

OMBUDSMAN ACT

In force from 01.01.2004

Prom. SG. 48/23 May 2003, amend. SG. 30/11 Apr 2006, amend. SG. 68/22 Aug 2006, amend. SG. 42/5 Jun 2009, amend. SG. 97/10 Dec 2010, amend. SG. 29/10 Apr 2012, amend. SG. 15/15 Feb 2013, amend. SG. 7/19 Jan 2018, amend. and suppl. SG. 20/6 Mar 2018

Chapter four "a".

NATIONAL PREVENTIVE MECHANISM (NEW – SG 29/12, IN FORCE FROM 11.05.2012)

Art. 28a. (new – SG 29/12, in force from 11.05.2012) (1) The competences of the ombudsman as a National Preventive Mechanism shall concern the places with persons deprived of liberty, or detained or accommodated pursuant to an act or with the consent of a state authority, which cannot be left at their will, for the purpose of protection of such persons from torture or other forms of cruel, inhuman or degrading treatment or punishment.

(2) The ombudsman shall have the right to:

1. access without advance notification at any time to all places for detention referred to in Para 1 and their sites and facilities;

2. access to all information concerning the number of persons deprived of their liberty in places of detention as defined in Para 1, as well as the number of places and their location;

3. choose the places referred to in Para 1 he wants to visit and the persons he wants to interview;

4. have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the ombudsman as a national preventive mechanism believes may supply relevant information;

5. access to all information referring to the treatment of the persons referred to in Para 1 as well as their conditions of detention;

6. request information from officials of the visited place for detention, to interview them, and to carry out private interviews with any other person on the territory of the visited site;

7. organise medicinal checks of the persons with their consent.

(3) The employees and officials in the places referred to in Para 1 shall be obliged to render assistance and provide the required information to the ombudsman.

(4) (New – SG 20/18) The Ombudsman shall be notified in the preparation of drafts of normative acts which affect his powers as a national preventive mechanism.

Art. 28b. (new – SG 29/12, in force from 11.05.2012) (1) No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the ombudsman as a National Preventive Mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

(2) Confidential information collected by the ombudsman as a National Preventive Mechanism shall be published. No personal data shall be published without the express consent of the person concerned.

Art. 28c. (new – SG 29/12, in force from 11.05.2012) The ombudsman as a National Preventive Mechanism may assign in an order his functions under Art. 28a, fully or partially, to officials of his administration.

Art. 28d. (new – SG 29/12, in force from 11.05.2012) (1) Following every visit the ombudsman shall draw up a report, which may contain recommendations and proposals for improvement of the conditions at the places referred to in Art. 28a, the treatment of the persons therein, and also for the purpose of preventing the torture or other forms of cruel, inhuman or degrading treatment or punishment.

(2) The report shall be submitted to the competent authority, which, within one month, shall notify the ombudsman of the actions taken to meet the recommendations.

(3) The ombudsman shall publish also annual reports related to his activity as a National Preventive Mechanism in compliance with the requirement of Art. 28b, Para 2.

Art. 28e. (new – SG 29/12, in force from 11.05.2012) The ombudsman as a National Preventive Mechanism shall cooperate with the competent authorities and mechanisms of the United Nations, civil associations, and international, regional and national organisations, whose corporate purpose includes the protection of persons from torture or other forms of cruel, inhuman or degrading treatment or punishment.