

# THE NATIONAL PREVENTIVE MECHANISM IN THE REPUBLIC OF SLOVENIA

## A CASE OF COOPERATION WITH NGOS

- Ivan Šelih, a deputy Ombudsman,
  - The Human Rights Ombudsman of Slovenia
- Budapest 2012

# SLOVENIA



# HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA (1995)

- Dunajska cesta 56 (4th floor)  
1109 Ljubljana

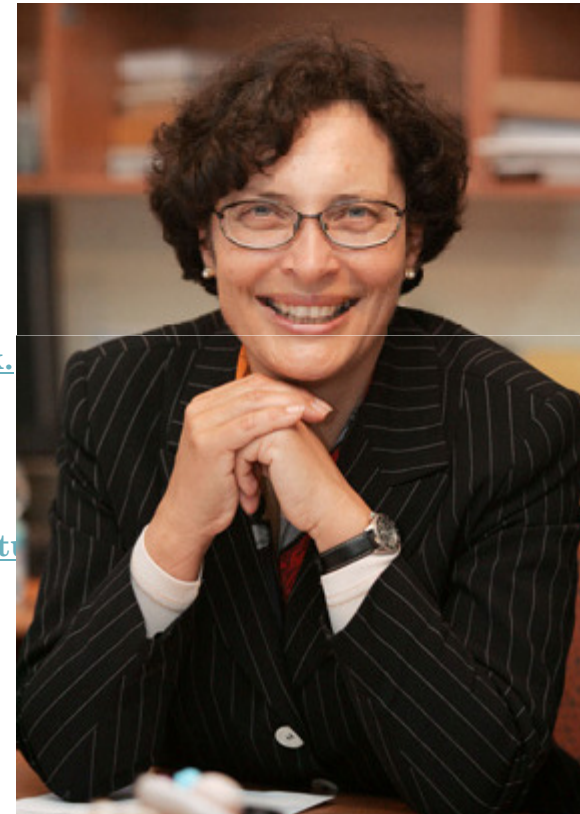
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Monday to Thursday from 9 am to 3.30 pm.  
Friday from 9 am to 2.30 pm.

The Human Rights ombudsman is [dr. Zdenka Čebašek-Travnik](#).

- 4 deputies of the Human Rights Ombudsman
- Secretary General to the Human Rights Ombudsman
- [Expert Service](#)
- [Personnel Responsible for Access to Information of a Public Nat](#)
- [Public Relations Department](#)
- [Secretary to the Ombudsman](#)
- [Secretary General Service](#)
- [Information Provider](#)
- [Main Office](#)
  
- 42 employees



# OUR OFFICE



# THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

- an autonomous institution that is independent of the state authorities,
- monitors whether state authorities, local authorities and holders of public authority observe the human rights and fundamental freedoms of individuals and groups in their work,
- investigates cases of alleged illegal acts and maladministration of state authorities

# OMBUDSMAN

- acts in compliance with the
  - Constitution,
  - legal system of the Republic of Slovenia and
  - international law regarding human rights and fundamental freedoms
  - the principles of equity and good administration.

# NATIONAL PREVENTIVE MECHANISM IN SLOVENIA

- Activities and preparations for implementation of the OPCAT in Slovenia.
- Methods of work as an National Preventive Mechanism (NPM), specially regarding the cooperation with NGOs to fulfill its duties.

# POWERS – HUMAN RIGHTS OMBUDSMAN ACT

- - the right to enter the premises of institutions where persons are detained,
- - to meet and talk with detainees in private, without witnesses,
- - to demand the immediate presentation of documents and information,
- - to interview officials and other persons,
- - the right to unrestricted access to the full records of any detainee and
- - to demand written or oral explanations from officials whose activities are being investigated.



- Visits - announced and unannounced - alongside the investigation of individual complaints of persons from these institutions!
- Report with the proposals for elimination of irregularities and with recommendations.

# PLACES OF DEPRIVATION OF LIBERTY IN SLOVENIA

- 2 immigration centres (Centre for foreigners and Asylum home)
- 54 police stations with detention premises
- 13 prisons (1400) + 1 juvenile correctional home
- 92 homes for elderly (with special social homes)
- 6 psychiatric hospitals (with one department of psychiatry)
- 10 care homes for childrens
- 1 centre for military detention
- Others ?

