

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. 17-565/2008, št. 20-829/2011

(Neuradni čistopis besedila)

I. SPLOŠNA DOLOČBA

1. člen

(1) Ta pravilnik ureja povračilo stroškov in nagradi osebam iz izbranih nevladnih in humanitarnih organizacij, za sodelovanje pri izvajanju nadzora po določenih 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. Nagradi po tem pravilniku sta plačilo za izdelavo poročila o opravljenem nadzoru in simbolični prejemek.

II. POVRAČILO STROŠKOV

2. člen

(1) Potni stroški obsegajo stroške prihoda in vrnitve osebe iz izbranih nevladnih in humanitarnih organizacij (v nadaljevanju: izvajalec nadzora) od kraja njenega prebivališča do kraja, kjer opravlja nadzor. Potni stroški se priznajo v višini dejanskih izdatkov za prevoz z javnim prevoznim sredstvom.

(2) Če ni možnosti prevoza z javnim prevoznim sredstvom, se izvajalcu nadzora priznajo stroški kilometrine.

3. člen

(1) Stroški za prehrano se izvajalcem nadzora priznajo v obliki dnevnice.

(2) Pravico do dnevnice ima udeleženelec, 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 moral prenočevati v tem kraju.

RULES ON THE REIMBURSEMENT OF COSTS AND OTHER REWARDS to persons from organisations that perform tasks or exercise authorities 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. 17-565/2008, no. 20-829/2011

(Unofficial fair copy of the text)

I. GENERAL PROVISIONS

Article 1

(1) These rules regulate the reimbursement of costs and rewards to persons from selected non-governmental and humanitarian organisations for cooperation in implementing monitoring 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: Ombudsman).

(2) Reimbursement of costs under these rules covers reimbursement of travelling expenses and costs of food and accommodation and the right to compensation of pay or compensation of lost earnings during the time of monitoring. Rewards under these rules shall be payment for producing a report on monitoring and a symbolic payment.

II. REIMBURSEMENT OF COSTS

Article 2

(1) Travelling expenses shall include the costs of return travel of persons from chosen non-governmental and humanitarian organisations (hereinafter: monitors) from their place of residence to the place where monitoring is performed. Travelling expenses shall be recognised at the level of actual expenditures for transport by public means of transport.

(2) If travel by public transport is not possible, costs in the form of a kilometer rate will be awarded to monitors.

Article 3

(1) Costs for food shall be recognised for monitors in the form of a daily rate.

(2) A participant who has permanent or temporary residence outside the place where monitoring is performed shall have the right to the daily rate.

(3) Overnight costs shall be awarded to monitors by the reimbursement of actually paid costs of overnight accommodation.

(4) The right to the reimbursement of accommodation costs accrues to a monitor who has permanent or temporary residence outside the place where monitoring is taking place and because of cooperating in the performance of monitoring he or she must spend the night in that place.

4. člen

Dnevnica, stroški prenočišča in kilometrina se odmerijo 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 in je zaradi opravljanja nadzora odsoten z dela, ima na podlagi potrdila Varuha pravico do nadomestila plače. Izvajalcu nadzora, ki ima pravico do nadomestila plače, Varuh izda potrdilo o sodelovanju pri opravljanju nadzora naslednji dan po opravljenem nadzoru.

(2) Delodajalec izvajalcu nadzora izplača nadomestilo plače, Varuh pa nato delodajalcu povrne znesek, ki ustreza višini nadomestila plače na podlagi pisnega obračuna s priloženimi dokazili o višini plače izvajalca nadzora in o izplačanem nadomestilu.

6. člen

Izvajalcu nadzora, ki z izbrano nevladno oziroma humanitarno organizacijo sodeluje kot samostojni podjetnik oziroma kot oseba, ki samostojno opravlja dejavnost kot redni poklic ali pa na podlagi druge pogodbe, pripada nadomestilo za izgubljeni zaslužek v višini urne postavke, ki jo v ta namen določi izbrana nevladna oziroma humanitarna organizacija, vendar največ v višini 15 EUR bruto za vsako uro sodelovanja pri nadzoru.

7. člen

(1) Izvajalci nadzora, ki v času opravljanja nadzora niso bili odsotni z dela, imajo pravico do nadomestila v pavšalnem znesku.

(2) Višina nadomestila se v primeru iz prejšnjega odstavka odmeri v odvisnosti od časa opravljanja nadzora, pri čemer višina nadomestila na dan ne sme presegati 75 odstotkov zneska dnevnice za službeno potovanje, ki traja od šest do osem ur, kot je določen za javne uslužbence.

IV. NAGRADA ZA IZDELAVO POROČILA O OPRAVLJENEM NADZORU**8. člen**

Izvajalec nadzora dobi za izdelavo poročila o opravljenem nadzoru nagrado v višini 100 EUR.

