegovo zahtevo najkasneje v 48 urah.

V THE OMBUDSMAN'S RIGHTS

Article 47

The Ombudsman shall be granted a salary equal to the salary of the President of the Constitutional Court.

A Deputy Ombudsman shall be granted a salary equal to the salary of a judge of the Constitutional Court.

Article 48

After the end of a term of office, an Ombudsman who had been a judge or held another permanent office in a state authority before being elected the Ombudsman shall have the right to resume their former function if they notify the competent authority within three months after the end of their term of office that they wish to resume their former function.

An Ombudsman who had occupied a certain workplace until being elected the Ombudsman shall have the right to return to their former workplace within three months after the end of their term of office, or to another workplace appropriate to the type and degree of their professional education.

Article 49

An Ombudsman whose function has ceased and who cannot continue to perform their previous function for objective reasons or return to their former workplace or obtain other suitable employment, and who fails to meet the minimum requirements to obtain the right to an old-age pension without reduction as per the regulations governing compulsory pension and disability insurance or by means of special regulations governing the right to old-age pension shall have the right to wage compensation in the amount of 80 per cent of the last monthly wage received when implementing the function, but for no longer than eight months after their function ceased until they begin performing another function or find employment or start performing a gainful activity or until they meet the conditions to retire. If wage compensation was received instead of the last wage, the wage compensation as per this paragraph shall be levied from the last monthly wage which would have been received if the function were performed.

The right to wage compensation as per the preceding paragraph may be extended until the conditions for retirement provided in the preceding paragraph are met, but not for longer than six months.

An Ombudsman who performed this function before the term has expired shall have the right to an additional three-month wage compensation.

The time during which an Ombudsman whose function has ceased receives wage compensation shall be regarded as pensionable service. During this period, the Ombudsman is entitled to social insurance according to the

V. PRAVICE VARUHA

47. člen

Varuh ima pravico do plače v višini, ki je določena za predsednika ustavnega sodišča.

Namestnik varuha ima pravico do plače v višini, ki je določena za sodnika ustavnega sodišča.

48. člen

Varuh, ki je do izvolitve opravljal funkcijo sodnika ali drugo trajno funkcijo v državnem organu, ima po prenehanju mandata pravico nadalje opravljati prejšnjo funkcijo, če v treh mesecih po prenehanju mandata sporoči pristojnemu organu, da želi nadalje opravljati prejšnjo funkcijo.

Varuh, ki je bil do izvolitve v delovnem razmerju, ima pravico, da se v treh mesecih po prenehanju mandata vrne na delo, ki ga je opravljal, ali na drugo delo, ki ustreza vrsti in stopnji njegove strokovne izobrazbe.

49. člen

Varuh, ki mu je prenehala funkcija in iz objektivnih razlogov ne more nadaljevati z opravljanjem prejšnje funkcije ali nadaljevati prejšnjega dela ali dobiti druge ustrezne zaposlitve in ne izpolnjuje minimalnih pogojev za pridobitev pravice do starostne pokojnine brez zmanjšanja v skladu s predpisi, ki urejajo obvezno pokojninsko in invalidsko zavarovanje oziroma s posebnimi predpisi, v katerih je urejena pravica do starostne pokojnine, ima, dokler ne začne opravljati funkcije oziroma dokler se ne zaposli ali začne opravljati pridobitne dejavnosti oziroma dokler ne izpolni navedenih pogojev za upokojitev, pravico do nadomestila plače v višini 80 odstotkov zadnje mesečne plače, ki jo je prejel, ko je opravljal funkcijo, vendar najdlje osem mesecev od prenehanja funkcije. Če je namesto zadnje plače prejel nadomestilo plače, se nadomestilo plače iz tega odstavka odmeri od zadnje mesečne plače, ki bi jo prejel, če bi opravljal funkcijo.

Pravica do nadomestila plače iz prejšnjega odstavka se lahko podaljša do izpolnitve pogojev za upokojitev, navedenih v prejšnjem odstavku, vendar najdlje še za šest mesecev.

Varuh, ki je opravljal funkcijo že pred mandatom, ki mu je prenehal, ima pravico do dodatnega trimesečnega nadomestila plače.

Čas prejemanja nadomestila plače se varuhu, ki mu je prenehala funkcija, šteje v pokojninsko dobo. V tem času je socialno zavarovan po predpisih, ki urejajo socialno zavarovanje oseb v delovnem razmerju, ob upokojitvi pa mu pripada pravica do odpravnine.

regulations which regulate the social insurance of persons in an employment relationship, and when they retire, they are entitled to severance pay.

If the Ombudsman's function ceases before the expiry of six months after being elected in the National Assembly, the Ombudsman shall not be entitled to wage compensation.

Article 49a

The competent working body of the National Assembly shall decide on the right to wage compensation referred to in the previous Article.

To exercise the right to wage compensation, an Ombudsman whose function has ceased shall, no later than 15 days after the cessation of the function, submit an application to enforce the right to wage compensation and evidence on meeting the conditions to obtain the right to wage compensation to the competent working body referred to in the preceding paragraph. If a return to the previous workplace at the former employer is not possible, it shall be established why the return is not possible.

The competent working body of the National Assembly shall issue a decision on the application to exercise the right to wage compensation within 14 days.

The right to receive wage compensation shall cease if an Ombudsman whose function was terminated starts performing another function before the expiry of the period for which they are entitled to wage compensation, or if they find employment, start performing a gainful activity or meet the minimum conditions to obtain the right to old-age pension without reduction as per the regulations governing compulsory pension and disability insurance or by means of special regulations governing the right to old-age pension.

When receiving wage compensation, an Ombudsman whose function ceased shall be obliged to inform the competent working body of the National Assembly and the authority paying the wage compensation of all receipts received for work no later than seven days from when the remuneration is received. The amount of wage compensation to which the Ombudsman is entitled as per paragraph one of the previous Article shall be reduced by all amounts received after the payment of taxes and compulsory contributions, which is calculated at the first next payment of wage compensation.

An Ombudsman whose function has ceased shall not conclude agreements for deferred payments or other agreements contrary to the purpose of the right to compensation in order to avoid provisions on the duration and amount of compensation.

If an Ombudsman whose function has ceased acts contrary to paragraphs five and six of this Article, their right to wage compensation shall cease and they shall be obliged to return the amounts of wage compensation which were unduly received.

Če varuhu funkcija preneha pred potekom šestih mesecev od izvolitve v državnem zboru, nima pravice do nadomestila plače.

49.a člen

O pravici do nadomestila plače iz prejšnjega člena odloča pristojno delovno telo državnega zbora.

Za uveljavljanje pravice do nadomestila plače mora varuh, ki mu je prenehala funkcija, najkasneje v 15 dneh po prenehanju funkcije, pristojnemu delovnemu telesu iz prejšnjega odstavka predložiti vlogo za uveljavljanje pravice do nadomestila plače in dokazila o izpolnjevanju pogojev za pridobitev pravice do nadomestila plače. V primeru nemožnosti vrnitve na delovno mesto v okviru prejšnjega delodajalca je treba izkazati, zakaj vrnitev ni mogoča.

O vlogi za uveljavljanje pravice do nadomestila plače odloči pristojno delovno telo državnega zbora najkasneje v 14 dneh z odločbo.

Pravica do prejetanja nadomestila plače preneha, če varuh, ki mu je prenehala funkcija, pred potekom obdobja, za katerega mu pripada nadomestilo plače, začne opravljati drugo funkcijo, se zaposli, začne opravljati pridobitno dejavnost ali izpolni minimalne pogoje za pridobitev pravice do starostne pokojnine brez zmanjšanja v skladu s predpisi, ki urejajo obvezno pokojninsko in invalidsko zavarovanje, oziroma v skladu s posebnimi predpisi, v katerih je urejena pravica do starostne pokojnine.

Varuh, ki mu je prenehala funkcija, je v času prejetanja nadomestila plače dolžan obvestiti pristojno delovno telo državnega zbora in organ, ki izplačuje nadomestilo plače, o vseh prejemkih iz naslova opravljanja dela najkasneje v sedmih dneh po prejetem plačilu. Za prejete zneske po plačilu davkov in obveznih prispevkov se varuhu zniža znesek nadomestila plače, ki mu pripada v skladu s prvim odstavkom prejšnjega člena, kar se obračuna pri prvem naslednjem izplačilu nadomestila plače.

Varuh, ki mu je prenehala funkcija, zaradi izogibanja določbam o trajanju in višini nadomestila ne sme sklepati dogovorov za odložena plačila in drugih dogovorov, ki bi bili v nasprotju z namenom pravice do nadomestila.

Če varuh, ki mu je prenehala funkcija, ravna v nasprotju s petim in šestim odstavkom tega člena, mu preneha pravica do nadomestila plače in mora vrniti zneske nadomestila plače, ki so bili prejeti neupravičeno.

Nadomestilo plače, prispevki za socialno zavarovanje in odpravnina se izplačujejo iz proračunskih sredstev varuha človekovih pravic.

Wage compensation, social insurance contributions and severance pay shall be paid from the budgetary resources of the Human Rights Ombudsman.

Article 50

The provisions of Articles 48, 49 and 49a of this Act shall also apply to a Deputy Ombudsman.

Va HUMAN RIGHTS OMBUDSMAN COUNCIL AND HUMAN RIGHTS CENTRE

Article 50a

- (1) To promote and protect human rights and fundamental freedoms and to enhance legal certainty, the Human Rights Ombudsman Council (hereinafter: Council) shall be established as the Ombudsman's consultative body, and it shall function according to the principle of professional autonomy.
- (2) The Council shall implement the following consultative tasks:
 - participate in the preparation of the Ombudsman's findings about the level of observance of human rights, fundamental freedoms and legal certainty in the Republic of Slovenia;
 - propose to the Ombudsman the instigation of a procedure regarding possible violations of human rights and fundamental freedoms;
 - discuss broader issues of promoting, protecting and monitoring of human rights and fundamental freedoms at the proposal of the Ombudsman;
 - discuss reports of the Republic of Slovenia submitted to international organisations regarding human rights and participate in preparing the Ombudsman's independent reports about the realisation of international commitments of the Republic of Slovenia in the field of human rights;
 - form positions on development policies regarding human rights and fundamental freedoms;
 - raise awareness of the public and experts about the importance and development of human rights and fundamental freedoms;
 - implement other similar tasks at the Ombudsman's proposal.
- (3) The Council shall not discuss complaints as referred to in paragraph one of Article 26 of this Act.
- (4) The Council shall consist of a president and 16 members (hereinafter: members). Seven members shall be representatives of civil society; three members shall be representatives of science; two members shall be representatives of the Government, while the Advocate of the Principle of Equality, the Information Commissioner, the National Assembly and the National Council shall have one member each.

50. člen

Določbe 48., 49. in 49.a člena tega zakona veljajo tudi za namestnika varuha.

V.a SVET VARUHA ZA ČLOVEKOVE PRAVICE IN CENTER ZA ČLOVEKOVE PRAVICE

50.a člen

- (1) Za spodbujanje in varstvo človekovih pravic in temeljnih svoboščin ter krepitev pravne varnosti se ustanovi Svet varuha za človekove pravice (v nadaljnjem besedilu: svet) kot posvetovalno telo varuha, ki deluje po načelu strokovne avtonomije.
- (2) Svet izvaja te svetovalne naloge:
 - sodeluje pri pripravi ugotovitev varuha o stopnji spoštovanja človekovih pravic in temeljnih svoboščin ter o pravni varnosti v Republiki Sloveniji,
 - predlaga varuhu uvedbo postopka v zvezi z morebitno kršitvijo človekovih pravic in temeljnih svoboščin,
 - na predlog varuha obravnava širša vprašanja spodbujanja, varstva in nadzora glede človekovih pravic in temeljnih svoboščin,
 - obravnava poročila Republike Slovenije mednarodnim organizacijam glede človekovih pravic in sodeluje pri pripravi samostojnih poročil varuha o uresničevanju mednarodnih obveznosti Republike Slovenije na področju človekovih pravic,
 - daje stališča o razvojnih politikah glede človekovih pravic in temeljnih svoboščin,
 - ozavešča javnosti in stroke o pomenu in razvoju človekovih pravic in temeljnih svoboščin,
 - opravlja druge podobne naloge na predlog varuha.
- (3) Svet ne obravnava pobud iz prvega odstavka 26. člena tega zakona.
- (4) Svet sestavljajo predsednik in 16 članic oziroma članov (v nadaljnjem besedilu: člani). Sedem članov je predstavnikov civilne družbe, trije člani so predstavniki znanosti, dva člana sta predstavnika vlade, zagovornik enakosti, informacijski pooblaščenec, državni zbor in državni svet pa ima vsak po enega člana.



- (5) Seven representatives of civil society and three representatives of science who are experts in the field of protection of human rights and fundamental freedoms shall be appointed by the Ombudsman on the basis of a public call, whereby no more than two representatives of civil society and no more than one representative of science may be appointed from among persons who did not apply to the public call. At the proposal of the body, the Ombudsman shall appoint two representatives of the Government and one representative of the Advocate of the Principle of Equality, the Information Commissioner, the National Assembly and the National Council among the employees in these bodies, who are not high officials and are experts in the field of protection of human rights and fundamental freedoms.
- (6) When appointing representatives of civil society and science, the Ombudsman shall consider the experience and work of the candidates in the field of human rights and their vision of working on the global scale, realisation of various fields of human rights and priority fields of their operations.
- (7) The term of the Council's members shall depend on the Ombudsman's term of office.
- (8) The Council shall be chaired by a Deputy Ombudsman authorised by the Ombudsman for a certain period.
- (9) The Council's work shall be regulated by its rules of procedure, which are adopted by the Ombudsman after prior consultation with the Council's members and are then published in the Official Gazette of the Republic of Slovenia.
- (10) Council members shall work honourably and independently. The Council's members are entitled to the reimbursement of costs for attending Council sessions. The costs are reimbursed from the Ombudsman's budget.
- (11) The Ombudsman shall relieve a member of the Council if:
 - the member resigns;
 - the member is declared legally incapable, or
 - the member unjustifiably fails to attend the Council's session several times consecutively.
- (12) The Ombudsman may dismiss a member of the Council who is a representative of a state authority also at the proposal of the state authority which proposed their appointment if the Ombudsman assesses that the reasons for dismissal are founded. The state authority proposing the dismissal of Council member must provide grounds for the dismissal.
- (13) To make a decision as per indent two of paragraph ten, the Ombudsman may obtain the relevant personal data free of charge from state authorities' personal data collections.

- (5) Sedem članov iz civilne družbe in tri predstavnike znanosti, ki so strokovnjaki na področju varstva človekovih pravic in temeljnih svoboščin, imenuje varuh na podlagi javnega razpisa, pri čemer lahko imenuje največ dva predstavnika civilne družbe in največ enega predstavnika znanosti izmed oseb, ki se niso prijavile na javni razpis. Varuh imenuje na predlog organa dva predstavnika vlade in po enega predstavnika zagovornika enakosti, informacijskega pooblaščenca, državnega zbora in državnega sveta izmed zaposlenih v navedenih organih, ki niso funkcionarji ter so poznavalci področja varstva človekovih pravic in temeljnih svoboščin.
- (6) Pri imenovanju predstavnikov civilne družbe in znanosti varuh upošteva izkušnje in delovanje kandidatov na področju človekovih pravic in njihovo vizijo delovanja v svetu, zastopanost različnih področij uresničevanja človekovih pravic in prioriteta področja svojega delovanja.
- (7) Mandat članov sveta je vezan na mandat varuha.
- (8) Svetu predseduje namestnik varuha, ki ga za določeno obdobje pooblasti varuh.
- (9) Delo sveta se uredi v njegovem poslovniku, ki ga sprejme varuh po predhodnem posvetovanju s člani sveta in se objavi v Uradnem listu Republike Slovenije.
- (10) Člani sveta opravljajo svoje delo častno in samostojno. Člani sveta imajo pravico do povrnitve stroškov za prihod na sejo sveta. Stroški se krijejo iz proračunske postavke varuha.
- (11) Člana sveta razreši varuh iz naslednjih razlogov:
 - če sam zahteva razrešitev,
 - če mu je odvzeta poslovna sposobnost, ali
 - če se večkrat zaporedoma neupravičeno ne udeleži seje sveta.
- (12) Varuh lahko razreši člana sveta, ki je predstavnik državnega organa, tudi na predlog državnega organa, ki ga je predlagal v imenovanje, če oceni, da so razlogi za razrešitev utemeljeni. Državni organ, ki predlaga razrešitev člana sveta, navede razloge za razrešitev.
- (13) Varuh lahko za odločanje po drugi alineji desetega odstavka pridobi ustrezne osebne podatke brezplačno iz zbirk osebnih podatkov državnih organov.

Article 50b

- (1) As an internal organisational unit within the Ombudsman, the Human Rights Centre (hereinafter: Centre) shall be established.
- (2) The tasks of the Centre shall include:
 - promoting, informing, educating, training, preparing analyses and reports regarding individual fields of promoting and protecting human rights and fundamental freedoms;
 - organising consultations regarding the realisation, promotion and protection of human rights and fundamental freedoms;
 - cooperating with civil society, trade unions and other state authorities;
 - providing general information about the types and forms of applications submitted to international bodies due to violations of human rights and fundamental freedoms;
 - participating in international organisations and associations at the European and global level which work in the field of realising, promoting and developing human rights and fundamental freedoms.
- (3) The Centre shall not discuss complaints as referred to in paragraph one of Article 26 of this Act.
- (4) The Centre's operations shall be regulated by the Ombudsman's rules of procedure.

Article 50c

(National Preventive Mechanism)

- (1) As an internal organisational unit of the Ombudsman, the National Preventive Mechanism shall function as per the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment determined in the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia [*Uradni list RS*] – International Treaties, No. 20/06).
- (2) The work of the National Preventive Mechanism shall be managed by a Deputy Ombudsman authorised by the Ombudsman for a certain period.

VI THE OMBUDSMAN'S OFFICE

Article 51

Having previously obtained an opinion from the competent working body of the National Assembly, the Ombudsman shall pass the Rules of Procedure which specify the division of fields of work, the organisation of work, and the method of dealing with complaints. The Rules of Procedure shall be published in the Official Gazette of the Republic of Slovenia.

50.b člen

- (1) V okviru varuha se kot notranja organizacijska enota vzpostavi Center za človekove pravice (v nadaljnjem besedilu: center).
- (2) Naloge centra so:
 - promocija, informiranje, izobraževanje, usposabljanje, priprava analiz in poročil s posameznih področij spodbujanja in varstva človekovih pravic in temeljnih svoboščin,
 - organiziranje posvetovanj glede uresničevanja, spodbujanja in varstva človekovih pravic in temeljnih svoboščin,
 - sodelovanje s civilno družbo, sindikati in drugimi državnimi organi,
 - dajanje splošnih informacij o vrstah in oblikah pritožb na mednarodne organe zaradi kršitev človekovih pravic in temeljnih svoboščin,
 - sodelovanje v mednarodnih organizacijah ter združenjih na evropski in svetovni ravni, ki delujejo na področju uresničevanja, spodbujanja in razvoja človekovih pravic in temeljnih svoboščin.
- (3) Center ne obravnava pobud iz prvega odstavka 26. člena tega zakona.
- (4) Delovanje centra se uredi v poslovniku varuha.

50.c člen

(Državni preventivni mehanizem)

- (1) Kot notranja organizacijska enota varuha deluje državni preventivni mehanizem po Opcijskem protokolu h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, določenem z Zakonom o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS – Mednarodne pogodbe, št. 20/06).
- (2) Delo državnega preventivnega mehanizma vodi namestnik varuha, ki ga za določeno obdobje pooblasti varuh.

VI. SLUŽBA VARUHA

51. člen

Varuh sprejme poslovnik, s katerim se zlasti določijo delitev področij, organizacija dela in postopek z vlogami, po predhodnem mnenju pristojnega delovnega telesa državnega zbora. Poslovnik se objavi v Uradnem listu Republike Slovenije.

Article 52

The Ombudsman shall have a specialist service. The Ombudsman shall appoint and dismiss advisers and other employees.

The Ombudsman shall appoint a secretary general to manage the Ombudsman's office.

Article 53

The Ombudsman may appoint advisers and other experts for a fixed time to the Ombudsman's office from among the employees of state authorities. When their terms expire, these employees have the right to return to their former functions or workplaces.

Article 54

Relating to the salary, remuneration and other personal income, allowances and rights, the provisions of the Officials in the State Administration Bodies Act shall apply *mutatis mutandis* to the secretary general, while the provisions of the State Employees Act apply *mutatis mutandis* for other employees.

(Note: cessation of validity of Article 54 in the section which refers to *mutatis mutandis* application of the State Employees Act – see point 7 of paragraph one of Article 203 of the ZJU.)

Article 55

The funds for the work of the Ombudsman shall be provided from the budget of the Republic of Slovenia. The amount of funds shall be determined by the National Assembly upon the Ombudsman's proposal.

VII PENAL PROVISIONS

Article 56

The following persons shall be punished for offences with a fine of EUR 500:

- responsible person of an authority which fails to submit the Ombudsman the materials requested (Article 6);
- persons who unjustifiably fail to respond to the Ombudsman's summon (Article 36).

The minor offence authority which decides on offences and imposes fines under this Act shall be the Ombudsman.

Minor offence proceedings shall be conducted by, and decisions in these proceedings shall be taken by, an official person of the Ombudsman who meets the conditions pursuant to the act governing minor offences, and on the basis of adopted regulations.

52. člen

Varuh ima strokovno službo. Varuh imenuje in razrešuje svetovalce in druge uslužbence.

Varuh imenuje generalnega sekretarja, ki vodi službo varuha.

53. člen

Varuh lahko imenuje svetovalce in druge strokovnjake v službi varuha za določen čas izmed uslužbencev v državnih organih. Ti imajo pravico, da se po poteku tega časa vrnejo na svojo prejšnjo funkcijo ali delovno mesto.

54. člen

Glede pravice do plače, nadomestil ter drugih osebnih prejemkov, povračil in pravic, se za generalnega sekretarja varuha smiselno uporabljajo določbe zakona o funkcionarjih v državnih organih, za druge uslužbence pa smiselno določbe zakona o delavcih v državnih organih.

(Opomba: prenehanje veljavnosti 54. člena v delu, ki napotuje na smiselno uporabo Zakona o delavcih v državnih organih – glej 7. točko prvega odstavka 203. člena ZJU)

55. člen

Sredstva za delo varuha se zagotovijo v proračunu Republike Slovenije. Višino sredstev določi državni zbor na predlog varuha.

VII. KAZENSKÉ DOLOČBE

56. člen

Z globo 500 eurov se kaznuje za prekršek:

- odgovorna oseba organa, ki varuhu na zahtevo ne posreduje zahtevanih gradiv (6. člen);
- kdor se neupravičeno ne odzove varuhu na razgovor (36. člen).

Prekrškovni organ, ki odloča o prekrških in izreka globe po tem členu, je varuh.

Postopek o prekršku po tem členu vodi in v njem odloča pooblaščen uradna oseba varuha, ki izpolnjuje pogoje po zakonu, ki ureja prekrške in na njegovi podlagi sprejetih predpisih.

Article 56a

The Ombudsman and their deputies shall be punished with a fine of EUR 1,000 if, when receiving wage compensation, they fail to inform the competent working body of the National Assembly and the authority paying wage compensation about remuneration received for performing work contrary to paragraph five of Article 49a of this Act, or if, when receiving wage compensation, they conclude an agreement on deferred payment or another agreement contrary to paragraph six of Article 49a of this Act.

Supervision of the implementation of enforcing the right to compensation shall be performed by budget inspectors.

Human Rights Ombudsman Act – ZVarCP (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 71/93) includes the following transitional and final provisions:

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 57

The Ombudsman shall commence work after the required expert staff have been appointed and premises and other material conditions provided.

On the day the Ombudsman commences work, the Council of Human Rights and Fundamental Freedoms shall cease to operate under this Act.

The Ombudsman shall take over the files, unresolved cases and assets of the Council of Human Rights and Fundamental Freedoms.

Article 58

On the day the Ombudsman commences work, the Act on the Council of Human Rights and Fundamental Freedoms (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 14/90) shall cease to apply.

Article 59

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

56.a člen

Z globo v višini 1.000 eurov se za prekršek kaznujeta varuh in njegov namestnik, če v času prejemanja nadomestila plače v nasprotju s petim odstavkom 49.a člena tega zakona ne obvestita pristojnega delovnega telesa državnega zbora in organa, ki izplačuje nadomestilo plače o vseh prejemkih iz naslova opravljanja dela ali v času prejemanja nadomestila plače skleneta dogovor o odloženem plačilu ali drug dogovor v nasprotju s šestim odstavkom 49.a člena tega zakona.

Nadzor nad izvajanjem uveljavljanja pravice do nadomestila kot prekrškovni organ opravljajo proračunski inšpektorji.

Zakon o varuhu človekovih pravic – ZVarCP (Uradni list RS, št. 71/93) vsebuje naslednje prehodne in končne določbe:

VIII. PREHODNE IN KONČNE DOLOČBE

57. člen

Varuh začne opravljati svoje delo potem, ko so zagotovljeni potrebni kadri, prostori in drugi materialni pogoji za delo.

Z dnem začetka delovanja varuha preneha delovati Svet za varstvo človekovih pravic in temeljnih svoboščin na podlagi zakona.

Varuh prevzame arhiv, nerešene zadeve in sredstva Sveta za varstvo človekovih pravic in temeljnih svoboščin.

58. člen

Z dnem začetka delovanja varuha, preneha veljati Zakon o Svetu za varstvo človekovih pravic in temeljnih svoboščin (Uradni list RS, št. 14/90).

59. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Act Amending the Human Rights Ombudsman Act – ZVarCP-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 109/12) contains the following final provision:

FINAL PROVISION

Article 6

This Act shall enter into force on the day following its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Human Rights Ombudsman Act – ZVarCP-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 53/17) includes the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 4

Persons who on the day of entry into force of this Act already hold the status of an advocate with the Ombudsman shall be entered on the list of advocates under Article 25b of the Act if they meet the conditions in paragraph three of Article 25b of the Act, whereby it is understood that these persons meet the conditions under indent eight of paragraph three of Article 25b of the Act.

Article 5

(1) The provisions of Article 50a of the Act shall become applicable on 1 June 2018, and the provisions of Article 50b of this Act on 1 January 2019.

Zakon o spremembah in dopolnitvah Zakona o varuhu človekovih pravic – ZVarCP-A (Uradni list RS, št. 109/12) vsebuje naslednjo končno določbo:

KONČNA DOLOČBA

6. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije.

Zakon o dopolnitvah Zakona o varuhu človekovih pravic – ZVarCP-B (Uradni list RS, št. 53/17) vsebuje naslednje prehodne in končne določbe:

PREHODNE IN KONČNE DOLOČBE

4. člen

Osebe, ki na dan začetka veljavnosti tega zakona pri varuhu že imajo status zagovornika, se vpišejo na seznam zagovornikov iz 25.b člena zakona, če izpolnjujejo pogoje iz tretjega odstavka 25.b člena zakona, pri čemer se šteje, da te osebe izpolnjujejo pogoje iz osme alineje tretjega odstavka 25.b člena zakona.

5. člen

(1) Določbe 50.a člena zakona se začnejo uporabljati 1. junija 2018, določbe 50.b člena zakona pa 1. januarja 2019.



3. RULES OF PROCEDURE OF THE HUMAN RIGHTS OMBUDSMAN

In compliance with Article 51 of the Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 69/17 – ZvarCP – UPB2), and after obtaining the prior opinion of the Commission for Petitions, Human Rights and Equal Opportunities, No. 000-04/18-19/7 of 3. 1. 2019, I hereby adopt the following

RULES OF PROCEDURE OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

(Official Gazette of the Republic of Slovenia, No. 3/19, 11. 1. 2019)

I. GENERAL PROVISIONS

Article 1

These Rules of Procedure govern the organisation and method of work of the institution of the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: the Ombudsman) and define the division of work areas and the proceedings for processing petitions and other applications.

Article 2

Terms in these Rules of Procedure written in masculine form may apply neutrally to both men and women without prejudice.

Article 3

- (1) The institution of the Ombudsman shall be represented by its head, the human rights ombudsman (hereinafter: the ombudsman).
- (2) In matters that are not petitions in terms of content as referred to in Article 9 of the Human Rights Ombudsman Act (hereinafter: the ZVarCP), the Ombudsman shall be represented by the Ombudsman's Secretary-General (hereinafter: the Secretary-General) within the limits of his competence or within the limits of the ombudsman's powers.

Article 4

- (1) The Ombudsman shall operate in the Slovenian language.
- (2) Persons who do not have mastery of Slovene may lodge a petition in writing in their native language.

3. POSLOVNIK VARUHA ČLOVEKOVIH PRAVIC

Na podlagi 51. člena Zakona o varuhu človekovih pravic (Uradni list RS, št. 69/17 – ZVarCP – UPB2) in po predhodnem mnenju Komisije za peticije, človekove pravice in enake možnosti št. 000-04/18-19/7 z dne 3. 1. 2019 sprejemam

POSLOVNIK VARUHA ČLOVEKOVIH PRAVIC REPUBLIKE SLOVENIJE

(Uradni list RS, št. 3/19 z dne 11. 1. 2019)

I. SPLOŠNE DOLOČBE

1. člen

Ta poslovnik ureja organizacijo in način dela Varuha človekovih pravic Republike Slovenije (v nadaljnjem besedilu: Varuh), določa delitev delovnih področij ter postopek s pobudami in drugimi vlogami.

2. člen

V besedilu poslovnika uporabljeni izrazi, zapisani v moški spolni slovnični obliki, so uporabljeni kot nevtralni.

3. člen

- (1) Varuha predstavlja predstojnik, varuh človekovih pravic (v nadaljnjem besedilu: varuh).
- (2) V zadevah, ki vsebinsko niso pobude iz 9. člena Zakona o varuhu človekovih pravic (v nadaljnjem besedilu: ZVarCP), predstavlja Varuha v mejah svoje pristojnosti ali v mejah pooblastila varuha generalni sekretar Varuha (v nadaljnjem besedilu: generalni sekretar).

4. člen

- (1) Varuh posluje v slovenskem jeziku.
- (2) Kdor ne obvlada slovenskega jezika, lahko pri Varuhu vloži pisno pobudo v svojem jeziku.

- (3) A person referred to in the preceding paragraph shall receive a translation of the Ombudsman's final response or decision in the language in which the petition was lodged.

Article 5

- (1) The seal of the Ombudsman shall be round and shall bear the Republic of Slovenia's coat of arms in the centre, encircled with the inscription "Republika Slovenija Varuh človekovih pravic" ("The Republic of Slovenia, Human Rights Ombudsman").
- (2) The Ombudsman shall have a clearly identifiable logo.

Article 6

Questions concerning the organisation and the method of the Ombudsman's work that are not regulated by the ZVarCP and these Rules shall be regulated by the Ombudsman's general acts.

Article 7

The Ombudsman shall cooperate and establish contacts with related organisations and their associations in other countries and with international organisations dealing with the protection of human rights and fundamental freedoms.

Article 8

- (1) In its work, the Ombudsman shall communicate with the public and various target groups. It shall ensure transparency of its work in various ways and by using various communication tools.
- (2) The Ombudsman shall issue regular annual reports, special reports and special publications.
- (3) In communicating with the public the Ombudsman shall respect the confidentiality of the proceedings in question and data protection regulations.

