

Za: Evropsko komisijo (GD za pravosodje in potrošnike – DG JUST), Evropski parlament (Odbor za peticije – PETI) in GANHRI (Pododbor za akreditacije – SCA / Sekretariat OHCHR)

To: the European Commission (Directorate-General for Justice and Consumers – DG JUST), the European Parliament (Committee on Petitions – PETI), and GANHRI (Sub-Committee on Accreditation – SCA / OHCHR Secretariat)

Avtor: mag. Franc Derganc, Slovenija, Verzija osnutka z dne 27.1.2026

E: rule-of-law-network@ec.europa.eu; JUST-ACCES-DOCUMENTS@ec.europa.eu; peti-secretariat@europarl.europa.eu; ohchr-scasetariat@un.org;

Slovensko besedilo (SLO)

Zadeva: Enoten paket treh dopisov – sistemsko opozorilo glede postopka imenovanja Varuha človekovih pravic RS 2025/2026 (NHRI) in tveganja izpraznitve korektivne funkcije – za: **Evropsko komisijo (DG JUST), Evropski parlament (PETI) in GANHRI (SCA/OHCHR)**

Spoštovani,

V prilogi vam posredujem enoten paket treh dopisov, ki se nanašajo na postopek imenovanja Varuha človekovih pravic Republike Slovenije (NHRI) v ciklu 2025/2026.

English (EN)

Subject: Unified package of three letters – systemic concern regarding the appointment procedure of Slovenia's Human Rights Ombudsman (NHRI) 2025/2026 and the risk of emptying its corrective function – addressed to: **the European Commission (DG JUST), the European Parliament (PETI) and GANHRI (SCA/OHCHR)**

Dear Sir or Madam,

Please find attached a unified package of three letters concerning the appointment procedure for the Human Rights Ombudsman of the Republic of Slovenia (NHRI) in the 2025/2026 cycle.

Slovensko besedilo (SLO)

Namen tega pošiljanja ni polemika o izbiri posamezne kandidatke ali kandidata, temveč sistemsko opozorilo na procesne okoliščine in institucionalno prakso, ki lahko pomenijo:

- odsotnost transparentne, primerjalne in vsebinsko preverljive presoje programov kandidatov,**
- nastanek nepopravljivih posledic (fait accompli) zaradi časovne neodzivnosti institucionalnega varstva, ter**
- tveganje izpraznitve ustavne korektivne funkcije Varuha kot nacionalne institucije za človekove pravice (NHRI).**

Zaradi transparentnosti pojasnjujem, da sem v Sloveniji že vložil ustavno pritožbo ter vlogo za urgentno (prednostno) obravnavo, saj kljub večkratnim pozivom nisem prejel nobenih ustreznih vsebinskih pojasnil ne s strani Državnega zbora ne s strani Urada predsednice republike, čeprav standardi postopkovne integritete in odgovornosti institucij (vključno z evropskimi primerjalnimi standardi in Beneškimi priporočili) terjajo obrazloženo, preverljivo in primerjalno pojasnitev ključnih odločitev.

Ker ima vsak od naslovnikov v tem paketu različno institucionalno vlogo, sem pripravil tri dopise:

English (EN)

The purpose of this submission is not to engage in a dispute over the selection of any particular candidate, but to raise a systemic concern regarding procedural circumstances and institutional practice that may entail:

- the absence of a transparent, comparative and substantively verifiable assessment of candidates' programmes;**
- the emergence of irreparable consequences (fait accompli) due to the time-critical non-responsiveness of institutional safeguards; and**
- the risk of emptying the Ombudsman's constitutional corrective function as the national human rights institution (NHRI).**

For the sake of transparency, I note that I have already filed a constitutional complaint in Slovenia, together with a request for expedited (urgent) consideration, as—despite repeated requests—I have received no substantively adequate explanations from either the National Assembly or the Office of the President of the Republic, although standards of procedural integrity and institutional accountability (including European comparative standards and Venice Commission guidance) require that key decisions be reasoned, verifiable and comparably explained.

As each addressee in this package has a different institutional mandate, I have prepared three letters:

Slovensko besedilo (SLO)

Dopis 1 (**Evropska komisija – DG JUST**): sistemsko opozorilo v okviru mehanizma Rule of Law in temeljnih pravic,

Dopis 2 (**Evropski parlament – PETI**): peticija / sistemsko opozorilo z vidika javnega interesa in standardov učinkovitega varstva pravic v praksi,

Dopis 3 (**GANHRI – SCA**): third-party submission z vidika Pariških načel in integritete ter učinkovitosti NHRI.

Vsak dopis je strukturiran v dveh sklopih razlogov:

(A) procesni položaj kandidata in procesna praznina učinkovitega pravnega varstva, ter

(B) varovanje javne koristi – tj. funkcionalne vloge Varuha kot ustavnega korektiva, vključno z vsebinsko predstavitvijo programa “štirih stebrov”, ki je bil v postopku (po moji oceni) izključen iz primerjalne vsebinske presoje.

Prosil bi, da paket dopisov obravnavate kot zapis sistemske zaznave (systemic concern) v okviru vaše pristojnosti, in da po presoji izvedete potrebne korake za preveritev, ali postopek imenovanja NHRI v Sloveniji izpolnjuje standarde, ki zagotavljajo legitimnost, učinkovitost in institucionalno neodvisnost varuha človekovih pravic v praksi.

English (EN)

Letter 1 (**European Commission – DG JUST**): systemic notice within the Rule of Law and fundamental rights framework;

Letter 2 (**European Parliament – PETI**): **petition** / systemic notice from the perspective of the public interest and standards of effective protection of rights in practice;

Letter 3 (**GANHRI – SCA**): third-party submission in light of the Paris Principles and the integrity and effectiveness of the NHRI.

Each letter is structured in two sets of reasons:

(A) the candidate’s procedural position and the procedural vacuum of effective legal protection; and

(B) the protection of the public interest—namely, the functional role of the Ombudsman as a constitutional corrective—together with a substantive outline of the “four pillars” programme, which, in my assessment, was excluded from comparative substantive evaluation within the procedure.

I respectfully ask that you treat this package as a record of a systemic concern within your remit and, as appropriate, take the steps necessary to verify whether the NHRI appointment procedure in Slovenia meets the standards required to ensure the legitimacy, effectiveness and institutional independence of the Human Rights Ombudsman in practice.

Slovensko besedilo (SLO)

**Za morebitna dodatna pojasnila ali
dopolnitve sem na voljo.**

**S spoštovanjem, mag. Franc Derganc
Slovenija**

English (EN)

**I remain available should any further
information or clarification be required.**

**Yours faithfully, mag. Franc Derganc
Slovenia**

OSNUTEK 23.01.2026

Slovensko besedilo (SLO)

DOPIS 1: Evropska komisija (DG JUST) – sistemsko opozorilo (Rule of Law)

Slovenia – Rule of Law / Ombudsman (NHRI) appointment 2025/2026 – systemic concern

Naslovnik: Evropska komisija – Generalni direktorat za pravosodje in potrošnike (DG JUST) Mehanizem spremljanja vladavine prava / temeljnih pravic

Zadeva: Republika Slovenija – sistemsko opozorilo (Rule of Law): postopek imenovanja Varuha človekovih pravic 2025/2026, molk institucij in izključitev programa ustavnega korektiva

E: rule-of-law-network@ec.europa.eu; JUST-ACCES-DOCUMENTS@ec.europa.eu

Spoštovani,

Obračam se na Evropsko komisijo (DG JUST) kot kandidat v postopku imenovanja Varuha človekovih pravic Republike Slovenije (NHRI) v postopku 2025/2026.

