1. Basic Information

1.1 Désirée Number: 2005/017-462.04.01
   Twinning light: SI05-IB-SO-01

1.2 Title: Strengthening the national institutional structure for the fight against discrimination

1.3 Sector: EMPL

1.4 Location: Ljubljana, Slovenia

2. Objective(s)

2.1 Overall Objective(s):

The project will contribute to a strengthening of the general awareness of the importance of non-discrimination, human rights and fundamental freedoms as basic principles of EU law (Article 6 of the EC Treaty, and especially Article 13). It will thereby contribute towards respecting these principles in the application of EU law on the part of national bodies of authority.

The project will provide adequate training of the experts involved in the antidiscrimination department of the Ombudsman and other key persons in the national institutional structure. Implementation of the acquis regarding directive 2000/43/EC, especially Article 13.

2.2 Project purpose(s):

Securing preconditions for effectively functioning of institutional structure. Strengthening of the administrative capacity by introducing best practices and standards that has proved successful in European member countries.

The first purpose is to train the trainers and adjust the training program, which will be introduced. Proper training program would assure effective transfer of knowledge of working methods and best practices of hearing complaints, research, promotion and education in the area of the systemic battle against all forms of discrimination, particularly racial and ethnic, prevention of xenophobia and ensuring the principle of equal treatment.

2.3 Comprehensive Monitoring Report

The project relates to area C1 (public administration), and especially to area C2, chapter 13 (social policy and employment), where the report contains the following remark: "Concerning antidiscrimination, legislative alignment is advanced, but remains to be completed as regards the Equality body, which needs to be established." In part it also relates to certain other parts of the report:
C2 – chapter 24 (cooperation in field of justice and home affairs), where there is a need to ensure additional mechanisms for adhering to the adopted obligations regarding the observance of acts in the area of human rights law, chapter 23 (consumer and health protection), where attention is drawn to the need for improvement and fostering greater “awareness of the rights and responsibilities” of all participants in the market. In one part it also relates to area C2, chapter 18 (education and training).
2.4 Acquis communautaire

The project has the aim of fulfilling one of the requirements of Directive 2000/43/EC, Article 13, which places on member states the duty to set up or determine a national body or bodies to promote equal treatment without discrimination on grounds of racial or ethnic origin. These bodies may form part of agencies charged at national level with defence of human rights or the safeguard of individual rights. As a minimum list of competences, this body must be able to:

- provide independent assistance to victims of discrimination
- conduct independent surveys concerning discrimination
- publish independent reports and make recommendations

The elimination of all forms of unjustified discrimination, (including those covered by Directive 2000/78/EC) especially the aforementioned, and also sex discrimination (Directive 2002/73/EC,) ranks among the major community objectives (Article 13 of the EC Treaty).

3. Description

3.1 Background and justification:

Directive 2000/43/EC requires a body or bodies for the promotion of equal treatment of all persons without discrimination on grounds of racial or ethnic origin to be established. The corresponding national institutional structure is in place, but its personnel lacks experience and expertise in the field.

Under the aegis of the Slovenian Government, several government offices have been set up, and these are occupied in part with monitoring and protecting special groups of the population, or rather coordinating the work of the government in this area. The following offices have been set up: the Equal Opportunities Office, the Youth Office, the Office for Disabled Persons and Patients, the Ethnic Minorities Office and the Religious Communities Office. Their work and activities differ, but all of them have tasks that include monitoring the state of the group for which they are competent. A deficiency in the absence of systematic (horizontal) handling of the phenomena of discrimination has been identified. A lack of sufficient knowledge on working methods, which would provide for systematic research on, and address of all forms of discrimination is noticed in particular.

The Human Rights Ombudsman primarily handles the classical tasks of an ombudsman. He conducts impartial and independent investigation (hearing the complaints) and within this framework, devotes special attention to all phenomena of discrimination. His jurisdiction is covering public sector, but he has also the ability to deal with more general issues relevant to the protection of human rights and fundamental freedoms and legal security of the citizens of the Republic of Slovenia. Through various working methods (especially in the area of children's rights) the ombudsman is already attempting to expand his operations to the area of promoting and educating on human rights (individual educational projects for members of the police). In this, the ombudsman cooperates particularly with various non-governmental organisations.

In Slovenia there is a range of non-governmental organisations in operation, and these chiefly provide legal and consultative assistance to non-governmental
organisations and affected individuals (e.g. the Legal and Information Centre for Non-Governmental Organisations). To the certain extent they also offer alternatives to legal remedies (mediation, conciliation).