Article 9

- (1) The proceedings conducted by the Ombudsman shall be confidential in relation to the petitioners, other parties to the proceedings and the public.
- (2) A proposal for the return of sensitive personal data which the Ombudsman does not need in the proceedings shall be prepared by the person handling the case no later than 25 days following the receipt of data. The decision on the return of the data and their removal from the Ombudsman's records shall be taken by the competent deputy ombudsman within 30 days following the receipt of data, whereof the person handling the case shall inform the petitioner.

- (3) Oseba iz prejšnjega odstavka prejme prevod končnega odgovora oziroma odločitve Varuha praviloma v jeziku, v katerem je bila pobuda vložena.

5. člen

- (1) Varuh ima okrogel pečat. Pečat ima v sredini grb Republike Slovenije, okrog njega pa napis: Republika Slovenija Varuh človekovih pravic.
- (2) Varuh ima enotno celostno grafično podobo.

6. člen

Vprašanja organizacije in načina dela Varuha, ki niso urejena z ZVarCP in s tem poslovnikom, se uredijo s splošnimi akti Varuha.

7. člen

Varuh sodeluje in navezuje stike s sorodnimi organizacijami in njihovimi združenji v drugih državah ter z mednarodnimi organizacijami s področja varovanja človekovih pravic in temeljnih svoboščin.

8. člen

- (1) Varuh pri svojem delu komunicira z javnostjo oziroma različnimi ciljnimi skupinami. Javnost svojega dela zagotavlja na različne načine in z uporabo raznih komunikacijskih orodij.
- (2) Varuh izdaja redna letna poročila, posebna poročila in posebne publikacije.
- (3) Pri komuniciranju z javnostjo spoštuje zaupnost postopka in predpise o varstvu podatkov.

9. člen

- (1) Postopek pri Varuhu je zaupen, in to v razmerju do pobudnikov, drugih udeležencev v postopku in javnosti.
- (2) Predlog za vrnitev občutljivih osebnih podatkov, ki jih Varuh ne potrebuje v postopku, pripravi nosilec zadeve najpozneje v 25 dneh od prejema podatkov. Odločitev o vrnitvi in izbrisu iz evidenc Varuha sprejme pristojni namestnik varuha v 30 dneh od prejema podatkov, o čemer nosilec zadeve obvesti pobudnika.

- (3) The ombudsman or the competent deputy ombudsman may allow the parties to the proceedings access to the case file on the basis of a reasoned written application if this has no negative impact on the confidentiality of the proceedings. The decision on this shall be taken within 10 working days of the date of receipt of the written application. Access to the case file shall be provided during working hours at the head office of the Ombudsman and under the supervision of a public employee appointed by the director of the Expert Service.
- (4) Persons who need information on the Ombudsman's work to write their diploma papers, master's theses or doctoral dissertations or for scientific and research studies related to the Ombudsman's work may be granted access to the case file on the basis of a written consent issued by the ombudsman or the competent deputy ombudsman. Prior to examining the case file, such persons shall sign a statement on the protection of personal data they become acquainted with upon looking into the file.
- (5) The right to access shall comprise the right to view, copy and photocopy the single documents from the file. The costs for issuing copies shall be borne by the person enforcing the right to access.
- (6) In respect of the payment of costs for issuing photocopies, the regulation for the transmission and reuse of public information shall apply *mutatis mutandis*.

II. ORGANISATION AND METHOD OF WORK

Article 10

- (1) The Office of the Ombudsman shall consist of an Expert Service and the Secretary-General's Office.
- (2) More details on the organisation of the Ombudsman's Office, the number of posts at the Office, and descriptions of and conditions for taking up these posts shall be governed by the ombudsman by way of a special act.
- (3) The Ombudsman's Office shall be managed by the Secretary-General.

Article 11

- (1) In respect of the management of the Ombudsman's Office and the employment relationships there, the Secretary-General shall have the rights and duties of a head of a state authority in accordance with the law, except when such competence is explicitly entrusted to the ombudsman by the ZVarCP or other acts of the Ombudsman.
- (2) The Secretary-General shall decide on the use of funds for the work of the Ombudsman.

- (3) Varuh ali pristojni namestnik varuha lahko, če to ni v škodo zaupnosti postopka, udeležencu v postopku dovoli vpogled v spis, in sicer na podlagi utemeljene pisne vloge. Odločitev se sprejeme v desetih delovnih dneh od prejema pisne vloge. Vpogled v spis se opravi v delovnem času na sedežu Varuha in pod nadzorstvom javnega uslužbenca, ki ga določi direktor strokovne službe.
- (4) Osebe, ki podatke o Varuhovem delu potrebujejo zaradi izdelave diplomske, magistrske ali doktorske naloge ali zaradi znanstvenoraziskovalnega proučevanja Varuhovega dela, lahko vpogledajo v spis na podlagi pisnega dovoljenja varuha ali pristojnega namestnika varuha. Pred vpogledom v spis morajo osebe podpisati izjavo o varstvu osebnih podatkov, s katerimi se ob vpogledu seznanijo.
- (5) Pravica do vpogleda obsega pravico do pregledovanja, prepisovanja in kopiranja posameznih dokumentov iz spisa. Stroški za izdajo kopij bremenijo osebo, ki uveljavlja pravico do vpogleda.
- (6) Glede plačila stroškov za izdajo fotokopij se smiselno uporablja ureditev, ki velja za posredovanje in ponovno uporabo informacij javnega značaja.

II. ORGANIZACIJA IN NAČIN DELA

10. člen

- (1) Službo Varuha sestavljata strokovna služba in sekretariat.
- (2) Podrobnejšo organizacijo službe Varuha, število delovnih mest z opisi in s pogoji za njihovo zasedbo ureja varuh s posebnim aktom.
- (3) Službo Varuha vodi generalni sekretar.

11. člen

- (1) Generalni sekretar ima glede vodenja službe Varuha in na področju delovnih razmerij pravice in dolžnosti predstojnika državnega organa v skladu z zakonom, razen če z ZVarCP ali akti Varuha ta pristojnost ni izrecno določena varuhu.
- (2) Generalni sekretar je odredbodajalec za uporabo sredstev za delo Varuha.

- (3) The Secretary-General shall be accountable for his work to the ombudsman.
- (4) In the event of the absence of the Secretary-General, the latter shall be substituted by a public employee appointed by the ombudsman.

Article 12

- (1) Upon the instructions of the ombudsman, the deputy ombudsmen and the director of the Expert Service, the Expert Service shall perform professional tasks in the individual areas of work falling within the competence of the Ombudsman, classify petitions, provide for the dealing with petitions and the course of how the petitions are to be dealt with, carry out investigations, draw up reports on its findings regarding petitions, and prepare opinions, proposals, critiques and recommendations.
- (2) The director of the Expert Service shall organise and manage the work of public employees in the Expert Service according to the instructions of the ombudsman and the deputy ombudsmen.

Article 13

- (1) The Secretary-General's Office shall perform the following tasks: tasks relating to organisational, legal, administrative, material and financial matters, tasks relating to human resources and public relations, tasks of the main administrative office, administrative and technical tasks, and informational and other tasks required for the operation of the Ombudsman.
- (2) The Secretary-General's Office shall be headed directly by the Secretary-General.
- (3) The Ombudsman may set up the internal organisation of the Secretary-General's Office by way of a special act.

Article 14

- (1) The Council of the Human Rights Ombudsman (hereinafter: The Council) is a consultative body of the ombudsman.
- (2) The procedure for the appointment of the Council members shall start no later than 30 days after the beginning of the ombudsman's term of office.
- (3) The Ombudsman shall publish a call for applications to appoint the members of the Council and a public call for submitting proposals of state authorities for appointing the members of the Council on its website and in the media. The period for filing applications set in the call for applications must be at least 15 days from the date of publication. In addition to the requirements laid down by law, the application must provide the personal data of the candidate, a short description of his work or activities performed

- (3) Generalni sekretar je za svoje delo odgovoren varuhu.
- (4) Generalnega sekretarja v njegovi odsotnosti nadomešča javni uslužbenec, ki ga določi varuh.

12. člen

- (1) Strokovna služba po navodilih varuha, namestnikov varuha in direktorja strokovne službe opravlja strokovne naloge na posameznih delovnih področjih iz pristojnosti Varuha, klasificira pobude, skrbi za obravnavo pobud in potek njihove obravnave, izvaja preiskovalna dejanja, izdeluje poročila o svojih ugotovitvah v zvezi s pobudami ter pripravlja mnenja, predloge, kritike in priporočila.
- (2) Direktor strokovne službe organizira in vodi delo javnih uslužbencev v strokovni službi po navodilih varuha in namestnikov varuha.

13. člen

- (1) Sekretariat opravlja naloge na organizacijskem, pravnem, upravnem, materialnem, finančnem, kadrovskem področju, naloge s področja odnosov z javnostmi, naloge glavne pisarne, administrativno-tehnične, informacijske in druge naloge, ki so potrebne za delovanje Varuha.
- (2) Sekretariat vodi neposredno generalni sekretar.
- (3) Varuh lahko s posebnim aktom oblikuje notranjo organizacijo sekretariata.

14. člen

- (1) Svet varuha za človekove pravice (v nadaljnjem besedilu: Svet) je posvetovalno telo varuha.
- (2) Postopek za imenovanje članov Sveta se začne najpozneje 30 dni po začetku mandata varuha.
- (3) Varuh na svojem spletišču in v medijih objavi javni razpis za imenovanje članov Sveta in javni poziv za posredovanje predlogov državnih organov za imenovanje članov Sveta. Razpis mora omogočiti zbiranje prijav najmanj 15 dni od dneva objave. Prijava mora poleg zakonsko določenih zahtev vsebovati še navedbo osebnih podatkov prijaviteljenega kandidata, kratek opis njegovega dosedanjega dela ali aktivnosti ter podatke, iz katerih je razvidno, da je strokovnjak na področju varstva človekovih pravic in temeljnih svoboščin.

to date, and data showing that the candidate is an expert in the protection of human rights and fundamental freedoms.

- (4) Within 30 days of the expiry of the time limit for filing applications, the Ombudsman shall publish a decision on the appointment of the Council members on its website. All candidates who filed applications shall be notified of the Ombudsman's decision in writing within the same time limit.
- (5) The provisions laid down in the third and fourth paragraphs shall apply *mutatis mutandis* to the proposals of state authorities.
- (6) The Chair of the Council is authorised to instruct the Ombudsman's employees to prepare materials and perform other tasks pertaining to the organisation and conduct of the Council's sessions and for exercising other competences of the Council.

Article 15

- (1) The Ombudsman shall also have other internal organisational units:
 - a Child Advocacy Unit,
 - a Human Rights Centre,
 - a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the NPM).
- (2) The management of the internal organisational units shall include in particular coordination of the work processes within each unit, the assignment of cases and giving instructions for the performance of tasks to public employees employed in the unit, the provision of compliance of the unit's operations with the operations of other internal organisational units and the body as a whole, cooperation with institutions and organisations in the country, from abroad and at the international level, and informing the public of selected aspects regarding the operations of individual units.
- (3) Assistant managers may be appointed for assistance in the management of internal organisational units.
- (4) The tasks and the operation of organisational units shall be performed within the available budgetary funds in accordance with the priority tasks prepared by the managers of the units.
- (5) Funds for the operation of internal organisational units shall be provided within the Ombudsman's budget by special separate budget items on the basis of the annual work plan and the activities envisaged for the next budgetary period.

- (4) Varuh v 30 dneh po preteku roka za zbiranje prijav iz javnega razpisa na svojem spletišču objavi sklep o imenovanju članov Sveta. Vse prijavljene kandidate v istem roku pisno obvesti o svoji odločitvi.
- (5) Določbe tretjega in četrtega odstavka se smiselno uporabljajo tudi za predloge državnih organov.
- (6) Predsednik Sveta ima pooblastilo, da zaposlenim pri Varuhu naloži pripravo gradiva in druga opravila v zvezi z organizacijo in izvedbo seje Sveta in tudi za izvajanje drugih pristojnosti Sveta.

15. člen

- (1) Varuh ima tudi naslednje notranje organizacijske enote:
 - zagovorništvo otrok,
 - center za človekove pravice,
 - državni preventivni mehanizem po Opcijskem protokolu h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (v nadaljevanju: DPM).
- (2) Vodenje notranjih organizacijskih enot pomeni zlasti koordiniranje delovnih procesov v okviru enote, dodeljevanje zadev in dajanje navodil za opravljanje dela v enoti zaposlenim javnim uslužbencem, ter skrb za usklajenost delovanja enote z delovanjem drugih notranjih organizacijskih enot oziroma organa, za sodelovanje z institucijami in organizacijami v državi, iz tujine oziroma mednarodne ravni in za seznanjanje javnosti o izbranih vidikih delovanja enote.
- (3) Za pomoč pri vodenju notranjih organizacijskih enot se lahko imenuje pomočnike vodij.
- (4) Naloge in delovanje organizacijskih enot se opravljajo v okviru zagotovljenih proračunskih sredstev v skladu s prednostnimi nalogami, ki jih pripravijo njihovi vodje.
- (5) Sredstva za delovanje notranjih organizacijskih enot se zagotavljajo v okviru proračuna Varuha na posebnih ločenih postavkah na podlagi letnega načrta dela in aktivnosti za naslednje proračunsko obdobje.

Article 16

- (1) Confidentiality of proceedings and the protection of the personal data of children and their parents or statutory representatives shall be additionally provided for by limiting the circle of authorised persons who are entitled to access to individual cases because of their work tasks.
- (2) Child advocacy shall be managed by the deputy ombudsman responsible for the protection of children's rights.
- (3) In the regular annual reports by way of which the Ombudsman reports on its work to the National Assembly each year, a special chapter shall be devoted to annual advocacy activities.

Article 17

The Human Rights Centre shall be managed by a deputy ombudsman authorised by the ombudsman.

Article 18

- (1) In the regular annual reports by way of which the Ombudsman reports on its work to the National Assembly each year, a special chapter shall be devoted to the annual work of the Human Rights Centre.
- (2) The Ombudsman may also issue special publications on individual tasks performed by the Human Rights Centre or shall report on these tasks to the target audience in any other appropriate manner.

Article 19

The Human Rights Centre may perform in particular tasks related to education and training, the organisation of consultations, and the preparation of analyses and reports in cooperation with natural or legal persons dealing with the protection of human rights and fundamental freedoms or who have obtained other appropriate knowledge and experience related to the performance of the Centre's tasks.

Article 20

- (1) The NPM shall provide for the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment by regular visits to places of deprivation of liberty, through recommendations and proposals prepared on the basis of visits, and by commenting on valid or proposed legislation.
- (2) In the implementation of the tasks and the powers of the NPM, persons from non-governmental or humanitarian organisations may participate. Such participation shall be regulated by a contract.

16. člen

- (1) Zaupnost postopka in varstvo osebnih podatkov otrok in njihovih staršev ali zakonitih zastopnikov sta dodatno zagotovljena z omejitvijo kroga pooblaščenih oseb, ki imajo zaradi svojih delovnih nalog pravico do vpogleda v posamezne zadeve.
- (2) Zagovorništvo otrok vodi namestnik varuha, ki je pristojen za varstvo otrokovih pravic.
- (3) O delovanju zagovorništva se poroča za vsako leto, v posebnem poglavju rednega letnega poročila, s katerim Varuh poroča državnemu zboru o svojem delu.

17. člen

Center za človekove pravice vodi namestnik varuha, ki ga pooblasti varuh.

18. člen

- (1) O delovanju centra za človekove pravice se poroča za vsako leto, v posebnem poglavju rednega letnega poročila, s katerim Varuh poroča državnemu zboru o svojem delu.
- (2) O posameznih nalogah centra za človekove pravice lahko Varuh izdaja tudi posebne publikacije ali o njih ciljnim javnostim poroča na kateri koli drug primeren način.

19. člen

Center za človekove pravice lahko zlasti naloge izobraževanja, usposabljanja, organiziranja posvetovanj ter priprave analiz in poročil opravlja v sodelovanju s fizičnimi ali pravnimi osebami, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin ali imajo v zvezi z njegovimi nalogami drugo ustrezno znanje in izkušnje.

20. člen

- (1) DPM skrbi za varstvo oseb, ki jim je odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja z rednimi obiski na krajih odvzema prostosti, s priporočili in predlogi, pripravljenimi na podlagi obiskov, ter pripombami k veljavnim ali predlaganim zakonom.
- (2) Pri izvajanju nalog in pooblastil DPM lahko sodelujejo osebe iz nevladnih ali humanitarnih organizacij. To sodelovanje se uredi s pogodbo.

- (3) The call for applications for the selection of organisations referred to in the preceding paragraph shall be published in the Official Gazette of the Republic of Slovenia and on the Ombudsman's website. The call for applications shall contain the definition of the subject and the purpose of the call for applications to be met by the applicants, the selection criteria and a definition of the period of cooperation.
- (4) The public nature of the work of the NPM shall be in particular provided for by the publication of summaries of reports on visits to places of deprivation of liberty and by its annual report.
- (5) The functioning of the NPM shall be defined in detail by the methodology of implementing the duties and powers of the NPM adopted by the ombudsman.

Article 21

A cabinet may be set up for the performance of professional, consulting, organisational, coordinating, and administrative and technical tasks related to the role of the ombudsman.

Article 22

- (1) The College of the ombudsman is a working body of the Ombudsman composed of the ombudsman, the deputy ombudsmen, the Secretary-General and the Director of the Expert Service.
- (2) If necessary, other public employees of the Ombudsman shall participate in the work of the College.
- (3) The College of the ombudsman shall discuss expert and other issues important for the Ombudsman's work.
- (4) The College of the ombudsman shall be convened and chaired by the ombudsman.

Article 23

- (1) Matters within the competence of the Ombudsman shall be divided into the following work areas:
 1. Equality before the law and prohibition of discrimination
 2. Protection of dignity, personal rights, security and privacy
 3. Freedom of conscience and religious communities
 4. Freedom of expression
 5. Assembly and association and participation in the management of public affairs
 6. National and ethnic communities
 7. Foreigners
 8. Restriction of personal liberty

- (3) Javni razpis za izbor organizacij iz prejšnjega odstavka se objavi v Uradnem listu Republike Slovenije in na Varuhovem spletišču. Javni razpis vsebuje opredelitev predmeta in namena razpisa, zahteve, ki jih morajo izpolnjevati prijavitelji, merila za izbor in opredelitev obdobja sodelovanja.
- (4) Javnost dela DPM se zagotavlja zlasti z objavo povzetkov poročil o obisku krajev odvzema prostosti in z njegovim letnim poročilom.
- (5) Delovanje DPM podrobneje določa metodologija izvajanja nalog in pooblastil DPM, ki jo sprejme varuh.

21. člen

Za opravljanje strokovnih, svetovalnih, organizacijskih, koordinacijskih in administrativno-tehničnih nalog, vezanih na funkcijo varuha, se lahko oblikuje kabinet.

22. člen

- (1) Kolegij varuha je delovno telo Varuha, ki ga sestavljajo varuh, njegovi namestniki, generalni sekretar in direktor strokovne službe.
- (2) Pri delu kolegija lahko sodelujejo drugi javni uslužbenci Varuha.
- (3) Kolegij varuha obravnava strokovna in druga vprašanja, pomembna za delo Varuha.
- (4) Kolegije varuha sklicuje in vodi varuh.

23. člen

- (1) Zadeve iz pristojnosti Varuha se delijo na naslednja delovna področja:
 1. Enakost pred zakonom in prepoved diskriminacije,
 2. Varstvo dostojanstva, osebnostnih pravic ter varnosti in zasebnosti,
 3. Svoboda vesti in verske skupnosti,
 4. Svoboda izražanja,
 5. Zbiranje in združevanje ter sodelovanje pri upravljanju javnih zadev,
 6. Narodne in etnične skupnosti,
 7. Tujci,
 8. Omejitve osebne svobode,
 9. Socialna varnost,
 10. Delovnopravne zadeve,
 11. Brezposelnost,
 12. Državni preventivni mehanizem,
 13. Zagovorništvo otrok,
 14. Druge upravne zadeve,
 15. Pravosodje,
 16. Policijski postopki, zasebno varovanje, detektivi in redarji,
 17. Okolje in prostor,

9. Social security
 10. Labour law
 11. Unemployment
 12. The national preventive mechanism
 13. Child advocacy
 14. Other administrative matters
 15. Justice
 16. Police proceedings, private security, detectives and wardens
 17. The environment and spatial planning
 18. Regulated activities
 19. Non-commercial public services
 20. Housing affairs
 21. Protection of the rights of the child.
- (2) Each field shall be within the competence of one deputy ombudsman.
- (3) The ombudsman shall determine a more detailed division taking into consideration:
- substantive connections between problems,
 - organisation and type of procedures of state and other authorities which are within the powers of the Ombudsman, and
 - the cohesion of professional fields.

Article 24

- (1) In the fields under their responsibility, the deputy ombudsmen shall have all the powers provided to the ombudsman by the ZVarCP.
- (2) The Ombudsman may give general or special powers to other high officials or public employees of the Ombudsman.

Article 25

- (1) The ombudsman and his deputies, other high officials and public employees of the Ombudsman shall each have a personal service ID card containing his photo, data on his identity and a statement of his powers.
- (2) In the implementation of his tasks, the advocate shall identify himself by the identity card issued by the Ombudsman in accordance with the ZVarCP.
- (3) The form of the identity card and the procedure for issuing the card shall be prescribed by the ombudsman.
- (4) The Secretary-General shall be responsible for issuing these cards and maintaining records thereof.

Article 26

The ombudsman shall determine and make public the working hours of the Ombudsman's Office.

18. Regulirane dejavnosti,
19. Negospodarske javne službe,
20. Stanovanjske zadeve,
21. Varstvo otrokovih pravic.

- (2) Za vsako področje je pristojen eden izmed namestnikov varuha.
- (3) Podrobnejšo delitev posameznega področja varuh določi ob upoštevanju:
 - vsebinske povezanosti problematike,
 - organizacije in vrste postopkov državnih in drugih organov, do katerih ima Varuh pooblastila, in
 - zaokroženosti strokovnih področij.

24. člen

- (1) Namestnik varuha ima v zvezi s svojim delom na področjih, za katera je pristojen, vsa pooblastila, ki jih daje ZVarCP varuhu.
- (2) Varuh lahko drugim funkcionarjem in javnim uslužbencem Varuha daje splošna ali posamična pooblastila.

25. člen

- (1) Varuh in njegovi namestniki, drugi funkcionarji in javni uslužbenci Varuha imajo službeno izkaznico s fotografijo, podatki o identiteti in navedbo pooblastil.
- (2) Zagovornik se pri izvajanju svojih nalog izkazuje z izkaznico, ki jo Varuh izda v skladu z ZVarCP.
- (3) Obrazec izkaznice in postopek za njeno izdajo predpiše varuh.
- (4) Za izdajanje izkaznic in evidenco o izdanih izkaznicah skrbi generalni sekretar.

26. člen

Delovni čas Varuha določi varuh in ga javno objavi.

Article 27

The Ombudsman may also perform his work outside the head office.

Article 28

- (1) Interviews with petitioners shall be performed by public employees, and only upon prior agreement by the ombudsman and the deputy ombudsmen.
- (2) If the interview has not been previously agreed on and the petitioner insists on an interview, the interview can be conducted by an official employee appointed by the Director of the Expert Service.

III. PROCEEDINGS

Article 29

- (1) Proceedings for establishing violations of human rights or fundamental freedoms or other maladministration shall be initiated by a petition.
- (2) The Ombudsman may also initiate proceedings in an individual case at its own initiative under the conditions provided by the ZVarCP.
- (3) The Ombudsman may also deal with broader issues that are important for the protection of human rights and fundamental freedoms and for legal certainty in the Republic of Slovenia.

Article 30

- (1) As a rule, a petition to initiate proceedings shall be lodged in writing. If a petition is received via email and there is doubt as to the identity of the sender, a confirmation of the petition may be required.
- (2) A petition may also be put on record orally. The petition shall be received by a public employee appointed by the director of the Expert Service.
- (3) In exceptional cases the Ombudsman may also receive a petition by phone. In such cases, however, the petitioner must also lodge his petition in writing. In the event that the petition is not lodged in writing within seven days of the date when it was received by phone, the proceedings may be stayed.

Article 31

- (1) A petition to initiate proceedings must be signed and must contain personal data on the petitioner. It must contain:
 - a statement from the state authority, local community authority or bearer of public authority (hereinafter: authority) to which the petition refers;
 - a statement on the alleged maladministration;
 - any facts and evidence on which the complaint is based, and
 - a statement on the legal remedies that have already been used in the case.

27. člen

Varuh lahko opravlja svoje delo tudi zunaj svojega sedeža.

28. člen

- (1) Razgovore s pobudniki opravljajo javni uslužbenci, varuh in namestniki varuha pa le po predhodnem dogovoru.
- (2) Če razgovor ni bil predhodno dogovorjen, pobudnik pa kljub temu želi razgovor, ga lahko opravi z javnim uslužbencem, ki ga določi direktor strokovne službe.

III. POSTOPEK

29. člen

- (1) Postopek za ugotavljanje kršitve človekovih pravic ali temeljnih svoboščin oziroma druge nepravilnosti se začne na pobudo.
- (2) Varuh lahko pod pogoji, ki jih določa ZVarCP, v posamezni zadevi začne postopek tudi na lastno pobudo.
- (3) Varuh lahko obravnava tudi širša vprašanja, ki so pomembna za varstvo človekovih pravic in temeljnih svoboščin in pravno varnost v Republiki Sloveniji.

30. člen

- (1) Pobuda za začetek postopka se praviloma vloži pisno. Če je pobuda prejeta po elektronski pošti in obstaja dvom o identiteti pošiljatelja, se lahko zahteva potrditev pobude.
- (2) Pobuda se lahko vloži tudi ustno na zapisnik. Pobudo sprejme javni uslužbenec, ki ga določi direktor strokovne službe.
- (3) V izjemnih primerih lahko Varuh sprejme pobudo tudi po telefonu. Takšno pobudo mora pobudnik vložiti še v pisni obliki. Če je ne vloži v sedmih dneh po tem, ko jo je sporočil po telefonu, se lahko postopek ustavi.

31. člen

- (1) Pobuda za začetek postopka mora biti podpisana in vsebovati osebne podatke pobudnika. Vsebovati mora:
 - navedbo državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil (v nadaljnjem besedilu: organ), na katerega se pobuda nanaša,
 - navedbo zatrjevane nepravilnosti,
 - dejstva in dokaze, na katerih temelji pobuda, in
 - navedbo pravnih sredstev, ki jih je v zadevi že uporabil.

- (2) The petitioner shall be requested to appropriately supplement the petition within a specified time limit. Should the petition not be supplemented within this time limit, the proceedings dealing with the petition shall be stayed.

Article 32

Upon the instructions of the ombudsman or a deputy ombudsman, the Secretary-General of the Ombudsman shall respond to applications and other correspondence that do not have the nature of petitions to initiate proceedings.

Article 33

Should expertise be required for the establishment, clarification or examination of a certain fact which is important for the resolution of the case and the Ombudsman lacks such expertise, an expert may be engaged in the proceedings; as a rule the expert shall be selected from the directory of court experts, certified appraisers and court interpreters.

Article 34

Taking into consideration the informal nature of proceedings with the Ombudsman, for the exclusion, the records, the summons, the service of documents, the calculation of time periods and for the fact-finding procedure, the act governing general administrative procedure shall apply *mutatis mutandis* to these proceedings.

Article 35

Prior to taking a decision on the manner of processing a petition, the Ombudsman may make necessary inquiries. For this purpose, it shall request explanations, information and other data from the competent authorities within a specified deadline.

Article 36

- (1) When possible, the Ombudsman shall encourage the settlement of the case by mutual agreement.
- (2) The settlement of the case by mutual agreement shall not exclude any possible additional findings and proposals by the Ombudsman.

Article 37

Considering the established facts, at every stage of the proceedings the Ombudsman may submit its opinion on the case it is dealing with to any authority, irrespective of the type and stage of the proceedings which are being conducted before the respective authority.

- (2) Pobudnika se lahko pozove, da v določenem roku pobudo ustrezno dopolni. Če pobuda v tem roku ni ustrezno dopolnjena, se postopek njene obravnave ustavi.

32. člen

Na vloge in druge dopise, ki nimajo narave pobude za začetek postopka, po navodilu varuha ali namestnika varuha odgovarja generalni sekretar.

33. člen

Če je za ugotovitev, razjasnitev ali presojo nekega dejstva, ki je pomembno za rešitev zadeve, potrebno strokovno znanje, ki ga Varuh nima, lahko v postopek vključi strokovnjaka, praviloma iz imenika sodnih izvedencev, sodnih cenilcev in sodnih tolmačev.

34. člen

Ob upoštevanju neformalne narave postopka pri Varuhu se v tem postopku glede izločitve, zapisnika, vabil, vročanja, štetja rokov in ugotovitvenega postopka smiselno uporablja zakon, ki ureja splošni upravni postopek.

35. člen

Pred odločitvijo o načinu obravnavanja pobude lahko Varuh opravi potrebne poizvedbe. V ta namen od pristojnih organov zahteva, da mu v določenem roku pošljejo pojasnila, informacije in druge podatke.

36. člen

- (1) Kadar je to mogoče, Varuh spodbuja sporazumno rešitev zadeve.
- (2) Sporazumna rešitev zadeve ne izključuje Varuhovih morebitnih dodatnih ugotovitev in predlogov.

37. člen

Glede na ugotovljeno dejansko stanje lahko Varuh v vsaki fazi postopka vsakemu organu pošlje svoje mnenje o zadevi, ki jo obravnava, ne glede na vrsto in stopnjo postopka, ki teče pred temi organi.

Article 38

As a rule, the Ombudsman shall decide on the petition by a summary procedure, especially when the current situation and the positions of the parties affected are evident from the information available; in this respect the Ombudsman shall reasonably apply the provisions of the act governing investigations.

Article 39

Should the circumstances of the case so require, the Ombudsman shall initiate an investigation.

Article 40

The order for an investigation shall in particular include:

- a summary of the petition and the statement of the authority to which the petition refers;
- a statement on the conduct that allegedly represents the violation of human rights or fundamental freedoms or any other maladministration; and
- a statement on the persons who are to undertake the investigation.

IV. CONCLUSION OF THE PROCEEDINGS

Article 41

- (1) The Ombudsman may suspend or stop the proceedings if it establishes that the case has been resolved in another way, if the petitioner does not cooperate in the proceedings for unjustified reasons or if it is evident from the petitioner's actions that he has no interest in further examination of the case.
- (2) The petitioner and the authority to which the petition refers, if the latter has taken part in the fact-finding proceedings, shall be notified that the proceedings have been stayed.

Article 42

- (1) The Ombudsman shall conclude the proceedings for processing a petition or a broader issue by issuing a final report in which it shall state its assessment of the facts and circumstances of the problems dealt with and shall determine whether a violation of human rights or fundamental freedoms or some other maladministration has occurred.
- (2) If a draft report has been drawn up, the Ombudsman shall also adopt a position in its final report regarding any possible comments of the affected parties on the draft report which have not been taken into consideration.
- (3) In the final report, the Ombudsman shall inform the petitioner and the authority if the latter has participated in the proceedings or if a violation or other maladministration has occurred during its work.

38. člen

Varuh o pobudi praviloma odloči po skrajšanem postopku, zlasti kadar so dejansko stanje in stališča prizadetih strani razvidni iz razpoložljivih podatkov, pri tem pa smiselno uporablja določbe zakona, ki urejajo preiskavo.

39. člen

Če to zahtevajo okoliščine obravnavane zadeve, Varuh začne preiskavo.

40. člen

Sklep o preiskavi vsebuje zlasti:

- povzetek pobude in navedb organa, na katerega se pobuda nanaša,
- navedbo ravnanja, ki domnevno pomeni kršitev človekovih pravic ali temeljnih svoboščin oziroma drugo nepravilnost,
- osebe, ki bodo opravile preiskavo.

