

THE OMBUDSMAN IN BRIEF

The Ombudsman is an **independent state institution** that takes care of the protection and promotion of human rights in Slovenia. The mandate of the Ombudsman is based in the Constitution of the Republic of Slovenia and the Human Rights Ombudsman Act. Since 24 February 2019 the Human Rights Ombudsman of the Republic of Slovenia has been **Peter Svetina**.

The Ombudsman **supervises the authorities and restricts arbitrary interference** with human rights and fundamental freedoms:



The work of the Ombudsman is diverse, which is why its content is organised in the following way:

Advocacy of children enables the voice of a child to be heard in procedures in which they are involved.

The Ombudsman's **Expert Service** processes appeals by individuals who think that their human rights or fundamental freedoms have been violated.

National preventive mechanism visits prisons to check how incarcerated persons are being treated, and prevents torture and other inhumane treatment.

Human Rights Council is a consultative body of the Ombudsman. With its 16 members, who come from the ranks of the civil society, science and state authorities, the Ombudsman consults on issues related to human rights.

Centre for Human Rights deals with promotion, educates on human rights, performs research and analyses and prepares reports and participates in international projects.



WHAT DOES THE OMBUDSMAN DO?

- It processes an appeal by an individual.
- It gives proposals, recommendations, criticism and opinions:
 - to any authority from the perspective of human rights in a case under consideration, regardless of the type or level of procedure before these authorities;
 - to the Government or the National Assembly for changes to laws and other regulations,
 - to authorities in order to improve their operation and relations with clients; in regular and special reports, in which it warns about systemic shortcomings and reports on findings; in press releases and public appearances.
- Under certain conditions, it submits to the Constitutional Court a constitutional appeal or request to initiate a review of the constitutionality and legality of regulations.
- The Ombudsman prepares annual reports in which it provides many recommendations to various state authorities.
- It produces alternative reports to international organisations or institutions on the state of human rights or the rule of law in Slovenia, and cooperates with various international organisations, authorities and institutions.

WHAT THE OMBUDSMAN CANNOT DO?

- The Ombudsman is not a governing authority, which is why it does not adopt legally binding decisions:
 - it cannot force other authorities to realise its recommendations or viewpoints;
 - it cannot rectify irregularities on behalf of the competent authority.
- The Ombudsman does not process cases subject to court or other legal proceedings unless they involve undue delays or a clear abuse of power.
- The Ombudsman has no direct jurisdiction over private entities and companies in the private sector, either.

Izdal: Varuh človekovih pravic Republike Slovenije, Ljubljana 2021



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN

WHEN TO
TURN TO
THE HUMAN
RIGHTS
OMBUDSMAN?

If you see injustices,
exercise your rights!

Human Rights Ombudsman of the Republic of
Slovenia, Dunajska cesta 56, 1000 Ljubljana

Free telephone number: **080 15 30**

e-mail address: **info@varuh-rs.si**

WHEN TO SEEK THE OMBUDSMAN'S HELP?

If you think that your human rights or fundamental freedoms have been violated or if some other irregularity has been committed.

If a violation or irregularity has been committed by:

State authority

an administrative unit, social work centre, tax authority, inspectorate, ministry, National Assembly, other state authority ...,

municipality, municipal/city administration, municipal authority

Local self-government authority

Public office holder

public agency, chamber with mandatory membership.

HOW TO OBTAIN THE OMBUDSMAN'S HELP?

Send an **APPEAL** to the Ombudsman, which should be:

- **IN WRITING** (in the Slovenian language, or in your native language if you do not know Slovenian) and
- **SIGNED** (it must also contain your personal information).

You can write an appeal yourself; you do not need assistance from a lawyer.