The existing national institutional structure is insufficiently empowered to deal systematically with the issue of discrimination and respect of human rights. This is due to the lack of practical experiences and inadequate level of knowledge. Implementation of the proposed project would ensure the preconditions for the successful operation of this structure. By strengthening it we would effectively also eliminate the problem of inadequate promotion on the problem of discrimination (absence of a continuous and systematic approach). It is anticipated that a well suited institutional structure would significantly enhance the efforts to eliminate all forms of discrimination. In the long term awareness-raising would exert a marked influence on development of a democratic culture of respect and coexistence while respecting mutual differences. In this way it would undoubtedly contribute to eliminating the causes for violations occurring.

3.2 Linked activities:

In his work, the Human Rights Ombudsman has encountered a deficiency in activities in the areas of systematically dealing with the issues of discrimination and with promotion and education on human rights, which must go hand-in-hand. In part he has therefore taken on certain necessary activities or cooperated in planning and implementing them. He is participating in promotion and education for school children (the project “My Rights”), he is involved in awareness raising for marginal groups, he sponsors the project of establishing records of intolerance in public life and discriminatory practices, he put forward short TV adverts and leaflets on the subject of discrimination, etc. It has emerged that for these tasks it would be most appropriate to set up a specialized department within it’s office.

The ombudsman has also been convinced of the need for this, within the framework of his international cooperation, and in taking into account the development of efforts in the EU, the UN and the Council of Europe. He has been drawn to this not just by the aforementioned European Council directive, but also by the efforts of the European Commission against Racism and Intolerance (ECRI) and the substance of the UN General Assembly Resolution 48/134, which in 1993 set out recommended status criteria for the formation of national institutions for promoting and protecting human rights (the Paris Principles). With the aim of clearing up certain open questions regarding the status of such institution, in October 2003, the ombudsman organised an international consultation. On the basis of knowledge acquired, in his annual report for 2002 he set out the initiative for establishing a special national institution for protecting and promoting human rights. Alongside the Human Rights Ombudsman, who deals especially with individual cases of violations, this institution would perform primarily more general tasks in the area of human rights: promotion, education, research and coordination of antidiscrimination policies in the country. The government has given its support in principle to the proposal, and it has been confirmed by the National Assembly (Point 1 of the recommendations of the Human Rights Ombudsman, published in the Official Journal of the Republic of Slovenia – Uradni list RS – no. 109/03). In this view, ombudsman salutes the efforts to extend the mandate of the European Union Monitoring Centre on Racism and Xenophobia, based in Vienna, in order to convert it into a Fundamental Rights Agency.
In the annual report for 2003 the ombudsman made the further proposal to set up a unit within the ombudsman’s office, which would specialise on monitoring the issues of discrimination and intolerance. The proposal was backed up by the National Assembly (Part I, Point 2 of the recommendations of the National Assembly given on the Human Rights Ombudsman report for 2003, published in the Official Journal of the Republic of Slovenia – *Uradni list RS* – no. 80/2004).

The requirements of Directive 2000/43/EC have been to a large extent fulfilled by the Fulfilment of the Principle of Equal Treatment Act (*Uradni list RS* no. 50/04). It envisaged the setting up of a government Council for fulfilling the principle of equal treatment. The government councils are in general created as a framework which enables a dialog between government and NGO’s and nongovernmental professional organizations on certain areas. They are an expert and consultation bodies of the government. This is also the case for the above mentioned council, which is unfortunately still not operating. The act also envisages the setting up of an Advocate for the Principle of Equality, which would offer non-binding opinions on the existence of discrimination in individual cases. The bodies of authority to take are the various inspectorates, which would make its own conclusions and adopt appropriate measures independently. Advocate was nominated in January 2005. Individual magistrate dose not have sufficient expertise to study alone the complicated forms of discrimination. It would operate within the Equal Opportunities Office. The latter would function as a government coordinating body in the area of preventing discrimination. Such provisions are not sufficient, however, especially since these two bodies do not function independently of the government. Indeed they are a part of the government, both in terms of organisation and status. This is a serious drawback in terms of ensuring the independent implementation of the institution’s tasks pursuant to Article 13 of the directive. All three aforementioned bodies are subject to ombudsman’s controlling function. The role of a institution required by Directive 2000/43/EC is also preformed by the ombudsman. The ombudsman has established cooperation with other European organisations dealing with antidiscrimination policy and human rights. He is being invited to participate in international conferences on the issues of discrimination. He has actively take part at the work of some of them. He is monitoring the development on the field.

The ombudsman has already begun preparations for setting up a unit within the ombudsman’s office, which would specialise on monitoring the issues of discrimination and intolerance. He has also carried out certain preliminary analyses. The conclusions, summarised partly in the ombudsman’s annual reports for 2002 and 2003, indicate that the successful implementation of the project will require primarily appropriate staffing and assistance of the experts, who have immediate and relevant experience in this area. Prior to the implementation of the project, the office would employ around three extra persons.