IV. ZAKLJUČEK POSTOPKA

41. člen

- (1) Varuh lahko prekine, ali ustavi postopek, če ugotovi, da je bila zadeva rešena na drug način, če pobudnik neupravičeno ne sodeluje v postopku ali je iz njegovih dejanj razvidno, da ne kaže zanimanja za nadaljevanje obravnavanja zadeve.
- (2) O ustavitvi postopka se seznanijo pobudnik in organ, na katerega se nanaša pobuda, če je sodeloval v ugotovitvenem postopku.

42. člen

- (1) Varuh zaključi postopek obravnave pobude oziroma širšega vprašanja s končnim poročilom, v katerem navede svojo oceno dejstev in okoliščin obravnavane problematike in ugotovi, ali so bile kršene človekove pravice ali temeljne svoboščine oziroma ali je šlo za drugo nepravilnost.
- (2) Če je v zadevi izdelan osnutek poročila, se Varuh v končnem poročilu opredeli tudi do morebitnih pripomb prizadetih strank k osnutku poročila, ki niso bile upoštevane.
- (3) Varuh s končnim poročilom seznanijo pobudnik in organ, če je sodeloval v postopku ali če je bila ugotovljena kršitev oziroma druga nepravilnost pri njegovem delu.

V. OTHER PROVISIONS

Article 43

The Ombudsman shall keep statistics on its work.

Article 44

The Ombudsman's regular annual report shall include the findings about the level of observance of human rights and fundamental freedoms and about legal certainty in the Republic of Slovenia, a description of the most pressing problems, a statistical survey of received, handled and processed petitions, a description of individual typical cases of violations or maladministration, and a report on other activities of the Ombudsman.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 45

The processing of petitions lodged prior to the entry into force of these Rules of Procedure shall be continued and completed in accordance with the provisions of these Rules of Procedure.

Article 46

Upon the entry into force of these Rules of Procedure, the Rules of Procedure of the Human Rights Ombudsman of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 63/95, 54/98, 101/2001 and 58/05) shall cease to be in force.

Article 47

These Rules of Procedure shall enter into force on the fifteenth day after their publication in the Official Gazette of the Republic of Slovenia.

Vlasta Nussdorfer,
Human Rights Ombudsman

Reference number: 0101-1/2019
Ljubljana, 7 January 2019

V. DRUGE DOLOČBE

43. člen

Varuh o svojem delu vodi statistiko.

44. člen

Varuhovo redno letno poročilo vsebuje ugotovitve o stopnji spoštovanja človekovih pravic in temeljnih svoboščin ter o pravni varnosti v Republiki Sloveniji, opis pogloblitve problematike, statistični pregled prejetih, obravnavanih in zaključenih zadev, opis posameznih značilnih primerov kršitev ali nepravilnosti ter poročilo o drugih Varuhovih aktivnostih.

VI. PREHODNA IN KONČNI DOLOČBI

45. člen

Obrnava pobud, vloženih pred uveljavitvijo tega poslovnika, se nadaljuje in zaključuje skladno z določbami tega poslovnika.

46. člen

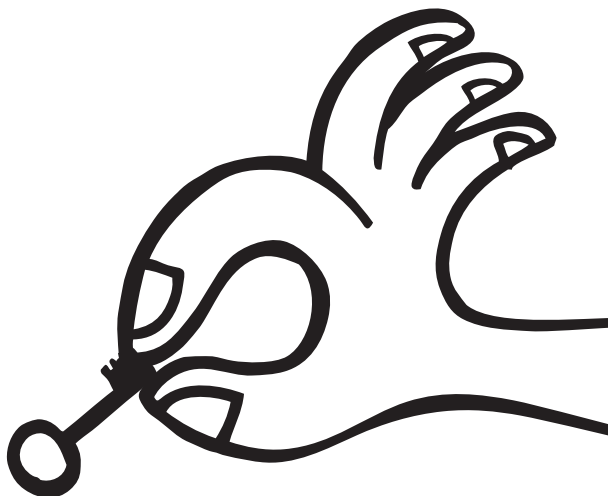
Z dnem uveljavitve tega poslovnika preneha veljati Poslovník Varuha človekovih pravic Republike Slovenije (Uradni list RS, št. 63/95, 54/98, 101/01 in 58/05).

47. člen

Ta poslovnik začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Vlasta Nussdorfer,
varuhinja človekovih pravic

Št.: 0101-1/2019
Ljubljana, 7. januar 2019



COUNCIL OF THE OMBUDSPERSON

SVET VARUHA ZA ČLOVEKOVE PRAVICE



4. RULES OF PROCEDURE OF THE COUNCIL OF THE OMBUDSPERSON

(Official Gazette of the Republic of Slovenia, No 71/18, 5. 11. 2018)

In compliance with Article 50a of the Human rights Ombudsman Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 69/17 - official consolidated text), the Ombudswoman hereby adopts the following

RULES OF PROCEDURE of the Council of the Ombudsperson

Article 1

(Object and purpose)

- (1) The Council of the Ombudsperson (hereinafter: the Council) shall be the consultative body of the head of the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: the Ombudsman), established to promote and protect human rights and fundamental freedoms and strengthen legal security.
- (2) The Council shall function according to the principle of professional autonomy, this including internal democracy, open dialogue, and observation of ethical and other aspects in its work.

Article 2

(Organisation)

- (1) The Rules of procedure of the Council (hereinafter: the Rules) shall govern the organisation and the work of the Council, relations between the Council, the Ombudsperson and the Ombudsman, and the method of exercising the rights and obligations of members of the Council.
- (2) The Council shall have its seat at the premises of the Ombudsman, i.e. Dunajska cesta 56, Ljubljana.
- (3) The Council shall hold its meetings at the premises of the Ombudsman but may choose to hold meetings in a place other than that in which it has its seat if the Ombudsman so consents.

Article 3

(Public nature of the work of the Council)

The work of the Council shall be public. The publicising of the work of the Council shall mainly be ensured by the Ombudsman through the publication of the

4. POSLOVNIK SVETA VARUHA ZA ČLOVEKOVE PRAVICE

Uradni list RS, št. 71/18, z dne 5. 11. 2018

Na podlagi 50.a člena Zakona o varuhu človekovih pravic (Uradni list RS, št. 69/17 (uradno prečiščeno besedilo)) varuhinja človekovih pravic sprejema

POSLOVNIK Sveta varuha za človekove pravice

1. člen

(predmet in namen)

- (1) Svet varuha za človekove pravice (v nadaljnjem besedilu: Svet) je posvetovalno telo varuha kot predstojnika institucije Varuha človekovih pravic Republike Slovenije (v nadaljnjem besedilu: Varuh), ki je ustanovljeno za spodbujanje in varstvo človekovih pravic in temeljnih svoboščin ter krepitev pravne varnosti.
- (2) Svet ima strokovno avtonomijo delovanja, kar vključuje notranjo demokracijo, odprti dialog in ustrezno upoštevanje raznih vidikov pri lastnem delovanju.

2. člen

(organizacija)

- (1) Poslovnik Sveta (v nadaljnjem besedilu: poslovnik) ureja organizacijo in delo Sveta, razmerje med Svetom, varuhom in Varuhom ter način uresničevanja pravic in dolžnosti članic in članov (v nadaljnjem besedilu: člani) Sveta.
- (2) Sedež Sveta je v prostorih Varuha, Dunajska cesta 56, Ljubljana.
- (3) Svet ima svoje seje praviloma v prostorih Varuha, po dogovoru pa tudi na zunanjih lokacijah, če Varuh s tem soglaša.

Council's findings, opinions and proposals on the Ombudsman's website, but this may also be done in other ways and via different communication channels.

Article 4

(Term of office)

- (1) The Ombudsman shall issue a decision on the appointment of the members of the Council.
- (2) The Council shall be constituted at its first meeting following the publication of the Ombudsperson's decision on the appointment of the members of the Council. Their term is linked to the Ombudsperson's term of office.
- (3) The Council shall be chaired by a deputy ombudsperson authorised by the Ombudsperson for a certain period of time (hereinafter: the Chairperson). The Chairperson shall conduct the meetings of the Council and carry out other tasks in accordance with the Rules.

Article 5

(Tasks of the Chairperson and members of the Council)

- (1) The Chairperson shall:
 - ensure the legality of the work of the Council,
 - represent the Council,
 - convene and conduct the meetings of the Council,
 - sign the minutes of meetings and other documents of the Council,
 - inform the Ombudsperson about the contents of discussions and documents adopted,
 - inform the Council of the work? functioning? of the Ombudsman,
 - ensure cooperation with analogous institutions in other countries and with international human rights bodies and organisations,
 - define the composition of delegations of the Council that are to visit institutions in other countries or to receive foreign delegations.
- (2) The members of the Council shall protect confidential information they become aware of at the meetings of the Council.
- (3) The members of the Council shall have the right and the obligation to participate in the meetings of the Council and to propose issues for consideration. They shall have the right to the reimbursement of travel expenses incurred for participation in the meetings of the Council and of other agreed expenses to cover their participation in international events abroad in connection with their work in the Council. Expenses shall be reimbursed from the Ombudsman's budget.

3. člen

(javnost dela Sveta)

Delo Sveta je javno. Varuh javnost dela Sveta zagotavlja z objavo ugotovitev, stališč in predlogov Sveta na svojem spletišču, lahko pa tudi na druge načine in po različnih komunikacijskih poteh.

4. člen

(mandat)

- (1) Varuh izda sklep o imenovanju članov Sveta.
- (2) Svet se konstituira na prvi seji potem, ko varuh predstavi sklep o imenovanju članov Sveta. Njihov mandat je vezan na varuhov mandat.
- (3) Svetu predseduje namestnica oziroma namestnik varuha, ki ga za določeno obdobje pooblasti varuh (v nadaljnjem besedilu: predsedujoči). Predsedujoči vodi seje Sveta in izvaja druge naloge po tem poslovniku.

5. člen

(naloge predsedujočega in članov Sveta)

- (1) Predsedujoči:
 - skrbi za zakonitost dela,
 - zastopa Svet,
 - sklicuje in vodi seje Sveta,
 - podpisuje zapisnike in druge dokumente Sveta,
 - varuha seznanja z vsebino razprav in sprejetimi dokumenti,
 - seznanja Svet z delovanjem Varuha,
 - skrbi za sodelovanje s sorodnimi institucijami v drugih državah ter z mednarodnimi organi in organizacijami s področja človekovih pravic,
 - določa sestavo delegacije Sveta za obisk pri organih v drugih državah in za obisk tuje delegacije pri Svetu.
- (2) Člani Sveta morajo varovati zaupne podatke, s katerimi se seznanijo na sejah Sveta.
- (3) Člani Sveta imajo pravico in dolžnost, da se udeležujejo sej Sveta, in pravico, da predlagajo vprašanja za obravnavo. Imajo pravico do povrnitve potnih stroškov za prihod na sejo Sveta in do drugih dogovorjenih stroškov, zlasti stroškov za udeležbo na mednarodnih dogodkih v tujini v zvezi z delom v Svetu. Stroški se povrnejo iz Varuhove proračunske postavke.

Article 6

(Specialised and administrative/technical tasks)

Specialised, administrative and technical tasks necessary for the work of the Council shall be ensured by the Ombudsman.

Article 7

(Convening of meetings)

- (1) The Chairperson shall send invitations to meetings and documents to the addresses or email addresses indicated in writing by the members of the Council as the address for service of invitations, documents and communications. The Chairperson shall always send the invitation to the Ombudsperson.
- (2) The Chairperson shall convene meetings at his or her own initiative or at the initiative of at least one-quarter of the members of the Council; a members' initiative shall be substantiated and in writing.
- (3) The Chairperson shall send the invitation together with the proposed agenda and documents to the members of the Council at least eight days in advance of the session.
- (4) At the beginning of the session, the Chairperson shall inform the members of the implementation of the decisions taken at the previous session and with the reactions of the Ombudsperson to the findings, positions and proposals of the previous session.
- (5) The Chairperson shall define the agenda of and the inclusion of any additional matters in the session of the Council on his or her initiative but shall be obliged to include additional matters following a written and substantiated proposal made by at least one-quarter of the members of the Council. The inclusion of additional matters on the agenda of a meeting may be requested, in general, at least five days before the meeting; exceptionally they may be included during the session after a preliminary discussion to establish whether the request is backed by at least one-quarter of the members of the Council. In addition to invitations, members of the Council may be sent written proposals from other members of the Council, documents, reports and other materials relevant for the discussion and carrying out of consultative tasks.

Article 8

(Tasks of the Council)

- (1) For the purpose of implementing the tasks under Article 50a of the Human Rights Ombudsman Act, the members of the Council shall:
 - adopt positions about the level of observance of human rights and fundamental freedoms and about legal certainty in the Republic of Slovenia,

6. člen

(strokovne in administrativno-tehnične naloge)

Varuh zagotavlja opravljanje strokovnih in administrativno-tehničnih nalog, s katerimi se zagotavljajo razmere za delo Sveta.

7. člen

(sklici sej)

- (1) Predsedujoči pošilja vabila za seje in morebitna gradiva na naslove ali elektronske naslove članov Sveta, ki jih ti v pisni izjavi opredelijo kot naslove za prejemanje vabil, dokumentov in sporočil. Predsedujoči vabila za seje vedno pošlje tudi varuhu.
- (2) Predsedujoči sklicuje seje Sveta na svojo pobudo ali na podlagi pobude vsaj četrtnine članov Sveta, ta pobuda pa mora biti v pisni obliki in obrazložena.
- (3) Vabilo na sejo s predlogom dnevnega reda in morebitnimi gradivi predsedujoči pošlje članom Sveta najmanj osem dni pred zadevno sejo.
- (4) Predsedujoči na začetku vsake seje člane seznanijo z uresničitvijo sklepov in odzivom varuha na ugotovitve, stališča in predloge predhodne seje Sveta.
- (5) O dnevnem redu in morebitni uvrstitvi predlaganih vsebin na sejo Sveta odloča predsedujoči na svojo pobudo, na podlagi pisne obrazložene pobude vsaj četrtnine članov Sveta pa je dolžan na sejo uvrstiti dodatno vsebino. Uvrstitev dodatne vsebine na dnevni red seje se lahko praviloma zahteva pet delovnih dni pred zadevno sejo, izjemoma pa tudi na seji, o čemer se opravi predhodna razprava in se nato preveri, ali zahtevo podpira vsaj četrtnina članov Sveta. Članom Sveta se lahko poleg vabil in zapisnikov pošiljajo tudi pisne predloge članov Sveta, dokumenti, poročila in drugo gradivo, pomembno za obravnavo vsebin in opravljanje svetovalnih nalog.

8. člen

(naloge sveta)

- (1) Za izvajanje svojih nalog iz 50.a člena Zakona o varuhu človekovih pravic lahko člani Sveta:
 - sprejemajo stališča o stopnji spoštovanja človekovih pravic in temeljnih svoboščin ter o pravni varnosti v Republiki Sloveniji,

- adopt positions on the annual and special reports of the Ombudsman,
 - submit proposals to the Ombudsman to introduce procedures regarding possible violations of human rights and fundamental freedoms,
 - discuss broader issues relating to promoting, protecting and monitoring human rights and fundamental freedoms, with particular consideration paid to vulnerable population groups,
 - discuss reports of the Republic of Slovenia submitted to international organisations regarding human rights and participate in preparing the Ombudsman’s independent reports about the realisation of international commitments of the Republic of Slovenia in the field of human rights,
 - adopt positions on development policies regarding human rights and fundamental freedoms, with particular consideration paid to vulnerable population groups,
 - contribute to raising public awareness about the importance and development of human rights and fundamental freedoms, with particular consideration paid to the securing of human rights and fundamental freedoms, in particular to vulnerable population groups, and
 - implement other similar tasks at the Ombudsperson’s proposal.
- (2) The Council shall adopt findings, positions and proposals by a majority vote of all members (a majority meaning more than half of all members).
- (3) If a majority is not attained, separate opinions of those who disagree with the relevant findings, positions and proposals shall be included in the minutes.
- (4) If less than half of the members attend the session, the members present may discuss the matters on the agenda or other issues but shall not formulate any findings, positions or proposals of the Council.
- (5) The Council shall not deliberate on the complaints referred to in paragraph one of Article 26 of the Human Rights Ombudsman Act. Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may instigate a complaint procedure with the Ombudsman.

Article 9

(Minutes of the meetings of the Council)

- (1) Minutes shall be taken of the meetings of the Council and shall state the findings, positions, proposals and separate opinions.
- (2) The Chairperson shall send the minutes to all the members of the Council no later than fifteen days following the meeting.
- (3) Members who did not attend the meeting shall receive, in addition to the minutes, any additional materials that were distributed during the meeting.

- sprejemajo stališča do Varuhovih letnih in posebnih poročil,
 - oblikujejo predloge Varuhu za uvedbo postopka v zvezi z morebitno kršitvijo človekovih pravic in temeljnih svoboščin,
 - obravnavajo širša vprašanja spodbujanja varstva in nadzora glede človekovih pravic in temeljnih svoboščin, z upoštevanjem posebnega občutka zlasti za ranljive skupine prebivalstva,
 - obravnavajo poročila Republike Slovenije za mednarodne organizacije glede človekovih pravic in sodelujejo pri pripravi Varuhovih samostojnih poročil o uresničevanju mednarodnih obveznosti Republike Slovenije na področju človekovih pravic,
 - oblikujejo stališča o razvojnih politikah glede človekovih pravic in temeljnih svoboščin, z upoštevanjem posebnega občutka zlasti za ranljive skupine prebivalstva,
 - prispevajo k ozaveščanju javnosti o pomenu in razvoju človekovih pravic in temeljnih svoboščin, tudi z upoštevanjem posebnega občutka za zagotavljanje človekovih pravic in temeljnih svoboščin, zlasti za ranljive skupine prebivalstva, ter
 - opravljajo druge podobne naloge na varuhov predlog.
- (2) Svet sprejema ugotovitve, stališča in predloge z večino glasov vseh članov (večina pomeni več kakor polovico članov).
 - (3) Če večina ni dosežena, se v zapisnik zapišejo tudi ločena mnenja tistih, ki z zadevnimi ugotovitvami, stališči in predlogi ne soglašajo.
 - (4) Če je na seji prisotnih manj kakor polovica članov, lahko prisotni opravijo razpravo o vsebinah s predlaganega dnevnega reda ali o drugih vprašanjih, vendar ne oblikujejo ugotovitev, stališč in predlogov Sveta.
 - (5) Svet ne obravnava pobud iz prvega odstavka 26. člena Zakona o varuhu človekovih pravic. Pobudo za začetek postopka vsakogar, ki meni, da so mu z aktom ali dejanjem državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil kršene človekove pravice ali temeljne svoboščine, lahko naslovi na Varuha.

9. člen

(zapisnik seje Sveta)

- (1) O poteku seje Sveta, ugotovitev, stališčih, predlogih ter ločenih mnenjih na tej seji se piše zapisnik.
- (2) Predsedujoči pošlje zapisnik vsem članom Sveta najpozneje v petnajstih dneh po zadevni seji.
- (3) Če je član Sveta na seji odsoten, se mu po seji poleg zapisnika pošlje tudi morebitno dodatno gradivo, ki so ga člani Sveta prejeli na seji.

(4) Members of the Council shall submit their comments on the minutes no later than eight days after the receipt thereof. The Chairperson shall include substantiated comments in the minutes; these shall be sent to all members and to the Ombudsperson. The Chairperson shall inform the Ombudsperson of the findings, positions, proposals and separate opinions of the members.

Article 10

(Cooperation with external bodies)

The Council may cooperate with other human rights and fundamental freedoms bodies and institutions on the basis of the Ombudsman's prior consent.

Article 11

(Final provision)

These Rules of Procedure shall enter into force on the day following their publication in the Official Gazette of the Republic of Slovenia [*Uradni list RS*].

Human Rights Ombudsperson
Vlasta Nussdorfer

Ljubljana, 5 November 2018

No. 0101-17/2018-1

(4) Člani Sveta svoje pripombe na zapisnik pošljejo najpozneje v osmih dneh po prejemu zadevnega zapisnika. Predsedujoči vključi v zapisnik utemeljene pripombe in ga pošlje vsem članom in varuhu. Predsedujoči varuha seznanj z ugotovitvami, stališči in predlogi članov ter ločenimi mnenji.

10. člen

(sodelovanje z zunanjimi organi)

Svet lahko sodeluje z drugimi organi in institucijami s področja človekovih pravic in temeljnih svoboščin, in to po varuhovi predhodni odobritvi.

11. člen

(končna določba)

Ta Poslovnik začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije.

varuhinja človekovih pravic
Vlasta Nussdorfer

V Ljubljani, 05. 11. 2018

Št: 0101-17/2018-1

NATIONAL PREVENTIVE MECHANISM

DRŽAVNI PREVENTIVNI MEHANIZEM



5. ACT RATIFYING THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(Official Gazette of the Republic of Slovenia, No. 20/06)

Article 1

The Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at the 57th session of the General Assembly of the United Nations 18 December 2002 is hereby ratified.

Article 2

The text of the Protocol in the original in the English language and in translation into the Slovene language reads as follows:

PREAMBLE

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

5. ZAKON O RATIFIKACIJI OPCIJSKEGA PROTOKOLA H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU

(Uradni list RS – Mednarodne pogodbe, št. 20/06)

1. člen

Ratificira se Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, sprejet na 57. zasedanju Generalne skupščine Združenih narodov 18. decembra 2002.

2. člen

Besedilo protokola se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

PREAMBULA

Države pogodbenice tega protokola

ponovno potrjujejo, da so mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja prepovedane in pomenijo resno kršenje človekovih pravic,

so prepričane, da so potrebni nadaljnji ukrepi, da bi lahko uresničili cilje Konvencije proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (v nadaljevanju: konvencija) in okrepili varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja,

se sklicujejo na 2. in 16. člen konvencije, ki zavezujeta vse države pogodbenice, da učinkovito ukrepajo, da bi preprečile mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja na katerem koli ozemlju pod njihovo jurisdikcijo,

ugotavljajo, da so predvsem države odgovorne za izvajanje teh dveh členov, da je skupna odgovornost vseh držav okrepiti varstvo oseb, ki jim je bila odvzeta prostost, in v celoti spoštovati njihove človekove pravice, in da mednarodni organi izvajanja dopolnjujejo in krepijo državne ukrepe,

se sklicujejo na to, da sta za učinkovito preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja potrebni izobraževanje in povezovanje zakonodajnih, upravnih, sodnih in drugih ukrepov,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.
2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.
3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

se sklicujejo na to, da so na Svetovni konferenci o človekovih pravicah odločno izjavile, da je treba prizadevanja za odpravo mučenja usmeriti predvsem na preprečevanje, in pozvale k sprejetju opcijskega protokola h konvenciji, ki naj bi vzpostavil preventivni sistem rednih obiskov na krajih odvzema prostosti,

so prepričane, da se lahko varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja okrepi z nesodnimi preventivnimi sredstvi, ki temeljijo na rednih obiskih na krajih odvzema prostosti,

in so se dogovorile:

I. DEL

Splošna načela

1. člen

Namen tega protokola je vzpostaviti sistem rednih obiskov neodvisnih mednarodnih in državnih organov na krajih, kjer je ljudem odvzeta prostost, da bi preprečili mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

2. člen

1. Ustanovi se Pododbor za preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja Odbora proti mučenju (v nadaljevanju: pododbor za preprečevanje), ki opravlja naloge, določene s tem protokolom.
2. Pododbor za preprečevanje opravlja svoje delo v okviru Ustanovne listine Združenih narodov in spoštuje njene cilje in načela ter norme Združenih narodov glede ravnanja z ljudmi, ki jim je bila odvzeta prostost.
3. Pododbor za preprečevanje spoštuje tudi načela zaupnosti, nepristranskosti, nerazlikovanja, univerzalnosti in objektivnosti.
4. Pododbor za preprečevanje in države pogodbenice sodelujejo pri izvajanju tega protokola.

3. člen

Vsaka država pogodbenica na državni ravni ustanovi, določi ali vzdržuje enega ali več organov za obiskovanje zaradi preprečevanja mučenja in drugega okrutnega, nečloveškega ali ponižujočega ravnanja ali kaznovanja (v nadaljevanju: državni preventivni mehanizem).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.
2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
5. No two members of the Subcommittee on Prevention may be nationals of the same State.
6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and

4. člen

1. Vsaka država pogodbenica v skladu s tem protokolom dovoli obiske organov iz 2. in 3. člena na katerem koli kraju, ki je v njeni pristojnosti in pod njenim nadzorom, kjer so ali bi lahko bile osebe, ki jim je bila odvzeta prostost na podlagi odredbe javne oblasti ali na njihovo pobudo ali z njihovo izrecno ali tiho privolitvijo (v nadaljevanju: kraji odvzema prostosti). Namen teh obiskov je, če je potrebno, okrepiti varstvo teh oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.
2. V tem protokolu pomeni odvzem prostosti vsako obliko pridržanja ali zopora ali namestitve osebe v javni ali zasebni zavod, ki ga ta oseba po odredbi sodne, upravne ali katere koli druge oblasti ne sme zapustiti po svoji volji.

II. DEL

Pododbor za preprečevanje

5. člen

1. Pododbor za preprečevanje sestavlja 10 članov. Po petdeseti ratifikaciji ali pristopu k temu protokolu se število članov v pododboru za preprečevanje poveča na 25.
2. Člani pododbora so izbrani med osebami, ki imajo visok moralni ugled, morajo imeti poklicne izkušnje na področju pravosodja, zlasti kazenskega prava, upravljanja zaporov ali policijske uprave ali na različnih področjih, povezanih z ravnanjem z osebami, ki jim je bila odvzeta prostost.
3. Pri sestavi pododbora za preprečevanje se upoštevata pravična geografska zastopanost in zastopanost različnih oblik civilizacij in pravnih sistemov držav pogodbenic.
4. V tej sestavi se upošteva tudi uravnotežena zastopanost spolov na podlagi načel enakosti in nediskriminacije.
5. Vsak član pododbora mora biti državljan druge države.
6. Člani pododbora za preprečevanje opravljajo svoje delo kot posamezniki, morajo biti neodvisni in nepristranski ter morajo biti pododboru na razpolago za učinkovito opravljanje dela.

6. člen

1. Vsaka država pogodbenica lahko v skladu z drugim odstavkom tega člena predlaga največ dva kandidata, ki sta ustrezno usposobljena in izpolnjujeta zahteve iz 5. člena, pri čemer mora predložiti podrobne podatke o njuni usposobljenosti.

meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (a) The nominees shall have the nationality of a State Party to the present Protocol;
(b) At least one of the two candidates shall have the nationality of the nominating State Party;
(c) No more than two nationals of a State Party shall be nominated;
(d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:
 - (a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;
 - (b) The initial election shall be held no later than six months after the entry into force of the present Protocol;
 - (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;
 - (d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.
2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:
 - (a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

2. (a) Kandidati morajo biti državljani držav pogodbenic tega protokola.
(b) Vsaj eden od obeh kandidatov mora biti državljan države pogodbenice, ki ga je predlagala.
(c) Posamezna država pogodbenica lahko predlaga največ dva svoja državljana.
(d) Preden država pogodbenica predlaga državljana druge države pogodbenice, zaprosi za njeno soglasje in ga pridobi.
3. Generalni sekretar Združenih narodov vsaj pet mesecev pred dnevom sestanka držav pogodbenic, na katerem bodo potekale volitve, pošlje pismo državam pogodbenicam, s katerim jih pozove, naj v treh mesecih predlagajo svoje kandidate. Generalni sekretar nato predloži abecedni seznam vseh predlaganih oseb z navedbo držav pogodbenic, ki so jih predlagale.

7. člen

1. Člani pododbora za preprečevanje se izvolijo po naslednjem postopku:
 - a) najprej se upošteva izpolnjevanje zahtev in meril iz 5. člena tega protokola;
 - b) prve volitve potekajo najpozneje šest mesecev po začetku veljavnosti tega protokola;
 - c) države pogodbenice izvolijo člane pododbora s tajnim glasovanjem;
 - d) volitve članov pododbora potekajo vsaki dve leti na sestankih držav pogodbenic, ki jih skliče generalni sekretar Združenih narodov. Na sestankih, na katerih je za sklepčnost potrebna navzočnost dveh tretjin držav pogodbenic, so v pododbor izvoljene tiste osebe, ki dobijo največ glasov in absolutno večino glasov predstavnikov držav pogodbenic, ki so navzoči in glasujejo.
2. Če na volitvah dva državljana države pogodbenice dobita dovolj glasov za članstvo v pododboru za preprečevanje, postane član pododbora tisti kandidat, ki dobi več glasov. Če sta državljana dobila enako število glasov, velja naslednji postopek:
 - a) če je le enega od obeh kandidatov predlagala država pogodbenica, katere državljan je, postane ta kandidat član pododbora za preprečevanje;
 - b) če je oba kandidata predlagala država pogodbenica, katere državljan sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri državljan bo član pododbora,
 - c) če nobenega kandidata ne predlaga država pogodbenica, katere državljan sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri kandidat bo član pododbora.

- (b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;
- (c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.
2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:
 - (a) Half the members plus one shall constitute a quorum;
 - (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;
 - (c) The Subcommittee on Prevention shall meet in camera.
3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

8. člen

Če član pododbora umre, odstopi ali zaradi kakršnega koli razloga ne more več opravljati svojih dolžnosti, država pogodbenica, ki je tega člana predlagala, predlaga drugo osebo, ki je ustrezno usposobljena in izpolnjuje zahteve iz 5. člena, ob upoštevanju potrebe po uravnoteženi zastopanosti različnih področij, in bo opravljala delo do naslednjega sestanka držav pogodbenic, če se s tem strinja večina držav pogodbenic. Šteje se, da se države pogodbenice strinjajo, razen če polovica ali več držav pogodbenic odgovori negativno v šestih tednih, potem ko jih je generalni sekretar Združenih narodov obvestil o predlaganem imenovanju.

9. člen

Člani pododbora za preprečevanje so izvoljeni za štiri leta. Enkrat so lahko ponovno izvoljeni, če so ponovno predlagani. Polovici članov, izvoljenih na prvih volitvah, se mandat izteče po dveh letih; imena teh članov neposredno po prvih volitvah z žrebom določi predsedujoči sestanka iz točke d prvega odstavka 7. člena.

10. člen

1. Pododbor za preprečevanje izvoli svoje vodstvo za dve leti. Lahko je ponovno izvoljeno.
2. Pododbor za preprečevanje sprejme svoj poslovnik. Ta med drugim določa, da:
 - a) je za sklepčnost potrebna več kot polovica članov;
 - b) se odločitve pododbora za preprečevanje sprejmejo z večino navzočih članov;
 - c) se pododbor za preprečevanje sestaja brez navzočnosti javnosti.
3. Prvi sestanek pododbora za preprečevanje skliče generalni sekretar Združenih narodov. Po prvem sestanku se pododbor sestaja, kot to določa poslovnik. Pododbor za preprečevanje in odbor proti mučenju zasedata hkrati vsaj enkrat letno.