- 1** Write down in the appeal the circumstances and facts of the case (for example, when the violation occurred, who caused it) and provide evidence pertaining to the case.
- 2** The easiest way to submit a **complete appeal** is to find the "Appeal to the Ombudsman" form in our information point or website.
- 3** Before submitting an appeal, you can contact the Ombudsman with your questions **through a free telephone number, e-mail address or personally.**

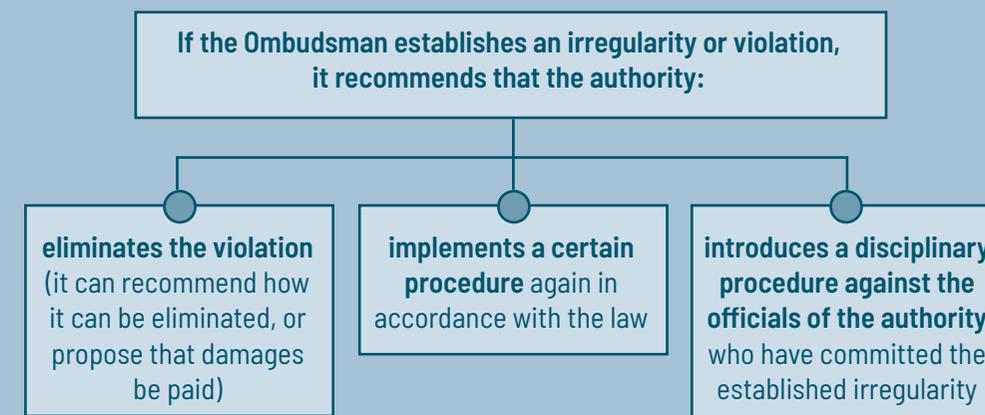
WHAT DOES THE OMBUDSMAN DO WITH YOUR APPEAL?

When the Ombudsman receives a written appeal from an individual, it:

- 1. reviews the appeal** (if additional explanations are required, you may be asked to provide supplementary material);
- 2. examines its competence;**
- 3. establishes whether the appeal is justified** (the Ombudsman usually does not process appeals if more than a year has passed since the violation);
- 4. examines facts and legal bases** (constitution, legal acts, laws, implementing regulations);
- 5. can make inquiries at the authority** to which the appeal relates, in order to obtain any additional necessary information and the authority's opinion;
- 6. can also make inquiries at other authorities** if it assesses that this is necessary for the comprehensive processing of your appeal;

The Ombudsman conducts an autonomous and independent procedure in all cases. For this purpose, it may obtain all the necessary information, review files and conduct announced or unannounced reviews of documentation.

7. When it has obtained all the relevant information, it produces findings:



- 8. on the basis of these findings, it can prepare specific recommendations** to the authority regarding the elimination of systemic irregularities, which it can include in its annual report to the National Assembly;
- 9. it can inform the public about its findings** (your identity and personal information will not be disclosed).

PROCEDURES CONDUCTED BY THE OMBUDSMAN ARE CONFIDENTIAL, FREE-OF-CHARGE AND INFORMAL

A few examples of instances in which the Ombudsman can help:

- if the authority **does not (appropriately) explain** its decision;
- if the inspectorate or municipal administration **does not provide a legal instruction** in a decision, which makes it incomplete;
- if the social work centre **delays an answer or decision** about a certain right;
- if it has been **warned about a violation** of children's rights, or the rights of disabled persons, the elderly, foreigners and other vulnerable groups;
- if you think that the **authority has violated your rights** to:
 - a private or family life,
 - social security,
 - healthy living environment,
 - personal dignity and safety,
 - equality before the law (discrimination),
 - freedom of gathering or assembly,
 - freedom from interference with private or family life,
 - legal recourse or judicial protection.

The Ombudsman is also the national institution for human rights.

Since January 2021 it has been the **national institution for human rights with A status in compliance with the Paris Principles** of the United Nations relating to the status of national institutions (1993), which means that it meets all international standards of work in the field of the protection and promotion of human rights in Slovenia.



"In order to build a world as we want it, i.e. a more resilient, fair and sustainable world, we will have to continue to actively invest in measures to eliminate the shortcomings that erode the exercise of human rights and, specifically, place tolerance, compassion and humanity at the forefront again."

Peter Svetina
Human Rights Ombudsman of the Republic of Slovenia