



12 August 2010

Dear Sir or Madam,

We have the honour to address you pursuant to Resolution 13/20 in which the Human Rights Council:

“*Invites* the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates and to report to the Council at its sixteenth session on **effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation**; and invites them in so doing, to cooperate with States and relevant partners such as the Committee on the Rights of the Child, the Special Representatives of the Secretary-General for Children in Armed Conflict and on Sexual Violence in Conflict, national human rights institutions and ombudspersons for children, United Nations agencies, regional organizations, civil society organizations and children themselves.”

In this regard, we kindly request the collaboration of your organization and invite you to provide all relevant information and/or documentation on the issue of effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation. It would be particularly helpful to receive the following information from your organization:

**A. Name and date of creation**

**Varuh človekovih pravic RS (Human Rights Ombudsman) 1.1.1995**

**B. Status of the institution (to tick)**

- Separate or autonomous institution, established by law, with reference to the Convention on the rights of the child
- Institution integrated in a general human rights institution (Human Rights Commission / Mediator / General Ombudsperson) with specific legislation
- Institution integrated in a general human rights institution (Human Rights Commission / Mediator / General Ombudsperson) without specific legislation
- Conformity with the Paris Principles and General Comment no. 2 of the Committee on the Rights of the Child

**C. Mandate and Competences**

- Which general principles are contained in the mandate of the institution?
  - Which laws? Which treaties? **Human Rights Ombudsman Law, The Constitution of the Republic of Slovenia**

- Affirmation of the principle of independence? **Human Rights Ombudsman Law**
  - Best interests of the child? **yes**
  - What is its overall mission?
- Which powers has it been attributed?
- Jurisdiction: **public sector**/private sector?
  - Powers of investigation:
    - Referral powers different than those for adults? Can it take up cases as of right? **No**
    - Visit places for children without need for prior authorization (detention centres, schools, hospitals, workplaces, children's centres, etc.) **Yes**
    - Obligation for other actors to provide documentation and/or testimony upon request? **Yes**
    - Possibility for the institution to refer a case to the courts? **No**
  - Advice and recommendations on laws and policies:
    - Possibility for the institution to make recommendations regarding the adoption of or amendments to laws, **in particular with respect to the right to effective protection from violence and sexual exploitation?** **Yes**
    - Possibility for the institution to provide advice on draft laws in order to ensure conformity with the Convention on the Rights of the Child, **in particular with respect to the right to effective protection from violence and sexual exploitation?** **Yes**
  - Responsibility to promote child participation and taking children's views into account in all matters affecting them? **Yes**
  - Responsibility to promote human rights/child rights education? **No**
  - Advice provided to children directly? **Yes**
- Is a system/mechanism of individual complaints established and operational within the institution? **Yes**

**D. Level of intervention (to tick)**

- Regional
- X National
- X Local
- Between local and national

**E. Functioning of the institution**

- How is the head of the agency appointed? **By National Assembly**
- Which authorities are involved in the process? **President of the Republic, the National Assembly** What is the role of civil society in such a process? **None** Child participation? **None**
  - Conditions of eligibility? (age, functions, competencies) **Citizenship of the Republic of Slovenia**

Conflicts of interest? A functionary holding office professionally shall not perform, in addition to the public function, an occupational or other activity for the purpose of obtaining income or pecuniary benefit. **(INTEGRITY AND PREVENTION OF CORRUPTION ACT (ZIntPK))**

Conditions of resignation? **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.**

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- How is the staff selected? **By a public tender**
- Child rights specialists? **By a public tender**
- Lawyers? Psychologists? Social Workers? **By a public tender**
- Full time or part time staff? **Mainly full time**
  
- If there is a complaints mechanism within the institution, how is its budget allocated?
  - Portion of the overall budget of the institution? **yes**
  - Budget for a hotline?
  - Allocated by the Executive? **Yes** By Parliament?
  - Possibility to raise funds from other sources? (eg. private sector, international organizations, NGOs, etc)

**F. Participation of civil society and of children in the functioning of the complaints mechanism**

- Specific system for child participation? Representation of children within the institution? If so, of what nature? Representation of girls or of children in difficult circumstances? **No**
- Mechanism of coordination/advice involving civil society? **No**
- What is the nature of cooperation between the institution and civil society organizations? Possibility of signing agreements? **Yes**

**Insofar as an individual complaints mechanism is in place:**

**G. Accessibility**

- To all children, without discrimination? Means by which children can access the mechanism and that are known to them (address, hotline, sms) **Address, Facebook**
- Physical accessibility: child-friendly reception (trained staff and child-friendly space)? **No**
- Geographic accessibility (local branches? In areas frequented by children?) Does the mechanism depend on existing structures (NGOs, schools)? **No**  
Effectiveness? Relationship between the national and local levels?
- Practical/material accessibility (languages; access by children with disabilities) **Yes**
- Activities in place to provide information and advice to children, in a child-sensitive manner, particularly to child victims of sexual violence or exploitation? **Yes**
- Dissemination of information on the role and existence of the complaints mechanism to potential users? **Yes**

**H. Protection**

- Description of allegations received and processed regarding violence against children, particularly cases of sexual violence and exploitation (numbers, nature, form)
  - Proactive in visiting structures and private spaces? (number, reports, results obtained)
  - Contribution to child protection policies (legislative reform, child protection strategies)?
- I. Confidentiality and protection of the child's right to privacy**
- How does your institution ensure the protection of the confidentiality of the child? **Proceedings before the Ombudsman shall be confidential. (Human Rights Ombudsman Law)**
  - What are the procedures for archiving documents? **Protection of Documents and Archives and Archival Institutions Act**
  - What kind of relationships does your institution establish with parents/tutors of children?
  - Are there any mechanisms of coordination with NGOs, associations or institutions for children? With other human rights mechanisms?
- J. Follow-up / Evaluation**
- Follow-up of judicial procedures? **no**
  - Follow-up of child victims, particularly child victims of sexual violence and exploitation? **no**
  - Obligation of annual reporting? **yes** If so, to which authorities? **to National Assembly**
- K. Challenges, Good practices and Recommendations**

The Special Rapporteur and the SRSB would be particularly grateful to receive information regarding your main concerns and lessons learned regarding effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation, as well as any recommendations you may wish to make in order to strengthen the effectiveness of such mechanisms.

Kindly send your contribution before 10 September 2010, through the Office of the High Commissioner for Human Rights, Palais des Nations CH-1211, Switzerland (to the attention of Ms. Dima Yared, [childrenstudy@ohchr.org](mailto:childrenstudy@ohchr.org)).

Sincerely,

Najat Maalla M'jid  
Special Rapporteur  
on the sale of children  
child prostitution and child pornography

Marta Santos-Païs  
Special Representative to the  
Secretary-General on violence  
against children