# THE RATIFICATION ACT

- Adoption 29 September 2006
- Entry into force 1 January 2007

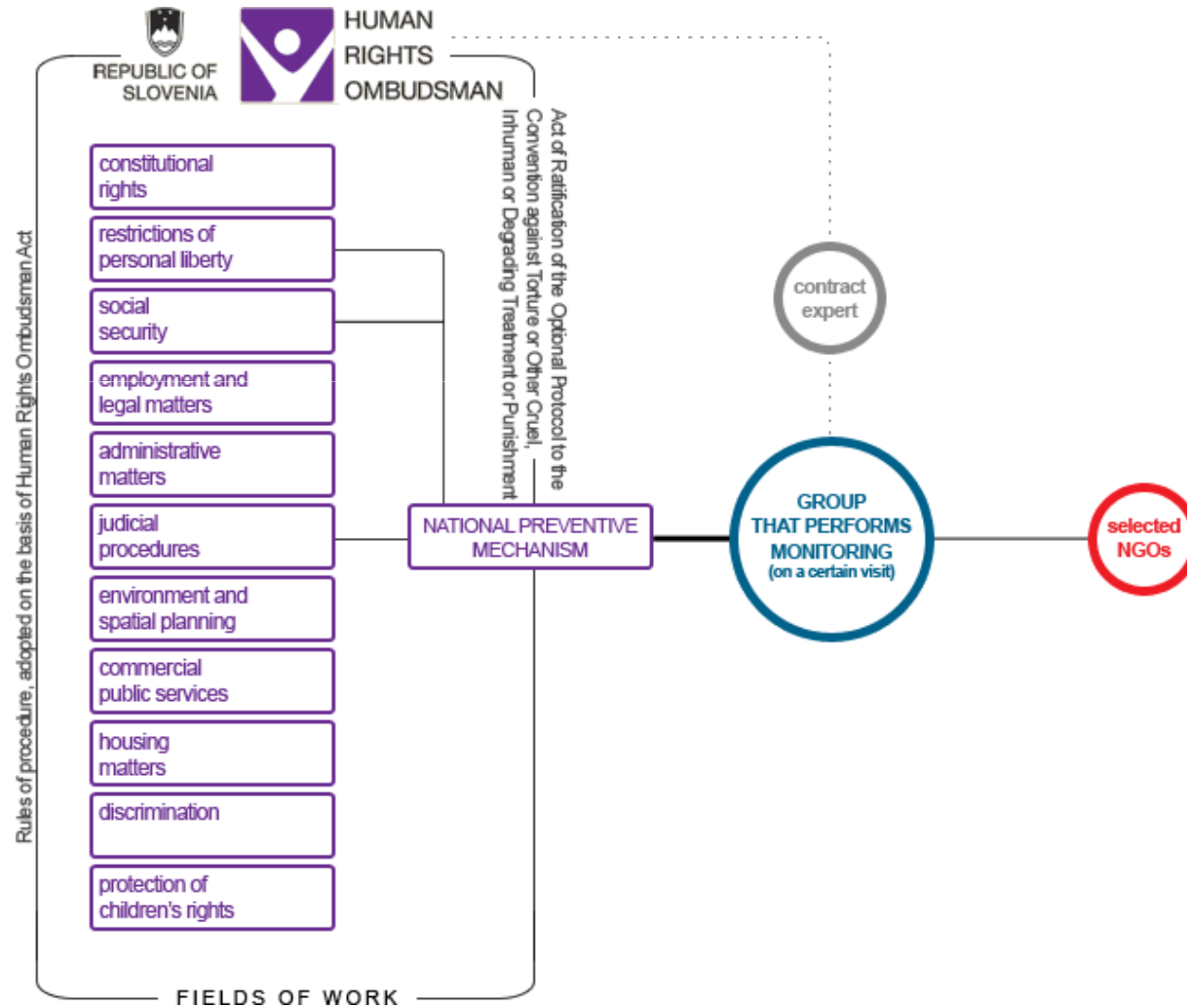
# DESIGNATING A NATIONAL PREVENTIVE MECHANISM

- The Article 5 of the Slovenia's Ratification Act states that the tasks and powers of the NPM shall be performed by the Human Rights Ombudsman, and in agreement with him, also by the NGOs that are registered in the Republic of Slovenia, and organizations that have acquired the status of a humanitarian organization.

# ACTIVITIES AND PREPARATIONS FOR IMPLEMENTATION OF THE OPCAT

A reorganization of the Ombudsman's expert service –  
8 officers in NPM unit + 1

# ORGANIGRAM OF NPM



## SELECTION

- A public tender
- NGOs that are registered in the Republic of Slovenia
- organizations which have obtained the status of humanitarian organizations in the Republic of Slovenia

# APPLICATION

- a brief presentation of work
- NGOs - a certificate of registration
- a certificate granting the status of a humanitarian organization and on entry into the register of humanitarian organizations



- An additional **statement** - that persons who would participate in a supervisory visits had not been:
  - the subject of a conviction by final judgment for a criminal offence prosecuted *ex officio*, or
  - the subject of a conviction to a final sentence of unconditional imprisonment for a duration of more than 3 months.
  
- Persons, against whom a final indictment was lodged for a criminal offence prosecuted *ex officio*, would also be excluded.

