

Human Rights Ombudsman Act

(Official Gazette of the Republic of Slovenia, No. 69/17 – official consolidated text, ZVarCP)

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).

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Ljubljana, 28 November 2017
EPA 2292-VII
National Assembly
of the Republic of Slovenia
Primož Hainz
Vice-President

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 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 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.

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.

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.

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.

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 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.
- (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;
- 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 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.

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 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.

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.

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 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.

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.

(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.

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.

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.

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.

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.