### 3.3 Results:

- Expert group within the ombudsman’s office trained
- Adjusted materials (curriculum) for the training process provided
- Approximately 12 experts (within the Ombudsman’s Office, Equal Opportunities Office) are highly trained and qualified for the work in both national bodies. They are also qualified as trainers and would participate in the further training process.
Further 350 experts from various governmental departments (social security centres, various inspectorates, schools etc) and NGO’s are trained for operational work in particular areas.

3.4 Activities:

In order to transfer knowledge the following activities are planned:

- training the trainers and cooperatively developing training program curricula
- seminars and workshops in Republic of Slovenia
- study visits in member state (limited)

The most important means of training of national experts would be a series of successive training seminars and workshops. They will take place Ljubljana and if necessary will be given in some other cities.

Study visits, would probably also be extremely useful and beneficiary to a limited number of experts from the ombudsman office and Equal opportunities office. In this way trainees would be thoroughly acquainted with ways, methods, contents, type of measures and strategies which are carried out by relevant authorities in other member states. Getting familiar with best practices for cooperation between different authorities within member state would also be of great value.

Approximately 5 experts would be needed, probably for a short or medium term period.

a. Training the experts involved in the antidiscrimination department of the Ombudsman and development of the training programmes

For the medium term (2-3 months) 1 senior expert and possibly one supplementing one needed in the ombudsman office. Around 5 employees of the ombudsman’s office will participate continuously in all forms of training. They will participate in other training programmes. In addition training curricula for further training of personnel would be adjusted to suit Slovenian administrative system. This training for trainers is a priority.

b. Translation of training materials into Slovene language for further trainings

c. Training of personnel who from existing institutional structure:

For the short term 3-5 advisers are needed for classical training which will take place in the form of the following activities:

- October 2005: 1 seminar on general issues, (duration: 5 working days; user: Ombudsman’s Office, Equal Opportunities Office; cca. 12 persons), Materials should include the theoretical background, emphasis should be put on methods and tools for detecting discrimination, as well as examples and practical guidance for work. As they would be prepared in English there should be a possibility to use the copy rights and translation into Slovene language for further use and train the trainers purposes. Best practices on cooperation with relevant authorities (co-ordination and communication) and NGO’s.

- November 2005 – March 2006: 3 - 5 seminars on good practices in individual areas of discrimination,
3.5 Lessons learned

Not applicable since there was no previous Phare funded projects in this field.

3.6 Description of the Profile of the non-residential experts (twinning partners):

1. Profile (senior expert):
   - person with legal education and at least 8 years of practical experience in the area of human rights law in one of the functioning national antidiscrimination body in EU member states (where possible from the office of the ombudsman that is already performing the relevant functions) or one of the international institutions with similar tasks,
   - experience in setting up one of the functioning national institutions or one of the international institutions with similar tasks,
   - experience in twinning or related projects desirable,
   - Experience in establishing systems with new Member State countries, preferably knowledge of the Slovene administration
   - good theoretical and practical knowledge in the area of project management,
   - active knowledge of English language,
   - initiative and communication skills,
   - leadership abilities.

2. Profile:
   - persons with legal or other appropriate education and at least 5 years of practical experience in national antidiscrimination body in EU member states or one of the international institutions with similar tasks,
   - good theoretical and practical knowledge regarding the different working methods of these institutions,
   - experience in twinning or related projects desirable,
   - active knowledge of English language,
   - initiative and communication skills,
   - teaching abilities.

4. Institutional Framework
The manager, implementor and coordinator of the project will be the Human Rights Ombudsman of Slovenia.

The primary task of the Human Rights Ombudsman is to deal with violations of the rights of individuals in relation to state bodies, local community bodies and holders of public authorisation. The ombudsman may also address broader issues that are important for the protection of human rights and fundamental freedoms and for the legal safety of citizens in the Republic of Slovenia (Article 9/2 of the Human Rights Ombudsman Act - ZVarCP). ZVarCP binds the ombudsman to set out in the annual report, alongside a report on his own work, “findings on the level of respect for human rights and fundamental freedoms, and on the legal safety of citizens in the Republic of Slovenia”. Within this framework he has already carried out several activities in the fight against discrimination.

The project does not signify the direct execution of the ombudsman’s primary tasks. ZVarCP does not restrict the ombudsman from performing other tasks that are important from the aspect of human rights. The ombudsman may give any body of authority recommendations and suggestions from the aspect of protection of human rights and fundamental freedoms, about the case he is investigating, irrespective of the type or stage of proceedings which are being conducted by the respective body (Article 25). He may deal with general issues relevant to the protection of human rights and fundamental freedoms and legal security of the citizens of the Republic of Slovenia.

In the period before the start of project implementation, the ombudsman will further analyse the functioning of the existing government offices in the area of combating unjustified discrimination, especially the Equal Opportunities Office. He will be able to study which necessary activities should be performed, or which, for various reasons could not be performed successfully, within the framework of the existing institutional structure. On this subject the ombudsman will make a report.