PART III

Mandate of the Subcommittee on Prevention

Article 11

The Subcommittee on Prevention shall:

- (a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) In regard to the national preventive mechanisms:
 - (i) Advise and assist States Parties, when necessary, in their establishment;
 - (ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;
 - (iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
 - (iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

- (a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;
- (b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;
- (d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

III. DEL

Naloge in pooblastila pododboru za preprečevanje

11. člen

Pododbor za preprečevanje:

- a) obiskuje kraje iz 4. člena in daje priporočila državam pogodbenicam glede varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- b) v zvezi z državnimi preventivnimi mehanizmi:
 - i) svetuje in pomaga državam pogodbenicam pri njihovi vzpostavitvi, če je potrebno;
 - ii) vzdržuje neposredne, in če je potrebno, zaupne stike z državnimi preventivnimi mehanizmi in jim omogoča usposabljanje in strokovno pomoč, da bi okrepili svoje zmogljivosti;
 - iii) jim svetuje in pomaga pri oceni potreb in sredstev, potrebnih za krepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
 - iv) daje priporočila in pripombe državam pogodbenicam, da bi okrepile zmogljivosti, naloge in pooblastila državnih preventivnih mehanizmov za preprečevanje mučenja in drugih oblik okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- c) za preprečevanje mučenja na splošno sodeluje z ustreznimi organi in mehanizmi Združenih narodov in mednarodnimi, regionalnimi in državnimi institucijami ali organizacijami, ki si prizadevajo za okrepitev varstva oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

12. člen

Da bi pododboru za preprečevanje omogočili uresničevanje njegovih nalog in pooblastil iz 11. člena, se države pogodbenice zavezujejo, da bodo:

- a) sprejele pododbor za preprečevanje na svojem ozemlju in mu dovolile dostop do krajev odvzema prostosti, kot je opredeljeno v 4. členu tega protokola;
- b) priskrbele pododboru za preprečevanje vse ustrezne informacije, ki bi jih od njih zahteval, da bi lahko ocenil potrebe in ukrepe, ki bi jih bilo treba sprejeti za okrepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- c) spodbujale in omogočale stike med pododborom za preprečevanje in državnimi preventivnimi mehanizmi;
- d) obravnavale priporočila pododboru za preprečevanje in vzpostavile dialog z njim o mogočih ukrepih za izvajanje.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.
2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.
3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.
4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:
 - (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
 - (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;
 - (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
 - (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
 - (e) The liberty to choose the places it wants to visit and the persons it wants to interview.
2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state

13. člen

1. Pododbor za preprečevanje najprej z žrebom sestavi program rednih obiskov v državah pogodbenicah, da izpolni naloge in pooblastila iz 11. člena.
2. Po posvetovanjih pododbor za preprečevanje uradno obvesti države pogodbenice o svojem programu, tako da se lahko nemudoma dogovorijo o potrebnih praktičnih podrobnostih glede obiskov, ki naj se opravijo.
3. Obiske opravi vsaj dva člana pododbora za preprečevanje. Če je potrebno, člani spremljajo strokovnjaki z dokazanimi strokovnimi izkušnjami in znanjem na področjih, ki jih vključuje ta protokol, in so izbrani s seznama strokovnjakov, pripravljenega na podlagi predlogov držav pogodbenic, Urada visokega komisarja Združenih narodov za človekove pravice in Centra Združenih narodov za mednarodno preprečevanje kriminala. Pri pripravi seznama države pogodbenice predlagajo največ pet nacionalnih strokovnjakov. Država pogodbenica lahko nasprotuje, da je posamezen strokovnjak navzoč pri obisku, nato pododbor za preprečevanje predlaga drugega strokovnjaka.
4. Če se pododboru za preprečevanje zdi primerno, lahko po rednem obisku predlaga še kratek dopolnilni obisk.

14. člen

1. Da bi pododboru za preprečevanje omogočili izpolnjevanje nalog in pooblastil, se države pogodbenice tega protokola zavezujejo, da mu bodo zagotovile:
 - a) neomejen dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostost, na krajih odvzema prostosti, kot je opredeljeno v 4. členu, in o številu krajev in njihovih lokacijah;
 - b) neomejen dostop do vseh informacij o ravnanju s temi osebami in njihovimi pogoji odvzema prostosti;
 - c) neomejen dostop do vseh krajev odvzema prostosti ter njihovih objektov in opreme ob upoštevanju drugega odstavka;
 - d) možnost zaupnih pogovorov z osebami, ki jim je bila odvzeta prostost, brez prič, osebno ali s prevajalcem, če je potrebno, in s katero koli osebo, za katero pododbor za preprečevanje meni, da lahko priskrbi ustrezne informacije;
 - e) svobodno izbiro krajev, ki jih želi obiskati, in oseb, s katerimi želi govoriti.
2. Obisku določenega kraja odvzema prostosti se lahko nasprotuje le iz nujnih in tehtnih razlogov zaradi državne obrambe, javne varnosti, naravne nesreče ali hudega nereda na kraju, ki naj bi ga obiskali, in ki trenutno preprečujejo izvedbo takega obiska. Država pogodbenica se ne sme sklicevati na obstoj razglašene izrednega stanja kot na razlog za nasprotovanje obisku.

of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.
2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.
3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.
4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

PART IV

National preventive mechanisms

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

15. člen

Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je pododboru ali njegovim delegatom dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.

16. člen

1. Pododbor za preprečevanje svoja priporočila in pripombe zaupno sporoči državi pogodbenici, in če je potrebno, državnemu preventivnemu mehanizmu.
2. Pododbor za preprečevanje objavi svoje poročilo z morebitnimi pripombami prizadete države pogodbenice, kadar to zahteva. Če država pogodbenica objavi del poročila, lahko pododbor za preprečevanje objavi poročilo v celoti ali delno. Osebni podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.
3. Pododbor za preprečevanje mora Odboru za mučenje predložiti javno letno poročilo o svojih dejavnostih.
4. Če država pogodbenica v skladu z 12. in 14. členom zavrne svoje sodelovanje s pododborom za preprečevanje ali ukrepanje, ki bi glede na priporočila pododbora izboljšalo stanje, lahko Odbor proti mučenju na prošnjo pododbora za preprečevanje z večino svojih članov odloči, da bo dal javno izjavo o zadevi ali objavil poročilo pododbora, potem ko je imela država pogodbenica možnost predstaviti svoja stališča.

IV. DEL

Državni preventivni mehanizmi

17. člen

Vsaka država pogodbenica najpozneje leto po začetku veljavnosti tega protokola, njegovi ratifikaciji ali pristopu k njemu vzpostavi, določi ali ustanovi enega ali več neodvisnih državnih preventivnih mehanizmov za preprečevanje mučenja. Mehanizmi, ki so jih vzpostavile decentralizirane enote, se lahko za namene tega protokola določijo za državne preventivne mehanizme, če so v skladu z njegovimi določbami.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

18. člen

1. Države pogodbenice zagotavljajo neodvisnost delovanja državnih preventivnih mehanizmov in neodvisnost njihovega osebja.
2. Države pogodbenice ukrenejo vse potrebno, da zagotovijo, da so strokovnjaki državnega preventivnega mehanizma ustrezno usposobljeni in imajo strokovno znanje. Prizadevajo si za uravnoteženo zastopanost spolov in ustrezno zastopanost etničnih skupin in manjšin v državi.
3. Države pogodbenice se zavezujejo, da bodo dale na voljo potrebna sredstva za delovanje državnih preventivnih mehanizmov.
4. Pri vzpostavitvi državnih preventivnih mehanizmov države pogodbenice ustrezno upoštevajo načela glede statusa in delovanja nacionalnih institucij za spodbujanje in varstvo človekovih pravic.

19. člen

Državni preventivni mehanizmi imajo vsaj naslednja pooblastila, da:

- a) na krajih odvzema prostosti, kot so opredeljeni v 4. členu, redno preverjajo ravnanje z osebami, ki jim je bila odvzeta prostost, da bi okrepili njihovo varstvo pred mučenjem, in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja, če je potrebno;
- b) ob upoštevanju ustreznih norm Združenih narodov dajejo priporočila ustreznim organom, da bi izboljšali razmere in ravnanje z osebami, ki jim je bila odvzeta prostost, in preprečili mučenje in druge oblike okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja;
- c) predložijo predloge in pripombe k veljavnim ali predlaganim zakonom.

20. člen

Da bi državni preventivni mehanizmi lahko izpolnili svoje naloge in pooblastila, se države pogodbenice tega protokola zavezujejo, da jim bodo zagotovile:

- a) dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostost, na krajih odvzema prostosti, kot so opredeljeni v 4. členu, in o številu krajev in njihovi lokaciji;
- b) dostop do vseh informacij o ravnanju s temi osebami in njihovih pogojih odvzema prostosti;
- c) dostop do vseh krajev odvzema prostosti ter njihovih objektov in opreme;
- d) možnost zaupnih pogovorov z osebami, ki jim je bila odvzeta prostost, brez prič, osebno ali s prevajalcem, če se zdi potrebno, in s katero koli osebo, za katero državni preventivni mehanizem meni, da lahko priskrbi ustrezne informacije;

- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.
2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V Declaration

Article 24

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI Financial provisions

Article 25

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

- e) svobodno izbiro krajev, ki jih želijo obiskati, in oseb, s katerimi želijo govoriti;
- f) pravico do stikov s pododborom za preprečevanje, pošiljanja informacij pododboru in do srečanj z njim.

21. člen

1. Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je državnemu preventivnemu mehanizmu dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.
2. Zaupne informacije, ki jih zbere državni preventivni mehanizem, so zavarovane kot take. Osební podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.

22. člen

Pristojni organi prizadete države pogodbenice obravnavajo priporočila državnega preventivnega mehanizma in z njim vzpostavijo dialog o mogočih ukrepih za izvajanje.

23. člen

Države pogodbenice tega protokola se zavezujejo, da bodo objavile in razširjale letna poročila državnih preventivnih organov.

V. DEL

Izjava

24. člen

1. Ob ratifikaciji lahko države pogodbenice izjavijo, da bodo odložile izpolnjevanje svojih obveznosti iz III. ali IV. dela tega protokola.
2. Odložitev obveznosti velja največ tri leta. Odbor proti mučenju lahko podaljša to obdobje za dodatni dve leti ob utemeljenih navedbah države pogodbenice in po posvetovanjih s pododborom za preprečevanje.

VI. DEL

Finančne določbe

25. člen

1. Stroške pododbora za preprečevanje, ki nastanejo pri izvajanju tega protokola, krijejo Združeni narodi.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.
2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

2. Generalni sekretar Združenih narodov zagotovi ustrezno osebje in prostore za učinkovito opravljanje nalog pododbora za preprečevanje po tem protokolu.

26. člen

1. V skladu z ustreznimi postopki Generalne skupščine se ustanovi poseben sklad, za pomoč pri financiranju izvajanja priporočil, ki jih je pododbor za preprečevanje dal po obisku v državi pogodbenici, in za izobraževalne programe državnih preventivnih mehanizmov, ki ga je treba upravljati v skladu s finančnimi predpisi in pravili Združenih narodov.
2. Poseben sklad se lahko financira s prostovoljnimi prispevki vlad, medvladnih in nevladnih organizacij in drugih zasebnih ali javnih subjektov.

VII. DEL **Končne določbe**

27. člen

1. Protokol je na voljo za podpis vsem državam, ki so podpisale konvencijo.
2. Protokol lahko ratificira vsaka država, ki je ratificirala konvencijo ali k njej pristopila. Listine o ratifikaciji se deponirajo pri generalnem sekretarju Združenih narodov.
3. Protokol je na voljo za pristop vsem državam, ki so ratificirale konvencijo ali k njej pristopile.
4. Pristop se opravi z deponiranjem listine o pristopu pri generalnem sekretarju Združenih narodov.
5. Generalni sekretar Združenih narodov o deponiranju vsake listine o ratifikaciji ali pristopu obvesti vse države, ki so podpisale ta protokol ali k njemu pristopile.

28. člen

1. Protokol začne veljati trideseti dan po dnevu, ko se pri generalnem sekretarju Združenih narodov deponira dvajseta listina o ratifikaciji ali pristopu.
2. Za vsako državo, ki ratificira protokol ali k njemu pristopi po deponiranju dvajsete listine o ratifikaciji ali pristopu pri generalnem sekretarju Združenih narodov, začne protokol veljati trideseti dan po dnevu deponiranja njene listine o ratifikaciji ali pristopu.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.
3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General

29. člen

Določbe tega protokola veljajo za vse dele zveznih držav brez omejitev ali izjem.

30. člen

K temu protokolu niso dopustni pridržki.

31. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic po regionalnih konvencijah, ki uvajajo sistem obiskov na krajih odvzema prostosti. Pododbor za preprečevanje in organi, ustanovljeni na podlagi takih regionalnih konvencij, pa se spodbujajo k posvetovanju in sodelovanju, da bi se izognili podvajanju in učinkovito podpirali cilje tega protokola.

32. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic štirih Ženevskih konvencij z dne 12. avgusta 1949 in dopolnilnih protokolov k Ženevskim konvencijam z dne 8. junija 1977, niti na možnost katere koli države pogodbenice, da pooblasti Mednarodni odbor Rdečega križa, da obišče kraje odvzema prostosti v razmerah, ki jih ne zajema mednarodno humanitarno pravo.

33. člen

1. Vsaka država pogodbenica lahko kadar koli odpove ta protokol s pisnim uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, ki obvesti druge države pogodbenice tega protokola in konvencije. Odpoved začne veljati eno leto po dnevu, ko generalni sekretar prejme uradno obvestilo.
2. Odpoved države pogodbenice ne odvezuje obveznosti po tem protokolu glede katerega koli dejanja ali razmer, ki lahko nastanejo pred dnevom, ko začne odpoved veljati, ali ukrepov, za katere se je pododbor za preprečevanje odločil ali se lahko odloči, da jih sprejme glede te države pogodbenice; odpoved prav tako na noben način ne vpliva na nadaljnje obravnavanje katere koli zadeve, ki je pri pododboru za preprečevanje že v obravnavi pred dnevom, ko začne veljati odpoved.
3. Po datumu, ko začne veljati odpoved države pogodbenice, pododbor za preprečevanje ne začne obravnavati nobene nove zadeve, povezane s to državo.

34. člen

1. Vsaka država pogodbenica tega protokola lahko predlaga spremembo in jo predloži generalnemu sekretarju Združenih narodov. Generalni sekretar sporoči predlagano spremembo državam pogodbenicam tega protokola in jih zaprosi, da ga obvestijo, ali se strinjajo s konferenco držav pogodbenic zaradi obravnavanja in glasovanja o predlogu. Če se v štirih mesecih od dneva tega

shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

sporočila vsaj tretjina držav pogodbenic strinja s to konferenco, generalni sekretar skliče konferenco pod pokroviteljstvom Združenih narodov. Generalni sekretar Združenih narodov pošlje vsem državam pogodbenicam v sprejetje vsako spremembo, ki jo z dvetretjinsko večino sprejmejo države pogodbenice, ki so navzoče in glasujejo na konferenci.

2. Sprememba, sprejeta v skladu s prvim odstavkom tega člena, začne veljati, ko jo sprejmejo države pogodbenice tega protokola z dvetretjinsko večino v skladu z njihovimi ustavnimi postopki.
3. Ko začnejo spremembe veljati, so zavezujoče za vse tiste države pogodbenice, ki so jih sprejele, za druge države pogodbenice pa še naprej veljajo določbe tega protokola in katera koli prejšnja sprememba, ki so jo sprejele.

35. člen

Člani pododborna za preprečevanje in državnih preventivnih mehanizmov uživajo take privilegije in imunitete, ki so potrebni za neodvisno izvajanje njihovih nalog. Člani pododborna za preprečevanje uživajo privilegije in imunitete iz 22. člena Konvencije Združenih narodov o privilegijih in imunitetah z dne 13. februarja 1946 ob upoštevanju določb 23. člena te konvencije.

36. člen

Člani pododborna za preprečevanje ob obisku v državi pogodbenici uživajo privilegije in imunitete, ne da bi posegali v določbe in namene tega protokola, in sicer:

- (a) spoštujejo zakone in predpise države, ki jo obiščejo;
- (b) se vzdržijo katerega koli ukrepa ali dejavnosti, ki ni v skladu z nepristransko in mednarodno naravo njihovih nalog.

37. člen

1. Ta protokol, katerega besedilo v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem besedilu je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov.
2. Generalni sekretar Združenih narodov pošlje overjene kopije tega protokola vsem državam.

Article 3

The Ministry of Justice shall be responsible for the implementation of the Protocol.

Article 4

In connection with Article 17 of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment the Republic of Slovenia hereby makes the following statement: "The competences and tasks of national preventive mechanism under the Optional Protocol, in compliance with Article 17 shall be carried out by the Human Rights Ombudsman, and with his agreement also non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia."

Article 5

1. The tasks and authorities of national preventive mechanism under this protocol shall be performed by the Human Rights Ombudsman. In carrying out monitoring at places of detention and checking the treatment of persons who have been deprived of their liberty, non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia, which deal with the protection of human rights or fundamental freedoms, especially in the field of preventing torture and other cruel, inhuman or degrading treatment of punishment, may cooperate with the Ombudsman in carrying out the tasks and authorities of the Ombudsman under this protocol.
2. Organisations that will cooperate in the implementation of tasks and authorities under the provisions of the previous paragraph shall be chosen on the basis of public tender, which will be held by the Ombudsman, who will also decide on the choice of organisations. The content of the public tender must be in compliance with Article 4 of this Act and statutory regulations issued on the basis of the fourth paragraph.
3. Persons from the selected organisations who will cooperate in implementing the tasks and authorities of national preventive mechanism under this Protocol shall provide a prior written declaration that in performing these tasks and authorities they will work according to the instructions of the Human Rights Ombudsman and work according to regulations on the protection of the confidentiality of personal and confidential information, as these apply for the Ombudsman and his deputies and staff.
4. Necessary costs and rewards of persons from organisations that perform tasks or implement authorities under the first paragraph shall be paid by the Human Rights Ombudsman from budget headings of the Ombudsman, according to rules which the Ombudsman shall issue after the prior approval

3. člen

Za izvajanje protokola skrbi Ministrstvo za pravosodje.

4. člen

Republika Slovenija daje v zvezi s 17. členom Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju naslednjo izjavo: »Pristojnosti in naloge državnega preventivnega mehanizma po opcijskem protokolu, skladno s 17. členom, izvršuje Varuh človekovih pravic, v dogovoru z njim pa tudi nevladne organizacije, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji.«

5. člen

1. Naloge in pooblastila državnega preventivnega mehanizma po tem protokolu izvršuje Varuh človekovih pravic. Pri opravljanju nadzora na krajih odvzema prostosti ter preverjanja ravnanja z osebami, ki jim je bila odvzeta prostost, lahko z Varuhom pri izvrševanju nalog in pooblastil Varuha po tem protokolu sodelujejo nevladne organizacije, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj.
2. Organizacije, ki bodo sodelovale pri izvajanju nalog in pooblastil po določbah prejšnjega odstavka, se izberejo na podlagi javnega razpisa, katerega izvede Varuh, ki tudi odloči o izbiri organizacije. Vsebina javnega razpisa mora biti v skladu s 4. členom tega zakona ter podzakonskih aktov, izdanih na podlagi četrtega odstavka.
3. Osebe iz izbranih organizacij, ki bodo sodelovale pri izvajanju nalog in pooblastil državnega preventivnega mehanizma po tem protokolu, podajo predhodno pisno izjavo, da bodo pri opravljanju teh nalog in pooblastil delovale po navodilih Varuha človekovih pravic in delovale po predpisih o varovanju tajnosti osebnih in tajnih podatkov, tako kot to velja za Varuha, njegove namestnike in uslužbence.
4. Potrebne stroške in nagrade osebami iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila po prvem odstavku, izplača Varuh človekovih pravic iz proračunskih postavk Varuha, po pravilniku, ki ga izda Varuh po predhodnem soglasju ministra, pristojnega za finance. Pravilnik se objavi v Uradnem listu Republike Slovenije.

of the minister responsible for finance. The rules shall be published in the Official Gazette of the Republic of Slovenia.

Article 6

This Act shall take effect on 1 January 2007.

No. 713-03/91-4/4

Ljubljana, 29 September 2006

EPA 1008-IV

President

National Assembly

of the Republic of Slovenia

France Cukjati, M.D., I.r.

6. člen

Ta zakon začne veljati 1. januarja 2007.

Št. 713-03/91-4/4

Ljubljana, dne 29. septembra 2006

EPA 1008-IV

Predsednik
Državnega zbora
Republike Slovenije

France Cukjati, dr. med., l.r.



6. RULES ON THE REIMBURSEMENT OF COSTS AND REMUNERATION OF PEOPLE FROM ORGANISATIONS CARRYING OUT DUTIES AND POWERS UNDER THE PROVISIONS OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

(Official Gazette of the Republic of Slovenia, No. 13/17)

I. GENERAL PROVISIONS

Article 1

1. These Rules govern the reimbursement of costs and remuneration to people from selected non-governmental and humanitarian organisations for cooperation in implementing monitoring, i.e. visits to places of detention, under the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which these organisations implement under the instructions of the Human Rights Ombudsman (hereinafter the Ombudsman).
2. The reimbursement of costs hereunder covers the reimbursement of travelling expenses and costs of food and accommodation and the right to salary compensation or compensation for the loss of income during the time of monitoring. The remunerations hereunder comprise the payment for preparing a full or partial report on monitoring and a symbolic payment.

II. REIMBURSEMENT OF COSTS

Article 2

1. Travelling expenses include the costs of return travel of people from the selected non-governmental and humanitarian organisations (hereinafter the Monitors) from their place of residence to the place where the monitoring is carried out.
2. Travelling expenses will be recognised at the level of actual expenditure for travel by public transport. If travel by public transport is not possible, costs in the form of a kilometre rate or possible parking fee will be awarded to the Monitors.

6. PRAVILNIK O POVRAČILU STROŠKOV IN O NAGRADAH OSEBAM IZ ORGANIZACIJ, KI OPRAVLJAJO NALOGE OZIROMA IZVRŠUJEJO POOBLASTILA PO DOLOČBAH OPCIJSKEGA PROTOKOLA H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU

(Uradni list RS, št. 13/17)

I. SPLOŠNA DOLOČBA

1. člen

1. Ta pravilnik ureja povračilo stroškov in nagrad osebam iz izbranih nevladnih ali humanitarnih organizacij, za sodelovanje pri izvajanju nadzora, to je obiska kraja odvzema prostosti, po določitih Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, katerega le te izvajajo po navodilih Varuha človekovih pravic (v nadaljnjem besedilu: Varuh).
2. Povračilo stroškov po tem pravilniku obsega povračilo potnih stroškov in stroškov za prehrano in prenočišče ter pravico do nadomestila plače ali nadomestila za izgubljeni zaslužek v času nadzora. Nagrade po tem pravilniku so plačilo za izdelavo celovitega oziroma delnega poročila o opravljenem nadzoru in simbolični prejemek.

II. POVRAČILO STROŠKOV

2. člen

1. Potni stroški obsegajo stroške prihoda in vrnitve sodelujoče osebe iz izbranih nevladnih ali humanitarnih organizacij (v nadaljevanju: izvajalec nadzora) od kraja njenega prebivališča do kraja, kjer opravlja nadzor.
2. Potni stroški se priznajo v višini dejanskih izdatkov za prevoz z javnim prevoznim sredstvom. Če ni možnosti prevoza z javnim prevoznim sredstvom, se izvajalcu nadzora priznajo stroški kilometrine in morebitne parkirnine.

Article 3

1. Costs for food will be granted to Monitors in the form of a daily rate or meal allowance during work, as applicable for public servants.
2. The right to the daily rate will be available to Monitors with permanent or temporary residence outside the place where the monitoring is carried out.
3. Accommodation costs will be awarded to Monitors through the reimbursement of actual paid costs of overnight accommodation.
4. The right to the reimbursement of accommodation costs will be available to Monitors with permanent or temporary residence outside the place where the monitoring is carried out, and who had to spend the night in the place where the monitoring was being carried out due to cooperation in monitoring lasting more than one day.

Article 4

Unless specified differently herein, the costs hereunder will be granted in the manner and at the level stipulated for public servants.

III. SALARY COMPENSATION OR COMPENSATION FOR THE LOSS OF INCOME

Article 5

1. A Monitor who is employed by a selected non-governmental or humanitarian organisation and who is absent from work due to carrying out the monitoring will be entitled to salary compensation for the day of absence from work or the days when the monitoring was carried out, based on a certificate issued by the Ombudsman. The Ombudsman will issue this certificate of cooperation in the performance of the monitoring after the monitoring has been carried out.
2. The selected non-governmental or humanitarian organisation will pay the salary compensation to the Monitor and the Ombudsman will refund it for the amount corresponding to the salary compensation on the basis of a written invoice, with evidence enclosed of the amount of the Monitor's salary and on the payment of the compensation.

Article 6

A Monitor who cooperates with a selected non-governmental or humanitarian organisation as a sole proprietor, or as an entity that independently carries out an activity as their main profession, or on the basis of any other contract, will be reimbursed for the loss of income in the amount of an hourly rate determined for this purpose by the non-governmental or humanitarian organisation; however, not more than EUR 15 gross per hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit).

3. člen

1. Stroški za prehrano se izvajalcem nadzora priznajo v obliki dnevnice oziroma v višini regresa za prehrano med delom, tako kot to velja za javne uslužbence.
2. Pravico do dnevnice ima izvajalec nadzora, ki ima stalno ali začasno prebivališče zunaj kraja, kjer se opravlja nadzor.
3. Stroški za prenočišče se priznajo izvajalcem nadzora s povračilom dejansko plačanih stroškov prenočevanja.
4. Pravico do povračila stroškov prenočišča ima izvajalec nadzora, ki ima stalno ali začasno prebivališče zunaj kraja, kjer se opravlja nadzor in je zaradi sodelovanja pri opravljanju nadzora, ki traja več kot en dan, moral prenočevati v tem kraju.

4. člen

Če ni v tem pravilniku drugače določeno, se stroški po tem pravilniku priznajo na način in v višini, kot je določena za javne uslužbence.

III. NADOMESTILO PLAČE OZIROMA IZGUBLJENI ZASLUŽEK

5. člen

1. Izvajalec nadzora, ki je zaposlen pri izbrani nevladni ali humanitarni organizaciji in je zaradi opravljanja nadzora odsoten z dela, ima na podlagi potrdila Varuha pravico do nadomestila plače za dan odsotnosti z dela oziroma dneve, ko je potekal nadzor. Izvajalcu nadzora, ki ima pravico do nadomestila plače, Varuh izda potrdilo o sodelovanju pri opravljanju nadzora po opravljenem nadzoru.
2. Izbrana nevladna ali humanitarna organizacija izvajalcu nadzora izplača nadomestilo plače, Varuh pa ji povrne znesek, ki ustreza višini nadomestila plače na podlagi njenega pisnega obračuna s priloženimi dokazili o višini plače izvajalca nadzora in o izplačanem nadomestilu.

6. člen

Izvajalcu nadzora, ki z izbrano nevladno ali humanitarno organizacijo sodeluje kot samostojni podjetnik oziroma kot oseba, ki samostojno opravlja dejavnost kot redni poklic ali pa na podlagi druge odplačne pogodbe, pripada nadomestilo za izgubljeni zaslužek v višini urne postavke, ki jo v ta namen določi izbrana nevladna ali humanitarna organizacija, vendar največ v višini 15 EUR bruto za vsako uro dejanskega sodelovanja pri nadzoru (to je za čas od prihoda na kraj obiska do odhoda iz kraja obiska).

Article 7

1. Monitors who cooperate with a selected non-governmental or humanitarian organisation during the time of monitoring on a voluntary basis are also entitled to compensation for loss of income.
2. The amount of compensation referred to in the preceding paragraph will be granted depending on the time of carrying out the monitoring, i.e. EUR 5 for each commenced hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit).

IV. REMUNERATION FOR PREPARING A REPORT ON THE MONITORING

Article 8

If it is previously agreed that a Monitor will prepare a full report on the monitoring, they shall receive EUR 100 of remuneration or the agreed proportional amount if it has been previously agreed with an Ombudsman representative, who is responsible for the implementation of monitoring, that the Monitor will prepare only a part of the report on the monitoring.

Remuneration in the amount of EUR 100 will also be paid to the person from the selected non-governmental or humanitarian organisation who, following prior agreement with the Ombudsman, prepares an individual content segment for the Annual Report of the Ombudsman on the Implementation of the Duties and Powers of the National Preventive Mechanism.

V. SYMBOLIC PAYMENT

Article 9

In addition to the corresponding symbolic payment of EUR 5 for each commenced hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit), this amount will be increased for Monitors by two hours for the time of preparation of their own report on the monitoring which every Monitor is obliged to prepare. The Monitor will not be entitled to the increased amount for the time it takes to prepare their own report if, following prior agreement, they are tasked with preparing the full or part of the report on the monitoring.

VI. JOINT PROVISIONS

Article 10

The selected non-governmental or humanitarian organisation, if the Monitor is employed by this organisation or is in a contractual relationship with the organisation, or the Monitor themselves, if they cooperate with the selected non-governmental or humanitarian organisation on a voluntary basis, must

7. člen

1. Tudi izvajalec nadzora, ki v času opravljanja nadzora iz izbrano nevladno ali humanitarno organizacijo sodeluje prostovoljno, ima pravico do nadomestila za izgubljeni zaslužek.
2. Višina nadomestila se v primeru iz prejšnjega odstavka prizna v odvisnosti od časa opravljanja nadzora, in sicer v višini 5 EUR za vsako začeto uro dejanskega sodelovanja pri nadzoru (to je za čas od prihoda na kraj obiska do odhoda iz kraja obiska).

IV. NAGRADA ZA IZDELAVO POROČILA O OPRAVLJENEM NADZORU

8. člen

Izvajalec nadzora, če je ta po predhodnem dogovoru zadolžen za izdelavo celovitega poročila o opravljenem nadzoru, prejme nagrado v višini 100 EUR oziroma dogovorjeni sorazmerni del te nagrade v primeru, da je s predstavnikom Varuha, ki je odgovoren za opravo posameznega nadzora, predhodno dogovorjeno, da pripravi le del poročila o opravljenem nadzoru.

Nagrado v višini 100 EUR prejme tudi oseba iz izbrane nevladne ali humanitarne organizacije, ki po predhodnem dogovoru z Varuhom pripravi posamezen vsebinski del za letno poročilo Varuha o izvajanju nalog in pristojnosti državnega preventivnega mehanizma.

V. SIMBOLIČNI PREJEMEK

9. člen

Izvajalcem nadzora se poleg pripadajočega simboličnega prejemka v višini 5 EUR za vsako začeto uro dejanskega sodelovanja pri nadzoru (to je za čas od prihoda na kraj obiska do odhoda iz kraja obiska), ta znesek poveča za dve uri za čas priprave lastnega poročila o opravljenem nadzoru, ki ga je dolžan pripraviti vsak izvajalec nadzora. Povečani znesek za čas priprave lastnega poročila izvajalcu nadzora ne pripada, če je po predhodnem dogovoru zadolžen za izdelavo celovitega poročila o opravljenem nadzoru ali del poročila o opravljenem nadzoru.

VI. SKUPNE DOLOČBE

10. člen

Izbrana nevladna ali humanitarna organizacija, če je izvajalec nadzora pri njej zaposlen ali v drugem odplačnem pogodbenem razmerju oziroma izvajalec nadzora sam, če z izbrano nevladno ali humanitarno organizacijo sodeluje prostovoljno, predloži Varuhu zahtevek za povračilo stroškov in nagrad na obrazcu št. 1, ki je sestavni del tega pravilnika, skupaj z morebitnimi dokazili

submit a claim for the reimbursement of costs and remuneration on Form 1, which is an integral part of these Rules, together with proof of costs at the time of submitting the (full or partial or own) report on the monitoring, which must be prepared and sent to the Ombudsman not later than within eight days after the monitoring had been performed.