Ne gre za spor o izbiri konkretne kandidatke, temveč za vprašanje, ali je bil postopek imenovanja izveden na način, ki zagotavlja vsebinsko, primerjalno in merit-

English (EN)

LETTER 1: European Commission (DG JUST) – systemic notice (Rule of Law)

Slovenia – Rule of Law / Ombudsman (NHRI) appointment 2025/2026 – systemic concern

Addressee: European Commission – Directorate-General for Justice and Consumers (DG JUST) Rule of Law / Fundamental Rights monitoring mechanism

Subject: Republic of Slovenia – systemic notice (Rule of Law): appointment procedure for the Human Rights Ombudsman 2025/2026, institutional silence, and lack of substantive assessment of the constitutional corrective programme

E: rule-of-law-network@ec.europa.eu; JUST-ACCES-DOCUMENTS@ec.europa.eu

Dear Sir or Madam,

I am addressing the European Commission (DG JUST) as a candidate in the appointment procedure for the Human Rights Ombudsman of the Republic of Slovenia (NHRI) in the 2025/2026 cycle.

This is not a dispute about the selection of a particular candidate, but rather whether the appointment procedure was conducted in a manner that ensures a

Slovensko besedilo (SLO)

based presojo kandidatur, zlasti programov kandidatov, ter s tem ohranja legitimnost institucije Varuha in standarde vladavine prava.

Da bi bilo jasno razvidno, da zadeva presega osebno okoliščino posameznega kandidata, razloge navajam v dveh sklopih: najprej tiste, ki se nanašajo na procesni položaj kandidata, nato pa tiste, ki se nanašajo na varovanje ustavne funkcije Varuha človekovih pravic kot ključne garancije proti pretiranim posegom javne oblasti.

Zaradi transparentnosti pojasnjujem, da sem na Ustavno sodišče Republike Slovenije vložil ustavno pritožbo ter vlogo za prednostno (urgentno) obravnavo.

V takšno procesno ravnanje sem bil prisiljen, ker kljub večkratnim pozivom nisem prejel nobenega vsebinsko ustreznega pojasnila ne s strani Državnega zbora ne s strani Urada predsednice republike, čeprav standardi postopkovne integritete in odgovornosti institucij – skladno z načeli evropskega ustavnopravnega prostora, vključno z Beneškimi standardi – terjajo obrazloženo, preverljivo in primerjalno pojasnitev ključnih odločitev.

English (EN)

substantive, comparative and merit-based assessment of candidacies, in particular the candidates' programmes, thereby safeguarding the legitimacy of the Ombudsman institution and Rule of Law standards.

In order to make it clear that this matter goes beyond the personal circumstances of an individual candidate, I present my concerns in two parts: first, those relating to the candidate's procedural position, and second, those relating to the protection of the constitutional function of the Human Rights Ombudsman as a key safeguard against excessive interferences by public authorities.

For the sake of transparency, I note that I have filed a constitutional complaint with the Constitutional Court of the Republic of Slovenia, together with a request for expedited (urgent) consideration.

I considered it necessary to take this procedural step because, despite repeated requests, I received no substantively adequate explanation from either the National Assembly or the Office of the President of the Republic, although standards of procedural integrity and institutional accountability—consistent with European constitutional traditions, including Venice Commission standards—require that key decisions be reasoned, verifiable and comparably explained.

Slovensko besedilo (SLO)

I.

A) Razlogi na strani kandidata (osebni pravni interes + procesna praznina)

1. Neposreden in konkreten poseg v moj položaj kandidata

Postopek imenovanja ni zagotovil vsebinske in primerjalne presoje programa kandidata, temveč je bil v praksi reduciran na kriterij "izvoljivosti", brez obrazložene primerjalne analize.

2. Fait accompli in nepopravljive posledice

Glasovanje v Državnem zboru ustvarja dokončno stanje, pri katerem naknadna pravna zaščita postane praktično neučinkovita. Gre za tipično situacijo, v kateri časovno neodzivno varstvo pomeni dejansko odsotnost varstva.

3. Odsotnost učinkovitega, pravočasnega pravnega sredstva

V obravnavani zadevi ne obstaja drugo učinkovito pravno sredstvo, saj ne gre za upravni akt ali sodno odločbo, izpodbijano ravnanje pa ima dokončne in nepopravljive učinke. Zato je bila ustavna pritožba edina razpoložljiva pot sodnega varstva.

4. Molk ključnih institucij v odločilnem časovnem oknu

Kljub vloženi ustavni pritožbi in urgencam se je oblikoval položaj, v katerem odločilni

English (EN)

I.

A) Reasons on the candidate's side (personal legal interest + procedural vacuum)

1. Direct and concrete interference with my position as a candidate

The appointment procedure did not ensure a substantive and comparative assessment of the candidate's programme; in practice it was reduced to a criterion of "electability", without a reasoned comparative analysis.

2. Fait accompli and irreparable consequences

A vote in the National Assembly creates a finalised situation in which subsequent legal protection becomes practically ineffective. This is a typical scenario where time-insensitive protection amounts to an absence of effective protection.

3. Lack of an effective and timely legal remedy

In the present matter there is no other effective legal remedy, since this is not an administrative act or a judicial decision, while the contested conduct produces final and irreparable effects. Therefore, the constitutional complaint was the only available avenue of judicial protection.

4. Silence of key institutions within the decisive timeframe

Despite the constitutional complaint and urgent requests, the situation has arisen in

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institucionalni odziv znotraj nujnega časovnega okna ni bil zagotovljen. Ta molk ni “politični argument”, temveč objektivna procesna okoliščina, ki kaže na sistemsko praznino: varstvo, ki ne reagira pravočasno, ni učinkovito varstvo.

B) Razlogi varovanja ustavnega korektiva / funkcije Varuha (javna korist + Rule of Law)

1. Varuh ni kadrovsko vprašanje – je vprašanje odnosa države do človeka

Varuh človekovih pravic je ustavni korektiv oblasti. Njegova legitimnost je odvisna od postopka imenovanja, ki mora biti transparenten, meritokratski in vsebinsko utemeljen – sicer se izprazni korektivna funkcija institucije.