Employment at the ombudsman’s office depends on the personnel plan and on the level of funds provided. It will be necessary to obtain approval for additional employment, and for providing premises and funds for work, which on the ombudsman’s proposal are provided by parliament within the national budget.

The general institutional framework would not be changed, but supplemented. The main objective is to ensure trained personnel for its successful functioning in practice.

5. Detailed Budget (in EUR)

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§ National co-financing is envisaged on the assumption that the legislator approves employment of additional personnel and the budget funds would be assured. The direct and indirect costs of the Human Rights Ombudsman of the Republic of Slovenia, civil servants and national private experts working for the projects will be born by the Human Rights Ombudsman of the Republic of Slovenia. The Human Rights Ombudsman of the Republic of Slovenia will provide office space, office support, salaries and travel tickets for the counterpart staff in the framework of the study visits.

(*) contributions from National, Regional, Local, Municipal authorities, FIs, loans to public entities, funds form public enterprises

(**) private funds, FIs loans to private entities
6. **Implementation Arrangements**

6.1 **Implementing Agency**

Ministry of Finance – CFCU  
Mr. Peter Škofič, PAO  
Beethovenova 11  
SI – 1000 Ljubljana  
Tel: + 386 1 478 69 94  
Fax: + 386 1 478 62 04

6.2 **Twinning**

Human Rights Ombudsman of the Republic of Slovenia  
Dunajska 56  
1000 Ljubljana  
tel: + 386 1 47 500 53  
fax: + 386 1 47 500 40

**Project Manager:**  
Boštjan Vernik, legal advisor  
e-mail: bostjan.vernik@varuh-rs.si

6.2 **Non-standard Aspects**

Not applicable.

6.4 **Contracts**

There will be one contract - Twinning light covenant with selected Member State.

7. **Implementation Schedule**

7.1 **Start of tendering/call for proposals**  
3th quarter 2005

7.2 **Start of project activity**  
4th quarter 2005

7.3 **Project Completion**  
2nd quarter 2006

8. **Equal Opportunity**

Equal participation of men and women during the implementation of the project will be fully assured.

9. **Environment**

Not applicable.
10. Rates of return

Not applicable.

11. Investment criteria

Not applicable.

12. Conditionality and sequencing

The creation of new ombudsman department depends primarily on personnel strengthening. Prior to the start of twinning, the Ombudsman employs new staff (May - September 2005). The condition for employment is approval of the personnel plan in the National Assembly and provision of appropriate budget funds.
ANNEXES TO PROJECT FICHE

1. TF log frame
2. Detailed implementation chart
3. Contracting and disbursement schedule
4. Human Rights Ombudsman Act
ANNEX 1 TF log frame

<table>
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<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project</th>
<th>Programme name and number</th>
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<td>Total budget: 250,000 EUR</td>
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**Overall objective**
- It will contribute to a strengthening of the general awareness of the importance of non-discrimination, human rights and fundamental freedoms as basic principles of EU law (Article 6 of the EC Treaty, and especially Article 13). It will thereby contribute towards respecting these principles in the application of EU law on the part of national bodies of authority.
- To provide adequate training of the experts involved in the antidiscrimination department of the Ombudsman and other key persons in the national institutional structure. Implementation of the acquis regarding directive 2000/43/EC, especially Article 13.

**Objectively verifiable indicators**
- Ombudsman department trained (4th quarter of 2005)
- All training activities concluded (end of 1st quarter 2006)

**Sources of Verification**
- Report of the ombudsman (end of 4th quarter 2005)
- Report of the trainers (end of 4th quarter 2005)
- Final Report of the Project (end of 1st quarter 2006)

**Project purposes**
- Train the experts involved in the antidiscrimination department of the Ombudsman which will also act as trainers.
- Adjustment of the training program.
- Introduction of a training program for the key persons in the national institutional structure.

**Objectively verifiable indicators**
- 5 experts involved in the antidiscrimination department of the Ombudsman highly trained (December 2005)
- 12 national experts trained for trainers (until end of 4th quarter 2005)
- 350 persons qualified for the work in specific segments of the government and NGOs (until end of 1st quarter 2006)

**Sources of Verification**
- Report of adviser (January 2006)
- Report on the other training activities
- Training materials
- Final Report of the Project