Article 11

1. After receiving a claim for the reimbursement of costs and remuneration, the competent employee will issue a decision on the reimbursement of costs on Form 2, which is an integral part of these Rules.
2. The payment of costs and remunerations will be made on the basis of the decision referred to in the preceding paragraph. If the claim is not submitted and/or the report is not prepared (full or partial or own), the costs are not reimbursed and remuneration is not paid.

Article 12

1. The remuneration and reimbursement of costs for Monitors who are employed by the selected non-governmental or humanitarian organisation, or who cooperate with it on the basis of any other contract, are paid from the budget of the Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, item 6485, cooperation with non-governmental organisations, to the bank account of the selected non-governmental or humanitarian organisation.
2. The remuneration and reimbursement of costs for Monitors who cooperate with the selected non-governmental or humanitarian organisation on a voluntary basis during the performance of monitoring are paid from the budget of the Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, item 6485, cooperation with non-governmental organisations, to the bank account of the Monitor.

Article 13

These Rules apply *mutatis mutandis* for the reimbursement of costs and payment of remuneration to people from selected non-governmental or humanitarian organisations for their participation in other organised events of the Ombudsman for the purposes of performing the duties and powers under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (e.g. active participation at conferences, round table discussions, consultations, press conferences, coordination and working meetings).

o stroških ob predaji (celovitega oziroma delnega ali lastnega) poročila o opravljenem nadzoru, ki mora biti izdelano in posredovano Varuhu najpozneje v osmih dneh po opravljenem nadzoru.

11. člen

1. Pristojni zaposleni izda po prejemu zahtevka za povračilo stroškov in nagrad sklep o povračilu stroškov na obrazcu št. 2, ki je sestavni del tega pravilnika.
2. Izplačilo stroškov in nagrad se izvrši na podlagi sklepa iz prejšnjega odstavka. V primeru ne posredovanega zahtevka ali/in ne izdelave poročila (celovitega oziroma delnega ali lastnega) se stroški ali nagrade ne povrnejo.

12. člen

1. Nagrade in povračilo stroškov za izvajalce nadzora, ki so zaposleni pri izbrani nevladni ali humanitarni organizaciji oziroma z njo sodelujejo na podlagi druge odplačne pogodbe, se izplačujejo iz proračunskih sredstev Varuha – podprogram Opcijski protokol, postavka 6485 sodelovanje z nevladnimi organizacijami, na transakcijski račun izbrane nevladne ali humanitarne organizacije.
2. Nagrada in povračilo stroškov za izvajalce nadzora, ki v času opravljanja nadzora z izbrano nevladno ali humanitarno organizacijo sodelujejo prostovoljno se izplačujejo iz proračunskih sredstev Varuha – podprogram Opcijski protokol, postavka 6485 sodelovanje z nevladnimi organizacijami, na transakcijski račun izvajalca nadzora.

13. člen

Ta pravilnik se smiselno uporablja tudi za povračilo stroškov in nagrad osebam iz izbranih nevladnih ali humanitarnih organizacij, za sodelovanje pri drugih organiziranih dogodkih Varuha za namen izvajanja nalog in pooblastil po določilih Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (na primer za aktivno udeležbo na konferencah, okroglih mizah, posvetih, tiskovnih konferencah, za udeležbo na koordinacijskih in delovnih sestankih).

VII. FINAL PROVISIONS

Article 14

Expressions used in these Rules written in the masculine grammatical form shall be deemed to apply equally to men and women.

Article 15

These Rules shall enter into force on the fifteenth day following their publication in the Official Gazette of the Republic of Slovenia.

On the day of entry into force of these Rules, the following will cease to apply: Rules on the reimbursement of costs and remuneration of people from organisations performing the duties and powers under the provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia, No. 17/08) and the Rules amending these Rules (Official Gazette of the Republic of Slovenia, No. 20/11).

No. 12.1-3/2014-8-SE
Ljubljana, on 22 February 2017

Vlasta Nussdorfer m.p.
Human Rights Ombudsman

No. 12.1-3/2014-10
Ljubljana, on 6 March 2017

Agreed by
mag. Mateja Vraničar Erman m.p.
Minister of Finance

VII. KONČNE DOLOČBE

14. člen

V tem pravilniku uporabljeni izrazi, zapisani v moški spolni slovnični obliki, se uporabljajo kot nevtralni za moški in ženski spol.

15. člen

Ta pravilnik začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Z dnem uveljavitve tega pravilnika prenehata veljati Pravilnik o povračilu stroškov in o nagradah osebam iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila po določbah Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS, št. 17/08) in Pravilnik o spremembah in dopolnitvah tega pravilnika (Uradni list RS, št. 20/11).

Št. 12.1-3/2014-8-SE

Ljubljana, dne 22. februarja 2017

Vlasta Nussdorfer l.r.

Varuhinja človekovih pravic

Št. 12.1-3/2014-10

Ljubljana, dne 6. marca 2017

Soglašam!

mag. Mateja Vraničar Erman l.r.

Ministrica za finance

CHILD ADVOCACY



ZAGOVORNIŠTVO



7. GENERAL ACT ON THE MANNER OF IMPLEMENTING CHILD ADVOCACY, ORGANISING ADVOCACY, INCLUDING THE CHILD IN ADVOCACY AND TASKS, AND THE COMPOSITION AND METHOD OF WORK OF THE EXPERT COUNCIL

(Official Gazette of the Republic of Slovenia, No. 44/18, 29. 6. 2018)

On the basis of Paragraph 6 of Article 25a of the Human Rights Ombudsman Act (official consolidated text – ZvarCP - UPB2, Official Gazette of the Republic of Slovenia [Uradni list RS], no. 69/17) the Human Rights Ombudsman of the Republic of Slovenia (hereinafter referred to as the Ombudsman) adopted the

GENERAL ACT ON THE MANNER OF IMPLEMENTING CHILD ADVOCACY, ORGANISING ADVOCACY, INCLUDING THE CHILD IN ADVOCACY AND TASKS, AND THE COMPOSITION AND METHOD OF WORK OF THE EXPERT COUNCIL

Article 1

(subject matter and purpose)

This general act defines in detail the manner of implementing child advocacy, its organisation and the process of including the child in advocacy, and also the composition, tasks and method of work of the Expert Council that monitors the implementation of advocacy.

The purpose of advocacy is to provide professional assistance to a child when expressing his opinion in all proceedings and matters involving the child, and to forward the child's opinion to the competent bodies and institutions deciding on the child's rights and benefits.

Professional assistance includes psychosocial support for the child, discussions about their wishes, well-being and opinions, informing the child about proceedings and activities in a manner appropriate to their age and development, seeking the most suitable solution together with the child, and accompanying the child before bodies and institutions deciding about their rights and benefits.

In this act, the terms used in men's grammatical form are used as gender neutral.

7. SPLOŠNI AKT O NAČINU IZVAJANJA ZAGOVORNIŠTVA OTROK, ORGANIZACIJI ZAGOVORNIŠTVA, VKLJUČITVI OTROKA V ZAGOVORNIŠTVO TER NALOGAH, SESTAVI IN NAČINU DELA STROKOVNEGA SVETA

(Uradni list RS, št. 44/18 z dne 29. 6. 2018)

Na podlagi šestega odstavka 25.a člena Zakona o Varuhu človekovih pravic (uradno prečiščeno besedilo – ZvarCP – UPB2, Uradni list RS, št. 69/17) je Varuh človekovih pravic Republike Slovenije (v nadaljnjem besedilu: Varuh) sprejel

SPLOŠNI AKT O NAČINU IZVAJANJA ZAGOVORNIŠTVA OTROK, ORGANIZACIJI ZAGOVORNIŠTVA, VKLJUČITVI OTROKA V ZAGOVORNIŠTVO TER NALOGAH, SESTAVI IN NAČINU DELA STROKOVNEGA SVETA

1. člen

(predmet in namen)

S tem splošnim aktom so podrobneje določeni način izvajanja zagovorništva otrok, njegova organizacija in postopek vključitve otroka v zagovorništvo, kakor tudi sestava, naloge in način dela strokovnega sveta, ki spremlja uresničevanje zagovorništva.

Namen zagovorništva je nudenje strokovne pomoči otroku, da izrazi svoje mnenje v vseh postopkih in zadevah, v katerih je udeležen ter posredovanje mnenja otroka pristojnim organom in institucijam, ki odločajo o njegovih pravicah in koristih.

Strokovna pomoč vključuje psihosocialno podporo otroku, pogovore o njegovih željah, počutju in mnenju, seznanjanje otroka s postopki in dejavnostmi na način, razumljiv njegovi starosti in razvoju, iskanje najbolj primerne rešitve skupaj z otrokom ter spremljanje otroka pred organi in institucijami, ki odločajo o njegovih pravicah in koristih.

V tem aktu uporabljeni izrazi v moški slovnični obliki so uporabljeni kot spolno nevtralni.

Article 2

(organisation of advocacy)

Advocacy is organised in a network that provides equal access to an advocate for all children, regardless of where the child lives and with consideration of their potential special needs.

The network of children's advocates (hereinafter referred to as advocate) is specified in more detail by the Ombudsman, based on the expressed needs for advocacy in individual areas.

The network of advocates consists of advocates and regional coordinators (hereinafter referred to as coordinators) who are appointed for each area. Coordinators operate in the following areas: Ljubljana and its surroundings, Gorenjska, Goriška, Notranjska, Karst and southern Primorska, Dolenjska with Posavje, Celje-Koroška and Zasavje, and the north-eastern part of Slovenia.

The tasks of coordinators and advocates are defined in more detail in the Child Advocacy Concept, which is defined and published by the Ombudsman.

All advocates and coordinators who comply with the conditions defined by law and this act shall be included on the list published on the Ombudsman's website.

The Ombudsman shall issue to advocates and coordinators who are included in the list referred to in the preceding paragraph a record card with which they identify themselves when performing their duties.

Article 3

(scope of advocacy)

Child advocacy includes:

- the development of the network of advocates;
- organising and implementing training and examinations of candidates for advocates;
- organising and implementing expert education and training of child advocates;
- organising supervision and interventions for advocates;
- addressing written initiatives for the appointment of a child advocate and appointing an advocate;
- meetings and discussions with the child and obtaining its opinion or statement;
- monitoring and supervising the process of advocacy;
- presenting the child's statement to parents, the court, the Social Work Centre (hereinafter referred to as CSD) or other bodies;
- informing the interested public about child advocacy and organising and implementing presentations of child advocacy for the professional public.

2. člen

(organizacija zagovorništva)

Zagovorništvo je organizirano v mreži, ki zagotavlja enak dostop do zagovornika vsem otrokom, ne glede na kraj, kjer prebivajo, upoštevajoč tudi njihove morebitne posebne potrebe.

Mrežo zagovornikov otrok (v nadaljnjem besedilu: zagovornik) podrobneje določi Varuh, upoštevajoč tudi že izkazane potrebe po zagovorništvu na posameznih območjih.

Mrežo zagovornikov sestavljajo zagovorniki in območni koordinatorji (v nadaljnjem besedilu: koordinatorji), ki so postavljeni za posamezno območje. Koordinatorji delujejo na območjih: Ljubljane z okolico, Gorenjske, Goriške, Notranjske, Krasa in južne Primorske, Dolenjske s Posavjem, Celjsko-Koroške in Zasavja ter severovzhodnega dela Slovenije.

Naloge koordinatorjev in zagovornikov so podrobneje opredeljene v Konceptu zagovorništva otrok, ki ga določi in javno objavi Varuh.

Vsi zagovorniki in koordinatorji, ki izpolnjujejo z zakonom in s tem aktom določene pogoje, se uvrstijo na seznam, ki je objavljen na spletni strani Varuha. Zagovornikom in koordinatorjem, ki so uvrščeni na seznam iz prejšnjega odstavka, izda Varuh evidenčno izkaznico, s katero se izkazujejo pri opravljanju svojih nalog.

3. člen

(obseg zagovorništva)

Zagovorništvo otrok obsega:

- razvijanje mreže zagovornikov;
- organizacijo in izvedbo usposabljanja in preizkus znanja za kandidate za zagovornike;
- organizacijo in izvedbo strokovnega izpopolnjevanja in usposabljanja zagovornikov otrok;
- organizacijo supervizij in intervizij za zagovornike;
- obravnavo pisnih pobud za postavitev zagovornika otroka in postavitev zagovornika;
- srečanja in pogovore z otrokom ter pridobitev njegovega mnenja oziroma izjave;
- spremljanje in nadzor poteka zagovorništva;
- predstavitev otrokove izjave staršem, sodišču, centru za socialno delo (v nadaljnjem besedilu: CSD) ali drugim organom;
- informiranje zainteresirane javnosti o zagovorništvu otrok in organizacijo ter izvedbo predstavitev zagovorništva otrok za strokovno javnost.

Article 4

(meeting the conditions to become a coordinator)

A coordinator is a person who organises and manages advocacy cases in an individual area defined by the network of advocates.

The Ombudsman shall select a coordinator on the basis of a public call.

A person who meets the following conditions may be appointed coordinator:

- is a citizen of the Republic of Slovenia,
- has legal capacity;
- has not been relieved of parental responsibility;
- has not been convicted *res judicata* of an intentional criminal offence;
- an indictment has not been filed against him for a deliberate criminal offence which is being prosecuted *ex officio*;
- has completed at least short-cycle higher education;
- has at least ten years of work experience in the field of working with children and parents;
- has completed training for candidates for child advocates within one year of selection;
- is a trustworthy person;
- is prepared to cooperate with the Ombudsman regularly in the manner defined by the regulations in the field of advocacy and to attend training and further training courses organised by the Ombudsman;
- has his own transport for field work;
- there are no other reasons to doubt that the person would act in the best interests of a child.

The coordinator and the Ombudsman shall establish mutual rights and obligations by an agreement they conclude for a period of three years.

If the coordinator no longer fulfils the conditions referred to in the paragraph 3 of this Article, the Ombudsman shall resign from the agreement and dismiss him.

If the coordinator does not wish to, or can no longer perform, his duties, he shall immediately inform the Ombudsman in writing and conclude his work within three months or after the transfer of the tasks to the new coordinator.

The new coordinator shall work for a certain period under the guidance of a mentor, possibly of the previous coordinator. The mentor shall be appointed by the Ombudsman.

Article 5

(objectivity)

A coordinator or advocate may not be a person whose impartiality and objectivity are in doubt due to prior direct or indirect involvement in the problem of a specific case.

4. člen

(izpolnjevanje pogojev za koordinatorja)

Koordinator je oseba, ki organizira in vodi primere zagovorništva na posameznem območju, določenem z mrežo zagovornikov.

Varuh izbere koordinatorja na podlagi javnega poziva.

Za koordinatorja je lahko izbrana oseba, ki:

- je državljan Republike Slovenije;
- je poslovno sposobna;
- ji ni odvezta starševska skrb;
- ni bila pravnomočno obsojena zaradi naklepnega kaznivega dejanja;
- zoper njo ni bila vložena pravnomočna obtožnica zaradi naklepnega kaznivega dejanja, ki se preganja po uradni dolžnosti;
- ima končano najmanj višješolsko izobrazbo;
- ima najmanj 10 let delovnih izkušenj na področju dela z otroki in starši;
- je opravila usposabljanje za kandidate za zagovornike otrok v roku enega leta od izbire;
- je zaupanja vredna oseba;
- je pripravljena redno sodelovati z Varuhom na način, kot določajo predpisi s področja zagovorništva ter se udeleževati izpopolnjevanja in usposabljanja, ki ga ta organizira;
- ima zagotovljen lasten prevoz za terensko delo;
- ni drugih zadržkov, ki bi vzbujali dvom, da bo delovala v največjo korist otrok.

Koordinator in Varuh določita medsebojne pravice in obveznosti z dogovorom, ki ga skleneta za obdobje treh let.

Če koordinator ne izpolnjuje več pogojev iz tretjega odstavka tega člena, Varuh odstopi od dogovora in ga razreši.

Če koordinator ne želi ali ne more več opravljati svojih nalog, o tem takoj pisno obvesti Varuha in svoje delo zaključi v roku treh mesecev oziroma po predaji nalog novemu koordinatorju.

Novi koordinator deluje določen čas pod vodstvom mentorja, po možnosti prejšnjega koordinatorja. Mentorja določi Varuh.

5. člen

(objektivnost)

Koordinator ali zagovornik ne more biti oseba, pri kateri se zaradi predhodne neposredne ali posredne vpletenosti v problematiko konkretnega primera pojavi dvom v njegovo nepristranskost in objektivnost.

A coordinator and an advocate may not participate in any procedure (e.g. an intervision, supervision) that deals with the case as per the previous paragraph.

Article 6

(tasks of the coordinator)

In particular, the coordinator must:

- know the basic domestic and international standards concerning the protection of children's rights;
- know the rules governing child advocacy and realises them in the framework of his duties;
- regularly cooperate with the Ombudsman throughout the course of a case;
- monitor the work of advocates, give them information and consult them;
- organise an introductory and final meeting with the child;
- cooperate with parents, guardians or legal representatives of the child and institutions according to the needs in an individual case of advocacy;
- together with the advocate, oversee the presentation of the child's opinion in procedures and matters in which the child is involved;
- undertake other tasks defined in the Child Advocacy Concept.

Article 7

(selection of the advocate)

The Ombudsman shall select an advocate on the basis of a public call. The selection procedure for candidates for advocates shall be conducted by the selection board appointed by the Expert Council.

A candidate for an advocate who fulfils the conditions set out in Article 25b of the Human Rights Ombudsman Act, with the exception of the eighth indent of paragraph 2 of Article 25b of the Human Rights Ombudsman Act, shall be included in the procedure for training candidates for advocates on the basis of a positive opinion of the selection board.

The candidate shall be included in the list of advocates upon completion of the training, the successful completion of the first advocacy case and upon passing the examination for the advocate according to the programme and procedure determined by the Ombudsman on the proposal of the Expert Council.

The advocate shall work under the mentorship of the coordinator until he passes the examination for advocates. The advocate shall participate in two supervisions and two intervisions before being assigned the first case. A successfully completed first case is the basis for the preparation for the examination.

The advocate and the Ombudsman shall determine their mutual rights and obligations by a mutual agreement (hereinafter referred to as agreement with the advocate).

Koordinator in zagovornik ne smeta sodelovati v nobenem postopku (npr. intervizija, supervizija), ki obravnava primer iz prejšnjega odstavka.

6. člen (naloge koordinatorja)

Koordinator zlasti:

- pozna temeljne domače in mednarodne standarde varovanja otrokovih pravic;
- pozna predpise, ki urejajo zagovorništvo otrok in jih uresničuje v okviru svojih nalog;
- redno sodeluje z Varuhom ves čas poteka primera;
- spremlja delo zagovornika, mu daje informacije in se z njim posvetuje;
- organizira uvodno in zaključno srečanje z otrokom;
- sodeluje s starši, skrbniki ali zakonitimi zastopniki otroka ter institucijami glede na potrebe v posameznem primeru zagovorništva;
- skupaj z zagovornikom skrbi za predstavljanje otrokovega mnenja v postopkih in zadevah, v katerih je udeležen otrok;
- izvaja druge naloge, določene v Konceptu zagovorništva otrok.

7. člen (izbira zagovornika)

Zagovornika izbere Varuh na podlagi javnega poziva. Postopek izbire kandidatov za zagovornike vodi izbirna komisija, ki jo imenuje Strokovni svet.

Kandidata za zagovornika, ki izpolnjuje pogoje iz 25.b člena ZVarCP, z izjemo osme alineje drugega odstavka 25b. člena ZVarCP, se na podlagi pozitivnega mnenja izbirne komisije vključi v postopek usposabljanja kandidatov za zagovornike.

Kandidat se uvrsti na seznam zagovornikov po opravljenem usposabljanju, uspešno zaključenem prvem primeru zagovorništva in opravljenemu preizkusu znanja za zagovornika po programu in postopku, ki ga določi Varuh na predlog Strokovnega sveta.

Zagovornik deluje pod mentorstvom koordinatorja do opravljenega izpita za zagovornike. Zagovornik se pred dodelitvijo prvega primera udeleži dveh supervizij in dveh intervizij. Uspešno zaključen prvi primer je podlaga za pripravo izpitne naloge.

Zagovornik in Varuh določita medsebojne pravice in obveznosti z dogovorom (v nadaljnjem besedilu: dogovor z zagovornikom).

The Ombudsman shall regularly monitor the fulfilment of conditions for inclusion on the list of advocates.

An advocate who has not been active for at least two consecutive months or longer must attend two supervisions and two interventions before being assigned a case.

An advocate who re-engages in advocacy after 18 months must attend part of the training according to the programme and procedure determined by the Ombudsman.

An advocate who has not actively participated in advocacy for more than three years may be placed on the list of advocates again in the manner specified in paragraph one of this article.

Article 8

(advocates' tasks)

An advocate's tasks shall include:

- knowing the regulations governing the field of child advocacy;
- according to the principles of advocacy, organising work and planning meetings with the child, of which he must keep records and report on them to the coordinator;
- regularly participating in supervisions, interventions and education in the field of advocacy provided by the Ombudsman;
- after the final meeting with the child, preparing a final report on the course of advocacy;
- when a case has been concluded, preparing, together with the coordinator, the presentation of the child's opinion in ongoing procedures, e.g. in court proceedings, CSD procedure, etc.

The tasks of the advocate and the manner of his cooperation with other participants in advocacy cases are detailed in the Child Advocacy Concept.

Article 9

(regional intervention)

The purpose of the regional intervention (hereinafter referred to as intervention) is to exchange novelties in the field of child advocacy and current work experience of advocates in a particular area.

The intervention provides professional support to advocates, effective learning from colleagues' experience and own experience, mutual support and the dissemination of good practice.

Interventions should be organised and managed by the coordinator usually every two months.

Varuh redno preverja izpolnjevanje pogojev za uvrstitev na seznam zagovornikov.

Zagovornik, ki ni bil aktiven najmanj dva zaporedna meseca ali dlje, se mora pred dodelitvijo primera udeležiti dveh supervizij in dveh intervizij.

Zagovornik, ki se po preteku 18 mesecev ponovno vključi v zagovorništvo, se mora udeležiti dela usposabljanja po programu in postopku, ki ga določi Varuh.

Zagovornik, ki več kot tri leta ni aktivno sodeloval v zagovorništvu, se lahko ponovno uvrsti na seznam zagovornikov na način, določen v prvem odstavku tega člena.

8. člen (naloge zagovornika)

Naloge zagovornika so:

- pozna predpise, ki urejajo področje zagovorništva otrok;
- v skladu z načeli zagovorništva organizira delo in načrtuje srečanja z otrokom, ki jih sproti zabeleži in o njih poroča koordinatorju;
- se redno udeležuje supervizij, intervizij in izobraževanj, ki jih na področju zagovorništva organizira Varuh;
- po zaključnem srečanju izdela zaključno poročilo o poteku primera zagovorništva;
- po zaključku primera skupaj s koordinatorjem skrbi za predstavljanje otrokovega mnenja v postopkih, ki še potekajo, npr. v sodnem postopku, postopku na CSD ipd.

Naloge zagovornika in način njegovega sodelovanja z drugimi udeleženci v zagovorništvu so podrobneje določeni v Konceptu zagovorništva otrok.

9. člen (območna intervizija)

Namen območne intervizije (v nadaljnjem besedilu: intervizija) je izmenjava novosti s področja zagovorništva otrok in aktualnih delovnih izkušenj zagovornikov na posameznem območju.

Intervizija omogoča zagovornikom strokovno podporo, učinkovito učenje iz izkušenj kolegov ter lastnih izkušenj, medsebojno nudenje podpore ter širjenje primerov dobre prakse.

Intervizijo organizira in vodi koordinator praviloma na dva meseca.

Article 10 (supervision)

The purpose of supervision is to ensure the quality of professional work, to analyse the contents and procedures of advocacy work in order to raise its quality, and to resolve issues, problems and ethical dilemmas.

The Ombudsman shall select a supervisor on the basis of a public call.

The supervisor must be licensed by the Social Chamber of Slovenia as a supervisor in social care.

Article 11 (Ethics Commission)

The Expert Council shall determine the Code of Ethical Principles of Advocacy, which shall be published on the Ombudsman's website.

Violations of the Code of Ethics shall be addressed by the Ethics Commission, which shall consist of five members of the Expert Council for a period of three years. The Ethics Commission shall regulate its work in detail by the Rules of Procedure.

Article 12 (procedure for appointing advocates)

Anyone may initiate the appointment by the Ombudsman of a child advocate (hereinafter referred to as the initiative).

If the Ombudsman considers that the initiative is unjustified, he shall notify the proposer in writing of the reasons for not appointing an advocate to the child.

If the Ombudsman considers that the initiative is justified, he shall start the procedure for obtaining the consent of the parents or legal representatives of the child.

The CSD or the court may itself obtain the consent of one or both parents or legal representatives.

If the consent of both of the parents or legal representatives is not obtained, the Ombudsman shall propose to the competent CSD or court that it appoint an advocate from the list of advocates by a decision.

If the CSD or court refuses to appoint an advocate to a child, the Ombudsman may ask for an explanation of how the child's right to express his opinion will be ensured in the procedure.

When the Ombudsman obtains the basis for appointing an advocate (consent, decision), he shall appoint the most appropriate advocate to the child.

10. člen (supervizija)

Namen supervizije je zagotavljanje kakovosti strokovnega dela, refleksije vsebin in postopkov zagovorniškega dela za povečanje njegove kakovosti in razreševanje vprašanj, stisk ter etičnih dilem.

Supervisorja izbere Varuh na podlagi javnega poziva.

Supervisor mora imeti licenco Socialne zbornice Slovenije za supervisorja v socialnem varstvu.

11. člen (etična komisija)

Strokovni svet določi Kodeks etičnih načel zagovorništva, ki se objavi na spletni strani Varuha.

Kršitve Etičnega kodeksa obravnava Etična komisija, ki je sestavljena iz petih članov Strokovnega sveta za dobo treh let. Etična komisija podrobneje uredi svoje delo s poslovnikom.

12. člen (postopek postavitve zagovornika)

Pobuda za postavitve zagovornika otroku (v nadaljnjem besedilu: pobuda) lahko Varuhu poda vsakdo.

Če Varuh oceni, da pobuda ni utemeljena, pobudnika pisno obvesti o razlogih, zakaj otroku ne bo postavljen zagovornik.

Če Varuh oceni, da je pobuda utemeljena, začne postopek za pridobitev soglasja staršev ali zakonitih zastopnikov otroka.

CSD ali sodišče lahko sama pridobita soglasje enega ali obeh staršev oziroma zakonitih zastopnikov.

Če soglasje obeh staršev ali zakonitih zastopnikov ni pridobljeno, Varuh predlaga pristojnemu CSD ali sodišču, da postavi zagovornika z odločbo ali sklepom s seznama zagovornikov.

Če se CSD ali sodišče ne strinjata s postavitvijo zagovornika otroku, Varuh lahko zaprosi za pojasnilo, kako bo v postopku zagotovljena pravica otroka, da izrazi svoje mnenje.

Ko Varuh pridobi podlago za postavitve zagovornika (soglasje, odločba ali sklep), določi otroku najustrežnejšega zagovornika.

The Ombudsman shall inform the competent CSD or court of the appointment of an advocate in all cases if he considers the appointment necessary to protect the child's best interests.

If the child reaches the age of 18 during the period of advocacy, the advocate shall continue to work until the completion of the assigned task if the adolescent agrees.

Article 13

(introductory meeting)

The coordinator shall organise introductory meetings, to which he should usually invite the child, parents or legal representatives, and he may also invite a representative of the institution that initiated the appointment of an advocate.

The introductory meeting is intended to inform the child and parents about the advocate and coordinator, the method of work, the precise definition of tasks and objectives, and to arrange when and where meetings will normally be held.

Article 14

(meetings of the advocate and the child)

The advocate shall meet the child at the agreed place, and in an informal conversation, adapted to the child's age and maturity, present to him the purpose of advocacy and the method of determining his wishes and needs.

If several advocates are working for children of the same family, they should usually arrange for meetings at the same times and for joint transport.

The advocate and child should usually meet once a week. The total number of meetings depends on the case, but generally no more than ten meetings should be held.

Article 15

(reporting violence against the child)

If in a meeting the advocate learns that a child has been subject to, or is subject to violence or witnessing violence, the advocate must immediately inform the competent CSD and coordinator in writing.

Article 16

(reports of the advocate)

The advocate should prepare a report after each meeting with the child, about which he informs the coordinator, who passes it to the Ombudsman.

The advocate's report on the meeting must not contain personal information. Instead, codes and initials must be used; names of institutions, places, etc. must be omitted.

Varuh o postavitvi zagovornika otroku seznanj CSD ali sodišče v vseh primerih, če presodi, da je to potrebno zaradi varovanja koristi otroka.

Če v času izvajanja zagovorništva otrok dopolni 18 let, zagovornik nadaljuje z delom do zaključka postavljene naloge, če mladostnik s tem soglaša.

13. člen

(uvodno srečanje)

Koordinator organizira uvodno srečanje, na katerega praviloma povabi otroka, starše oziroma zakonite zastopnike, lahko pa tudi predstavnika institucije, ki je pobudnik za postavitev zagovornika.

Uvodno srečanje je namenjeno seznanitvi otroka in staršev z zagovornikom in koordinatorjem, načinom dela, natančni opredelitvi nalog in ciljev ter dogovoru, kdaj in kje bodo praviloma potekala srečanja.

14. člen

(srečanja zagovornika in otroka)

Zagovornik se z otrokom sreča na dogovorjenem kraju in mu v neformalnem pogovoru, ki je prilagojen njegovi starosti in zrelosti, predstavi namen zagovorništva in način ugotavljanja njegovih želja in potreb.

V primeru, da je otrokom v isti družini postavljenih več zagovornikov, se ti praviloma dogovarjajo za srečanja ob enakih terminih ter za skupni prevoz.

Zagovornik in otrok se praviloma srečujeta enkrat tedensko. Število vseh srečanj je odvisno od primera, vendar praviloma ne več kot deset srečanj.

15. člen

(prijava nasilja nad otrokom)

Če zagovornik na srečanju z otrokom izve, da se je ali se še vedno nad otrokom izvaja nasilje ali da je otrok priča nasilju, je dolžan o tem takoj pisno obvestiti pristojni CSD in koordinatorja.

16. člen

(poročila zagovornika)

Zagovornik po vsakem srečanju z otrokom pripravi poročilo, s katerim seznanj koordinatorja, ta pa ga posreduje Varuhu.

Poročilo zagovornika o srečanju ne vsebuje osebnih podatkov. Namesto njih se uporabljajo šifre, inicialke, izpusti se imena institucij, krajev itd.

Dokumenti in druge informacije o zagovorniškem primeru se lahko pošiljajo izključno po pošti ali iz osebnih elektronskih predalov.

Documents and other information about an advocacy case may be sent by post only or from personal electronic mailboxes.

Article 17 (statement of the child)

Giving a statement is a child's right, not an obligation.

The advocate shall inform the child about his possibilities regarding the statement and about its importance for decision making in the procedure and the case. The advocate must verify that the child understands what is written in the statement.

In the statement, the child expresses his thoughts, feelings, desires, views and attitudes or experiences about persons, events, circumstances and processes that he perceives as important in his life and that affect his feelings or position.

The advocate must respect the child's decision on whether to forward the statement and to whom. The advocate must inform the child that he will do everything in his power to make the statement available to the competent institutions. The advocate must explain to the child that the child's opinion will not necessarily affect the final decision.

The child should formulate the statement and sign it in the presence of the advocate. The child shall not take the statement home, or other records or drawings created at meetings.

At the final meeting, the child's statement is to be given orally to the parents or legal representatives if the child so wishes. The original copy of the child's statement shall be kept by the Ombudsman.

