



CPT/Inf (2010) 2

Response

**of the Government of the Slovak Republic
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to the Slovak Republic**

from 24 March to 2 April 2009

The Government of the Slovak Republic has requested the publication of this response. The report of the CPT on its visit to the Slovak Republic is set out in document CPT/Inf (2010) 1.

Strasbourg, 11 February 2010

Response of the Government of the Slovak Republic to the Report to the Government of the Slovak Republic on the visit of the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

A. – POLICE

Ad paragraph 6 – The Committee would also recall that, under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, visiting delegations must receive complete information about all places of deprivation of liberty, including facilities where persons are held even for short periods of time and may not be formally placed in a cell. By way of example, the delegation visited a facility for the temporary placement of aliens at the border at Vyšné Nemecké, which was not indicated on the list of establishments provided by the Slovak authorities.

The CPT trusts that, in future, the lists of establishments provided to its visiting delegations will include all places where persons may be deprived of their liberty by a public authority.

With respect to the aforementioned CPT recommendation, we would like to provide an explanation to the finding in question. Pursuant to Articles 8 and 2 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention“), and simultaneously within the intention of the letter of the Minister of Justice of the Slovak Republic No. 25452/2008-8202-BK, dated 17 December 2008, sent to the attention of the Minister of the Interior of the Slovak Republic, the CPT liaison representatives of the Ministry of the Interior updated the list of establishments where the persons deprived of their personal liberty in compliance with the Government authority decision are placed. The aforementioned list comprised the enumeration of establishments for the persons by virtue of Section 42 of the Act No. 171/1993 on the Police Force, and the establishments for aliens who are detained pursuant to Section 62 par. 1 of the Act of the National Council of the Slovak Republic No. 48/2002 Coll. on Stay of Aliens and on Modification of and Amendment to Certain Acts (hereinafter referred to as „the Act on Stay of Aliens“). The list was provided to the CPT via a letter of the Minister of the Interior of the Slovak Republic sent to the Ministry of Justice of the Slovak Republic that is the CPT subject-matter administrator for the Slovak Republic, sub ref. No.: PPZ-7-11/OKS-2009, dated 13 January 2009, within the framework of the preparatory work of the Slovak Republic for the 4th periodical visit of the CPT to the Slovak Republic envisaged to be held from 24 March 2009 till 2 April 2009.

On 23 March 2009, the meeting of the CPT liaison officers of the respective ministries with the CPT delegation was held where, in connection with the places falling within the CPT jurisdiction by virtue of Art. 2 of the Convention, it was raised the requirement to be met by the CPT liaison officers of the Ministry of the Interior of the Slovak Republic to provide not only the list of establishments where the persons deprived of their personal liberty are placed on the basis of the „formal“ decision rendered by the state authorities, but also the list of facilities to which the persons may be brought by the Police Force pursuant to the relevant provisions of the Act No. 171/1993 on the Police Force. As a consequence, the previously mentioned list was completed to include, with respect to the Border and Alien Police Service, also all departments of the Alien Police of the Police Force and all departments of the Border Control of the Police Force. Within the section Addresses and Telephone Numbers of the Low-level Units, subpar. c) Border Crossing Points, the road border crossing point of Vyšné Nemecké was also listed, as one of the low-level units of the Border and Alien Police of the Ministry of the Interior of the Slovak Republic, where the persons who have been brought to pursuant to the Act No. 171/1993 on Police Force may occur, exactly in accordance with the requirement raised by the CPT. This supplemented list, together with additional information concerning the Police Detention Centres for Aliens in Medved'ov and Sečovce (hereinafter referred to as „the PDCA“), was handed over by the CPT liaison representative of the Ministry of the Interior of the Slovak Republic to the CPT delegation during the meeting at the Ministry of the Interior of the Slovak Republic held on 24 March 2009.

At the same time, we state that on the occasion of further periodic visit of the CPT to the Slovak Republic, there will be drawn up the list that will include not only the establishments where the persons deprived of their personal liberty in compliance with the formal decision of the Government authority are placed, but also the establishments falling within the wider conception applied by the CPT.