**Assumptions**
- Employment of additional personnel is approved by the legislator and proper funding is provided.
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<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| • Expert group within the ombudsman’s office formed and trained (they are also qualified as trainers)  
• Adjusted curricula for the training process  
• Approximately 12 experts (within the Ombudsman’s Office, Equal Opportunities Office) are highly trained and qualified for the work in both national bodies. They are also qualified as trainers.  
• Further 350 experts from various governmental departments (social security centres, various inspectorates, schools etc) and NGO’s are trained for operational work in particular areas. | • Report of the ombudsman (by the end of 4th quarter 2005)  
• Training materials prepared and translated in English and Slovenian language  
• Training of 350 experts (November 2005 – March 2006) | • Ombudsman’s report (by the end of 4th quarter 2005)  
• Report of adviser on training (by the end of 4th quarter 2005)  
• Delivery of training materials in English and Slovenian language (December 2005)  
• Application forms of the trainees and their organisation  
• Final Report (March 2005) | • Employment of additional personnel is approved by the legislator  
• Budget funds assured |
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<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
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<td>Training the experts involved in the antidiscrimination department of the Ombudsman who would also act as trainers</td>
<td>1 - 2 adviser; User: Ombudsman’s Office (September - October 2005); 3-5 advisers for education, counselling and training of personnel</td>
<td>Employment of additional personnel is approved by the legislator</td>
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<td>Development of the training programmes</td>
<td>seminar on general issues; User: Ombudsman’s Office, Equal Opportunities Office; cca. 12 persons; (October 2005)</td>
<td>Budget funds are assured</td>
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<td>Translation of training materials into Slovene language for trainings</td>
<td>training curriculum adjusted</td>
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<td>Education and training of personnel from the existing national institutional structure</td>
<td>translation of training materials</td>
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<td>Summarizing the results of the project</td>
<td>3 - 5 seminars on good practices in individual areas of discrimination, particularly on individual working methods; User: Ombudsman’s Office, Equal Opportunities Office, key employees from the government departments, NGO’s; cca. 120 persons (November 2005 –March 2006)</td>
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<td>•</td>
<td>10 - 15 workshops on good practices for the particular targeting groups; User: Ombudsman’s Office, Equal Opportunities Office, key employees from the government departments, NGO’s; cca. 350 persons (November 2005 – March 2006)</td>
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<td>•</td>
<td>study visit of the national experts to the member state institutions; User: Ombudsman’s Office, Equal Opportunities Office; 5 - 8 persons (November 2005 - February 2006)</td>
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<td>•</td>
<td>international conference - presentation of the overall results of the project (March 2006)</td>
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Preconditions

None.
Annex 2: Detailed Implementation chart

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*Draft version 17 January 2005*
### Annex 3a – Contracting schedule

**CUMULATIVE CONTRACTING SCHEDULE (EUR million)**

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### Annex 3b – Disbursement schedule

**CUMULATIVE DISBURSEMENT SCHEDULE (EUR million)**

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### Annex 3c – Contracting and Disbursement schedule

**CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (EUR million)**

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ANNEX 4 - Human Rights Ombudsman Act

I. GENERAL PROVISIONS

Article 1
To protect human rights and fundamental freedoms against the state bodies, local self-government bodies, and bodies entrusted with public authorities the Human Rights Ombudsman and his/her jurisdiction and powers shall be established by this act.

Article 2
The Human Rights Ombudsman (hereinafter: Ombudsman; he - his) shall be elected by the Parliament upon the nomination made by the President of the Republic.

Article 3
In performing his function he shall act according to the provisions of the Constitution and international legal acts on human rights and fundamental freedoms. While intervening he may invoke the principles of equity and good administration.

Article 4
The Ombudsman shall be autonomous and perform his function independently.

Article 5
The Ombudsman shall lay before the Parliament general annual reports and special reports on his work.
The funds for the Ombudsman's work shall be allocated by the Parliament from the state budget.

Article 6
State bodies, local self-government bodies, and bodies entrusted with public authorities (hereinafter: bodies) shall furnish the Ombudsman, upon his requirement, all the information and data within their competences, irrespective of the level of secrecy, and shall enable him to carry out the investigation.

Article 7
The Ombudsman may make suggestions and give recommendations, opinions and critiques to the bodies which are bound to consider them and respond within the deadline specified by the Ombudsman.

Article 8
Proceedings before the Ombudsman shall be confidential.
The Ombudsman shall inform the public and the Parliament about his finding of the facts and steps that have been taken.

Article 9
Any person who believes that his/her human rights or fundamental freedoms have been violated by an act or an action of a body may lodge a petition with the Ombudsman to start the proceedings. The Ombudsman may also institute the proceedings on his own initiative.
The Ombudsman may also deal with more general issues relevant to the protection of human rights and fundamental freedoms and legal security of the citizens of the Republic of Slovenia.
The proceedings before the Ombudsman shall be non-formal and free-of-charge for the petitioners.
The Ombudsman shall conduct impartial and independent investigation and shall obtain the opinions in each case by all the parties concerned.