If the child wishes, the statement shall be sent or presented to other persons and bodies.

Article 18

(confidentiality of the procedure and preservation of documentary material)

Advocates shall consider the value and source of received information (e.g. information, reports and statements) in the advocacy procedure and not disclose them without proper authorisation, unless there is a legal or professional obligation to do so.

Advocates may not use information for any personal benefit or in any manner that is contrary to law or that would prejudice the legitimate and ethical objectives of advocacy.

The coordinator and the advocate may keep only those individual records of events and actions that are important for the successful performance of their work.

The coordinator and the advocate shall be personally responsible for the careful protection of records when they are no longer needed for a case.

17. člen

(izjava otroka)

Podajanje izjave je otrokova pravica in ne dolžnost.

Zagovornik otroka seznanj o njegovih možnostih glede izjave ter o njenem pomenu za odločitev v postopku in zadevi. Zagovornik preveri, če otrok razume zapisano v izjavi.

Z izjavo otrok izpove svoje misli, čustva, želje, poglede in stališča oziroma doživljanje glede oseb, dogodkov, okoliščin in postopkov, ki jih zaznava kot pomembne v svojem življenju in vplivajo na njegovo počutje ali položaj.

Otrokovo odločitev, ali se izjavo posreduje naprej in komu, mora zagovornik spoštovati. Zagovornik otroka seznanj, da bo naredil vse, kar je v njegovi moči, da bo izjava posredovana pristojnim institucijam. Otroku mora zagovornik pojasniti, da njegovo mnenje ne bo nujno vplivalo na končno odločitev.

Otrok oblikuje izjavo in jo podpiše v navzočnosti zagovornika. Otrok izjave ne nosi domov, kot tudi ne drugih zapisov ali risbic, nastalih na srečanjih.

Na zaključnem srečanju se z izjavo otroka ustno seznanj starše oziroma zakonite zastopnike, če otrok tako želi. Originalni izvod izjave otroka hrani Varuh.

Če otrok želi, se izjava pošlje ali predstavi tudi drugim osebam in organom.

18. člen

(zaupnost postopka in hramba dokumentarnega gradiva)

Zagovorniki upoštevajo vrednost in izvor prejetih informacij (npr. informacije, poročila in izjave) v postopku zagovorništva in jih ne razkrivajo brez ustreznega pooblastila, razen če obstaja pravna ali strokovna obveza.

Zagovorniki ne uporabljajo informacij za kakršnokoli osebno korist ali na kakršenkoli način, ki bi bil v nasprotju z zakonom ali bi škodoval upravičenim in etičnim ciljem zagovorništva.

Koordinator in zagovornik smeta hraniti le posamezne zapise o dogodkih in dejanjih, ki so pomembni za uspešno opravljanje njenega dela.

Koordinator in zagovornik sta osebno odgovorna za skrbno varovanje zapisov, ko le-ti niso več potrebni za vodenje primera.

The archive of cases of child advocacy shall be kept by the Ombudsman according to regulations.

Article 19

(conclusion of an advocacy case)

The decision to conclude the case shall be taken by the advocate and the coordinator in agreement.

In all cases, the advocate must write a final report, which must be attached to the child's statement.

The Ombudsman shall send a copy of the child's statement and advocate's report and the coordinator's report to the authority that conducts the procedure, whereupon the advocacy procedure should usually end.

Article 20

(Expert Council)

The Expert Council is the body of the Ombudsman and is responsible for the realisation of the child advocacy.

The Expert Council shall be composed of all coordinators, two representatives of the Ombudsman, two representatives of advocates and five representatives of the professional public and non-governmental organisations, which the Ombudsman selects on the basis of a public invitation to participate.

If necessary, the Expert Council may form individual working bodies, and define their tasks and term of office.

The Expert Council shall be led by the Deputy Ombudsman responsible for the protection of children's rights.

Depending on the content of a convened meeting, the Expert Council or its working bodies may invite representatives of state bodies and non-governmental organisations and independent experts in the field of child rights to attend their meeting.

The Expert Council shall regulate its work in more detail by the rules of procedure adopted with the consent of the Ombudsman.

The Ombudsman shall provide for the performance of professional and administrative technical tasks for the Expert Council.

The term of office of the Expert Council shall be three years. The term of office shall begin with a constitutive session.

Arhiv o primerih zagovorništva otrok v skladu s predpisi vodi Varuh.

19. člen

(zaključek primera zagovorništva)

Odločitev o zaključku primera sprejmeta zagovornik in koordinator v dogovoru.

V vseh primerih zagovornik napiše zaključno poročilo, ki ga priloži izjavi otroka.

Varuh kopijo prejete izjave otroka in poročilo zagovornika ter poročilo koordinatorja pošlje organu, ki vodi postopek, s čimer je postopek zagovorništva praviloma končan.

20. člen

(strokovni svet)

Strokovni svet je organ Varuha in skrbi za uresničevanje zagovorništva otrok.

Strokovni svet sestavljajo vsi koordinatorji, dva predstavnika Varuha, dva predstavnika zagovornikov ter pet predstavnikov strokovne javnosti in nevladnih organizacij, ki jih Varuh izbere na podlagi javnega povabila k sodelovanju.

Strokovni svet lahko po potrebi oblikuje posamezna delovna telesa, ki jim določi naloge in mandat.

Strokovni svet vodi namestnik varuha, pristojen za varstvo otrokovih pravic.

Glede na vsebino sklicane seje lahko strokovni svet ali njegova delovna telesa na svojo sejo povabijo predstavnike državnih organov in nevladnih organizacij ter neodvisne strokovnjake s področja otrokovih pravic.

Strokovni svet svoje delo podrobneje uredi s poslovnikom, ki ga sprejme s soglasjem Varuha.

Opravljanje strokovnih in administrativno tehničnih dela za strokovni svet zagotavlja Varuh.

Mandat strokovnega sveta je tri leta. Mandat začne teči od konstitutivne seje.

Article 21

(tasks of the Expert Council)

The tasks of the Expert Council are in particular:

- addressing the conceptual and organisational issues of implementing child advocacy;
- formulating positions or proposals for resolving general issues concerning the realisation of children's rights in the field of advocacy;
- addressing individual issues in the field of advocacy, which the Ombudsman asks it to consider;
- addressing the broader professional issues of advocates, coordinators and supervisors and the development of common positions;
- addressing concrete initiatives that raise general questions, but only in anonymous form;
- proposing contents for advocate training to the Ombudsman and participate in training;
- formulating proposals for the programme and process of training and examining advocates;
- planning promotional activities for advocacy.

Article 22

(publicity of the work of the Expert Council)

The publicity of the work of the Expert Council shall be ensured in particular by the publication of its views and proposals on the Ombudsman's website, but also in other usual ways.

Article 23

(financing of advocacy)

Funding for advocacy shall be provided from the budget of the Ombudsman. A record of the costs of advocacy shall be kept on a special budget line of the Ombudsman.

The Ombudsman shall separately present and explain the costs of advocacy in the annual report on his work.

The scope and amount of funds spent on implementing other activities and purposes within the framework of child advocacy are detailed in the Ombudsman's Financial Plan.

Article 24

(recompense for participants in advocacy)

The work of advocates and coordinators is honourable and voluntary, but they shall be recompensed and reimbursed for travel expenses in the amount that applies to civil servants.

21. člen

(naloge strokovnega sveta)

Naloge strokovnega sveta so zlasti:

- obravnavanje konceptualnih in organizacijskih vprašanj izvajanja zagovorništva otrok;
- oblikovanje stališč ali predlogov reševanja splošnih vprašanj uresničevanja otrokovih pravic na področju zagovorništva;
- obravnavanje posameznih vprašanj na področju zagovorništva, ki jih nanj naslovi Varuh;
- obravnavanje širših strokovnih vprašanj zagovornikov, koordinatorjev in supervizorjev ter oblikovanje skupnih stališč;
- obravnavanje konkretnih pobud, ki odpirajo splošna vprašanja, vendar le v anonimizirani obliki;
- predlaga Varuhu vsebine za usposabljanja zagovornikov in sodeluje na izobraževanjih;
- oblikovanje predlogov programa in postopka usposabljanja ter preizkusa znanja zagovornikov;
- načrtovanje promocijskih aktivnosti zagovorništva.

22. člen

(javnost dela strokovnega sveta)

Javnost dela strokovnega sveta se zagotavlja zlasti z objavo njegovih stališč in predlogov na spletni strani Varuha, lahko pa tudi na druge običajne načine.

23. člen

(financiranje zagovorništva)

Sredstva za izvajanje zagovorništva se zagotavljajo iz proračunskih sredstev Varuha. Evidenca stroškov zagovorništva se vodi na posebni proračunski postavki Varuha.

Stroške zagovorništva Varuh posebej prikaže in obrazloži v letnem poročilu o svojem delu.

Obseg in višina porabe sredstev za izvedbo drugih dejavnosti in namenov v okviru zagovorništva otrok sta podrobneje določena v finančnem načrtu Varuha.

24. člen

(nagrade udeležencem zagovorništva)

Delo zagovornikov in koordinatorjev je častno in prostovoljno, pripadata pa jim nagrada in povrnitev potnih stroškov v višini, kot velja za javne uslužbence.

An advocate shall be entitled to receive 4.5 points. The remuneration covers preparation for meeting with the child, the implementation of the meeting, participation in an advocacy case at various institutions and the preparation of the meeting report or other activities undertaken.

The coordinator shall be entitled to 4.5 points for the introductory meeting, 4.5 points for the final meeting and 1.5 points for each meeting with the child.

For continuous availability and responsiveness to parents' and institutions' initiatives, participation in interventions, the coverage of telephone costs, copying of documents and other material costs, the coordinator shall be entitled to monthly remuneration of 8 points, for organising and managing an intervention 5 points, for being a mentor to an advocate 5 points and for possible additional obligations (participation in team meetings, court orders) 4.5 points.

For implemented supervision, supervisors shall receive 6.7 points per pedagogic hour.

Members of the Expert Council and members of its working bodies are entitled to the reimbursement of travel expenses for participation in meetings. The expert tasks performed within the working bodies referred to in paragraph 3 of Article 20 are valued at 1.2 points per hour.

All amounts in this article, except travel expenses which are accounted in net amounts, are gross; they may be changed by the Ombudsman within the annual Ombudsman financial plan for advocacy.

Advocates, coordinators, supervisors and members of the Expert Council shall submit a request for the reimbursement of travel expenses and payment of the reward for their work within three months after an individual event.

The value of a point referred to in this Article is 10.00 EUR gross.

Article 25

(transitional provision)

The Ombudsman shall publish a public invitation for the appointment of members of the Expert Council within 30 days of the entry into force of this Act.

Article 26

(final provision)

This General Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

Vlasta Nussdorfer
Human Rights Ombudsman

In Ljubljana, 27 June 2018.

Zagovorniku pripada nagrada v višini 4,5 točke. Nagrada obsega pripravo na srečanje z otrokom, izvedbo srečanja, udeležbo v okviru zagovorniškega primera na različnih institucijah in zapis poročila o srečanju oziroma drugi opravljeni dejavnosti.

Koordinatorju pripada nagrada za uvodno srečanje 4,5 točke, za zaključno srečanje 4,5 točke, za vsako srečanje z otrokom pa 1,5 točke.

Za stalno dosegljivost in odzivnost na pobude staršev in institucij, udeležbo na intervizijah, kritje stroškov telefona, kopiranja dokumentov in drugih materialnih stroškov pripada koordinatorju mesečna nagrada 8 točk, za organizacijo in vodenje intervizije 5 točk, za mentorstvo zagovorniku 5 točk in za morebitne dodatne obveznosti (udeležba na timskih sestankih, sodnih narokih) 4,5 točke.

Supervizorjem pripada plačilo za opravljeno supervizijo v višini 6,7 točke za pedagoško uro.

Člani strokovnega sveta in člani njegovih delovnih teles imajo pravico do povrnitve potnih stroškov za udeležbo na seji. Strokovne naloge, opravljene v okviru delovnih teles iz tretjega odstavka 20. člena, so ovrednotene v višini 1,2 točke za uro.

Vse vrednosti iz tega člena, razen potnih stroškov, ki se obračunavajo v neto znesku, so določene v bruto vrednosti, njihove spremembe pa lahko Varuh uveljavi z letnim finančnim načrtom Varuha za zagovorništvo.

Zagovorniki, koordinatorji, supervizorji in člani strokovnega sveta najpozneje v treh mesecih po posameznem dogodku vložijo zahtevek za povrnitev potnih stroškov in izplačilo nagrade za opravljeno delo.

Vrednost točke iz tega člena je 10,00 EUR bruto.

25. člen

(prehodna določba)

Varuh objavi javno povabilo za imenovanje članov strokovnega sveta v roku 30 dni od uveljavitve tega akta.

26. člen

(končna določba)

Ta splošni akt začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Ljubljana, 27. junija 2018

Vlasta Nussdorfer l.r.
varuhinja človekovih pravic

POWERS OF THE HUMAN RIGHTS OMBUDSMAN ARE DEFINED ALSO IN THE FOLLOWING LEGISLATION

PRISTOJNOSTI VARUHA OPREDELJUJEJO TUDI NASLEDNJI ZAKONI



8. CONSTITUTIONAL COURT ACT

(Official Gazette of the Republic of Slovenia, No. 64/07 - official consolidated text and 109/12)

IV. REVIEW OF THE CONSTITUTIONALITY AND LEGALITY OF REGULATIONS AND GENERAL ACTS ISSUED FOR THE EXERCISE OF PUBLIC AUTHORITY

1. Requests and Petitions to Initiate the Review Procedure

Article 23a

1. The procedure for the review of the constitutionality or legality of regulations or general acts issued for the exercise of public authority can be initiated by a request submitted by:
 - the National Assembly;
 - one third of the deputies;
 - the National Council;
 - the Government;
 - the ombudsman for human rights if he deems that a regulation or general act issued for the exercise of public authority inadmissibly interferes with human rights or fundamental freedoms;
 - the information commissioner, provided that a question of constitutionality or legality arises in connection with a procedure he is conducting;
 - the Bank of Slovenia or the Court of Audit, provided that a question of constitutionality or legality arises in connection with a procedure they are conducting;
 - the State Prosecutor General, provided that a question of constitutionality arises in connection with a case the State Prosecutor's Office is conducting;
 - representative bodies of local communities, provided that the constitutional position or constitutional rights of a local community are interfered with;
 - representative associations of local communities, provided that the rights of local communities are threatened;
 - national representative trade unions for an individual activity or profession, provided that the rights of workers are threatened.
2. The applicants referred to in the preceding paragraph may not submit a request to initiate the procedure for the review of the constitutionality or legality of regulations and general acts issued for the exercise of public authority which they themselves adopted.

8. ZAKON O USTAVNEM SODIŠČU

(Uradni list RS, št. 64/07 - uradno prečiščeno besedilo in 109/12)

IV. OCENA USTAVNOSTI IN ZAKONITOSTI PREDPISOV IN SPLOŠNIH AKTOV, IZDANIH ZA IZVRŠEVANJE JAVNIH POOBLASTIL

1. Zahteva in pobuda za začetek postopka

23a. člen

1. Z zahtevo lahko začnejo postopek za oceno ustavnosti oziroma zakonitosti predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil:
 - državni zbor,
 - tretjina poslancev,
 - državni svet,
 - vlada,
 - varuh človekovih pravic, če meni, da predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, nedopustno posega v človekove pravice ali temeljne svoboščine,
 - informacijski pooblaščenec, če nastane vprašanje ustavnosti ali zakonitosti v zvezi s postopkom, katerega vodi,
 - Banka Slovenije in računsko sodišče, če nastane vprašanje ustavnosti ali zakonitosti v zvezi s postopki, ki jih vodita,
 - generalni državni tožilec, če nastane vprašanje ustavnosti v zvezi z zadevo, ki jo obravnava državno tožilstvo,
 - predstavniški organ samoupravne lokalne skupnosti, če se posega v ustavni položaj ali v ustavne pravice samoupravne lokalne skupnosti,
 - reprezentativno združenje samoupravnih lokalnih skupnosti, če so ogrožene pravice samoupravnih lokalnih skupnosti,
 - reprezentativni sindikat za območje države za posamezno dejavnost ali poklic, če so ogrožene pravice delavcev.
2. Predlagateljica oziroma predlagatelj (v nadaljnjem besedilu: predlagatelj) iz prejšnjega odstavka ni upravičen vložiti zahteve za oceno ustavnosti oziroma zakonitosti predpisov in splošnih aktov, izdanih za izvrševanje javnih pooblastil, ki jih je sam sprejel.

V. CONSTITUTIONAL COMPLAINT

Article 50

1. Due to a violation of human rights or fundamental freedoms, a constitutional complaint may, under the conditions determined by this Act, be lodged against individual acts by which state authorities, local community authorities, or bearers of public authority decided the rights, obligations, or legal entitlements of individuals or legal entities.
2. The ombudsman for human rights may, under the conditions determined by this Act, lodge a constitutional complaint in connection with an individual case that he is dealing with.
3. If a complainant in a constitutional complaint procedure is represented by an authorised representative, he must submit an authorisation which is given especially for the constitutional complaint procedure. The authorisation must be given after the individual act against which the constitutional complaint is lodged has been served. The second paragraph of Article 24a of this Act applies regarding the transfer of such authorisation.

Article 51

1. A constitutional complaint may be lodged only after all legal remedies have been exhausted.
2. Before all extraordinary legal remedies have been exhausted, the Constitutional Court may exceptionally decide on a constitutional complaint if the alleged violation is manifestly obvious and if irreparable consequences for the complainant would result from the implementation of the individual act.

Article 52

1. A constitutional complaint is lodged within 60 days of the day the individual act against which a constitutional complaint is admissible is served.
2. The ombudsman for human rights lodges a constitutional complaint with the consent of the person whose human rights or fundamental freedoms he is protecting in the individual case.
3. In especially well founded cases the Constitutional Court may exceptionally decide on a constitutional complaint which has been lodged after the expiry of the time limit referred to in the first paragraph of this article.

V. USTAVNA PRITOŽBA

50. člen

1. Ustavna pritožba se lahko vloži zaradi kršitve človekove pravice ali temeljne svoboščine zoper posamični akt, s katerim je državni organ, organ lokalne skupnosti ali nosilec javnih pooblastil odločil o pravici, obveznosti ali pravni koristi posameznika ali pravne osebe, pod pogoji, ki jih določa ta zakon.
2. Varuh človekovih pravic lahko ob pogojih, ki jih določa ta zakon, vloži ustavno pritožbo v zvezi s posamično zadevo, ki jo obravnava.
3. Če pritožnico oziroma pritožnika (v nadaljnjem besedilu: pritožnik) v postopku z ustavno pritožbo zastopa pooblaščenec, mora ta predložiti pooblastilo, ki je dano posebej za postopek z ustavno pritožbo. Pooblastilo mora biti izdano po vročitvi posamičnega akta, zoper katerega se vloga ustavna pritožba. Za prenos pooblastila za zastopanje velja drugi odstavek 24.a člena tega zakona.

51. člen

1. Ustavna pritožba se lahko vloži šele, ko so izčrpana vsa pravna sredstva.
2. Pred izčrpanjem izrednih pravnih sredstev lahko ustavno sodišče izjemoma odloča o ustavni pritožbi, če je zatrjevana kršitev očitna in če bi z izvršitvijo posamičnega akta nastale za pritožnika nepopravljive posledice.

52. člen

1. Ustavna pritožba se vloži v 60 dneh od dneva vročitve posamičnega akta, zoper katerega je mogoča ustavna pritožba.
2. Varuh človekovih pravic vloži ustavno pritožbo s soglasjem tistega, katerega človekove pravice ali temeljne svoboščine v posamični zadevi varuje.
3. V posebno utemeljenih primerih lahko ustavno sodišče izjemoma odloča o ustavni pritožbi, ki je vložena po izteku roka iz prvega odstavka tega člena.

Article 53

1. A constitutional complaint must state the following:
 - the individual act which is challenged, the authority which issued it, its reference number, and the date it was issued;
 - the human rights or fundamental freedoms allegedly violated;
 - the reasons that support the violations;
 - the date on which the complainant was served the individual act which he challenges;
 - if the complainant is a natural person, the full name of the complainant and the address of his permanent or temporary residence, or, if the complainant is a legal entity, state authority, bearer of public authority, or other legal subject, its name and where it is based, as well as the name and title or position of its representative;
 - other information determined by the Rules of Procedure of the Constitutional Court.
2. The constitutional complaint must be submitted in writing. A copy of the challenged individual act and all other individual acts that were issued in connection with the challenged individual act in proceedings before the competent authorities in the case, as well as the relevant documents on which the constitutional complaint is based, must be enclosed with the complaint.



53. člen

1. Ustavna pritožba mora vsebovati navedbe o:
 - posamičnem aktu, ki se izpodbija, z navedbo organa, ki ga je izdal, z njegovo opravilno številko in z datumom izdaje,
 - domnevno kršenih človekovih pravicah ali temeljnih svoboščinah,
 - razlogih, s katerimi se utemeljujejo kršitve,
 - datumu, ko je bil pritožniku vročen posamični akt, ki ga izpodbija,
 - polnem osebnem imenu pritožnika in naslovu stalnega ali začasnega prebivališča, če gre za fizično osebo, oziroma imenu ter sedežu, če gre za pravno osebo, državni organ, nosilca javnega pooblastila ali drug pravni subjekt, ter o osebnem imenu, nazivu ali funkciji njegovega zastopnika,
 - drugih podatkih, ki jih določa poslovnik ustavnega sodišča.
2. Ustavna pritožba se vloži pisno. Ustavni pritožbi je treba priložiti kopijo posamičnega akta, ki ga pritožnik izpodbija, in vse druge posamične akte, ki so bili v zvezi z izpodbijanem posamičnim aktom izdani v postopkih pred pristojnimi organi v zadevi, ter ustrezne listine, na katere pritožnik opira svojo ustavno pritožbo.



9. THE STATE PROSECUTOR ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 58/11, 21/12 – ZDU-1F, 47/12, 15/13 – ZODPol, 47/13 – ZDU-1G, 48/13 – ZSKZDČEU-1 and 23/17 – ZSSve)

Article 46

(Suspension of Office)

1. If a state prosecutor is elected President of the Republic, deputy to the National Assembly, judge of the Constitutional Court, judge of an international court or to another international judicial office, Prime Minister, Human Rights Ombudsman or his Deputy, if he is appointed a Minister or State Secretary of a Ministry, President or Deputy President of the Commission for the Prevention of Corruption, his office of a state prosecutor and all rights and duties arising from his relations of service shall be suspended.
2. The provision referred to in the preceding paragraph shall also apply if the state prosecutor is elected to the European Parliament or to be the European Ombudsman, or if he is appointed to the European Commission or an international civil mission.

Article 177

(Provision of information to the Ministry)

1. The Minister may, with reference to the implementation of his competences or for the purpose of answering to the questions of the National Assembly, National Council of the Republic of Slovenia, Government, Court of Auditors of the Republic of Slovenia, Constitutional Court, Human Rights Ombudsman, President of the Republic and for the purpose of informing the public on the work of the State Prosecutor Office, demand that the state prosecutor's offices report to him on the criminal and other matters under their consideration.

9. ZAKON O DRŽAVNEM TOŽILSTVU

(Uradni list RS, št. 58/11, 21/12 – ZDU-1F, 47/12, 15/13 – ZODPol, 47/13 – ZDU-1G, 48/13 – ZSKZDČEU-1, 19/15 in 23/17 – ZSSve)

46. člen

(mirovanje funkcije)

1. Če je državni tožilec izvoljen za predsednika republike, poslanca Državnega zbora Republike Slovenije, sodnika ustavnega sodišča, sodnika mednarodnega sodišča ali na drugo mednarodno pravosodno funkcijo, predsednika Vlade Republike Slovenije, varuha človekovih pravic oziroma njegovega namestnika, imenovan na ministrsko funkcijo ali funkcijo državnega sekretarja, predsednika ali namestnika predsednika komisije za preprečevanje korupcije, mu državnotožilska funkcija ter vse pravice in dolžnosti iz državnotožilske službe mirujejo.
2. Določba prejšnjega odstavka se uporablja tudi, če je državni tožilec izvoljen za poslanca evropskega parlamenta ali evropskega varuha človekovih pravic ali imenovan za člana Evropske komisije ali mednarodne civilne misije.

177. člen

(obveščanje ministrstva)

1. Minister v zvezi z izvrševanjem svojih pristojnosti ali za odgovore na vprašanja Državnega zbora Republike Slovenije, Državnega sveta Republike Slovenije, Vlade Republike Slovenije, Računskega sodišča Republike Slovenije, Ustavnega sodišča Republike Slovenije, varuha človekovih pravic, predsednika republike in za obveščanje javnosti v zvezi z delom državnega tožilstva lahko zahteva, da mu državna tožilstva poročajo o kazenskih in drugih zadevah, ki jih obravnavajo.



10. THE COURTS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 94/07 – official consolidated text, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDLS-A, 63/13, 17/15, 23/17 – ZSSve and 22/18 – ZSICT)

Article 67a

The ministry, competent for justice, may require from the presidents of courts the data and reports on the phase of solving a particular case or type of cases needed or other data concerning the work of a particular court to inform the public or to provide answers to the National Assembly of the Republic of Slovenia, the National Council of the Republic of Slovenia, the Government of the Republic of Slovenia, the Court of Audit of the Republic of Slovenia, the Constitutional Court of the Republic of Slovenia, the Office of the Human Rights Ombudsman and the President of the Republic of Slovenia, or to exercise its powers under this Act or the Act governing the judicial service.

The ministry responsible for justice shall send the request indicating the reason mentioned in the preceding paragraph to the president of a court, who shall on a primary basis respond to the ministry responsible for justice that a timely reply is possible.

In the exercise of its powers under this article, the ministry responsible for justice may not interfere with the independence of a judge in the performance of the duties of judicial office, with the presumption of innocence, with the secrecy of legal proceedings or with the guarantee of a fair trial. The president of the court may, refuse to submit a response in whole or in part, if this should interfere with these principles or guarantees and shall provide an explanation on this. At the request of the minister responsible for justice, the President of the Supreme Court of the Republic of Slovenia shall take a final decision on the request referred to in paragraph one of this article or on the grounds for refusing the request.

10. ZAKON O SODIŠČIH

(Uradni list RS, št. 94/07 – uradno prečiščeno besedilo, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDLSL-A, 63/13, 17/15, 23/17 – ZSSve in 22/18 – ZSICT)

67.a člen

Ministrstvo, pristojno za pravosodje, lahko od predsednikov sodišč zahteva podatke in poročila o stanju reševanja posamezne zadeve ali vrste zadev ali druge podatke v zvezi z delom sodišča, ki jih potrebuje za obveščanje javnosti, za odgovore na vprašanja Državnega zbora Republike Slovenije, Državnega sveta Republike Slovenije, Vlade Republike Slovenije, Računskega sodišča Republike Slovenije, Ustavnega sodišča Republike Slovenije, varuha človekovih pravic in predsednika Republike Slovenije ali za izvajanje svojih pristojnosti po tem zakonu ali zakonu, ki ureja sodniško službo.

Ministrstvo, pristojno za pravosodje, pošlje zahtevo z navedbo razloga iz prejšnjega odstavka predsedniku sodišča, ki mora ministrstvu, pristojnemu za pravosodje, odgovoriti prednostno, da je mogoč pravočasen odgovor.

Ministrstvo, pristojno za pravosodje, pri izvajanju svojih pristojnosti po tem členu ne sme posegati v neodvisnost sodnika pri opravljanju sodniške službe, v domnevo nedolžnosti, tajnost sodnega postopka ali jamstvo poštenega sojenja. Predsednik sodišča lahko zavrne predložitev odgovora v celoti ali delno, če bi to posegalo v ta načela ali jamstvo, in to obrazloži. Na zahtevo ministra, pristojnega za pravosodje, o zahtevi iz prvega odstavka tega člena oziroma utemeljenosti zavrnitve odgovora dokončno odloči predsednik Vrhovnega sodišča Republike Slovenije.

11. THE JUDICIAL SERVICE ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 94/07 – official consolidated text, 91/09, 33/11, 46/13, 63/13, 69/13 – corrigendum, 95/14 – ZUPPJS15, 17/15 and 23/17 – the ZSSve)

Article 40

If a judge is elected President of the Republic, deputy to the National Assembly, judge of the Constitutional Court, judge of an international court or to another international judicial office, Prime Minister, Human Rights Ombudsman or his Deputy, if he is appointed a Minister or State Secretary of a Ministry, President or Deputy President of the Commission for the Prevention of Corruption, his office of a judge and all rights and duties arising from his relations of service shall be suspended.

The provision referred to in paragraph one shall also apply if the judge is elected to the European Parliament or to be the European Ombudsman, or if he is appointed to the European Commission.

Article 79b

The president of the court may perform official supervision subject to his/her own findings on the judge's work or at the initiative of the Ombudsman, but is required to do so at the reasoned request by the next superior court or the president of the Supreme Court of the Republic of Slovenia, the minister responsible for justice, the competent personnel council and the Judicial Council. Official supervision shall be carried out to the extent necessary.

The president of the next superior court shall perform official supervision subject to his/her own findings on the court's work and the work of individual judges when deciding on legal remedies, or at the proposal of the president of the court, the president of the Supreme Court of the Republic of Slovenia, the minister responsible for justice, the competent personnel council or the Judicial Council. If the president of the next superior court refuses the proposal for supervision, the proposer of the supervision, unless this is the Judicial Council, may request that the merits of the proposal be finally decided on by the Judicial Council within 30 days after receipt of the request.

11. ZAKON O SODNIŠKI SLUŽBI

(Uradni list RS, št. 94/07 – uradno prečiščeno besedilo, 91/09, 33/11, 46/13, 63/13, 69/13 – popr., 95/14 – ZUPPJS15, 17/15 in 23/17 – ZSSve)

40. člen

Če je sodnik izvoljen za predsednika republike, poslanca državnega zbora, sodnika ustavnega sodišča, sodnika mednarodnega sodišča ali na drugo mednarodno pravosodno funkcijo, predsednika vlade, varuha človekovih pravic oziroma njegovega namestnika, imenovan za ministra ali državnega sekretarja, predsednika ali namestnika predsednika komisije za preprečevanje korupcije, mu sodniška funkcija ter vse pravice in dolžnosti iz sodniške službe mirujejo.

Določba prvega odstavka tega člena se uporablja tudi, če je sodnik izvoljen za poslanca evropskega parlamenta, evropskega varuha človekovih pravic ali imenovan za člana Evropske komisije.

79.b člen

Predsednik sodišča opravi službeni nadzor glede na lastne ugotovitve o sodnikovem delu ali na pobudo varuha človekovih pravic, obvezno pa na obrazloženo zahtevo predsednika neposredno višjega sodišča ali predsednika Vrhovnega sodišča Republike Slovenije, ministra, pristojnega za pravosodje, pristojnega personalnega sveta in sodnega sveta. Službeni nadzor se opravi v zahtevanem obsegu.

Predsednik neposredno višjega sodišče opravi službeni nadzor glede na lastne ugotovitve o delu sodišča in delu posameznih sodnikov pri odločanju o pravnih sredstvih ali na predlog predsednika sodišča, predsednika Vrhovnega sodišča Republike Slovenije, ministra, pristojnega za pravosodje, pristojnega personalnega sveta ali sodnega sveta. Če predsednik neposredno višjega sodišča obrazloženo zavrne predlog za nadzor, lahko predlagatelj nadzora, razen če je predlagatelj nadzora sodni svet, zahteva, da o utemeljenosti predloga dokončno odloči sodni svet v 30 dneh po prejemu zahteve.