Ad paragraph 12 – *The CPT recommends that the Slovak authorities take due account of the above remarks in their guidance on the use of electro-shock weapons. Further, the Committee would like to receive detailed information on the policy and regulations concerned, the selection and training of police officers involved, and the reporting and monitoring procedures put in place, as well as statistics on the use of such weapons since their introduction.*

In consideration of the information and recommendations addressed to the Slovak Republic under the paragraph in question, it is necessary to state that the option to use the given coercive measure is set forth under the provision of Section 50 par. 2 of the Act No. 171/1993 Coll. on the Police Force as amended, however, no electro-shock weapon has been so far introduced for the use in the line of police duty. Although under the systematization of selected coercive measures registered under ref. No.: ORP-PPZ-34-47/VTR-2007, the selected units are prescribed to use electro-shock weapons (short and bar), the electro-shock weapons have been included into the given systematization within the outlook for the future. The Research and Development Division of the Presidium of the Police Force, as a subject-matter administrator, has not up to the present selected adequate types of electro-shock weapons to be put in place within the Police Force, and that is also the reason for not having elaborated the policy or an internal regulation of the Ministry of the Interior of the Slovak Republic concerning the use of the coercive measure in question.

Ad paragraph 15 – *The CPT recommends that the Slovak authorities review police training in respect of apprehension techniques. Further, the Committee recommends, once again, that senior police officers regularly instruct their subordinates that to strike persons after they have been brought under control amounts to a serious form of ill-treatment, that the allegations of such behaviour will be thoroughly investigated, and that those found to have committed ill-treatment will be subject to severe sanctions.*

Under the conditions of the Police Force, the police training in respect of the techniques employed in general when restricting the personal liberty of persons is carried out from the moment when a candidate joins the Police Force, at the Secondary Police Schools (hereinafter referred to „the SPS“) in Pezinok, Košice and Devínska Nová Ves. The training is further provided within in-service courses delivered by the SPS in Devínska Nová Ves and at the Academy of the Police Force in Bratislava.

At the SPSs, the trainees acquire general basic information within the subjects of „Ethics and Psychology of the Policing“, „Law“, „Police Management“ and within specialised subjects accordingly. The objective set in the subject of „Ethics and Psychology of Policing“ is, through the applying and training of model situations, to put in police practice the fundamental knowledge of ethics and psychological sciences. The subject deals with professional ethics, the Charter of Fundamental Rights and Freedoms, the Code of Ethics of a Police Officer, and suchlike. In the subject of „Law“ the objective is becoming familiar, inter alia, with the concepts of human rights and freedoms, understanding of their contents, and being aware of the possibilities and ways in which the Government authorities interfere with the human rights and freedoms. The objective of the subject of „Police Management“ is to make police officers familiar with practical functions of the professional police ethics with the emphasis being put on human dignity as a fundamental standard. Through specialised subjects, police officers, depending on their specialisation, gain the knowledge on the forms and methods of policing at the low-level units of the Police Force in such a way so as to be able to exercise their police powers independently, use coercive measures, and carry out police interventions while simultaneously respecting human rights, and last but not least, adhere to the statutory guidelines when discharging their service duties.

At the Academy of the Police Force in Bratislava, the issues of human rights are dealt with within the subject of „Police and Human Rights“ (European Concept). The focal point of the subject is the Convention on the Protection of Human Rights and Fundamental Freedoms, and its interpretation given by the European Court of Human Rights.

Here the students undergo the educational process focused on these techniques under the guidance of experienced trainers within the so-called groups of subjects consisting of physical education and police performance training, and the groups of subjects of separate police services (Public Order Police, Traffic Police and other services). In the course of teaching, there are used the techniques of apprehension of persons that are routinely used by police forces of the other member states of the European Union. The structure of

training in the apprehension techniques has been elaborated in close cooperation with the specialised units, the Training Division of the Presidium of the Police Force, the Uniform (Public Order) Police Division of the Presidium of the Police Force and the Division of Police Dogs and Mounted Police of the Presidium of the Police Force. These specialised units have drawn up the new guidelines for methodology and tactics of police interventions performed by the Police Force officers when on duty.

The senior police officers keep on instructing their subordinates on how to treat the persons after the performing of a police intervention. This activity has been imposed upon superiors as an obligation in an internal regulation of the Police Force of the Slovak Republic, under the Decree of the President of the Police Force No. 17/2008 on Performance of Low-level Units of the Uniform (Public Order) Police Service as amended (hereinafter referred to as „the D P PF No. 17/2008“), under Art. 27 subpar. h), as well as under the provision of Section 49 of the Act No. 73/1998 Coll. on Civil Service of Members of the Police Force, the Slovak Intelligence Service, the Prison and Court Guard Corps and the Railway Police.