Article 10
The seat of the Ombudsman shall be in Ljubljana.
The Ombudsman shall specify the organizational scheme and work of his bureau in the Rules of Procedure and other general acts.
II. ELECTION AND POSITION OF THE OMBUDSMAN AND HIS DEPUTIES

Article 11
Only a citizen of the Republic of Slovenia may be elected as the Ombudsman.

Article 12
The Ombudsman shall be elected by the Parliament with the two-third majority of all MP votes for the term of six years, and after the expiration of this term of office, he may be re-elected only once.

Article 13
The election procedure for the Ombudsman shall start not later than six months prior to the expiration of the term of office of the actual Ombudsman. The Parliament shall decide on the nomination made by the President of the Republic within forty-five (45) days after it has been submitted.

Article 14
The provisions of the Law on the Constitutional Court, regulating the candidature of the constitutional judges, shall apply, respectively, to the candidature of the Ombudsman.

Article 15
The Ombudsman shall have not less than two but no more than four deputies. Deputies shall be appointed by the Parliament upon the nominations made by the Ombudsman. The Ombudsman shall submit nomination for his deputy to the Parliament not later than six months prior to the expiration of the term of office of the actual deputy. The Parliament shall decide on the nomination of the Deputy Ombudsman within forty-five (45) days after its submission.

Article 16
The term of office of a Deputy Ombudsman shall be six years. After the expiration of this term of office, he/she may be re-appointed.

Article 17
In the case of absence, death, expiration of the term of office, permanent or temporary incapacity of performing the duties of his office, the Ombudsman shall be replaced by a Deputy Ombudsman. The Ombudsman shall specify the sequence of his deputies to replace him.

Article 18
The Ombudsman and his deputies shall assume their offices after having taken the oath before the Parliament. The oath shall be:
"I swear that I will perform my duties in accordance with the Constitution and the laws, I will protect human rights and fundamental freedoms, I will perform these duties thoroughly and impartially, and in doing so I will adhere to the principles of equity and good administration."

Article 19
The holding of the office of the Ombudsman shall be incompatible with the holding of any office in the state bodies, local self-government bodies, political parties and trade unions, or the performing of other functions and activities which are incompatible by law with the holding of a public office. An office, incompatible with the holding of the function of the Ombudsman, shall cease to the Ombudsman or it shall be suspended, if so regulated by the law. If the Ombudsman does not discontinue a profitable activity incompatible by law with the performing of the function of the Ombudsman within 30 days of the day when the competent committee at the Parliament has established this incompatibility, his office of the Ombudsman shall be terminated.

Article 20
The Ombudsman shall not be held responsible for the opinion or recommendation given while performing his function. The Ombudsman shall not be held in custody in the criminal proceedings instituted against him for having performed his function, without the prior consent of the Parliament.
Article 21
The Ombudsman may be untimely relieved of his office only on his own request, or may be removed from office if he has been convicted of a criminal act and sentenced to imprisonment, or due to his permanent loss of ability for performing the duties of his office. The procedure for removing the Ombudsman from his office shall be started upon the motion made by one third of MPs. The Parliament shall remove the Ombudsman from his office if two thirds of the present MPs have voted for it.

Article 22
Provisions of the Article 19, Article 20, and Article 21 shall also apply to a Deputy Ombudsman.

III. JURISDICTION OF THE OMBUDSMAN

Article 23
The Ombudsman shall have the powers, specified by this Act, over the state bodies, local self-government bodies, and bodies entrusted with public authorities.

Article 24
The Ombudsman shall not interfere in the cases in which court or some other legal proceedings are being conducted, except in case of undue delay in the proceedings or evident abuse of authority.

Article 25
The Ombudsman may communicate to each body his opinion, from the aspect of protection of human rights and fundamental freedoms, about the case he is investigating, irrespective of the type or stage of proceedings which are being conducted by the respective body.

IV. PROCEEDINGS

Article 26
Any person who believes that his/her human rights or fundamental freedoms have been violated by an act, an action or maladministration of a state body, local self-government body, or body entrusted with public authority may lodge a petition with the Ombudsman to start the proceedings. The Ombudsman may also institute the proceedings on his own initiative. If the Ombudsman is to institute the proceedings, either on his own initiative, or upon a petition which has been lodged on behalf of the aggrieved person by a third party, the consent by the aggrieved person shall be required to start the proceedings.

Article 27
Each petition lodged with the Ombudsman shall be signed and have all personal data of the petitioner, as well as comprise all circumstances, facts, and evidence on which the petition is based. The petitioner must also state whether or not legal remedies have already been applied, and if they have been, which of them. Each petition to start the proceedings (hereinafter: petition) shall be, as a rule, lodged in writing. Neither the form nor the assistance by a counsellor shall be required for lodging a petition. Persons deprived of liberty shall have the right to lodge a petition with the Ombudsman in a sealed envelope.