# CRITERIA FOR SELECTION

- experience
- in the field of human rights or fundamental freedom protection
- particularly in the field of preventing torture or other cruel, inhuman or degrading punishment or treatment

# SELECTED ORGANIZATIONS

- The Peace Institute
- The Legal-Informational Center of NGOs
- experience with issues of asylum seekers and aliens
- !2012: Legal-Informational Center of NGOs, Red Cross Slovenia, Institut Primus, Novi Paradoks and Zveza društev upokojencev Slovenije (Association of Slovenian Pensioners)

# COOPERATION AGREEMENT

- regulates the mutual relations of the contracting parties in more detail
- first: valid until 31 December 2008
- now: until the end of 2013 (with possibility for one year prolongation)

# THE METHODS OF WORK

# MIXED GROUPS FOR VISITS

- Representatives of the Human Rights Ombudsman and persons from selected organizations

- The place and the time of supervision and the number of members of each supervisory group are determined by the Ombudsman on a case-by-case basis.
  
- The smallest group consists of three or four members: one or two representatives of the Human Rights Ombudsman and persons from selected organizations:
  - 1+1+1+1 or
  - 2+1+1+1 or
  - 3+1+1...
  -

# WRITTEN STATEMENT

- The persons from the selected organizations have to make a preliminary written statement (prior to the time they start monitoring), that they shall:
  - perform their tasks and exercise their powers under the instructions of the Ombudsman and
  - follow the rules on protection concerning personal and confidential data (confidentiality agreement) as this applies to the Ombudsman, his Deputies and employees.



# PROGRAMME OF VISITS

- A visit to the every prison, psychiatric institution, aliens' center and asylum home at least once a year,
- a visit to the police stations with detention premises at least once every two years,
- also, visits to a few dozen of retirement homes with so-called “closed departments” and a few care homes for childrens are planned every year.

## THE VISIT

- Preparation
- Visit itself
- Reporting

# PREPARATION ON VISIT

- A brief consultation with the participants from the selected organization.
- Reports on previous visits, carried out by the Ombudsman and complaints dealt with in reference to the supervised institution, have to be studied.

## THE VISIT

- we detect and investigate conditions (accommodation, treatment of persons and checking appropriateness of staff numbers)
- staff and persons deprived of their liberty should also be listened and talked to during a visit
- experiences from individual complaints are also used in visits to institutions
- visits also include checking of databases and registers
- trust through constructive dialogue with persons deprived of their liberty and also staff

# AFTER THE VISIT

- A report with the proposals for elimination of the irregularities and on how to remedy the situation is made.
- All statements and irregularities with proposals and recommendations shall be also included and published in Ombudsman's regular annual reports - publicly available.

- A brief written report on his/her findings and any recommendations with the aim of strengthening the protection of persons deprived of their liberty, and improving the treatment and living conditions of detained persons.
- part of the (final) comprehensive report on the visit.
- **a separate opinion of a selected organization.**

# THE RULES ON REIMBURSEMENT OF COSTS AND ON PAYMENT OF REMUNERATIONS

- reimbursement of travel, food and accommodation expenses & earnings lost during the period of supervision
- remunerations: the payment for drawing up a comprehensive report on the performed supervision & a symbolic earning for every hour of participation in supervision activities.

- The first visit to a supervised institution (Radeče Re-education Centre-an institution for young offenders) in cooperation with the representatives of NGOs on 19 March 2008.
- Since then, up to five visits a month have been planned.
- 2008:35 visits
- 2009: 41
- 2010: 44
- 2011: 46
- 2012: 19 (till 3. 5. 2012)



# CONCLUSION

- a good stimulation for future work
- the persons from the selected NGOs contribute to the purpose for which the NPM was established
- the places of deprivation of liberty and treatment of persons, who have been deprived of liberty, are checked on a regular basis in order to strengthen the protection against torture and other forms of cruel, inhuman or degrading treatment or punishment.

- The greatest advantage of this model is certainly in ensuring the plurality and multi-disciplinarity of the national preventive mechanism, which in particular contributes to effectiveness in carrying out control and thus strengthening the protection of persons in detention!
- The cooperation with NGOs also ensures gender balance, multi professional visiting teams, different professional knowledge...(article 18 of the OPCT).

## QUESTIONS

- What were the practical steps you made in order to prepare the operation of the NPM? How did you involve the civil society?
- How do you settle if NGOs and the ombudsman's staff do not agree in a specific question (e.g. recommendation is needed or not)?
- What is the annual budget?
- In a view of what principles, aims you draft your working plan? What kind of visits do you carry out (specified? focused? overall?)

- How is it possible to engage, carry out the meaningful dialogue with the authorities?
- How does the NPM ensure the representation of minority groups?
- What are the benefices and the challenges of the cooperation with the NGOs?
- What are the experience? Is it recommended to officially cooperate with NGOs? Why?

# THE END

- Thank you for your attention!
  
- More questions?