2. Jedro spora je (ocena avtorja tega pisma) izključitev in ne presoja programa “štirih stebrov” – tj. sistemski premik iz reaktivnosti v preventivo, merljivost in odgovornost

V postopku imenovanja ni bila opravljena vsebinska presoja programa, ki je bil zasnovan kot celovit koncept nadgradnje varovanja človekovih pravic v RS. Program temelji na štirih medsebojno povezanih stebrih, katerih skupni cilj je prehod od pretežno reaktivnega in fragmentiranega varstva človekovih pravic k preventivnemu,

English (EN)

which a decisive institutional response within the required timeframe has not been ensured. This silence is not a “political argument”, but an objective procedural circumstance indicating a systemic vacuum: protection that does not respond in time is not effective protection.

B) Reasons for protecting the constitutional corrective function of the Ombudsman (public interest + Rule of Law)

1. The Ombudsman is not a staffing matter – it is a matter of the State’s relationship to the individual

The Human Rights Ombudsman is a constitutional corrective of public power. Its legitimacy depends on an appointment procedure that must be transparent, merit-based and substantively reasoned; otherwise, the institution’s corrective function is emptied of content.

2. The core issue (in the author’s assessment) is the exclusion—rather than the assessment—of the “four pillars” programme, i.e., a systemic shift from reactivity to prevention, measurability and accountability

The appointment procedure did not include a substantive assessment of a programme designed as a comprehensive concept to enhance human rights protection in Slovenia. The programme is based on four interlinked pillars aimed at shifting from predominantly reactive and

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merljivemu in odgovornemu delovanju države:

(1) Prvi steber: Zakon o dobri upravi (avtor mag. Franc Derganc in je del programa kandidata)

Idejni osnutek Zakona o dobri upravi, ki operacionalizira 3. člen Zakona o varuhu človekovih pravic in 41. člen Listine EU o temeljnih pravicah, z namenom zagotoviti pravočasno, razumljivo in obrazloženo odločanje organov z javnimi pooblastili ter določiti odgovornost za “neudejanjanje” človekovih pravic.

(2) Drugi steber: Zakon o sobivanju večetničnih in socialno različnih skupnosti (avtor mag. Franc Derganc in je del programa kandidata)

Steber, ki človekove pravice umešča tudi v kontekst skupnosti, jezika, socialne kohezije in medgeneracijske solidarnosti, ker se številne kršitve ne zgodijo kot neposreden poseg, temveč kot posledica sistemskih opustitev.

(3) Tretji steber: sistemska podpora osebam s posebnimi potrebami (avtor mag. Franc Derganc in je del programa kandidata)

Ureditev, ki preprečuje prelaganje bremena razdrobljenih pristojnosti države na posameznike in družine; zasnova je udejanjanje pozitivnih obveznosti države v

English (EN)

fragmented protection towards preventive, measurable and accountable State action:

(1) First pillar: Law on Good Administration (author: mag. Franc Derganc; part of the candidate's programme)

A conceptual draft of a Law on Good Administration, operationalising Article 3 of the Human Rights Ombudsman Act and Article 41 of the EU Charter of Fundamental Rights, aimed at ensuring timely, comprehensible and reasoned decision-making by bodies exercising public authority, and establishing accountability for the “non-realisation” of human rights.

(2) Second pillar: Law on Coexistence of Multi-ethnic and Socially Diverse Communities (author: mag. Franc Derganc; part of the candidate's programme)

A pillar that places human rights within the context of community, language, social cohesion and intergenerational solidarity, as many violations do not occur as a direct interference but as a consequence of systemic omissions.

(3) Third pillar: systemic support for persons with special needs (author: mag. Franc Derganc; part of the candidate's programme)

A framework preventing the transfer of the burden arising from fragmented State competences onto individuals and families; the design is aimed at

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okoljih, kjer nastajajo konflikti z večetničnih skupnostih.

(4) Četrty steber: uvedba AI Analitika javne oblasti kot systemskega orodja Varuha (avtor mag. Franc Derganc in je del programa kandidata)

Koncept "AI Varuha javne oblasti" kot analitičnega in preventivnega orodja, ki omogoča presojo delovanja vseh vej oblasti po dejanskih učinkih na človeka (outcome), ne le po formalnih aktivnosti (output).

3. Zakaj je "molk institucij" dokazno relevanten za sistem

V tej zadevi molk Državnega zbora, Predsednice republike in Ustavnega sodišča znotraj odločilnega časovnega okna objektivno kaže, da sistem ne dopušča realizacije programa, ki bi uvedel merljivost (KPI) in odgovornost javne oblasti z vidika udejanjanja človekovih pravic. To ni očitek o motivih, temveč sklep o učinku: program, ki bi posegel v "birokratsko logiko" in v praksah preprečeval rutinske posege v pravice (zlasti otrok), se systemsko ne obravnava – niti vsebinsko niti procesno.

II. Predlog / prošnja Evropski komisiji (DG JUST)

English (EN)

implementing the State's positive obligations in environments where conflicts arise within multi-ethnic communities.

(4) Fourth pillar: introduction of a Public Authority AI Analyst as a systemic tool of the Ombudsman (author: mag. Franc Derganc; part of the candidate's programme)

The concept of an "AI Ombudsman for Public Authority" as an analytical and preventive tool enabling assessment of all branches of government based on their real effects on individuals (outcomes), not merely formal activities (outputs).

3. Why the "silence of institutions" is evidentially relevant for the system

In this matter, the silence of the National Assembly, the President of the Republic and the Constitutional Court within the decisive timeframe objectively indicates that the system does not allow the realisation of a programme introducing measurability (KPIs) and accountability of public authorities in terms of the actual realisation of human rights. This is not an allegation about motives, but an inference as to effects: a programme that would intervene in "bureaucratic logic" and, in practice, prevent routine interferences with rights (especially children's rights), is not addressed systemically—neither substantively nor procedurally.

II. Proposal / request to the European Commission (DG JUST)

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Prosil bi, da Evropska komisija zadevo evidentira kot sistemsko vprašanje vladavine prava in preveri zlasti:

1. ali postopek imenovanja NHRI v Sloveniji dejansko izpolnjuje standarde transparentnosti, meritokracije in primerjalne vsebinske presoje programov kandidatov;
2. ali v Sloveniji obstaja učinkovito, pravočasno pravno sredstvo, ki prepreči nastanek nepopravljivih posledic pri takšnih postopkih;
3. ali oblikovana institucionalna praksa (molk, odsotnost vsebinske presoje) ustvarja razmere, v katerih se ustavni korektiv človekovih pravic v praksi izprazni.

S spoštovanjem, mag. Franc Derganc,
Slovenija

Prilagam prilogo, ki prikazuje analizo “AI Analitika javne oblasti” – orodja, ki ga je kandidat pripravil za kandidaturo za Varuha človekovih pravic in predstavlja del njegovega programa. Analiza prikazuje, kako bi se ravnanja držav članic EU27 v procesih odločanja na ravni EU27 bistveno spremenila, če bi se ukrepi in politike sistematično presojali z vidika dejanskega vpliva na človeka.