Officers of the Police Force, when exercising their powers whereby they interfere with the rights of citizens, have to observe Chapter Three of the Act No. 171/1993 Coll. on the Police Force as amended (hereinafter referred to as „the Act No. 171/1993 on PF“). In the Part I, titled „Duties of a Police Officer“, under Sections 8, 9, 10, 11, 12, there are set forth the basic guidelines on how to treat the persons against whom an officer of the Police Force takes an action and the conditions under which particular coercive measures may be used, and the activities that must be performed prior an intervention itself, in the course of it, and after its completion.

Statutory regulation of the techniques used when the persons are deprived of their personal liberty set out under Part V of Chapter Three of the Act No. 171/1993 on PF. This part is titled „Use of Coercive Measures“. Under Section 50 of this Part, there is a comprehensive definition of particular coercive measures that may be used by an officer of the Police Force.

Apart from these ones, no other coercive measures may be used. Under Sections 51 through 62 of the Act No. 171/1993 on PF, the use of these comprehensively defined coercive measures is stipulated in the exact manner, namely under which conditions officers of the Police Force are allowed to use them. The activities carried out by officers of the Police Force after a police intervention are regulated under Chapter Six of the Act No. 171/1993 on PF that is titled „Duties of a Police Officer after the Use of Coercive Measures“, under Sections 63 through 68a.

Under Sections 63 and 64 of the Act No. 171/1993 on PF, there are set out general duties of a police officer after taking a police intervention with the use of coercive measures. As soon as a police officer discovers that having used coercive measures the person was injured, he shall be obliged, if circumstances allow for it, to administer first aid to the injured person and ensure his medical treatment. A police officer shall be obliged to report without undue delay to his superior each police action in the course of which he used coercive measures. If any doubts arise with respect to legitimacy or adequacy of the use of coercive measures, or if, as a consequence of their use, it was caused death, harm to health or damage to property, a superior officer shall be obliged to ascertain whether they were used in compliance with the law. He shall draw up an official record on his findings. If a police officer has used coercive measures in the area other than his usual place of work, he shall report its use at the nearest unit of the Police Force.

The provision of Section 65 provides for special restrictions put on the use of coercive measures, i.e. when taking a police action against a pregnant woman, an elderly person, a person clearly physically handicapped or ill, and against a person under 15 years of age, he may use, out of the coercive measures, only handholds, grips and handcuffs. All the other coercive measures may only be used in the event that the attack by these persons poses the immediate threat to other persons' or a police officer's life and limb, or the threat of serious damage caused to property, and the danger cannot be averted by any other means. Further, under Section 66, it is stipulated the use of coercive measures in the event of taking police actions under the unified command. If this is the case, the use of coercive measures shall be decided by a commander of an intervening unit or by a superior officer of this commander. However, such decision on the use of coercive measures shall have to be kept on an audio or a written record.

In case of taking a police action with the use of coercive measures, each such police action is assessed by a hierarchical superior of an officer of the Police Force. In this assessment, the police intervention is assessed comprehensively taking the account of the conditions under which it was carried out, and the fact whether the use of coercive measures was or, as the case may be, was not in compliance with effective legislation of the Slovak Republic and internal regulations of the Ministry of the Interior of the Slovak Republic. In the event that in the course of assessment of the police intervention, the violation of internal regulations of the Ministry of the Interior of the Slovak Republic has been ascertained, disciplinary proceedings are forthwith commenced against the officer of the Police Force by his hierarchical superior. If the findings point out to or accomplish the statutory elements of a criminal offence set out under the Act No. 300/2005 Coll. the Criminal Code as amended (hereinafter referred to as "Criminal Code"), the investigation is being transferred over into the subject-matter jurisdiction of the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic, which after the case has been properly documented and cleared up decides in accordance with the Act No. 301/2005 Coll. Code of Criminal Procedure as amended (hereinafter referred to as "Code of Criminal Procedure"). In the course of carrying out individual procedures related to the inquiry into the case, the relevant supervising prosecutor is performing ongoing supervision over the legitimacy of the investigation that is under way. Subsequently, after the indictment has been brought, and the case has been received by the competent court of the Slovak Republic, it is tried and the judgement in the name of the Slovak Republic is rendered by virtue of effective provisions of the Act No. 301/2005 Coll. the Code of Criminal Procedure (hereinafter referred to as „the Act No. 301/2005“).