V. SIMBOLIČNI PREJEMEK**9. člen**

Izvajalcem nadzora pripada simbolični prejemek v višini 5 evrov (EUR) za vsako začeto uro sodelovanja pri nadzoru.

Article 4

Daily rates, accommodation costs and the kilometer rate shall be calculated in the way and at the level that is specified for public servants.

III. COMPENSATION OF PAY OR OF LOST EARNINGS**Article 5**

(1) A monitor who is employed and because of performing monitoring is absent from work has the right to compensation of pay on the basis of confirmation of the Ombudsman. The Ombudsman shall issue to the monitor confirmation of cooperation in the performance of monitoring the day after monitoring has been performed.

(2) The employer of the monitor shall pay compensation of pay and the Ombudsman shall then refund to the employer the amount corresponding to the level of compensation of pay on the basis of a written invoice with evidence enclosed of the amount of pay of the monitor and on the payment of compensation.

Article 6

A person implementing supervision which cooperates with a non-governmental or humanitarian organisation as an independent entrepreneur or as an entity that independently performs activity as a regular vocation or based on any other contract shall be reimbursed for the lost income in the amount of an hourly fee determined for this purpose by the non-governmental or humanitarian organisation; however, not more than 15 EUR gross per hour of cooperation for the implementation of supervision.

Article 7

(1) Persons implementing supervision who are not absent from work during the time of supervision implementation are entitled to a lump sum reimbursement.

(2) The level of compensation referred to in the previous paragraph shall be calculated on the basis of the time of performing monitoring, whereby the level of compensation per day may not exceed 75 percent of the amount of the daily rate for a business trip that lasts from six to eight hours, as determined for public servants.

IV. REMUNERATION FOR PRODUCING A REPORT ON THE MONITORING PERFORMED**Article 8**

A monitor shall receive remuneration of 100 EUR for producing a report on monitoring performed.

V. SYMBOLIC PAYMENT**Article 9**

A symbolic payment will be made to monitors of 5 EUR for each hour or part of an hour of cooperation in monitoring.

VI. SKUPNE DOLOČBE**10. člen**

Izvajalec nadzora predloži zahtevek za povračilo stroškov in nagradi na obrazcu št. 1, ki je sestavni del tega pravilnika, ob predaji poročila o opravljenem nadzoru, ki mora biti izdelano in posredovano Varuhu najpozneje v osmih dneh po opravljenem nadzoru.

11. člen

(1) Predstavniki Varuha, odgovoren za opravo posameznega nadzora, izda v roku treh dni po prejemu zahtevka za povračilo stroškov in nagradi, izvajalcu nadzora 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.

12. člen

(1) Nagrade in povračilo stroškov se izplačujejo iz proračunskih sredstev Varuha človekovih pravic RS – podprogram Opcijski protokol, sredstva namenjena za delo nevladnih in humanitarnih organizacij, na transakcijski račun izvajalca nadzora oziroma njegovega delodajalca (nevladne ali humanitarne organizacije) v primeru takšne njegove zahteve, obračunani davki in druge dajatve pa na ustrezne račune javnih sredstev.

(2) Nadomestila plače oziroma izgubljenega zaslužka se izplačujejo iz proračunskih sredstev Varuha človekovih pravic – podprogram Opcijski protokol, sredstva namenjena za delo nevladnih in humanitarnih organizacij, na transakcijski račun prejemnika.

VII. KONČNI DOLOČBI**13. člen**

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

14. člen

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

Obrazec 1: Zahtevek za povračilo stroškov in nagrad

Obrazec 2: Sklep o povračilu stroškov in nagrad

(Objavljeno 19. 2. 2008)

(1) Pravilnik o spremembah in dopolnitvah Pravilnika 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. 20-829/2011), objavljen 18.3.2011, velja od 2. 4. 2011.

VI. COMMON PROVISIONS**Article 10**

A monitor shall submit a claim for reimbursement of costs and remuneration on Form 1, which is an integral part of these rules, at the time of submitting the report on performed monitoring, which must be produced and sent to the Ombudsman not later than eight days after the monitoring was performed.

Article 11

(1) The Ombudsman's representative responsible for performing an individual monitoring, within three day of receipt of the claim for reimbursement of costs and remunerations, shall issue to the monitor a decision on the reimbursement of costs on Form 2, which is an integral part of these rules.

(2) Payment of costs and rewards shall be done on the basis of the decision referred to in the previous paragraph.

Article 12

(1) The rewards and reimbursement of costs are paid from the budget of the Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, funds allocated for the work of non-governmental and humanitarian organisations, namely to the bank account of the person implementing supervision or his/her employer (non-governmental or humanitarian organisation); in the case of such a request, all taxes and other duties charged shall be paid to the appropriate accounts of public funds.

(2) Compensation of pay or lost earnings shall be paid from budget funds of the Human Rights Ombudsman – sub-program Optional Protocol, funds earmarked for the work of non-governmental and humanitarian organisations, to the transaction account of the recipient.