* **Derganc, F.** [*Vpliv Komisije EU27 \(analiza odločitev 1. 10. 2025–31. 12. 2025\) preko Vlade RS in odborov DZ na položaj človeka*](#)

English (EN)

I respectfully request that the European Commission register this matter as a systemic Rule of Law issue and examine in particular:

1. whether the NHRI appointment procedure in Slovenia in fact meets standards of transparency, meritocracy and comparative substantive assessment of candidates' programmes;
2. whether Slovenia provides an effective and timely legal remedy capable of preventing irreparable consequences in such procedures;
3. whether the emerging institutional practice (silence, lack of substantive assessment) creates conditions in which the constitutional corrective function of human rights protection is effectively emptied in practice.

Yours faithfully, mag. Franc Derganc,
Slovenia

Please find attached an annex presenting an analysis produced by the “AI Analyst of Public Authority” — a tool developed by the candidate for the Human Rights Ombudsman as an integral part of his programme. The analysis demonstrates how decision-making behaviour of the EU27 Member States at the EU level would materially change if measures and policies were systematically assessed on the basis of their real-life impact on the individual.

Derganc, F. [*The impact of the EU27 Commission \(analysis of decisions from 1*](#)

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v Sloveniji (sklop). Razprave o evropskih odločitvah se pogosto ustavijo pri vprašanih političnih usmeritev ali geopolitičnih ciljev. Manj pozornosti pa se nameni temu, kako se te odločitve proceduralno in vsebinsko pretvorijo v obveznosti za ljudi v državah članicah. Prav v tem prehodu se skriva ključno vprašanje ustavne odgovornosti. (Eng)

English (EN)

October 2025 to 31 December 2025), via the Government of the Republic of Slovenia and the committees of the National Assembly, on the position of the human being in Slovenia (section). Discussions on European decisions often stop at the level of political orientations or geopolitical objectives. Far less attention is paid to how these decisions are procedurally and substantively translated into obligations for people in the Member States. It is precisely in this transition that the key question of constitutional responsibility lies.

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DOPIS 2: Evropski parlament (PETI) – PETICIJA / SISTEMSKO OPOZORILO

Republika Slovenija – peticija / postopek imenovanja Varuha človekovih pravic (NHRI) 2025/2026 – sistemsko opozorilo

Naslovnik: Evropski parlament – Odbor za peticije (PETI)

E: peti-secretariat@europarl.europa.eu

(oddaja je možna tudi preko portala PETI, dopis pa priložiš kot PDF)

Zadeva: Peticija – Republika Slovenija: postopek imenovanja Varuha človekovih pravic 2025/2026, institucionalni molk in tveganje izpraznitve ustavne korektivne funkcije NHRI

Spoštovani,

Obračam se na Evropski parlament, Odbor za peticije (PETI), kot kandidat v postopku imenovanja Varuha človekovih pravic Republike Slovenije (NHRI) v postopku 2025/2026.

Ne gre za spor o izbiri konkretne kandidatke ali kandidata, temveč za vprašanje, ali je bil postopek imenovanja izveden tako, da zagotavlja transparentno, primerjalno, vsebinsko in merit-based presojo kandidatur, zlasti programov kandidatov, in s tem varuje legitimnost institucije Varuha

English (EN)

LETTER 2: European Parliament (PETI) – PETITION / SYSTEMIC NOTICE

Slovenia – Petition / Ombudsman (NHRI) appointment 2025/2026 – systemic concern

Addressee: European Parliament – Committee on Petitions (PETI)

E: peti-secretariat@europarl.europa.eu

(submission is also possible via the PETI portal; the letter may be attached as a PDF)

Subject: Petition – Republic of Slovenia: appointment procedure for the Human Rights Ombudsman 2025/2026, institutional silence, and the risk of emptying the NHRI's constitutional corrective function

Dear Sir or Madam,

I am addressing the European Parliament, Committee on Petitions (PETI), as a candidate in the appointment procedure for the Human Rights Ombudsman of the Republic of Slovenia (NHRI) in the 2025/2026 cycle.

This is not a dispute about the selection of a particular candidate, but rather whether the appointment procedure was conducted in a way that ensures a transparent, comparative, substantive and merit-based assessment of candidacies—especially the candidates' programmes—

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ter standarde vladavine prava v državi članici EU.

Da bi bilo jasno razvidno, da zadeva presega osebno okoliščino posameznega kandidata, razloge navajam v dveh sklopih: najprej tiste, ki se nanašajo na procesni položaj kandidata, nato pa tiste, ki se nanašajo na varovanje ustavne funkcije Varuha človekovih pravic kot ključne garancije proti pretiranim posegom javne oblasti.

Zaradi transparentnosti pojasnjujem, da sem na Ustavno sodišče Republike Slovenije vložil ustavno pritožbo ter vlogo za prednostno (urgentno) obravnavo.

V takšno procesno ravnanje sem bil prisiljen, ker kljub večkratnim pozivom nisem prejel nobenega vsebinsko ustreznega pojasnila ne s strani Državnega zbora ne s strani Urada predsednice republike, čeprav standardi postopkovne integritete in odgovornosti institucij – skladno z načeli evropskega ustavnopravnega prostora, vključno z Beneškimi standardi – terjajo obrazloženo, preverljivo in primerjalno pojasnitev ključnih odločitev.

I.

A) Razlogi na strani kandidata (osebni pravni interes + procesna praznina)

English (EN)

thereby safeguarding the legitimacy of the Ombudsman institution and Rule of Law standards in an EU Member State.

In order to make it clear that this matter goes beyond the personal circumstances of an individual candidate, I present my concerns in two parts: first, those relating to the candidate's procedural position, and second, those relating to the protection of the constitutional function of the Human Rights Ombudsman as a key safeguard against excessive interferences by public authorities.

For the sake of transparency, I note that I have filed a constitutional complaint with the Constitutional Court of the Republic of Slovenia, together with a request for expedited (urgent) consideration.

I considered it necessary to take this procedural step because, despite repeated requests, I received no substantively adequate explanation from either the National Assembly or the Office of the President of the Republic, although standards of procedural integrity and institutional accountability—consistent with European constitutional traditions, including Venice Commission standards—require that key decisions be reasoned, verifiable and comparably explained.

I.

A) Reasons on the candidate's side (personal legal interest + procedural vacuum)

Slovensko besedilo (SLO)

1. Neposreden in konkreten poseg v moj položaj kandidata

Postopek imenovanja ni zagotovil vsebinske in primerjalne presoje programa kandidata, temveč je bil v praksi reduciran na kriterij "izvoljivosti", brez obrazložene primerjalne analize, ki bi bila preverljiva in transparentna.

2. Fait accompli in nepopravljive posledice

Glasovanje v Državnem zboru ustvarja dokončno stanje, pri katerem naknadna pravna zaščita postane praktično neučinkovita. Gre za tipično situacijo, v kateri časovno neodzivno varstvo pomeni dejansko odsotnost varstva.

3. Odsotnost učinkovitega, pravočasnega pravnega sredstva

V obravnavani zadevi ne obstaja drugo učinkovito pravno sredstvo, saj ne gre za upravni akt ali sodno odločbo, izpodbijano ravnanje pa ima dokončne in nepopravljive učinke. Zato je bila ustavna pritožba edina razpoložljiva pot sodnega varstva.

