

Organizacijska struktura organa Zagovornika načela enakosti (naloge in dolžnosti po ZVarD)

A. Oddelek za sistemsko spremljanje, ozaveščanje in preventivo

- VI. **A1. Beleženje, opazovanje, spremljanje**
 1. Notranja statistika organa, poizvedbe, svetovanja, pomoč, podpora, mediji, preje-te pobude, postopki, ... (A, B, C, E, G, F)
 2. Beleženje in spremljanje dela inšpekcij in analiza (16. člen ZVarD)
 3. Spremljanje diskriminacije, kakor jo obravnavajo in zaznavajo drugi državni organi (sodišča, policija)
 4. Spremljanje in beleženje preventivnih ukrepov s strani subjektov spremljanja (spodbujanje enakopravnosti, 14. člen)
 5. Preučevanje obstoječih in novih zakonodajnih postopkov - podajanje mnenj (po vsebinah in učinkih)
 6. Beleženje dela ESČP in mednarodne sodne prakse
 7. Pristopanja k in izvajanje obveznosti po mednarodnih pogodbah, sporazumih in konvencijah (MKCP), zbirka opažanj in tem
 8. Spremljanje tem (po okoliščinah, področjih, oblikah) in zbirka opažanj po temah

- I. **A2. Raziskave in poizvedbe**
 po osebnih okoliščinah, področjih in oblikah diskriminacije, druge povezane raziskave (javnomnenjske)

A3. Dialog

- A3.0. s ključnimi NVO, diskrim. skupinami
- A3.1. z različnimi institucijami države

A4.1. Mnenja

- II. **A4.2. Priporočila glede na različne dele in teme beleženja**

Upoštevanje raziskave, analize in evalvacije spremljanih podatkov in procesov ter dobrih praks, in iz prejetih primerov

- VII. **A4.3. Predlogi sprejetja posebnih ukrepov**
 (pozitivna diskriminacija)

A5. Ozaveščanje

(splošne javnosti in skupin po osebnih okoliščinah, področjih in oblikah diskriminacije)

- ozaveščanje z namenom preventive in odprave diskriminacije ter nestrpnosti
- spodbujanje raznolikosti in dobrih odnosov med različnimi skupinami v družbi

A6. Izobraževanje

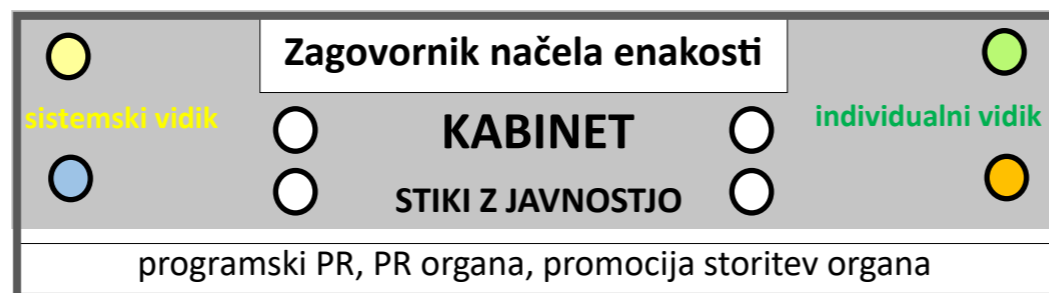
(cilji, rezultati ter ciljne skupine: splošna javnost in skupine po osebnih okoliščinah, področjih in oblikah diskriminacije) in po subjektih ter skupinah)

A7. Sodelovanje

A8. Mednarodno sodelovanje in izmenjava

Equinet, bilateralno sodelovanje, Svet Evrope, Evropska komisija, FRA, diplomatska predstavništva, drugo

A9. Poročila, redna in posebna



D. SEKRETARIAT

D1. Proračun

(začetna opravila, redna opravila in obveznosti, rast)

D2. Finance

(postavke, FOP, FEP, odredbe, naročilnice, potni nalogi)

D3. Kadri

(sistemizacija, kadrovski načrt, razgovori, ocene)

D4. Infrastruktura

(prostori, oprema, inventar)

D5. Informatika

(računalniki, telefoni, IKT, spletna stran)

D6. Glavna pisarna

(vse...)

D7. Poslovnik in akti

(vsi...)

V.

IX.

II.

B. Oddelek za ugotavljanje diskriminacije, svetovanje in zagovorništvo

- Splošno informiranje o diskriminaciji
- Svetovanje in pravna pomoč pri sumu diskriminacije
- Pomoč in podpora pri podajanju pobud

Pobude (prijave) - 5. poglavje ZVarD

(Sprejem, dopolnitve, obravnava, odločitve → statistika v A)

Ugotavljanje diskriminacije

(Preusmeritev v C ali zaključek → statistika v A)

VIII. Zagovorništvo

- Sodelovanje v sodnih postopkih (pravno zastopanje strank) (39. člen)
- Spremljanje na sodiščih
- Podajanje zahtev za presojo ustavnosti

III.