12. THE EQUAL OPPORTUNITIES FOR WOMEN AND MEN ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 59/02, 61/07 – ZUNEO–A and 33/16 – ZVarD)

4. The Human Rights Ombudsman

Article 32

(The role of Ombudsman in pursuit of the objectives of this Act)

When dealing with cases pertinent to legal protection of the right to gender equality and in reporting on his/her activities, the Ombudsman shall strive, within the scope of his/her competences ensuing from Human Rights Ombudsman Act, particularly for the implementation of the establishment of equal rights.

12. ZAKON O ENAKIH MOŽNOSTIH ŽENSK IN MOŠKIH

(Uradni list RS, št. 59/02, 61/07 – ZUNEO-A in 33/16 – ZVarD)

4. Varuhinja oziroma varuh človekovih pravic

32. člen

(vloga varuhinje oziroma varuha pri uresničevanju ciljev zakona)

Varuhinja oziroma varuh človekovih pravic si v okviru pristojnosti, ki jih ima po zakonu o varuhu človekovih pravic, pri obravnavi primerov s področja varstva pravice enakosti spolov pred zakonom in pri poročanju o svojem delu posebej prizadeva za uresničevanje ustvarjanja enakih možnosti.



13. THE DEFENCE ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 103/04 – official consolidated text and 95/15.

Article 52

(Protection of human rights and fundamental freedoms and the right to conscientious objection)

1. Military persons may file a petition for the initiation of proceedings with the Human Rights Ombudsman when they believe their rights and fundamental freedoms were restricted or violated during the military service.
2. Military persons shall have the right to conscientious objection with respect to the command received, in accordance with the rules of the service. The objection shall not stay the execution of the received command, except in case under paragraph 8 of Article 43 of this Act.
3. Military persons shall have the right to religious spiritual care during military service. The organisation of the religious spiritual care and the manner of exercising the right to this care shall be defined by the minister.

13. ZAKON O OBRAMBI

(Uradni list RS, št. 103/04 – uradno prečiščeno besedilo in 95/15)

52. člen

(varstvo človekovih pravic in temeljnih svoboščin ter pravica do ugovora)

1. Vojaška oseba lahko da pobudo za začetek postopka pri varuhu človekovih pravic in temeljnih svoboščin, če meni, da so ji med vojaško službo njene pravice ali temeljne svoboščine omejene ali kršene.
2. Vojaška oseba ima pravico do ugovora zoper prejeta povelje v skladu s pravili službe. Ugovor ne zadrži izvršitve dobljenega povelja, razen v primeru iz osmega odstavka 43. člena tega zakona.
3. Vojaška oseba ima med vojaško službo pravico do religiozne duhovne oskrbe. Organizacijo religiozne duhovne oskrbe in način izvrševanja pravice do te oskrbe določi minister.

14. THE PATIENTS' RIGHTS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 15/08 and 55/17)

IV. COMPETENCES OF THE OMBUDSMAN IN THE FIELD OF PATIENTS' RIGHTS

Article 55

(Competences of the Ombudsman)

Ombudsman shall, within the framework of his/her tasks, defined in the Act, monitor the situation in the field of exercising the patient's rights and on this basis he/she shall require from the competent government bodies, local community authorities and holders of public authority to ensure the conditions and circumstances providing for this Act to be effectively exercised. For this field, the Ombudsman shall designate one of his/her deputies.

Article 80

Records and reporting by the patient's representative

1. Patients' representatives (hereinafter: representatives) shall be obliged to keep records on the implementation of the tasks set out in Article 49 of this Act, which shall include the following information:
 - the nature of tasks accomplished by the representative;
 - type of alleged violations dealt with;
 - date of receipt of the patients' applications;
 - method of solution of an application and/or implementation of tasks;
 - date of accomplishment of representative's tasks.The public may be acquainted with the records only in anonymized form.
2. The representative shall submit a regular annual report for the previous calendar year to the competent regional authority, the minister responsible for health and to the Ombudsman by 15 March of the current year at the latest.
3. The representative's report shall be given in anonymized form and shall contain, in addition to statistical data, general findings and recommendations relating to the field of patient's rights.
4. The competent regional authority may at any time request an extraordinary report from the representative of his work.

14. ZAKON O PACIENTOVIH PRAVICAH

(Uradni list RS, št. 15/08 in 55/17)

IV. PRISTOJNOSTI VARUHA ČLOVEKOVIH PRAVIC NA PODROČJU PACIENTOVIH PRAVIC

55. člen

(pristojnosti Varuha človekovih pravic)

Varuh človekovih pravic v okviru svojih nalog, določenih z zakonom, spremlja stanje na področju uresničevanja pacientovih pravic in na tej podlagi zahteva od pristojnih državnih organov, organov lokalnih skupnosti in nosilcev javnih pooblastil, da zagotovijo pogoje in razmere za učinkovito uresničevanje tega zakona. Varuh za to področje določi enega od svojih namestnikov.

80. člen

(evidenca in poročanje zastopnika)

1. Zastopniki so dolžni voditi evidenco o izvajanju nalog iz 49. člena tega zakona, ki vsebuje zlasti podatke o:
 - vrsti nalog zastopnika, ki jih je opravil,
 - vrsti domnevnih kršitev, ki jih je obravnaval,
 - datumu prejema vlog pacientov,
 - načinu rešitve vloge oziroma izvedbe nalog,
 - datumu rešitve nalog zastopnika.Javnost se z evidenco lahko seznanja le v anonimizirani obliki.
2. Zastopnik pristojnemu pokrajinskemu organu, ministru, pristojnemu za zdravje, in Varuhu človekovih pravic najpozneje do 15. marca tekočega leta predloži redno letno poročilo za preteklo koledarsko leto.
3. Poročilo zastopnika je dano v anonimizirani obliki in poleg statističnih podatkov vsebuje tudi splošne ugotovitve in priporočila na področju pacientovih pravic.
4. Pristojni pokrajinski organ lahko od zastopnika kadarkoli zahteva izredno poročilo o njegovem delu.

Article 82

(Records and reporting by the Commission)

1. Records relating to consideration of the second request shall be subject to the provisions of the regulations governing administrative operations.
2. The Commission shall submit to the minister responsible for health and to the Ombudsman no later than by 15 March of the current year its annual report for the previous calendar year. The Commission's report shall be given in anonymized form and, in addition to information about their activities, shall also include findings and recommendations relating to the patients' rights. The Commission may also give incentives for improving the protection of patients' rights.



82. člen

(evidence in poročanje Komisije)

1. Za evidence obravnava druge zahteve se uporabljajo določbe predpisov, ki urejajo upravno poslovanje.
2. Komisija mora ministru, pristojnemu za zdravje, in Varuhu človekovih pravic najpozneje do 15. marca tekočega leta predložiti redno letno poročilo za preteklo koledarsko leto. Poročilo Komisije je dano v anonimizirani obliki in poleg podatkov o svojih aktivnostih vsebuje tudi ugotovitve in priporočila na področju pacientovih pravic. Komisija lahko daje tudi pobude za izboljšanje stanja na področju varstva pacientovih pravic.

15. THE ENVIRONMENTAL PROTECTION ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 39/06 - official consolidated text, 49/06 - ZMetD, 66/06 - Constitutional Court Decision, 33/07 - ZPNačrt-A, 57/08 - ZFO-1A, 70/08, 108/09, 108/09 - ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 - GZ, 21/18 - ZNOrg and 84/18 - ZIURKOE)

14. člen

(Principle of the right to protection)

1. In order to exercise the right to a healthy living environment, citizens may, as individuals or through societies, associations and organisations, file a request with the court demanding that the holder (hereinafter referred to as the 'holder') of the activity affecting the environment stops the activity when it would cause or does cause an excessive environmental burden or it would present or does present a direct threat to human life or health, or that the person responsible for the activity affecting the environment be prohibited from starting the activity when there is strong probability that the activity would result in such consequences.
2. The protection of the right to a healthy living environment as a special field shall, in accordance with the law, also fall within the competence of the Human Rights Ombudsman.

15. ZAKON O VARSTVU OKOLJA

(Uradni list RS, št. 39/06 – uradno prečiščeno besedilo, 49/06 – ZMetD, 66/06 – odl. US, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 – GZ, 21/18 – ZNOrg in 84/18 – ZIURKOE)

14. člen

(načelo varstva pravic)

1. Za uresničevanje pravice do zdravega življenjskega okolja lahko državljanke ali državljani kot posameznice ali posamezniki ali njihova društva, združenja in organizacije pred sodiščem zahtevajo, da nosilka ali nosilec (v nadaljnjem besedilu: nosilec) posega v okolje ustavi poseg, če bi ta povzročil ali povzroča čezmerno obremenitev okolja ali če bi povzročil ali povzroča neposredno nevarnost za življenje ali zdravje ljudi, ali da se mu prepove začetni izvajanje posega v okolje, če je izkazana velika verjetnost, da bi povzročil takšne posledice.
2. Za varovanje pravice do zdravega življenjskega okolja kot posebnega področja je v skladu z zakonom pristojen tudi varuh človekovih pravic.

16. THE PERSONAL DATA PROTECTION ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 94/07 – official consolidated text)

The Human Rights Ombudsman

Article 59

1. The Human Rights Ombudsman or Ombudswoman (hereinafter referred to as: Ombudsman) shall perform his/her tasks regarding personal data protection in relation to the government authorities, self-governing local communities and holders of public authority in accordance with the Act regulating the Ombudsman.
2. Personal data protection is Ombudsman's special field for which one of the Ombudsman's deputies is tasked.

16. ZAKON O VARSTVU OSEBNIH PODATKOV

(Uradni list RS, št. 94/07 – uradno prečiščeno besedilo)

Varuh človekovih pravic

59. člen

1. Varuhinja oziroma varuh človekovih pravic (v nadaljnjem besedilu: varuh) opravlja svoje naloge na področju varstva osebnih podatkov v razmerju do državnih organov, organov samoupravnih lokalnih skupnosti in nosilcev javnih pooblastil v skladu z zakonom, ki ureja varuha človekovih pravic.
2. Varstvo osebnih podatkov je posebno področje varuha, za katerega je zadolžen eden od namestnikov varuha.



17. THE CRIMINAL PROCEDURE ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 32/12 – official consolidated text, 47/13, 87/14, 8/16 – Decision of the Constitutional Court, 64/16 – Decision of the Constitutional Court, 65/16 – Decision of the Constitutional Court, 66/17 – ORZKP153,154 and 1/19-Decision of the Constitutional Court)

7. Implementation of remand

Article 213b

1. On the basis of permission of the investigating judge who is conducting the investigation and under his/her supervision, or under a supervision of someone appointed by the investigating judge, within the limits of the house rules, a remand prisoner may be visited by his/her close relatives and, upon his/her request, also by doctors and others. Certain visits may be prohibited if this might be to the detriment of the proceedings.
2. The diplomatic and consular representatives of foreign states shall have the right, with knowledge of the investigating judge, to visit and have an unsupervised discussion with a remand prisoner who is a citizen of their state.
3. Ombudsman or his/her deputy may visit and have correspondence with a remand prisoner without a prior information to and supervision of the investigating judge or a supervision of a person appointed by the investigating judge. Examination of letters, sent by the remand prisoner to the Office of the Human Rights Ombudsman, shall not be allowed.
4. A remand prisoner may have correspondence with other persons outside prison. If required by reasons on the basis of which a remand prison was ordered, the investigating judge, on the proposal of the state prosecutor, with an order in a written form shall order a control of items of correspondence and other postal items as well as other contact made by a remand prisoner with persons outside prison. The investigating judge may prohibit a remand prisoner from sending or receiving letters and other parcels or from making contacts which are detrimental to the proceedings; however, the investigating judge may not prohibit a remand prisoner from sending an appeal or a complaint. An appeal against this decision shall not stay its execution.
5. After filing the indictment and until the judgment has become final, the rights referred to in the first to fourth paragraphs of this Article shall be held by the presiding judge.

17. ZAKON O KAZENSKEM POSTOPKU

(Uradni list RS, št. 32/12 – uradno prečiščeno besedilo, 47/13, 87/14, 8/16 – odl. US, 64/16 – odl. US, 65/16 – odl. US, 66/17 – ORZKP153,154 in 1/19 - skl. US)

7. Izvrševanje pripora

213.b člen

1. Z dovoljenjem preiskovalnega sodnika, ki opravlja preiskavo, in pod njegovim nadzorstvom ali pod nadzorstvom nekoga, ki ga on določi, lahko obiskujejo pripornika v mejah hišnega reda zavoda bližnji sorodniki, na njegovo zahtevo pa tudi zdravnik in drugi. Posamezni obiski se smejo prepovedati, če bi zaradi tega lahko nastala škoda za postopek.
2. Diplomatski in konzularni predstavniki tuje države imajo pravico, da z vednostjo preiskovalnega sodnika, ki opravlja preiskavo, obiskujejo in brez nadzora govorijo s pripornikom, ki je državljan njihove države.
3. Varuh človekovih pravic oziroma njegov namestnik lahko pripornika obiskuje in si z njim dopisuje brez predhodnega obveščanja in nadzorstva preiskovalnega sodnika ali nadzorstva nekoga, ki ga ta določi. Pisanj, ki jih pripornik pošilja Uradu varuha človekovih pravic, ni dopustno pregledovati.
4. Pripornik si lahko dopisuje ali ima druge stike z osebami zunaj zavoda. Če tako zahtevajo razlogi, zaradi katerih je bil odrejen pripor, lahko preiskovalni sodnik na predlog državnega tožilca s pisnim sklepom odredi nadzor pisemskih in drugih pošiljk ter drugih stikov pripornika z osebami zunaj zavoda. Preiskovalni sodnik lahko priporniku prepove pošiljanje ali sprejemanje pisem in drugih pošiljk ali vzpostavljanje stikov, ki so škodljivi za postopek, ne sme pa mu prepovedati, da bi poslal prošnjo ali pritožbo. Pritožba zoper ta sklep ne zadrži njegove izvršitve.
5. Po vložitvi obtožnice do pravnomočnosti sodbe ima pravice iz prvega do četrtega odstavka tega člena predsednik senata.

Article 213c

1. Remand prisoners may be disciplined for disciplinary breaches. The investigating judge or the president of the panel may impose a disciplinary punishment.
2. Disciplinary breaches are
 - physical attacks on other remand prisoners, employees of the institute or other official persons;
 - the production, acceptance or introduction of items for attacks or escape;
 - the introduction and production of alcoholic beverages and narcotics and their distribution;
 - violations of the regulations on safety at work, fire safety, explosions and other natural disasters:
 - repeated violations of the house rules of the institute;
 - causing serious material damage intentionally or through serious negligence;
 - insulting and undignified behaviour.
3. For disciplinary breaches, a prohibition or restrictions on visits and correspondence may be imposed. Restrictions or prohibition of visits shall not apply to visits by the defence counsel, doctors, the human rights ombudsman and diplomatic and consular representatives of the country of which the remand prisoner is a citizen.
4. Complaints may be lodged with the panel (paragraph six of Article 25) against the ruling on punishments imposed under paragraph one of this Article within twenty-four hours of receipt thereof. The appeal shall not have suspensive effect on the enforcement of the decision.

213.c člen

1. Pripornik se lahko disciplinsko kaznuje za disciplinski prestopok. Disciplinsko kazen sme izreči preiskovalni sodnik oziroma predsednik senata.
2. Disciplinski prestopki so:
 - fizični napad na sopripornika, delavca zavoda ali drugo uradno osebo,
 - izdelovanje, sprejemanje ali vnašanje predmetov za napad ali pobeg,
 - vnašanje in izdelovanje alkoholnih pijač in narkotikov ter njihovo razpečevanje,
 - kršitev predpisov o varstvu pri delu, varstvu pred požarom, eksplozijo in drugimi naravnimi nesrečami,
 - ponavljajoče se kršitve hišnega reda zavoda,
 - povzročitev večje materialne škode namenoma ali iz hude malomarnosti,
 - žaljivo in nedostojno obnašanje.
3. Za disciplinske prestopke se lahko izrečejo disciplinske kazni prepovedi ali omejevanja obiskov in dopisovanja. Omejitev ali prepoved obiskov ne velja za obiske zagovornika, zdravnika, varuha človekovih pravic ter za diplomatske in konzularne predstavnike države, katere državljan je pripornik.
4. Zoper sklep o kazni, izrečeni po prvem odstavku tega člena, je v štiriindvajsetih urah od njegovega prejema dovoljena pritožba na senat (šesti odstavek 25. člena). Pritožba ne zadrži izvršitve sklepa.

18. THE POLICE TASKS AND POWERS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 15/13, 23/15 – corrigendum and No. 10/17)

Article 30

(Immunity of state officials)

1. If the perpetrator of a criminal or minor offence is a person who under the Constitution or law enjoys immunity (deputy, judge, Constitutional Court judge, ombudsman, state prosecutor or state councillor) and claims it, police officers shall do everything possible to collect the necessary data and secure evidence. In so doing, police officers may use all police powers.
2. If a person produced who enjoys immunity under the preceding paragraph and claims it has been caught while committing a criminal offence subject to prosecution ex officio, police officers shall notify forthwith the competent state prosecutor of such production.

III. POLICE POWERS

Article 33

(Police powers)

1. In performing police tasks, police officers may
 - collect information;
 - summon;
 - give warnings;
 - issue orders;
 - establish person's identity and carry out identification procedures;
 - search for people;
 - carry out covert surveillance and specific checks;
 - carry out identification of people by means of photographs;
 - produce facial composites;
 - carry out polygraph procedures;
 - set up roadblocks with blockade points;
 - use other people's means of transport and communication or other means;
 - conduct security searches;
 - conduct searches of persons;
 - enter private dwellings and other premises;
 - seize objects;
 - conduct anti-terror searches;
 - temporarily restrict free movement of persons;

18. ZAKON O NALOGAH IN POOBLASTILIH POLICIJE

(Uradni list RS, št. 15/13, 23/15 – popr. in 10/17)

30. člen

(imuniteta državnih funkcionarjev)

1. Če je storilec kaznivega dejanja ali prekrška oseba, ki po ustavi ali zakonu uživa imuniteto (poslanec, sodnik, sodnik ustavnega sodišča, varuh človekovih pravic, državni tožilec in državni svetnik) in se nanjo sklicuje, morajo policisti storiti vse potrebno, da se zberejo potrebni podatki in zavarujejo dokazi. Pri tem smejo policisti uporabiti vsa policijska pooblastila.
2. Če je privedena oseba, ki uživa imuniteto iz prejšnjega odstavka in se nanjo sklicuje, zalotena pri storitvi kaznivega dejanja, katerega storilec se preganja po uradni dolžnosti, morajo policisti o privedbi takoj obvestiti pristojnega državnega tožilca.

III. POLICIJSKA POOBLASTILA

33. člen

(policijska pooblastila)

1. Pri opravljanju policijskih nalog smejo policisti:
 - zbirati obvestila,
 - vabiti,
 - opozarjati,
 - ukazovati,
 - ugotavljati identiteto oseb in izvajati identifikacijski postopek,
 - iskati osebe,
 - izvajati prikrito in namensko kontrolo,
 - izvajati prepoznavo oseb po fotografijah,
 - izdelovati fotorobote,
 - izvajati poligrafski postopek,
 - postavljati cestne zapore z blokadnimi točkami,
 - uporabljati tuja prevozna sredstva, sredstva za zveze ali druga sredstva,
 - opravljati varnostne preglede,
 - opravljati preglede oseb,
 - vstopati v tuja stanovanja in v druge prostore,
 - zasegati predmete,
 - opravljati protiteroristične preglede,
 - začasno omejevati gibanje oseb,
 - privedi osebe,

- produce persons;
 - prohibit approaching a specific person, place or area;
 - prohibit attending sports events;
 - interrupt travel;
 - detain persons;
 - use instruments of restraint;
 - conduct a security background check on a person;
 - carry out accreditation procedures;
 - exercise police powers on water;
 - collect and process data, and
 - exercise other police powers provided by laws.
2. The method of exercising police powers referred to in the preceding paragraph, unless otherwise provided by this Act, shall be prescribed in detail by the Minister after obtaining a preliminary opinion of the Human Rights Ombudsman.

Article 70

(Detained person's right to communicate)

1. A detained person shall have the right to communicate with the competent public authorities and/or international institutions or organizations operating in the field of the protection of human rights and fundamental freedoms, such as, in particular, the Human Rights Ombudsman, the competent national or international courts, other national or international supervisory bodies and non-governmental or humanitarian organizations.
2. A detained person shall have the right to send a petition, a request or an appeal addressed to the entities referred to in the preceding paragraph in a sealed envelope and police officers shall have no right to inspect the writing.

- prepovedati približevanje določeni osebi, kraju ali območju,
 - prepovedati udeležbo na športnih prireditvah,
 - prekiniti potovanje,
 - pridržati osebe,
 - uporabljati prisilna sredstva,
 - varnostno preverjati osebe,
 - izvajati akreditacijski postopek,
 - izvajati policijska pooblastila na vodah,
 - zbirati in obdelovati podatke in
 - izvajati druga policijska pooblastila, določena v zakonih.
2. Način izvajanja policijskih pooblastil iz prejšnjega odstavka, razen če ni s tem zakonom določeno drugače, podrobneje predpiše minister po pridobitvi predhodnega mnenja Varuha človekovih pravic.

70. člen

(komuniciranje pridržane osebe)

1. Pridržana oseba ima pravico komunicirati s pristojnimi državnimi oziroma mednarodnimi institucijami ali organizacijami s področja varstva človekovih pravic in temeljnih svoboščin, kot so zlasti varuh človekovih pravic, pristojna državna oziroma mednarodna sodišča, drugi državni oziroma mednarodni nadzorni organi ter nevladne ali humanitarne organizacije.
2. Pobudo, prošnjo ali pritožbo subjektom iz prejšnjega odstavka ima pridržana oseba pravico oddati v zaprti kuverti, policisti pa nimajo pravice do vpogleda v pisanje.

19. THE ATTORNEYS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 18/93, 24/96 – Constitutional Court Decision, 24/01, 54/08, 35/09, 97/14, 8/16 – Constitutional Court Decision and 46/16)

Article 64

The disciplinary prosecutor shall request the institution of disciplinary proceedings if they are notified by a complaint from the affected party, a motion of the human rights ombudsman or in any other manner, of the facts and evidence from which it may be reasonably inferred that an attorney, candidate attorney or trainee attorney has committed a breach of duty, not later than 30 days after receipt of the notice of such breach.

At the request of the president of the Supreme Court or the minister competent for justice, the disciplinary prosecutor shall request the institution of disciplinary proceedings not later than 30 days after the receipt of such request.

If the disciplinary prosecutor abandons the disciplinary proceedings, they shall notify the president of the Supreme Court or the minister competent for justice thereof within eight days and instruct them that they are entitled to continue the disciplinary proceedings on their own. The president of the Supreme Court or the minister competent for justice may continue the proceedings within eight days of receiving such notice from the disciplinary prosecutor.

In their request for the institution of disciplinary proceedings, the disciplinary prosecutor shall specify the breach of duty and state the facts and propose the evidence to be taken to establish the facts.

19. ZAKON O ODVETNIŠTVU

(Uradni list RS, št. 18/93, 24/96 – odl. US, 24/01, 54/08, 35/09, 97/14, 8/16 – odl. US in 46/16)

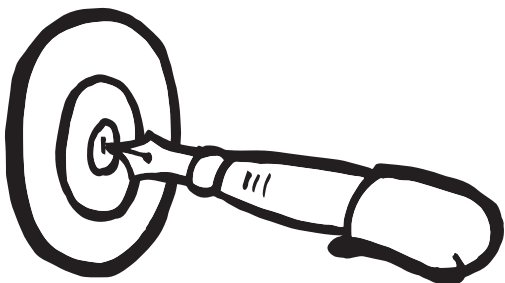
64. člen

Disciplinski tožilec zahteva uvedbo disciplinskega postopka, če je na podlagi pobude prizadete osebe, Varuha človekovih pravic ali na drug način obveščen o dejstvih in dokazih, na podlagi katerih je mogoče utemeljeno sklepati, da je odvetnik oziroma odvetniški kandidat ali odvetniški pripravnik kršil svojo dolžnost, najpozneje v 30 dneh od prejema obvestila o kršitvi.

Na zahtevo predsednika Vrhovnega sodišča Republike Slovenije ali ministra, pristojnega za pravosodje, mora disciplinski tožilec zahtevati uvedbo disciplinskega postopka najpozneje v 30 dneh od prejema zahteve.

Če disciplinski tožilec odstopi od disciplinskega postopka, mora to v osmih dneh sporočiti predsedniku Vrhovnega sodišča Republike Slovenije ali ministru, pristojnemu za pravosodje, in ga poučiti, da lahko nadaljuje disciplinski postopek sam. Predsednik Vrhovnega sodišča Republike Slovenije ali minister, pristojen za pravosodje, ima pravico nadaljevati postopek v osmih dneh, odkar je prejel sporočilo disciplinskega tožilca.

Disciplinski tožilec mora v zahtevi za uvedbo postopka opredeliti kršitev dolžnosti ter navesti dejstva in predlagati dokaze, ki naj se izvedejo za njihovo ugotovitev.



20. THE ENFORCEMENT OF CRIMINAL SANCTIONS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 110/06 – official consolidated text, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 and 11/18)

Article 75

1. The convict shall be allowed to make telephone calls from outside the prison.
2. The prison institution shall in the house rules determine the frequency and duration of telephone calls in such a manner that the order, safety and discipline in prison are not disturbed. In this case, frequency of telephone calls should extend over at least two days in a week.
3. The prison director may by way of a decision for a period of one month prohibit the convict from making telephone calls if this would jeopardize security at the institution or the safety of persons or property outside the prison. The prohibition of telephone calls can be extended for another month, as long as there are reasons for such prohibition. The prohibition of telephone calls does not apply to the calls of lawyers, the Ombudsman, the police, and in case of a convicted person as a foreign citizen, consular authorities and official organizations which, under international law, protect the benefits of the convicted person.
4. The costs of telephone calls shall be borne by the convict.
5. Convicts may not use other electronic communications (email, internet, GSM mobile service, fax communications, voicemail, SMS and MMS services...), unless the prison director has established that the use of these electronic communications does not jeopardize security inside and outside the prison. The permission to use electronic means of communication for the purposes of electronic communication shall be entered in the convict's personal plan.
6. The prison director may decide, within the framework of criminal sanctions enforcement and maintenance of order and discipline in prison, to introduce safety measures by recording and storing the record of telephone calls and other electronic communications on the basis of the need for security measures to provide security for prisoners, prison staff and other persons in a prison, as well as security of property and data. In introducing the measure of protecting and recording, as well as retaining records of electronic communications, the provisions of the act governing electronic communications, and acts governing the protection of the secrecy, confidentiality and security of electronic communications and storage of data

20. ZAKON O IZVRŠEVANJU KAZENSKIH SANKCIJ

(Uradni list RS, št. 110/06 – uradno prečiščeno besedilo, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 in 11/18)

75. člen

1. Obsojencu se omogočijo telefonski klici oseb zunaj zavoda.
2. Zavod s hišnim redom določi pogostnost in trajanje telefonskih klicev na način, da niso moteni red, varnost in disciplina v zavodu. Pri tem pogostnosti ni dopustno določiti v manjšem obsegu od dveh dni v tednu.
3. Direktor zavoda lahko z odločbo, za obdobje enega meseca, obsojencu prepove telefonske klice, če bi z njimi lahko ogrozil varnost v zavodu ali varnost oseb ali premoženja zunaj zavoda. Prepoved telefonskih klicev se lahko podaljšuje še za po en mesec, dokler obstajajo razlogi za prepoved. Prepoved telefonskih klicev se ne nanaša na klice odvetnikov, varuha človekovih pravic, policije ter v primeru obsojenca tujega državljana, na konzularne organe in uradne organizacije, ki po pravilih mednarodnega prava varujejo koristi obsojenca.
4. Stroške telefonskih pogovorov nosi obsojenec.
5. Obsojenci ne smejo uporabljati elektronske komunikacije (elektronska pošta, svetovni splet, mobilna telefonija, faksimilna sporočila, glasovna pošta, storitev SMS in MMS ...), razen če direktor zavoda na prošnjo obsojenca ugotovi, da njegova uporaba elektronskih komunikacijskih sredstev na ta način ne ogroža varnosti v zavodu in zunaj njega. Dovoljenje za uporabo elektronskih komunikacijskih sredstev za potrebe elektronske komunikacije se zapiše v osebni načrt obsojenca.
6. Direktor zavoda lahko v okviru izvajanja kazenskih sankcij ter vzdrževanja reda in discipline v zavodu odloči, da na podlagi potrebe po varnostnih ukrepih za zagotovitev varnosti zapornikov, zaporskega osebja in drugih oseb v zavodu ter varnosti premoženja in podatkov, uvede ukrepe varovanja s snemanjem in shranjevanjem telefonskih klicev in drugih elektronskih komunikacij. Pri uvedbi ukrepa varovanja ter snemanja in shranjevanja elektronskih komunikacij se smiselno uporabljajo določbe zakona, ki ureja elektronske komunikacije, ki urejajo področje zaščite tajnosti, zaupnosti in varnosti elektronskih komunikacij. Podatki, pridobljeni na podlagi tega odstavka, se hranijo eno leto.

on traffic in electronic communications shall be applied *mutatis mutandis*. Information obtained under this paragraph shall be kept for one year.

7. The measure referred to in the preceding paragraph may apply to external telephone and other electronic communications. In the event of external electronic communications, a person who wishes to communicate with the prison in the case of telephone calls must be audibly notified that the conversation will be recorded; in the case of other communications the person must be notified in advance in another suitable manner (published on the website of the Administration, warnings in the email system and similar).

Supervision of prisons

Article 212

1. Supervision of the legality of the treatment of convicts shall be exercised by the ministry responsible for justice and the president of the district court in whose territory the prison or its unit is located. An authorised official from the ministry responsible for justice or the president of the district court shall, at the request of convicts also without the presence of prison staff, interview convicts about the treatment they are receiving and about the exercise of their rights.
2. If the ministry responsible for justice or the president of the district court referred to in the preceding paragraph establishes in the course of supervision that convicts' rights have been violated, they shall take any measure necessary to ensure the convicts' rights.
3. In accordance with the Human Rights Ombudsman Act and international legal acts, the Human Rights Ombudsman and authorised bodies responsible for the protection of human rights and the prevention of torture, inhuman and degrading treatment or punishment, shall also be enabled to exercise supervision referred to in the first paragraph of this article.
4. Supervision of the education of convicts in prisons shall be exercised by the ministry responsible for education.
5. Expert supervision and administrative supervision of the provision of health care services in the prison shall be exercised in accordance with the law governing health care services.

7. Ukrep iz prejšnjega odstavka se sme nanašati na zunanje telefonske in druge elektronske komunikacije. V primerih zunanjih elektronskih komunikacij mora biti oseba, ki hoče komunicirati z zavodom v primeru telefonskih klicev predhodno zvočno obveščena, da bo pogovor sneman, v primeru drugih komunikacij pa mora biti o tem predhodno obveščena na drug primeren način (objave na spletni strani uprave, opozorila v sistemu elektronske pošte in podobno).