4. Molk ključnih institucij v odločilnem časovnem oknu

Kljub vloženi ustavni pritožbi in urgencam se je oblikoval položaj, v katerem odločilni institucionalni odziv znotraj nujnega časovnega okna ni bil zagotovljen. Ta molk ni politični argument, temveč objektivna procesna okoliščina, ki kaže na sistemsko

English (EN)

1. Direct and concrete interference with my position as a candidate

The appointment procedure did not ensure a substantive and comparative assessment of the candidate's programme; in practice it was reduced to a criterion of "electability", without a reasoned comparative analysis that would be verifiable and transparent.

2. Fait accompli and irreparable consequences

A vote in the National Assembly creates a finalised situation in which subsequent legal protection becomes practically ineffective. This is a typical scenario where time-insensitive protection amounts to an absence of effective protection.

3. Lack of an effective and timely legal remedy

In the present matter there is no other effective legal remedy, since this is not an administrative act or a judicial decision, while the contested conduct produces final and irreparable effects. Therefore, the constitutional complaint was the only available avenue of judicial protection.

4. Silence of key institutions within the decisive timeframe

Despite the constitutional complaint and urgent requests, the situation has arisen in which a decisive institutional response within the required timeframe has not been ensured. This silence is not a political argument, but an objective procedural

Slovensko besedilo (SLO)

praznino: varstvo, ki ne reagira pravočasno, ni učinkovito varstvo.

B) Razlogi varovanja ustavnega korektiva / funkcije Varuha (javna korist + evropska dimenzija)

1. Varuh ni kadrovsko vprašanje – je vprašanje učinkovitosti pravic v praksi

Varuh človekovih pravic je ustavni korektiv oblasti in nacionalna institucija za človekove pravice (NHRI). Če postopek imenovanja ni transparenten, primerjalno vsebinsko utemeljen in preverljiv, se izprazni korektivna funkcija institucije in zmanjšuje zaupanje javnosti v varovanje človekovih pravic.

2. Jedro spora je (ocena avtorja te peticije) izključitev in ne presoja programa “štirih stebrov”

V postopku imenovanja ni bila opravljena vsebinska presoja programa, ki je bil zasnovan kot celovit koncept nadgradnje varovanja človekovih pravic v Republiki Sloveniji. Program temelji na štirih medsebojno povezanih stebrih, katerih skupni cilj je prehod od pretežno reaktivnega in fragmentiranega varstva človekovih pravic k preventivnemu, merljivemu in odgovornemu delovanju države:

English (EN)

circumstance indicating a systemic vacuum: protection that does not respond in time is not effective protection.

B) Reasons for protecting the constitutional corrective function of the Ombudsman (public interest + European dimension)

1. The Ombudsman is not a staffing matter – it is a question of the practical effectiveness of rights

The Human Rights Ombudsman is a constitutional corrective of public power and the national human rights institution (NHRI). If the appointment procedure is not transparent, comparably substantiated and verifiable, the institution's corrective function is emptied of content and public trust in human rights protection is diminished.

2. The core issue (in the petitioner's assessment) is the exclusion—rather than the assessment—of the “four pillars” programme

The appointment procedure did not include a substantive assessment of a programme designed as a comprehensive concept to enhance human rights protection in the Republic of Slovenia. The programme is based on four interlinked pillars aimed at shifting from predominantly reactive and fragmented protection towards preventive, measurable and accountable State action:

Slovensko besedilo (SLO)

(1) Prvi steber: Zakon o dobri upravi (avtor mag. Franc Derganc in je del programa kandidata)

Idejni osnutek Zakona o dobri upravi, ki operacionalizira 3. člen Zakona o varuhu človekovih pravic in 41. člen Listine EU o temeljnih pravicah, z namenom zagotoviti pravočasno, razumljivo in obrazloženo odločanje organov z javnimi pooblastili ter določiti odgovornost za “neudejanjanje” človekovih pravic.

(2) Drugi steber: Zakon o sobivanju večetničnih in socialno različnih skupnosti (avtor mag. Franc Derganc in je del programa kandidata)

Steber, ki človekove pravice umešča tudi v kontekst skupnosti, jezika, socialne kohezije in medgeneracijske solidarnosti, ker se številne kršitve ne zgodijo kot neposreden poseg, temveč kot posledica sistemskih opustitev.

(3) Tretji steber: sistemska podpora osebam s posebnimi potrebami (avtor mag. Franc Derganc in je del programa kandidata)

Ureditev, ki preprečuje prelaganje bremena razdrobljenih pristojnosti države na posameznike in družine; zasnova je udejanjanje pozitivnih obveznosti države v okoljih, kjer nastajajo konflikti v večetničnih skupnostih.

English (EN)

(1) First pillar: Law on Good Administration (author: mag. Franc Derganc; part of the candidate's programme)

A conceptual draft of a Law on Good Administration, operationalising Article 3 of the Human Rights Ombudsman Act and Article 41 of the EU Charter of Fundamental Rights, aimed at ensuring timely, comprehensible and reasoned decision-making by bodies exercising public authority, and establishing accountability for the “non-realisation” of human rights.

(2) Second pillar: Law on Coexistence of Multi-ethnic and Socially Diverse Communities (author: mag. Franc Derganc; part of the candidate's programme)

A pillar that places human rights within the context of community, language, social cohesion and intergenerational solidarity, as many violations do not occur as a direct interference but as a consequence of systemic omissions.

(3) Third pillar: systemic support for persons with special needs (author: mag. Franc Derganc; part of the candidate's programme)

A framework preventing the transfer of the burden arising from fragmented State competences onto individuals and families; the design is aimed at implementing the State's positive obligations in environments where

Slovensko besedilo (SLO)

(4) Četrty steber: uvedba AI Analitika javne oblasti kot systemskega orodja Varuha (avtor mag. Franc Derganc in je del programa kandidata)

Koncept "AI Varuha javne oblasti" kot analitičnega in preventivnega orodja, ki omogoča presojo delovanja vseh vej oblasti po dejanskih učinkih na človeka (outcome), ne le po formalnih aktivnostih (output).

3. Zakaj je "molk institucij" dokazno relevanten za sistem (evropski vidik)

V tej zadevi molk Državnega zbora, Predsednice republike in Ustavnega sodišča znotraj odločilnega časovnega okna objektivno kaže, da sistem ne dopušča realizacije programa, ki bi uvedel merljivost (KPI) in odgovornost javne oblasti z vidika udejanjanja človekovih pravic. To ni očitek o motivih, temveč sklep o učinku: program, ki bi posegel v "birokratsko logiko" in v praksah preprečeval rutinske posege v pravice (zlasti otrok), se sistemsko ne obravnava – niti vsebinsko niti procesno.

II. Predlog / prošnja Evropskemu parlamentu (PETI)

English (EN)

conflicts arise within multi-ethnic communities.