Ad paragraph 17 – *Additionally, the letters from the Slovak authorities, announced a number of measures which would be taken by the Slovak authorities to reduce incidents of police ill-treatment, notably:*

- *„the psychological selection tests for aspiring police officers will be reviewed“*

The Centre of Training and Psychology of the Section of Human Resources of the Ministry of the Interior of the Slovak Republic, pursuant to the Order of the Minister of the Interior of the Slovak Republic No. 21/2009 concerning Prevention of Violation of Human Rights and Freedoms by Officers of the Police Force and the Railway Police when Taking Actions and Restricting Personal Freedom, of August 2009, reviewed the psychological tests used in psychological examination of persons who have applied to enter the service in the Police Force and the Railway Police. As a result of reviewing the tests, the criteria to be met by aspiring police officers have been made stricter for examining their aggressiveness, interpersonal receptivity and social sensibility, which started to be implemented in the assessment of the tests as from 15 August 2009.

Simultaneously, the work commenced on the selection and elaboration of new tests which, through application of experience from abroad, have the potential to consider and assess the prerequisites of applicants for police profession more adequately.

These issues will also be dealt with at the International seminar of police psychologists of the Visegrad 4 Countries in November 2009. The pieces of knowledge provided by police forces from abroad are envisaged to be made use of.

- *„serving police officers will undergo a psychological assessment every fifth year“*

In September 2009, the work commenced on the task set out by the above order, i.e. on drawing up of „The Methodology for Implementation of Continuous Preventive Psychological Assessments of Officers of the Police Force and the Railway Police over a Five-Year Intervals“. The objective of these continuous preventive psychological assessments is to prevent the undesirable forms and manifestations of police officers' conduct from occurring, and to prevent failures in their professional duties. The completion of the Methodology is envisaged until 1 October 2009, and the commencement of implementation of continuous preventive psychological assessments of the officers of the Police Force and the Railway Police as from 1 January 2010.

- *„police officers will receive special training in order to enhance their skills in dealing with minorities“*

In March 2009, it was adopted the training project of an advanced course „Police Specialists for Community Policing“ at the SPS, designed for the officers of the Police Force in regular civil service who passed specialised police training in the study branch security service with focus put on the public order police, and have been appointed to take functions of specialist officers for community policing, or they are being trained for discharging police service within the communities. The training project is the follow-up to the „Pilot Project of Police Specialists for Community Policing“, which was carried out during the year 2005 within the Regional Headquarters of the Police Force Košice and Prešov. 118 police officers took part in the Pilot Project.

The training objective of an advanced course is to make trainees familiar with characteristic features, history and culture of the Roma community and potential forms of communication. The focus is placed on specific features of duty and on the respect for fundamental human rights and freedoms when solving the conflicts.

In the year 2009, there were implemented three training courses at the SPS Devínska Nová Ves. Up to the present, 88 police officers participated in the course, another approx. 32 ones will pass it in December 2009. Further courses will be implemented upon the request of operational units submitted to the Uniform (Public Order) Police Division of the Presidium of the Police Force.

In the year 2009, the SPS Pezinok has been involved into the international project „Leonardo da Vinci“ named **“Human Rights – Common Obligations and Different Problems within Police Training Systems“**. There are additional 5 countries involved into the project (Poland, Czech Republic, Germany, Portugal, Romania). The project has been running for two years (since September 2009 until July 2011). At the end of the project, it will be drawn up the material that will serve the purpose of an ideal model for training in the field of fundamental human rights protection, and for teaching at police schools of the participating countries.

The objectives of the project are as follows:

- 1) Establish an informal network of police officers (police schools teachers) dealing with the issues of fundamental rights and freedoms, and through them participate in the project,
- 2) Specify main problems in the protection and understanding of the fundamental rights and freedoms within police forces, both in the line of duty and in the course of police training in various countries of the European Union,
- 3) Determine main tasks in this field for middle and high level management of police units,
- 4) Select best police practice in the field of fundamental rights and freedoms, and include them among the methods of teaching in other country,
- 5) Provide the representatives of other countries with a description of internal regulations, including the internal regulations related to the above issues,
- 6) Determine the areas of potential and desirable cooperation with other than police institutions.