VII. FINAL PROVISIONS**Article 13**

Expressions used in these rules written in the masculine grammatical form shall be considered neutral for both masculine and feminine gender.

Article 14

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

Form 1: The claim for the reimbursement of costs and rewards

Form 2: The decision on the reimbursement of costs and rewards

(Published on 19. 2. 2008)

(1) Rules amending the Rules on the reimbursement of costs and rewards to persons from organisations that perform tasks or exercise authorities 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. 20-829/2011), published 18. 3. 2011, entered into force on 2. 4. 2011.

Obrazec 1: Zahtevek za povračilo stroškov in nagrad

(ime in priimek) _____ po poklicu _____
 stanujoč / a _____
 davčna številka _____
 številka transakcijskega računa _____ - _____
 odprtega pri _____
 sem sodeloval/a pri opravljanju nadzora

_____ dne _____ od _____ do _____ ure.

Prosim, da se mi prizna in izplača:

1. SIMBOLIČNI PREJEMEK

število ur	višina nagrade za vsako začeto uro	skupaj EUR

2. PLAČILO ZA IZDELAVO POROČILA O OPRAVLJENEM NADZORU

3. POVRAČILO STROŠKOV

a) potni stroški javni prevoz

za relacijo od / do	skupaj EUR

b) Kilometrina

za relacijo od / do	Skupaj km	Cena za 1 km	skupaj EUR

c) stroški za prehrano in prenočišče (dnevnice)

višina dnevnice	višina stroškov prenočišča	skupaj EUR

d) nadomestilo plače, izgubljenega zaslužka, nadomestilo v pavšalnem znesku

skupaj EUR

V _____, dne _____

podpis

Priloge:

- izjava o opravljenem nadzoru in izdelavi poročila
- računi

Form 1: Claim for the reimbursement of costs and rewards

I, _____ by profession _____
 residing at _____ tax number _____
 transaction account number _____ - _____
 at (bank) _____
 cooperated in monitoring

_____ on _____ from _____ to _____ hours.

Please acknowledge and pay:

1. SYMBOLIC PAYMENT

number of hours	level of reward for each hour or part	total EUR

2. PAYMENT FOR PRODUCING REPORT ON MONITORING PERFORMED

3. REIMBURSEMENT OF COSTS

a) travelling expenses by public transport

for journey from / to	total EUR

b) Kilometer rate

for the journey from/ to	total km price	per 1 km	total EUR

c) costs for food and accommodation (daily rate)

level of daily rate	level of costs of accommodation	total EUR

d) compensation of pay, lost earnings, compensation in a lump sum

total EUR

In _____, date _____

signature

Enclosures:

- confirmation of monitoring carried out and report produced
- invoices

Obrazec 2: Sklep o povračilu stroškov in nagrad (formular)

Za sodelovanje _____ pri
opravljanju nadzora, v _____, dne _____ po

določilu 11. člena Pravilnika 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 (MOPPM)

odmerim

simbolični prejemek	EUR
potni stroški	EUR
kilometrina	EUR
stroški za prehrano in prenočišče	EUR
nadomestilo plače	EUR
nadomestilo izgubljenega zaslužka, oz. pavšalno nadomestilo	EUR
plačilo za izdelavo poročila o opravljenem nadzoru	EUR
skupaj	EUR

in odredim plačilo davkov in drugih javnih dajatev.

Hkrati odredim izplačilo na ustrezne transakcijske račune in transakcijski račun prejemnika, vse v breme proračunskega uporabnika 1214 Varuh človekovih pravic RS – podprogram Opcijski protokol, podkonto sredstva namenjena za delo nevladnih in humanitarnih organizacij _____,

V _____, dne _____

podpis _____

Zneski, od katerih se plačujejo davki in druge javne dajatve, se odmerjajo »brutto«

Form 2: Decision on reimbursement of costs and rewards (form)

For the cooperation of _____ in
carrying out monitoring at _____, on _____ under the

provisions of Article 11 of the Rules on the reimbursement of costs and rewards to persons from organisations that perform tasks or exercise authorities under the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (MOPPM)

I hereby calculate:

symbolic payment	EUR
travelling expenses	EUR
kilometer rate	EUR
costs for food and accommodation	EUR
compensation of pay	EUR
compensation for lost earnings or lump compensation	EUR
payment for producing report on monitoring performed	EUR
total	EUR

and order payment of taxes and other public levies.

At the same time, I order payment to the relevant transaction account and the transaction account of the recipient, all to be paid from the budget of user 1214 Human Rights Ombudsman RS – sub-programme Optional Protocol, sub-account of funds earmarked for the work of non-governmental and humanitarian organisations _____,

in _____, date _____

Signature _____

Amounts on which taxes and other public levies are paid shall be calculated "gross"