(4) Fourth pillar: introduction of a Public Authority AI Analyst as a systemic tool of the Ombudsman (author: mag. Franc Derganc; part of the candidate's programme)

The concept of an "AI Ombudsman for Public Authority" as an analytical and preventive tool enabling assessment of all branches of government based on their real effects on individuals (outcomes), not merely formal activities (outputs).

3. Why the "silence of institutions" is evidentially relevant for the system (European perspective)

In this matter, the silence of the National Assembly, the President of the Republic and the Constitutional Court within the decisive timeframe objectively indicates that the system does not allow the realisation of a programme introducing measurability (KPIs) and accountability of public authorities in terms of the actual realisation of human rights. This is not an allegation about motives, but an inference as to effects: a programme that would intervene in "bureaucratic logic" and, in practice, prevent routine interferences with rights (especially children's rights), is not addressed systemically—neither substantively nor procedurally.

II. Proposal / request to the European Parliament (PETI)

Slovensko besedilo (SLO)

Prosil bi, da Odbor za peticije Evropskega parlamenta:

1. evidentira peticijo kot vprašanje sistemske integritete postopka imenovanja nacionalne institucije za človekove pravice (NHRI) v državi članici EU;
2. zahteva pojasnila o standardih transparentnosti in primerjalne vsebinske presoje programov kandidatov v postopku imenovanja Varuha človekovih pravic v Sloveniji;
3. preveri, ali v Republiki Sloveniji obstaja učinkovito, pravočasno pravno sredstvo, ki prepreči nastanek nepopravljivih posledic pri takšnih postopkih (fait accompli);
4. pozove Evropsko komisijo, da se do zadeve opredeli v okviru mehanizma vladavine prava in standardov učinkovitega varstva temeljnih pravic v praksi.

S spoštovanjem, mag. Franc Derganc
Slovenija

Prilagam priložo, ki prikazuje analizo "AI Analitika javne oblasti" – orodja, ki ga je kandidat pripravil za kandidaturo za Varuha človekovih pravic in predstavlja del njegovega programa. Analiza prikazuje, kako bi se ravnanja držav članic EU27 v procesih odločanja na ravni EU27 bistveno spremenila, če bi se ukrepi in politike sistematično presojali z vidika dejanskega vpliva na človeka.

* **Derganc, F.** [*Vpliv Komisije EU27 \(analiza odločitev 1. 10. 2025–31. 12. 2025\) preko*](#)

English (EN)

I respectfully request that the European Parliament Committee on Petitions:

1. register this petition as an issue of systemic integrity of the appointment procedure for a national human rights institution (NHRI) in an EU Member State;
2. request clarifications on standards of transparency and comparative substantive assessment of candidates' programmes in the appointment procedure for the Human Rights Ombudsman in Slovenia;
3. examine whether the Republic of Slovenia provides an effective and timely legal remedy capable of preventing irreparable consequences in such procedures (fait accompli);
4. invite the European Commission to assess the matter within the Rule of Law mechanism and standards of effective protection of fundamental rights in practice.

Yours faithfully, mag. Franc Derganc
Slovenia

Please find attached an annex presenting an analysis produced by the "AI Analyst of Public Authority" — a tool developed by the candidate for the Human Rights Ombudsman as an integral part of his programme. The analysis demonstrates how decision-making behaviour of the EU27 Member States at the EU level would materially change if measures and policies were systematically assessed on the basis of their real-life impact on the individual.

Slovensko besedilo (SLO)

Vlade RS in odborov DZ na položaj človeka v Sloveniji (sklop). Razprave o evropskih odločitvah se pogosto ustavijo pri vprašanjih političnih usmeritev ali geopolitičnih ciljev. Manj pozornosti pa se nameni temu, kako se te odločitve proceduralno in vsebinsko pretvorijo v obveznosti za ljudi v državah članicah. Prav v tem prehodu se skriva ključno vprašanje ustavne odgovornosti. ([Eng](#))

English (EN)

Derganc, F. *The impact of the EU27 Commission (analysis of decisions from 1 October 2025 to 31 December 2025), via the Government of the Republic of Slovenia and the committees of the National Assembly, on the position of the human being in Slovenia (section)*. Discussions on European decisions often stop at the level of political orientations or geopolitical objectives. Far less attention is paid to how these decisions are procedurally and substantively translated into obligations for people in the Member States. It is precisely in this transition that the key question of constitutional responsibility lies.

Slovensko besedilo (SLO)

DOPIS 3: GANHRI – SCA
(third-party submission /
sistemsko opozorilo)

Slovenija – imenovanje NHRI (Varuha človekovih pravic) 2025/2026 – zaskrbljenost glede integritete in učinkovitosti

Naslovnik: GANHRI – Sub-Committee on Accreditation (SCA) (prek Sekretariata OHCHR)

E: ohchr-scasetariat@un.org

Zadeva: Tretja oseba – sistemsko opozorilo: Republika Slovenija (NHRI – Varuh človekovih pravic) – postopek imenovanja 2025/2026, institucionalni molk in tveganje izpraznitve korektivne funkcije Varuha v luči Pariških načel

Spoštovani,

Obračam se na Pododbor za akreditacije GANHRI (SCA) kot kandidat v postopku imenovanja Varuha človekovih pravic Republike Slovenije (NHRI) v postopku 2025/2026.

To obvestilo ni usmerjeno v presojo katerekoli osebe ali kandidatke/kandidata.

Namenjeno je izključno opozorilu na sistemske značilnosti postopka imenovanja, ki lahko neposredno vplivajo na percepcijo legitimnosti, učinkovitosti in neodvisnosti

English (EN)

LETTER 3: GANHRI – SCA
(third-party submission /
systemic notice)

Slovenia – NHRI (Human Rights Ombudsman) appointment 2025/2026 – integrity and effectiveness concern

Addressee: GANHRI – Sub-Committee on Accreditation (SCA) (via the OHCHR Secretariat)

E: ohchr-scasetariat@un.org

Subject: Third-party submission – systemic notice: Republic of Slovenia (NHRI – Human Rights Ombudsman) – appointment procedure 2025/2026, institutional silence, and the risk of emptying the Ombudsman's corrective function in light of the Paris Principles

Dear Sir or Madam,

I am addressing the GANHRI Sub-Committee on Accreditation (SCA) as a candidate in the appointment procedure for the Human Rights Ombudsman of the Republic of Slovenia (NHRI) in the 2025/2026 cycle.

This submission is not directed at the assessment of any individual person or candidate.

Its sole purpose is to highlight systemic features of the appointment procedure that may directly affect the perception of the legitimacy, effectiveness and

Slovensko besedilo (SLO)

slovenske NHRI ter na njeno sposobnost izvajanja mandata v skladu s Pariškimi načeli.

Da bi bilo jasno razvidno, da zadeva presega osebno okoliščino posameznega kandidata, razloge navajam v dveh sklopih: najprej tiste, ki se nanašajo na procesni položaj kandidata in procesno integriteto postopka imenovanja, nato pa tiste, ki se nanašajo na varovanje funkcionalne vloge Varuha človekovih pravic kot ustavnega korektiva javne oblasti.