Article 28
Having received a petition, the Ombudsman shall screen it and decide on this basis either: (1) to give a 'fast-track' treatment to the case; or (2) to launch a full investigation; or (3) to reject the petition; or (4) to decline the petition because it is either anonymous or too late or insulting, thus abusing the right of petition. The Ombudsman having decided to reject a petition or decline it due to the reasons stated under the items (3) and (4) of the above paragraph, shall inform the petitioner in the shortest possible time about
his decision, and explain him the reasons for it and point out, if possible, another adequate way of settling the case.

Article 29
The Ombudsman shall decide on giving the "fast-track" treatment (item (1) of the Article 28) particularly in the case when the actual situation and the standpoints of all parties concerned are already evident from the petition itself and the attached documents.

Article 30
The Ombudsman shall reject a petition (item (3) of the Article 28) particularly due to the following reasons:
when it is obvious from the available data and circumstances that human rights or fundamental freedoms have not been violated nor other maladministration done;
when the petition is incomplete and has not been completed on the Ombudsman's requirement;
when proceedings are being conducted in the case before the judicial bodies, except for the cases specified in this act;
when the case falls within the competences of investigating commissions at the Parliament, related to public officials;
when all regular and extraordinary legal remedies have not been exhausted, except if he assesses that it would be useless for the petitioner to start or continue such proceedings, or if he assesses that individuals would suffer great or irreparable damage in the meantime;
when the petition clearly reveals a case of lesser importance in which, even after a conducted investigation, no adequate results could be expected.

Article 31
The decision by the Ombudsman to decline or reject a petition shall be final.

Article 32
The Ombudsman shall not institute the proceedings if more than one year has elapsed from the wrong-doing or the last decision of a body, except when he assesses that the petitioner has been late for justifiable reasons, or the case is so relevant that he should launch an investigation notwithstanding the time lag.

Article 33
When the Ombudsman decides to launch an investigation (item (2) of Article 28) he shall communicate his decision to the petitioner and the body or bodies against which the petition has been lodged, and require all the necessary explanations and additional information.
The Ombudsman shall specify a deadline by which the body must furnish all the explanations and information stated in the previous paragraph. The deadline may not be shorter than 8 days. A body having failed to furnish the required information or explanations to the Ombudsman by the deadline must immediately communicate to the Ombudsman the reasons of not having fulfilled his requirement.
The Ombudsman may directly inform its superior body about the delay from the previous paragraph. The rejection or ignoring of the Ombudsman's requirements shall be deemed an obstruction to the Ombudsman's work.
The Ombudsman may report about this in a special report to a competent working group at the Parliament or to the Parliament itself, or he may publicize these facts.

Article 34
All state bodies shall be obliged to help the Ombudsman in conducting an investigation and render him adequate assistance upon his requirement.

Article 35
Within the scope of his work, the Ombudsman shall have unrestricted access to all the data and documents within the competence of the state bodies.
Regulations on observing the secrecy of data shall be binding to the Ombudsman, his deputies, and his staff.

Article 36
All officials and other employees of the bodies stated in the Article 6 of this Act must respond to the Ombudsman's call to co-operate in an investigation and provide explanations.
The Ombudsman may summon any witness or expert to an interview about the case he is dealing with. The summoned must respond to the summon.

Article 37
The Ombudsman may discontinue the investigation if he has established that the case has already been settled in some other way, or, if the petitioner does not cooperate in the investigation with any justifiable excuse, or, if it has become obvious from the petitioner's actions that he/she is no more interested in the continuation of the investigation.

Article 38
The investigation having been completed, the Ombudsman shall draft a report on his finding of the facts and forward it to the parties concerned. Within the deadline set by the Ombudsman, they may communicate their comments or proposals to complete the finding of the facts stated in the draft report.
In urgent cases, or when the Ombudsman assesses on the basis of available documents that the facts are indisputable, he may decide on the basis of his finding of the facts and give recommendations without previous verifying from the preceding paragraph.

Article 39
In his final report the Ombudsman shall state his assessment of the facts and circumstances of that individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other maladministration has been done in the investigated case.
At the same time, the Ombudsman shall recommend the way how to remedy the established wrongdoing. In this, he may recommend that the body should repeat a certain procedure in accordance with the law, recommend the compensation for the damage, or recommend some other way how to remedy the wrong-doing that has affected the individual. In this, he shall not interfere in civil legal rights of the individual to the compensation for the damage.
The Ombudsman may propose the initiation of disciplinary proceedings against the officials of the bodies who did the established maladministration that led to an injustice.

Article 40
The bodies stated in the Article 39 must inform the Ombudsman within 30 days about the steps taken in accordance with his proposals, opinions, critiques, or recommendations.
If the body does not submit a report on adhering to the Ombudsman's recommendations, or these are adhered to only partially, the Ombudsman may directly inform about it its superior body or respective ministry, or submit a special report to the Parliament, or publicize these facts.
The Ombudsman may publish his report and his proposals in mass media at the expense of the body if the latter, after a repeated requirement, has not adequately responded to his proposals or recommendations.