The first meeting of the participating countries will be held in Slovakia from 10 to 12 November 2009 and will be attended by directors of the schools and the coordinators of the project.

- *„the human rights training at the Slovak Police Academy will be improved and extended, including issues related to rule of law, minorities and police ethics“*

Teaching the protection of human rights including issues related to the rule of law, minorities and police ethics at the Academy of the Police Force in Bratislava is provided within the following subjects:

1. **Human Rights** – coverage 48 lessons, completion of the subject upon passing an exam.
Brief curriculum of the subject: Human rights and their protection, Universal system of human rights protection, Regional systems of human rights protection, Council of Europe and the Convention on the Protection of Human Rights and Fundamental Freedoms, Right to life, Prohibition of torture, Right to freedom and security, Right to a fair trial, Right to respect for private and family life, Freedom of thought, conscience and religion, Freedom of speech, Freedom of assembly and association, Protection of property.

2. Sociology of Ethnic Groups – coverage 24 lessons, completion of the subject upon ungraded course performance.

Brief curriculum of the subject: Introduction to the sociology of ethnic groups. Ethnic group, ethnics, ethnicity and race. Minorities and minority ethnics. Social aspects of creation and formation of a nation. Forms of existence of ethnic communities and their various interpretations. Identity, ethnic and national consciousness. Ethnic bias and stereotypes. Social inclusion and exclusion in inter-ethnic relations, ethnic assimilation and discrimination. Ethnocentrism and xenophobia. Ethnic tension and conflicts. Social causes of ethnic conflicts. Rise and social causes of racism and nationalism. Racist and nationalist social movements. Sociological research as a tool for understanding ethnic relations.

3. Psychology and Ethics – coverage 60 lessons, completion of the subject upon passing an exam.

Brief curriculum of the subject: Introduction to police psychology and ethics, Cognitive processes, Social cognition, Morality and application of ethics within society, Morality and its relation to security issues, Emotionality and motivation of a human being, Value orientation of law enforcement activities, Psychology of personality, Activities of law enforcement agencies in the area between freedom and security, Diadic interaction and mass behaviour, Credibility and authority, Psychology of a victim, Psychosomatics and professional deformations.

Within the period under consideration, there were introduced into the curricula the pieces of knowledge newly acquired through the development of police science and other sciences, as well as new lessons learned through implementation of the methods in police and security agencies' practice.

- *„internal police regulations will be assessed and adapted, if necessary “*

Within the intention of the Order of the Minister of the Interior of the Slovak Republic, the designated senior staff of the Ministry of the Interior carried out or are carrying out an analysis of the internal regulations in question whereby the duty procedures followed by the officers of the Police Force and the Railway Police during interventions are stipulated, with the aim of putting them in more precise terms.

- *„behaviour of police officers during interventions will be assessed, with shortcomings addressed and strict measures adopted “*

Since coming into effect of the above provision of the Order of the Minister of the Interior of the Slovak Republic, there were carried out two internal controls by the Presidium of the Police Force, at the Regional Headquarters of the Police Force in Nitra and Bratislava, that were also focused on the assessments in question. Last but not least, it is necessary to state that all supervisory officers within the framework of the Police Force are obliged to observe to and assess the provision in question.

With respect to the request to receive a regular update on the implementation of various measures outlined above, it is necessary to state that these will be provided by the Ministry of the Interior, via a coordinator of the CPT liaison representatives of the Ministry of the Interior of the Slovak Republic, to the CPT subject-matter administrator for the Slovak Republic – to the Ministry of Justice of the Slovak Republic, subsequently once a year.

Ad paragraph 18 - The CPT would like to receive information about the manner in which a municipality carries out investigations into allegations of ill-treatment by officers from the municipal police force. Further, the Committee would like to be informed about the outcome of the investigation in respect of the allegations of ill-treatment concerning the complaint of 2 November 2008 against officers of the Piešťany municipal police.