Zaradi transparentnosti pojasnjujem, da sem na Ustavno sodišče Republike Slovenije vložil ustavno pritožbo ter vlogo za prednostno (urgentno) obravnavo.

V takšno procesno ravnanje sem bil prisiljen, ker kljub večkratnim pozivom nisem prejel nobenega vsebinsko ustreznega pojasnila ne s strani Državnega zbora ne s strani Urada predsednice republike, čeprav standardi postopkovne integritete in odgovornosti institucij – skladno z načeli evropskega ustavnopravnega prostora, vključno z Beneškimi standardi – terjajo obrazloženo, preverljivo in primerjalno pojasnitev ključnih odločitev.

I.

English (EN)

independence of Slovenia's NHRI and its ability to carry out its mandate in accordance with the Paris Principles.

In order to make it clear that the matter goes beyond the personal circumstances of an individual candidate, I present my concerns in two parts: first, those relating to the candidate's procedural position and the procedural integrity of the appointment process; and second, those relating to the protection of the functional role of the Human Rights Ombudsman as a constitutional corrective of public authority.

For the sake of transparency, I note that I have filed a constitutional complaint with the Constitutional Court of the Republic of Slovenia, together with a request for expedited (urgent) consideration.

I considered it necessary to take this procedural step because, despite repeated requests, I received no substantively adequate explanation from either the National Assembly or the Office of the President of the Republic, although standards of procedural integrity and institutional accountability—consistent with European constitutional traditions, including Venice Commission standards—require that key decisions be reasoned, verifiable and comparably explained.

I.

Slovensko besedilo (SLO)

A) Razlogi na strani kandidata (osebni pravni interes + procesna praznina)

1. Neposreden in konkreten poseg v moj položaj kandidata

Postopek imenovanja ni zagotovil vsebinske in primerjalne presoje programa kandidata, temveč je bil v praksi reduciran na kriterij "izvoljivosti", brez obrazložene primerjalne analize, ki bi bila preverljiva in transparentna.

2. Fait accompli in nepopravljive posledice

Glasovanje v Državnem zboru ustvarja dokončno stanje, pri katerem naknadna pravna zaščita postane praktično neučinkovita. Gre za tipično situacijo, v kateri časovno neodzivno varstvo pomeni dejansko odsotnost varstva.

3. Odsotnost učinkovitega, pravočasnega pravnega sredstva

V obravnavani zadevi ne obstaja drugo učinkovito pravno sredstvo, saj ne gre za upravni akt ali sodno odločbo, izpodbijano ravnanje pa ima dokončne in nepopravljive učinke. Zato je bila ustavna pritožba edina razpoložljiva pot sodnega varstva.

4. Molk ključnih institucij v odločilnem časovnem oknu

Kljub vloženi ustavni pritožbi in urgencam se je oblikoval položaj, v katerem odločilni

English (EN)

A) Reasons on the candidate's side (personal legal interest + procedural vacuum)

1. Direct and concrete interference with my position as a candidate

The appointment procedure did not ensure a substantive and comparative assessment of the candidate's programme; in practice it was reduced to a criterion of "electability", without a reasoned comparative analysis that would be verifiable and transparent.

2. Fait accompli and irreparable consequences

A vote in the National Assembly creates a finalised situation in which subsequent legal protection becomes practically ineffective. This is a typical scenario where time-insensitive protection amounts to an absence of effective protection.

3. Lack of an effective and timely legal remedy

In the present matter there is no other effective legal remedy, since this is not an administrative act or a judicial decision, while the contested conduct produces final and irreparable effects. Therefore, the constitutional complaint was the only available avenue of judicial protection.

4. Silence of key institutions within the decisive timeframe

Despite the constitutional complaint and urgent requests, the situation has arisen

Slovensko besedilo (SLO)

institucionalni odziv znotraj nujnega časovnega okna ni bil zagotovljen. Ta molk ni politični argument, temveč objektivna procesna okoliščina, ki kaže na sistemsko praznino: varstvo, ki ne reagira pravočasno, ni učinkovito varstvo.

B) Razlogi varovanja funkcije NHRI po Pariških načelih (javna korist + institucionalna učinkovitost)

1. Varuh kot NHRI mora biti učinkovit ustavni korektiv, ne zgolj simbolna institucija

Osnovni namen NHRI je, da deluje kot dejanski, vsebinsko učinkovit korektiv javne oblasti, posebej v primerih, ko sistemske in birokratske rutine ustvarjajo ponavljajoče se posege v pravice posameznikov. Če se postopek imenovanja izvaja brez transparentne, preverljive in primerjalne vsebinske presoje, se zmanjšuje legitimnost NHRI in njena sposobnost učinkovitega delovanja.

2. Jedro spora je (ocena avtorja tega obvestila) izključitev in ne presoja programa "štirih stebrov"

V postopku imenovanja ni bila opravljena vsebinska presoja programa, ki je bil zasnovan kot celovit koncept nadgradnje varovanja človekovih pravic v RS. Program temelji na štirih medsebojno povezanih stebrih, katerih skupni cilj je prehod od

English (EN)

in which a decisive institutional response within the required timeframe has not been ensured. This silence is not a political argument, but an objective procedural circumstance indicating a systemic vacuum: protection that does not respond in time is not effective protection.

B) Reasons for protecting the NHRI function under the Paris Principles (public interest + institutional effectiveness)

1. The Ombudsman as an NHRI must be an effective constitutional corrective, not merely a symbolic institution

The core purpose of an NHRI is to function as a real and substantively effective corrective of public authority, particularly where systemic and bureaucratic routines generate recurring interferences with individuals' rights. If the appointment procedure is conducted without transparent, verifiable and comparative substantive assessment, the legitimacy of the NHRI and its capacity to act effectively are diminished.

2. The core issue (in the author's assessment) is the exclusion—rather than the assessment—of the "four pillars" programme

The appointment procedure did not include a substantive assessment of a programme designed as a comprehensive concept to enhance human rights protection in Slovenia. The programme is based on four interlinked pillars aimed at

Slovensko besedilo (SLO)

pretežno reaktivnega in fragmentiranega varstva človekovih pravic k preventivnemu, merljivemu in odgovornemu delovanju države:

(1) Prvi steber: Zakon o dobri upravi (avtor mag. Franc Derganc in je del programa kandidata)

Idejni osnutek Zakona o dobri upravi, ki operacionalizira 3. člen Zakona o varuhu človekovih pravic in 41. člen Listine EU o temeljnih pravicah, z namenom zagotoviti pravočasno, razumljivo in obrazloženo odločanje organov z javnimi pooblastili ter določiti odgovornost za "neudejanjanje" človekovih pravic.

(2) Drugi steber: Zakon o sobivanju večetničnih in socialno različnih skupnosti (avtor mag. Franc Derganc in je del programa kandidata)

Steber, ki človekove pravice umešča tudi v kontekst skupnosti, jezika, socialne kohezije in medgeneracijske solidarnosti, ker se številne kršitve ne zgodijo kot neposreden poseg, temveč kot posledica sistemskih opustitev.