III. C. Oddelek za inšpekcijski nadzor

- Predlog za obravnavo diskriminacije
- Ugotavljanje diskriminacije po ZVarD—ugotovitev
- Inšpekcijski nadzor
- Odločanje

V. Odločbe za odpravljanje diskriminacije

- Odredba odprave nepravilnosti (42. člen, 3. 1.)
- Predlog sprejetja ustreznih ukrepov za preprečevanje nadaljnje diskriminacije in odprave posledic v roku, ki ga določi (42. člen, 3. 2.)
- Prepoved nadaljnje diskriminacije (42. člen, 3. 3.)
- Poziv kršitelju, da z ustreznimi ukrepi zavaruje diskriminirano osebo ali osebo, ki ji pomaga, pred viktimizacijo oz. odpravo nastale posledice viktimizacije (37. 2.)
- Odstop pristojni inšpekciji, ko ↑ odločba Zagovornika ne bi bila smiselna (42. člen, 4.)
- Predlog za uvedbo prekrška pri pristojni inšpekciji—če kršitelj ne izvrši odločbe (43. člen)

Inšpektorati—kot prekrškovni organ - 44. člen

Spremljanje izrečenih sankcij in učinkov po inšpektoratih

Organisational structure of the Advocate of the Principle of Equality (task and duties according to PADA)

A. Department for systemic monitoring, promoting equality and prevention

A1. Logging, observation, monitoring

1. Internal statistics, enquiries, counselling, help, support, media, lodged applications, procedures, etc. (A, B, C, E, G, F)
2. Logging, monitoring and analyses of inspection bodies' work (Art. 16 PADA)
3. Monitoring discrimination, as it is heard and detected by other state bodies (courts and the police)
4. Monitoring and logging of preventive measures taken by monitored bodies (promoting equality, Art. 14 PADA)
5. Studying of new and existing legislative procedures - issuing opinions (by substance and effects)
6. Logging work of ECtHR and international case law
7. Acceding to and implementation of duties arising from international treaties, agreements and conventions, collection of observations and topics
8. Monitoring topics (personal circumstances, areas, forms) and collection of observations

A2. Research and enquiries

by personal circumstances, areas, forms of discrimination, other relevant research (public opinion)

A3. Dialogue

- with key NGOs, discriminated groups
- with state institutions (A3.1.)

A4.1. Opinions

II. A4.2. Recommendations according to different parts and topics of monitoring

Considering research, analyses and evaluations of monitored data, processes and good practices, and from received applications

VII. A4.3. Proposals for adoption of special measures (positive discrimination)

A5. Awareness-rising

(in general public and among groups by circumstances, areas and form of discr.) to:

- Prevent and eliminate discrimination, eliminate intolerance
- Foster diversity and good relations among different groups of society

A6. Education

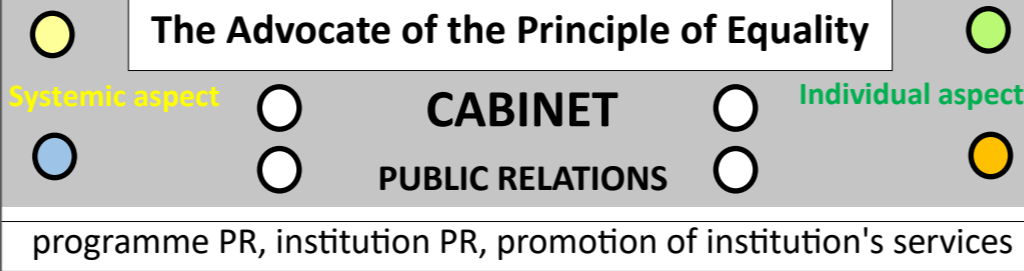
(of general public and groups by personal circumstances, areas, forms of discrimination and by subjects and groups)

A7. Cooperation

A8. International cooperation & exchange

Equinet, bilateral cooperation, Council of Europe, European Commission, FRA, diplomatic missions, other

A9. Reports, yearly and special



D. SECRETARIAT

D1. Budget

(initial tasks, regular tasks and duties, growth)

D2. Finances

(heading, planning, orders, (purchase) orders, travel forms)

D3. HR

(systemisation, HR plan, interviews, evaluations)

D4. Infrastructure

(premises, equipment, inventory)

D5. IT

(computers, telephones, ICT, webpage)

D6. Head Office

(All tasks...)

D7. Rules of procedure and acts

(All tasks...)

V.

IX.

II.

B. Department for decision-making on discrimination, co-counselling and advocacy

- Informing on discrimination in general
- Counselling and legal assistance in cases of suspected discrimination
- Assistance and support with lodging application

Applications (reports) - Chapter 5 of PADA

(Reception, supplementation, dealing, opinions → statistics in A)

Decision-making on discrimination

Transferral to C or closure → statistics in A)

Advocacy

- Participating in judicial proceedings (legal representation) (Art. 39)
- Accompanying to courts
- Initiating constitutional review

VIII.

III. C. Department for inspection

- Motion to tackle discrimination
- Identifying discrimination according to PADA—findings
- Inspection
- Deciding

IV. Decisions to eliminate discrimination

- Order to bring an irregularity to an end (Art. 42., 3. 1.)
- Proposal for adoption of adequate measures to prevent further discrimination and elimination of consequences in defined due time (Art. 42., 3. 2.)
- Prohibition of further discrimination (Art. 42., 3. 3.)
- Calls upon infringer to protect victim of disc. or person helping him/her from victimisation or elimination of consequences of incurred victimisation (37. 2.)
- Referral to a competent inspection, when Advocate's decision ↑ would not be relevant (Art. 42., 4.)
- Proposal to initiate offence procedure at competent inspection—when infringer fails to comply (Art. 43)

Inspectorates—as offence authorities - Art. 44

Monitoring of issued sanctions and effects by inspectorate

Roman numerals = paragraphs from Article 21 of PADA (tasks and duties)