Article 41
In dealing with the acts and maladministration of local self-governments the Ombudsman shall be bound to take into account the special character of their position, and their way of taking decisions in particular.

Article 42
The Ombudsman or his authorised representative may enter any official premises of each state body, local self-government body, or body entrusted with public authority.
The Ombudsman may inspect prisons or other places where people are kept detained, and other institutions with restricted freedom of movement.
The Ombudsman shall have the right to talk in private with persons from the institutions of the preceding paragraph.

Article 43
The Ombudsman shall lay before the Parliament his general and special reports on his work, his findings about respecting human rights and fundamental freedoms, and on legal security of the citizens in the Republic of Slovenia.
He shall submit the annual report for the previous year not later than September 30 of the current year.
The Ombudsman may submit special reports to competent working groups at the Parliament or directly to the Parliament.

**Article 44**
During the debate on the general annual report at the session of the Parliament, the Ombudsman may himself present a summary of the report and ensuing conclusions. The general annual report of the Ombudsman shall be promulgated.

**Article 45**
The Ombudsman may submit to the Parliament and Government initiatives for amending laws or other legal acts within their competence. The Ombudsman may make suggestions to the state bodies, institutions, and organizations performing the functions of public authorization, for improving their work and conduct with clients.

**Article 46**
The President of the Parliament, the Prime Minister, and the ministers shall be bound to grant personal audience to the Ombudsman within 48 hours after his request.

### V. THE RIGHTS OF THE OMBUDSMAN

**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 expiration of his term of office the Ombudsman who had been a judge or had held another permanent office in a state body until he was elected the Ombudsman, shall have the right to re-assume his former function if he notifies the competent body, within three months after the expiration of his term of office, that he wishes to re-assume his former function. The Ombudsman who had occupied a certain job until he was elected the Ombudsman, shall have the right to return to his former job within three months after the expiration of his term of office, or to get some other job which must be adequate to his education and professional skill.

**Article 49**
The Ombudsman whose term of office has expired and can, for justified reasons, neither continue his former job nor get another adequate job, nor has he fulfilled the conditions for retirement by general regulations, shall be entitled to receive a substitute salary in the amount he would receive if he did that job, until he gets employed or fulfills the conditions for retirement under general regulations, but no longer than one year after the expiration of his term of office.

**Article 50**
The provisions of Article 48 and Article 49 shall also apply to a Deputy Ombudsman.

### VI. THE BUREAU OF THE OMBUDSMAN

**Article 51**
Having previously obtained the opinion by the competent working group at the Parliament, the Ombudsman shall pass the Rules of Procedure which specify the division of fields of work, the organization of work, and the method of dealing with petitions. The Rules of Procedure shall be published in the Official Gazette of the Republic of Slovenia.

**Article 52**
The Ombudsman shall have an expert service. The Ombudsman shall appoint and dismiss, when necessary, his counsels and other employees. The Ombudsman shall appoint the secretary general who shall manage the Bureau of the Ombudsman.
Article 53
The Ombudsman may appoint advisers and other experts for a fixed time to the service of the Ombudsman from among the employees of the state bodies. They have the right to re-assume their former functions or jobs after their terms have expired.

Article 54
As regards the salary, remuneration, and other personal incomes, allowances and rights, the provisions of the State Officials Act shall respectively apply to the secretary general, and the provisions of the act on the employees in the state bodies shall respectively apply to other employees.

Article 55
The funds for the work of the Ombudsman shall be granted within the state budget of the Republic of Slovenia. The amount shall be allocated by the Parliament upon the proposal made by the Ombudsman.

VII. PENALTY PROVISIONS

Article 56
The following persons shall be fined for a minor offence with at least 10,000 SIT fine:
the responsible person of a body that has failed to produce the required materials to the Ombudsman upon his requirement (Article 6);
a person who has failed to respond to the Ombudsman's summons to an interview (Article 36).

VIII. INTERIM AND FINAL PROVISIONS

Article 57
The Ombudsman shall begin his work after the required expert staff has been appointed and premises and other material conditions provided.
On the day the Ombudsman begins his work, the Council of Human Rights and Fundamental Freedoms shall cease to operate under this Act.
The Ombudsman shall take over the files, unsettled cases and assets of the Council of Human Rights and Fundamental Freedoms.

Article 58
On the day, the Ombudsman begins his work, the Act on the Council of Human Rights and Fundamental Freedoms (Official Gazette of the Republic of Slovenia, no 14/90) shall cease to be effective.

Article 59
This Act shall take effect on the fifteenth (15th) day after having been published in the Official Gazette of the Republic of Slovenia.