(3) Tretji steber: sistemska podpora osebam s posebnimi potrebami (avtor mag. Franc Derganc in je del programa kandidata)

Ureditev, ki preprečuje prelaganje bremena razdrobljenih pristojnosti države na

English (EN)

shifting from predominantly reactive and fragmented protection towards preventive, measurable and accountable State action:

(1) First pillar: Law on Good Administration (author: mag. Franc Derganc; part of the candidate's programme)

A conceptual draft of a Law on Good Administration, operationalising Article 3 of the Human Rights Ombudsman Act and Article 41 of the EU Charter of Fundamental Rights, aimed at ensuring timely, comprehensible and reasoned decision-making by bodies exercising public authority, and establishing accountability for the "non-realisation" of human rights.

(2) Second pillar: Law on Coexistence of Multi-ethnic and Socially Diverse Communities (author: mag. Franc Derganc; part of the candidate's programme)

A pillar that places human rights within the context of community, language, social cohesion and intergenerational solidarity, as many violations do not occur as a direct interference but as a consequence of systemic omissions.

(3) Third pillar: systemic support for persons with special needs (author: mag. Franc Derganc; part of the candidate's programme)

A framework preventing the transfer of the burden arising from fragmented State

Slovensko besedilo (SLO)

posameznike in družine; zasnova je udejanjanje pozitivnih obveznosti države v okoljih, kjer nastajajo konflikti v večetničnih skupnostih.

(4) Četrty steber: uvedba AI Analitika javne oblasti kot systemskega orodja Varuha (avtor mag. Franc Derganc in je del programa kandidata)

Koncept "AI Varuha javne oblasti" kot analitičnega in preventivnega orodja, ki omogoča presojo delovanja vseh vej oblasti po dejanskih učinkih na človeka (outcome), ne le po formalnih aktivnostih (output).

3. Zakaj je institucionalni molk dokazno relevanten za sistem (z vidika Pariških načel)

Molk Državnega zbora, Predsednice republike in Ustavnega sodišča v odločilnem časovnem oknu objektivno kaže, da sistem ne dopušča realizacije programa, ki bi uvedel merljivost (KPI) in odgovornost javne oblasti z vidika udejanjanja človekovih pravic. To ni očitek o motivih, temveč sklep o učinku: program, ki bi posegel v "birokratsko logiko" in v praksah preprečeval rutinske posege v pravice (zlasti pravice otrok), se systemsko ne obravnava – niti vsebinsko niti procesno.

English (EN)

competences onto individuals and families; the design is aimed at implementing the State's positive obligations in environments where conflicts arise within multi-ethnic communities.

(4) Fourth pillar: introduction of a Public Authority AI Analyst as a systemic tool of the Ombudsman (author: mag. Franc Derganc; part of the candidate's programme)

The concept of an "AI Ombudsman for Public Authority" as an analytical and preventive tool enabling assessment of all branches of government based on their real effects on individuals (outcomes), not merely formal activities (outputs).

3. Why institutional silence is evidentially relevant for the system (in light of the Paris Principles)

The silence of the National Assembly, the President of the Republic and the Constitutional Court within the decisive timeframe objectively indicates that the system does not allow the realisation of a programme introducing measurability (KPIs) and accountability of public authorities in terms of the actual realisation of human rights. This is not an allegation about motives, but an inference as to effects: a programme that would intervene in "bureaucratic logic" and, in practice, prevent routine interferences with rights (especially children's rights), is not addressed

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systemically—neither substantively nor procedurally.

II. Predlog / prošnja SCA (GANHRI)

II. Proposal / request to the SCA (GANHRI)

Prosil bi, da SCA to obvestilo evidentira kot informacijo, relevantno za presojo skladnosti slovenske NHRI s Pariškimi načeli, ter po potrebi:

I respectfully request that the SCA register this submission as information relevant to assessing the compliance of Slovenia's NHRI with the Paris Principles and, where appropriate:

1. zahteva pojasnila o standardih transparentnosti, preverljivosti in primerjalne vsebinske presoje programov kandidatov v postopku imenovanja Varuha človekovih pravic v Sloveniji;

1. request clarifications regarding standards of transparency, verifiability and comparative substantive assessment of candidates' programmes in the appointment procedure for the Human Rights Ombudsman in Slovenia;

2. preveri, ali obstajajo procesne varovalke, ki preprečijo nastanek nepopravljivih posledic (fait accompli) in s tem varujejo legitimnost NHRI;

2. examine whether procedural safeguards exist that prevent irreparable consequences (fait accompli) and thereby protect the legitimacy of the NHRI;

3. oceni, ali institucionalna praksa (molč, odsotnost vsebinske presoje) ustvarja razmere, v katerih se korektivna funkcija NHRI v praksi izprazni.

3. assess whether the emerging institutional practice (silence, lack of substantive assessment) creates conditions in which the corrective function of the NHRI is effectively emptied in practice.

Priloge

Attachments

S spoštovanjem, mag. Franc Derganc
Slovenija [kontakt] [datum]

Yours faithfully, mag. Franc Derganc
Slovenia [contact] [date]

Prilagam priložo, ki prikazuje analizo "AI Analitika javne oblasti" – orodja, ki ga je kandidat pripravil za kandidaturo za Varuha

Please find attached an annex presenting an analysis produced by the "AI Analyst of Public Authority" — a tool

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človekovih pravic in predstavlja del njegovega programa. Analiza prikazuje, kako bi se ravnanja držav članic EU27 v procesih odločanja na ravni EU27 bistveno spremenila, če bi se ukrepi in politike sistematično presojali z vidika dejanskega vpliva na človeka.

* **Derganc, F.** [Vpliv Komisije EU27 \(analiza odločitev 1. 10. 2025–31. 12. 2025\) preko Vlade RS in odborov DZ na položaj človeka v Sloveniji \(sklop\).](#) Razprave o evropskih odločitvah se pogosto ustavijo pri vprašanjih političnih usmeritev ali geopolitičnih ciljev. Manj pozornosti pa se nameni temu, kako se te odločitve proceduralno in vsebinsko pretvorijo v obveznosti za ljudi v državah članicah. Prav v tem prehodu se skriva ključno vprašanje ustavne odgovornosti.
([Eng](#))

English (EN)

developed by the candidate for the Human Rights Ombudsman as an integral part of his programme. The analysis demonstrates how decision-making behaviour of the EU27 Member States at the EU level would materially change if measures and policies were systematically assessed on the basis of their real-life impact on the individual.

Derganc, F. [The impact of the EU27 Commission \(analysis of decisions from 1 October 2025 to 31 December 2025\), via the Government of the Republic of Slovenia and the committees of the National Assembly, on the position of the human being in Slovenia \(section\).](#)

Discussions on European decisions often stop at the level of political orientations or geopolitical objectives. Far less attention is paid to how these decisions are procedurally and substantively translated into obligations for people in the Member States. It is precisely in this transition that the key question of constitutional responsibility lies.