Nadzorstvo nad zavodi

212. člen

1. Nadzorstvo glede zakonitega ravnanja z obsojenci opravljajo ministrstvo, pristojno za pravosodje, in predsednik okrožnega sodišča, na območju katerega je zavod oziroma njegov oddelek. Pooblaščen uradna oseba ministrstva, pristojnega za pravosodje, oziroma predsednik okrožnega sodišča se seznanj pri obsojencih o ravnanju z njimi ter izvajanju njihovih pravic, na njihovo željo tudi brez navzočnosti delavcev zavoda.
2. Če ministrstvo, pristojno za pravosodje, oziroma predsednik okrožnega sodišča iz prejšnjega odstavka pri nadzorstvu ugotovijo, da so bile kršene pravice obsojencev, ukrenejo vse potrebno za zagotovitev pravic obsojencev.
3. Nadzorstvo iz prvega odstavka tega člena je treba omogočiti tudi varuhu človekovih pravic v skladu z zakonom o varuhu človekovih pravic in po mednarodnih aktih pooblaščenim pristojnim organom za varstvo človekovih pravic in za preprečevanje mučenja, nečloveškega, poniževalnega postopka in kaznovanja.
4. Nadzorstvo nad izobraževanjem obsojencev v zavodih opravlja ministrstvo, pristojno za šolstvo.
5. Strokovni nadzor in upravni nadzor nad zdravstveno dejavnostjo zavoda se izvajata v skladu z zakonom, ki ureja zdravstveno dejavnost.

21. ADMINISTRATIVE FEES ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 106/10 – official consolidated text, 14/15 – ZUUJFO, 84/15 – ZZelP-J, 32/16 and 30/18 – ZKZaš)

Article 28

The following documents and actions shall be exempt from fees:

* * * *

23. applications addressed to the Ombudsman and other institutions for requests and complaints;

* * * *

21. ZAKON O UPRAVNIH TAKSAH

(Uradni list RS, št. 106/10 – uradno prečiščeno besedilo, 14/15 – ZUUJFO, 84/15 – ZZelP-J, 32/16 in 30/18 – ZKZaš)

28. člen

Taks so oproščeni naslednji dokumenti in dejanja:

* * * *

23. vloge naslovljene na varuha človekovih pravic in druge institucije za prošnje in pritožbe;

* * * *



22. THE CLASSIFIED INFORMATION ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 50/06 – official consolidated text, 9/10 and 60/11)

Article 3

The following persons may, in connection with the discharge of their functions, have access to classified information without permission to access (hereinafter: permission):

- the President of the Republic;
- the Prime Minister;
- deputy;
- State adviser;
- mayor and municipal adviser;
- minister and head of government services directly answerable to the Prime Minister;
- ombudsmen and deputy ombudsman;
- the governor, deputy governor and vice governor of the Central Bank;
- member of the Court of Auditors;
- judges;
- President and members of the National Review Commission;
- State prosecutor;
- State Attorney General, and
- commissioner for access to public information.

The persons referred to in the preceding paragraph shall be granted permission after taking office and signing a statement to the effect that they are acquainted with this Act and other regulations governing the protection of classified information, and that they undertake to handle classified information in accordance with these regulations.

22. ZAKON O TAJNIH PODATKIH

(Uradni list RS, št. 50/06 - uradno prečiščeno besedilo, 9/10 in 60/11)

3. člen

V zvezi z opravljanjem svoje funkcije lahko do tajnih podatkov brez dovoljenja za dostop do tajnih podatkov (v nadaljnjem besedilu: dovoljenje) dostopa:

- predsednik republike;
- predsednik vlade;
- poslanec;
- državni svetnik;
- župan in občinski svetnik;
- minister in predstojnik vladne službe, ki je neposredno odgovoren predsedniku vlade;
- varuh človekovih pravic in njegov namestnik;
- guverner, namestnik in vice guverner centralne banke;
- član računskega sodišča;
- sodnik;
- predsednik in člani Državne revizijske komisije;
- državni tožilec;
- generalni državni pravobranilec in
- informacijski pooblaščenec.

Osebe iz prejšnjega odstavka dobijo dovoljenje z začetkom funkcije oziroma opravljanja dela in podpisom izjave, da so seznanjene s tem zakonom in drugimi predpisi, ki urejajo varovanje tajnih podatkov, in da se zavezujejo s tajnimi podatki ravnati v skladu s temi predpisi.

23. THE INTEGRITY AND PREVENTION OF CORRUPTION ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 69/11 - official consolidated text)

Article 13

(Powers of the Commission on suspicion of corruption or other offences)

1. On the basis of a report submitted by a legal or natural person or upon receipt of an application under paragraph two of this Article, the Commission may on its own motion initiate proceedings on the grounds of the suspicion of corruption, violation of the rules on conflicts of interest, the restriction of commerce or on lobbying, or on the grounds of the assessment and elimination of individual or systemic corruption risks, or a violation of the ethics and integrity of the public sector.
2. The application for the initiation of proceedings under paragraph one can also be submitted by the following:
 - the National Assembly;
 - the Government;
 - the Court of Audit, the Human Rights Ombudsman, the National Review Commission, the Information Commissioner, the Bank of Slovenia and other autonomous State bodies or institutions governed by public law and operating in financial management, securities, the protection of competition and the prevention of money laundering;
 - the Judicial Council and the State Prosecutors' Council;
 - the State Prosecutor's Office or a court if the offences to be prosecuted or decided on do not fall within their legal competences.

23. ZAKON O INTEGRITETI IN PREPREČEVANJU KORUPCIJE

(Uradni list RS, št. 69/11 – uradno prečiščeno besedilo)

13. člen

(pristojnosti komisije ob sumu korupcije ali drugih kršitev)

1. Komisija lahko na lastno pobudo, na podlagi prijave pravne ali fizične osebe ali na zahtevo iz drugega odstavka tega člena uvede postopek zaradi suma korupcije, kršitve predpisov o nasprotju interesov, omejitvi poslovanja ali o lobiranju ali zaradi ocene in odprave posamičnih ali sistemskih korupcijskih tveganj ali kršitev etike in integritete javnega sektorja.
2. Zahtevo za uvedbo postopka iz prvega odstavka lahko podajo tudi:
 - državni zbor,
 - vlada,
 - računsko sodišče, varuh človekovih pravic, državna revizijska komisija, informacijski pooblaščenec, Banka Slovenije in drugi samostojni državni organi ali javnopravne institucije s področja finančnega poslovanja, vrednostnih papirjev, varstva konkurence in preprečevanja pranja denarja,
 - sodni svet, državno-tožilski svet,
 - državno tožilstvo in sodišče, če ne gre za dejanja, ki sta jih pristojna preganjati oziroma odločati o njih v okviru svojih zakonskih pristojnosti.

24. THE INFERTILITY TREATMENT AND PROCEDURES FOR BIOMEDICALLY-ASSISTED PROCREATION ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 70/00 and 15/17 – DZ)

V. THE STATE BMAR COMMISSION

Article 19

The State BMAR Commission shall be established at the ministry responsible for health in order to deal with all relevant issues relating to the implementation of this Act.

In support to its activities, the State BMAR Commission may establish permanent and temporary working bodies, and request the opinion of relevant experts.

Article 20

The State BMAR Commission shall be composed of:

- one representative of the ministry responsible for health;
- one expert in medical ethics;
- one expert for BMAR from each centre;
- one expert in the field of law;
- one expert in the field of psychological or sociological sciences;
- one representative of the Human Rights Ombudsman;
- one representative of persons entitled to BMAR procedures.

The members of the State BMAR Commission and the president of the Commission shall be appointed by the minister responsible for health for a period of five years from among the members of the Commission. The right to propose the experts from the previous paragraph shall be exercised by the relevant faculties - members of the university.

The State BMAR Commission shall take its decisions by majority vote of all members.

24. ZAKON O ZDRAVLJENJU NEPLODNOSTI IN POSTOPKIH OPLODITVE Z BIOMEDICINSKO POMOČJO

(Uradni list RS, št. 70/00 in 15/17 – DZ)

V. DRŽAVNA KOMISIJA ZA OBMP

19. člen

Za obravnavanje in reševanje vseh pomembnejših vprašanj v zvezi z izvajanjem tega zakona se pri ministrstvu, pristojnemu za zdravstvo, ustanovi Državna komisija za OBMP.

Državna komisija za OBMP lahko za pomoč pri svojem delu ustanovi stalna in občasna delovna telesa ter zahteva mnenje ustreznih strokovnjakov.

20. člen

Državno komisijo za OBMP sestavljajo:

- en predstavnik ministrstva, pristojnega za zdravstvo,
- en strokovnjak za medicinsko etiko,
- en strokovnjak za OBMP iz vsakega centra,
- en strokovnjak s področja prava,
- en strokovnjak s področja psiholoških ali socioloških ved,
- en predstavnik Urada varuha človekovih pravic,
- en predstavnik upravičencev do postopkov OBMP.

Člane Državne komisije za OBMP in predsednika komisije izmed članov komisije imenuje za dobo petih let minister, pristojen za zdravstvo. Pravico predlagati strokovnjake iz prejšnjega odstavka imajo ustrezne fakultete – članice univerze.

Državna komisija za OBMP odloča z večino glasov vseh članov.

25. THE CIVIL SERVANTS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 63/07 – official consolidated text, 65/08, 69/08 – ZTFI-A, 69/08 – ZZavar-E and 40/12 – ZUJF)

Article 6

(Definitions of terms)

The terms used in this Act shall have the following meaning:

1. state body shall mean a state administration body or other state body;
2. state administration body shall mean a ministry, a body within a ministry, a government office or an administrative unit;
3. other state body shall mean the National Assembly, the National Council, the Constitutional Court, the Court of Auditors, the Ombudsman, a judiciary body or other state body other than a state administration body;

* * * *

Article 203

1. On the day this Act enters into force, the following shall cease to apply:

* * * *

7. Article 54 of the Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 71/93 and 15/94 – corrigendum) in the part referring to mutatis mutandis application of the State Employees Act;

* * * *

- (2) Notwithstanding the provisions of sector-specific Acts that shall enter into force upon the entry into force of this Act and regulate the status of public employees in individual authorities, the provisions of this Act shall apply in relation to the job classification, titles of officials, method of decision-making on the rights and obligations of public employees and to entering into employment relationships by an employment contract.

Article 54

The repeal of the part referring to the mutatis mutandis application of the State Employees Act, namely from the date on which the Civil Servants Act (the ZJU) becomes applicable (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 56-2759/2002), i.e. 28 June 2003.

Relating to the salary, remuneration and other personal income, allowances and rights, the provisions of the Officials in the State Administration Bodies Act shall apply mutatis mutandis to the secretary-general, while the provisions of the State Employees Act apply mutatis mutandis for other employees.

25. ZAKON O JAVNIH USLUŽBENCIH

(Uradni list RS, št. 63/07 – uradno prečiščeno besedilo, 65/08, 69/08 – ZTFI-A, 69/08 – ZZavar-E in 40/12 – ZUJF)

6. člen

(pomen izrazov)

Posamezni izrazi v tem zakonu imajo naslednji pomen:

1. državni organ je organ državne uprave in drug državni organ;
2. organ državne uprave je ministrstvo, organ v sestavi ministrstva, vladna služba in upravna enota;
3. drug državni organ je Državni zbor, Državni svet, Ustavno sodišče, Računsko sodišče, Varuh človekovih pravic, pravosodni organ in drug državni organ, ki ni organ državne uprave;

* * * *

203. člen

1. Z dnem, ko se začne uporabljati ta zakon, prenehajo veljati:

* * * *

7. 54. člen zakona o varuhu človekovih pravic (Uradni list RS, št. 71/93 in 15/94 - popravek), v delu, ki napotuje na smiselno uporabo zakona o delavcih v državnih organih;

* * * *

- (2) Ne glede na določbe področnih zakonov, ki bodo v veljavi ob uveljavitvi tega zakona in urejajo položaj javnih uslužbencev v organih, se glede razvrščanja delovnih mest, glede uradniških nazivov, načina odločanja o pravicah oziroma obveznostih javnih uslužbencev in sklenitve delovnega razmerja s pogodbo o zaposlitvi uporabljajo določbe tega zakona.

54. člen

Razveljavitev v delu, ki napotuje na smiselno uporabo zakona o delavcih v državnih organih in sicer z dnem, ko se začne uporabljati zakon o javnih uslužbencih (ZJU) (Uradni list RS, št. 56-2759/2002), to je 28.6.2003

Glede pravice do plače, nadomestil ter drugih osebnih prejemkov, povračil in pravic, se za generalnega sekretarja varuha smiselno uporabljajo določbe zakona o funkcionarjih v državnih organih, za druge uslužbence pa smiselno določbe zakona o delavcih v državnih organih.

26. THE PUBLIC SECTOR SALARY SYSTEM ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 108/09 – official consolidated text, 13/10, 59/10, 85/10, 107/10, 35/11 – ORZSPJS49a, 27/12 – the Constitutional Court Decision, 40/12 – ZUJF, 46/13, 25/14 – ZFU, 50/14, 95/14 – ZUPPJS15, 82/15, 23/17 – ZDOdv, 67/17 and 84/18)

VIII. THE PROCEDURE FOR ALTERING THE RATIOS BETWEEN THE HIGHEST AND THE LOWEST SALARIES AND THE RATIOS BETWEEN SALARY GROUPS AND SALARY SUBGROUPS

Article 34

(The Council for the salary system in the public sector)

1. The Council for the Salary System in the Public Sector (hereinafter: the Council) shall be established to monitor the implementation of this Act and the public sector salary policy; it shall consist of the representatives of state bodies, associations of local authorities and public sector trade unions.
2. The representatives of state bodies and associations of local authorities shall be appointed to the Council by:
 - the National Assembly of the Republic of Slovenia;
 - the Constitutional Court of the Republic of Slovenia;
 - the Supreme Court of the Republic of Slovenia;
 - the State Prosecutor's Office of the Republic of Slovenia;
 - the Human Rights Ombudsman;
 - the Government of the Republic of Slovenia, and
 - the representative associations of local authorities.
3. Trade union representatives shall be appointed to the Council by representative trade unions for the public sector.
4. The memorandum of association of the Council shall be adopted by the National Assembly, whereas the administrative and other conditions for its work shall be ensured by the Government.
5. The Council shall make decisions with the consent of both parties. More detailed matters regarding the Council's work and decision-making shall be determined by the Council's rules of procedure.

26. ZAKON O SISTEMU PLAČ V JAVNEM SEKTORJU

(Uradni list RS, št. 108/09 – uradno prečiščeno besedilo, 13/10, 59/10, 85/10, 107/10, 35/11 – ORZSPJS49a, 27/12 – odl. US, 40/12 – ZUJF, 46/13, 25/14 – ZFU, 50/14, 95/14 – ZUPPJS15, 82/15, 23/17 – ZDOdv, 67/17 in 84/18)

VIII. POSTOPEK SPREMINJANJA RAZPONOV MED NAJVIŠJO IN NAJNIŽJO PLAČO OZIROMA RAZMERIJ MED PLAČNIMI SKUPINAMI IN PLAČNIMI PODSKUPINAMI

34. člen

(Svet za sistem plač v javnem sektorju)

1. Za spremljanje izvajanja tega zakona ter za spremljanje politike plač v javnem sektorju se ustanovi Svet za sistem plač v javnem sektorju (v nadaljevanju: svet), ki ga sestavljajo predstavniki državnih organov in združenj lokalnih skupnosti ter sindikatov javnega sektorja.
2. Predstavnike državnih organov in združenj lokalnih skupnosti v svet imenujejo:
 - Državni zbor Republike Slovenije,
 - Ustavno sodišče Republike Slovenije,
 - Vrhovno sodišče Republike Slovenije,
 - Državno tožilstvo Republike Slovenije,
 - Varuh človekovih pravic,
 - Vlada Republike Slovenije in
 - reprezentativna združenja lokalnih skupnosti.
3. Predstavnike sindikatov v svet imenujejo reprezentativni sindikati javnega sektorja.
4. Akt o ustanovitvi sveta sprejme državni zbor, administrativne in druge pogoje za delo sveta pa zagotavlja vlada.
5. Svet sprejema odločitve s soglasjem obeh strani. Podrobnejša vprašanja glede dela in odločanja sveta se določijo s poslovnikom sveta.

27. THE COURT EXPERTS AND CERTIFIED APPRAISERS AND COURT INTERPRETERS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 22/18)

Article 34

(Decision on initiation)

1. Disciplinary proceedings shall be initiated by the Minister's decision on a substantiated proposal of the president of the court, the president of the Council of Experts, the State Prosecutor General, the State Attorney General, the Ombudsman, the president of the Bar Association of Slovenia or ex officio. No appeal may be filed against such decision.
2. Disciplinary proceedings during which a court expert, certified appraiser or court interpreter alleged to have committed minor or gross negligence may not be initiated before the case in which the person worked as a court expert, certified appraiser or court interpreter becomes final.

27. ZAKON O SODNIH IZVEDENCIH, SODNIH CENILCIH IN SODNIH TOLMAČIH

(Uradni list RS, št. 22/18)

34. člen

(sklep o uvedbi)

1. Disciplinski postopek s sklepom uvede minister na obrazložen predlog predsednika sodišča, predsednika Strokovnega sveta, generalnega državnega tožilca, generalnega državnega odvetnika, varuha človekovih pravic, predsednika Odvetniške zbornice Slovenije ali po uradni dolžnosti. Zoper sklep ni dovoljena pritožba.
2. Disciplinskega postopka, kjer se sodnemu izvedencu, sodnemu cenilcu ali sodnemu tolmaču očita lažja ali hujša nevestnost, ni mogoče uvesti pred pravnomočnostjo zadeve, v kateri je oseba opravljala delo sodnega izvedenstva, sodnega cenilstva ali sodnega tolmačenja.



28. THE PASSPORTS ACT

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 29/11 – official consolidated text)

Article 9

A diplomatic passport shall be issued to the President of the Republic of Slovenia, members of the National Assembly of the Republic of Slovenia, Slovenian members of the European Parliament, the President of the National Council of the Republic of Slovenia, the Prime Minister and members of the Government of the Republic of Slovenia, the President of the Constitutional Court of the Republic of Slovenia, the Ombudsman, the President of the Supreme Court of the Republic of Slovenia, the President of the Court of Audit of the Republic of Slovenia, staff of the Republic of Slovenia in diplomatic and consular missions and staff in special missions abroad who have diplomatic or consular titles, and the staff of the ministry responsible for foreign affairs engaged in diplomatic and consular duties and having diplomatic titles, including those who in agreement with the ministry responsible for foreign affairs exercise the duties of the European External Action Service, the heads of state delegations of the Republic of Slovenia, persons who are by decision of the Government of the Republic of Slovenia seconded to international organizations as officials with diplomatic status in those organizations, diplomatic couriers and certain other persons, where this is in the interest of the Republic of Slovenia.

A diplomatic passport may also be issued to immediate family members of staff of the Republic of Slovenia in diplomatic and consular missions and staff in special missions abroad, staff who on the basis of an agreement with the ministry responsible for foreign affairs exercise the duties of the European External Action Service, and to immediate family members of persons who are by decision of the Government of the Republic of Slovenia seconded to international organizations as officials of diplomatic status in those organizations, provided they live in the same household abroad, and to immediate family members of any other person referred to in the preceding paragraph, if they accompany them on their temporary duty abroad.

Immediate family members of persons referred to in the preceding paragraph shall be a spouse or cohabiting partner, their children and children of the spouse or cohabiting partner.

28. ZAKON O POTNIH LISTINAH

(Uradni list RS, št. 29/11 – uradno prečiščeno besedilo)

9. člen

Diplomatski potni list se izda predsedniku Republike Slovenije, poslancem Državnega zbora Republike Slovenije, poslancem iz Republike Slovenije v Evropskem parlamentu, predsedniku Državnega sveta Republike Slovenije, predsedniku in članom Vlade Republike Slovenije, predsedniku Ustavnega sodišča Republike Slovenije, varuhu človekovih pravic, predsedniku Vrhovnega sodišča Republike Slovenije, predsedniku Računskega sodišča Republike Slovenije, uslužbencem Republike Slovenije v diplomatskih predstavništvih in konzulatih ter uslužbencem v posebnih misijah v tujini, ki imajo diplomatske ali konzularne nazive, ter uslužbencem ministrstva, pristojnega za zunanje zadeve, ki opravljajo diplomatske in konzularne naloge in imajo diplomatske nazive, vključno s tistimi, ki v dogovoru z ministrstvom, pristojnim za zunanje zadeve, opravljajo naloge v Evropski službi za zunanje delovanje, vodjem državnih delegacij Republike Slovenije, osebam, ki po sklepu Vlade Republike Slovenije odhajajo na delo v mednarodne organizacije kot funkcionarji z diplomatskim statusom v omenjenih organizacijah, diplomatskim kurirjem in določenim drugim osebam, če je to v interesu Republike Slovenije.

Diplomatski potni list se lahko izda tudi ožjim družinskim članom uslužbencev Republike Slovenije v diplomatskih predstavništvih in konzulatih ter uslužbencev na posebnih misijah v tujini, uslužbencev, ki na podlagi sporazuma z ministrstvom, pristojnim za zunanje zadeve, opravljajo naloge v Evropski službi za zunanje delovanje in ožjim družinskim članom oseb, ki po sklepu Vlade Republike Slovenije odhajajo na delo v mednarodne organizacije kot funkcionarji z diplomatskim statusom v omenjenih organizacijah, če z njimi živijo v skupnem gospodinjstvu v tujini, ter ožjim družinskim članom ostalih oseb iz prejšnjega odstavka, če jih spremljajo na službeni poti v tujino.

Za ožjega družinskega člana oseb iz prejšnjega odstavka se štejejo njihov zakonec ali zunajzakonski partner, njihovi otroci in otroci zakonca ali zunajzakonskega partnerja.

OTHER DOCUMENTS

DRUGI DOKUMENTI



29. PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS (THE PARIS PRINCIPLES)

Adopted by General Assembly resolution 48/134 of 20 December 1993

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where

29. PARIŠKA NAČELA - NAČELA, KI SE NANAŠAJO NA POLOŽAJ IN DELOVANJE DRŽAVNIH INSTITUCIJ (PARIŠKA NAČELA)

Sprejeta z Resolucijo Generalne skupščine OZN 48/134 z dne 20. decembra 1993

Strokovno znanje in odgovornosti

1. Nacionalna institucija je pristojna za spodbujanje in zaščito človekovih pravic.
2. Nacionalni instituciji se dodeli čim širši mandat, ki je jasno opredeljen v ustavnem ali zakonodajnem besedilu, ki določa njeno sestavo in področje njenih pristojnosti.
3. Nacionalna institucija ima med drugim naslednje pristojnosti:
 - (a) Vladi, parlamentu in vsem drugim pristojnim organom kot svetovalno podlago bodisi na zahtevo posameznih organov bodisi z izvajanjem pooblastila za obravnavo zadeve brez višje napotitve daje mnenja, priporočila, predloge in poročila o vseh zadevah v zvezi s spodbujanjem in zaščito človekovih pravic; nacionalna institucija se lahko odloči, da jih objavi; ta mnenja, priporočila, predlogi in poročila in vse druge pristojnosti nacionalne institucije se nanašajo na naslednja področja:
 - (i) kakršne koli zakonodajne ali upravne določbe in tudi določbe v zvezi s pravosodnimi organizacijami, katerih namen je ohraniti in razširiti varstvo človekovih pravic; s tem v zvezi nacionalna institucija preuči veljavno zakonodajo in upravne določbe ter zakonodajne predloge ter pripravi priporočila, ki se ji zdijo ustrezna, da se zagotovi skladnost teh določb s temeljnimi načeli človekovih pravic; po potrebi priporoči sprejetje nove zakonodaje, spremembo veljavne zakonodaje in sprejetje ali spremembo upravnih ukrepov;
 - (ii) kakršno koli kršenje človekovih pravic, za katero se odloči, da se bo obravnavalo;
 - (iii) priprava poročil o stanju glede človekovih pravic v državi na splošno in o bolj specifičnih zadevah;
 - (iv) opozarjanje vlade na razmere v katerem koli delu države, kjer so kršene človekove pravice, in predlaganje pobud za odpravo takih razmer ter izražanje mnenja o stališčih in odzivih vlade, kadar je to potrebno;

necessary, expressing an opinion on the positions and reactions of the Government;

- (b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:
 - (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
 - (b) Trends in philosophical or religious thought;
 - (c) Universities and qualified experts;
 - (d) Parliament;
 - (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

- (b) spodbujati in zagotavljati usklajevanje nacionalne zakonodaje, predpisov in praks z mednarodnimi instrumenti za (zagotavljanje) človekovih pravic, katerih pogodbenica je država, ter njihovo učinkovito izvajanje;
- (c) spodbujati ratifikacijo zgoraj omenjenih instrumentov ali pristop k tem instrumentom in zagotavljati njihovo izvajanje;
- (d) prispevati k poročilom, ki jih morajo države predložiti organom in odboru Združenih narodov ter regionalnim institucijam v skladu s svojimi pogodbenimi obveznostmi in po potrebi izraziti mnenje o določeni zadevi ob ustreznem spoštovanju njihove neodvisnosti;
- (e) sodelovati z Združenimi narodi in vsemi drugimi organizacijami v sistemu Združenih narodov, regionalnimi institucijami in nacionalnimi institucijami drugih držav, ki so pristojne za zaščito in spodbujanje človekovih pravic;
- (f) pomagati pri oblikovanju izobraževalnih in raziskovalnih programov o človekovih pravicah ter sodelovati pri njihovem izvajanju v šolah, na univerzah in v strokovnih krogih;
- (g) objavljati človekove pravice in prizadevanja za boj proti vsem oblikam diskriminacije, zlasti rasne diskriminacije, z ozaveščanjem javnosti, posebej še z obveščanjem in izobraževanjem ter uporabo vseh tiskanih medijev.

Sestava in zagotavljanje neodvisnosti in pluralizma

1. Sestava nacionalne institucije in imenovanje njenih članov, bodisi z volitvami ali kako drugače, se določi v skladu s postopkom, ki daje vsa potrebna jamstva za zagotavljanje pluralistične zastopanosti družbenih sil (civilne družbe), ki sodelujejo pri zaščiti in spodbujanju človekovih pravic, zlasti s pooblastili, ki bodo omogočila vzpostavitev učinkovitega sodelovanja s predstavniki ali prek prisotnosti predstavnikov:
 - (a) nevladnih organizacij, pristojnih za človekove pravice in prizadevanja za boj proti rasni diskriminaciji, sindikatov, ustreznih socialnih in poklicnih organizacij, npr. združenj odvetnikov, zdravnikov, novinarjev in uglednih znanstvenikov;
 - (b) trendov na področju filozofije in religije;
 - (c) univerz in usposobljenih strokovnjakov;
 - (d) parlamenta;
 - (e) vladnih služb (če so te vključene, morajo imeti njihovi predstavniki v razpravah le svetovalno vlogo).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles

2. Nacionalna institucija ima infrastrukturo, ki je primerna za nemoteno izvajanje njenih dejavnosti, zlasti ustrezno financiranje. To financiranje bi moralo omogočiti, da ima (institucija) svoje osebje in prostore, da bi bila neodvisna od vlade in ne bi bila podvržena finančnemu nadzoru, ki bi lahko vplival na njeno neodvisnost.
3. Za zagotovitev stabilnega mandata članom nacionalne institucije, brez katerega ne more biti dejanske neodvisnosti, se njihovo imenovanje opravi z uradnim aktom, ki določi posebno trajanje mandata. Ta mandat je lahko obnovljiv, če je zagotovljen pluralizem članstva institucije.

Način delovanja

Nacionalna institucija v okviru svojega delovanja:

- (a) prosto obravnava vsa vprašanja, ki spadajo v njeno pristojnost, bodisi na predlog vlade bodisi brez višje nاپotitve na pobudo svojih članov ali katerega koli vlagatelja peticije;
- (b) prisluhne vsaki osebi in pridobi kakršne koli informacije in dokumente, ki so potrebni za ocenitev primerov, ki spadajo v njeno pristojnost;
- (c) obravnava javno mnenje neposredno ali prek katerega koli sredstva javnega obveščanja, zlasti za objavo svojih mnenj in priporočil;
- (d) sestaja se redno in po potrebi v navzočnosti vseh svojih članov, potem ko so ti predhodno izrazili ustrezno zaskrbljenost;
- (e) po potrebi s svojimi člani vzpostavi delovne skupine in ustanovi lokalne ali regionalne oddelke, ki so ji v pomoč pri opravljanju njenih nalog;
- (f) posvetuje se z drugimi organi, bodisi pristojnimi bodisi drugače odgovornimi za spodbujanje in zaščito človekovih pravic (zlasti varuhi človekovih pravic, mediatorji in podobnimi institucijami);
- (g) glede na temeljno vlogo nevladnih organizacij pri širjenju dela nacionalnih institucij krepi odnose z nevladnimi organizacijami, ki se ukvarjajo s spodbujanjem in varovanjem človekovih pravic, gospodarskim in socialnim razvojem, bojem proti rasizmu, zaščito posebej ranljivih skupin (zlasti otrok, delavcev migrantov, beguncev, fizično in duševno oviranih oseb) ali drugimi specializiranimi področji.

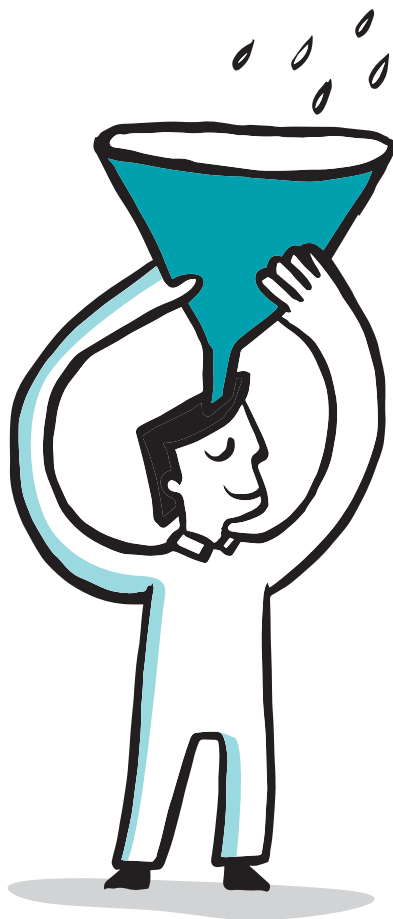
Dodatna načela glede statusa komisij z navidezno pristojnostjo

Nacionalna institucija je lahko pooblaščenca za obravnavanje pritožb in peticij v zvezi s posameznimi primeri. Predložijo jih lahko posamezniki, njihovi zastopniki, tretje stranke, nevladne organizacije, združenja sindikatov ali katere koli druge reprezentativne organizacije. V takih okoliščinah in brez poseganja v zgoraj navedena načela glede drugih pooblastil komisij lahko naloge, ki so jim zaupane, temeljijo na naslednjih načelih:

stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

- (a) iskanje mirne poravnave s spravnim postopkom ali v mejah, ki jih določa zakon, z zavezujočimi odločitvami ali, kadar je to potrebno, na podlagi zaupnosti;
- (b) obveščanje stranke, ki je vložila pobudo, o njenih pravicah, zlasti o pravnih sredstvih, ki so ji na voljo, in spodbujanje dostopa do teh sredstev;
- (c) obravnava kakršnih koli pritožb ali peticij ali njihovo posredovanje kateremu koli drugemu pristojnemu organu v mejah, ki jih določa zakon;
- d) dajanje priporočil pristojnim organom, zlasti s predlaganjem sprememb ali reform zakonov, predpisov in upravnih praks, zlasti če so zaradi njih nastale težave, s katerimi se srečujejo osebe, ki vlagajo peticije, da bi uveljavile svoje pravice.



**PRAVNE PODLAGE DELOVANJA
VARUHA ČLOVEKOVIH PRAVIC REPUBLIKE SLOVENIJE**

LEGAL BASIS OF THE HUMAN RIGHTS OMBUDSMAN
OF THE REPUBLIC OF SLOVENIA

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