The main tasks of a municipal police, its organization and rights and duties of members of a municipal police are regulated by Act No. 564/1991 Coll. on the Municipal Police as amended. The municipal police is an order-keeping unit acting in the area of public order affairs, the protection of environment in a municipality and fulfilment of tasks resulting from the generally binding regulations of a municipality, ordinances of a municipal parliament and decisions of a mayor. The municipal police is established and cancelled by a municipality on the basis of a generally binding regulation. The chief of the municipal police is nominated to and removed from the office on the proposal of the mayor by the municipal parliament.

As regards the manner in which the town of Piešťany carries out investigations into allegations of ill-treatment by officers from the municipal police, it is necessary to state that the town of Piešťany (and the Municipal Police of the town of Piešťany as its organizational part without the legal personality) comes out from the generally binding legal regulations in this area. In case of submitting complaints these are treated pursuant to Act No. 152/1998 Z. z. on the Complaints as amended and other relevant legal internal regulations of the town of Piešťany without prejudice to the competences of the law enforcement authorities (including the prosecution) pursuant to Criminal Code and Code of Criminal Procedure.

The Ministry of Justice of the Slovak Republic by the investigation by means of the mayor of the town of Piešťany and the chief of the Municipal Police of the town of Piešťany (hereinafter referred to as „MsPP“) found out, that MsPP did not register any complaint of X* of acting its members on 2 November 2008. X submitted a complaint on 4 November 2008 in the Institute for the execution of custody in Leopoldov. On 12 November 2008, this complaint was transferred because of lack of competence of the Institute for the execution of custody in Leopoldov and Institute for the imprisonment sentence execution in Leopoldov to the town of Piešťany (letter ..., received and delivered to the premises of the MsPP on 25 November 2008), where the detained X submitted the complaint for acting of members of the MsPP when detaining him. On the basis of these facts and after the investigation of the affair the chief of the MsPP concluded this complaint as not sufficiently substantiated because of the reason that this intervention was executed in accordance with the valid legal regulations of the Slovak Republic.

The chief of the MsPP stated the following reasoning:

According to the record of the patrol of 2 November 2008 under file no. Dr. 612/hl-378 Št. the chief of the MsPP confirmed that the coercive means had been used against the detainee because of offering active resistance. (The official record on the use of the coercive means is registered under no. 23/2008). The person was detained for the suspicion of the commitment of a criminal offence. A victim locked the suspect to his vehicle. The suspect refused to get off the motor vehicle. That was the reason why he was taken out of the vehicle by force. He attempted to escape from the place subsequently and therefore the hand-cuffs were put on his hands. It might occurred an injury of the person by these acts. Because of the reason that the detainee was injured, he was transferred for the purposes of his medical treatment to the Hospital of Alexander Winter in Piešťany. The medical record of a physician stated that the person was injured on his head and in the area of his ribs. The result of RTG reads as follows: head and ribs - negative finding.

- The mentioned person was not detained by the patrol without any reason, but for the suspicion of the commitment of a criminal offence.
- The mentioned person did not cooperate and wanted to escape from the place without any explanation.
- The mentioned person neither when detaining nor after the termination of the detaining did not submit a complaint of acting of Municipal Police members.
- The medical record revealed that when taking out the person from the vehicle and subsequent putting of hand-cuffs on his hands during offering active resistance, the above-mentioned injuries might occurred.

The chief of the MsPP states the following conclusion:

The Municipal Police deals with the similar cases, when the perpetrators of the criminal offences offer active resistance and it is not possible to pacify such a person without the use of the enforcing means. It occurs exceptionally that a person is injured by such acting, however, there are also cases, when on the contrary, the members of the Municipal Police are injured. If the facts stated in the complaint of X were true, they would be treated by a disciplinary manner pursuant to the Working Order of the town of Piešťany and Labour Code.

* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

Ad paragraph 19 – The information gathered during the 2005 visit indicated that investigations into allegations of ill-treatment could be lacking in thoroughness. The findings from the 2009 visit suggest that there have been improvements in this respect. The CPT’s delegation examined the quality of the investigations into four cases of alleged ill-treatment which had been lodged in February and March 2009, all of which were supported by medical evidence collected by prison staff upon admission to prison. Contrary to the CPT’s 2005 visit, the investigation files were well kept, making it possible for the investigations to be scrutinised by external bodies, such as Public Prosecutor’s Office.

However, the CPT continues to have some concerns about the manner in which investigations into allegations of ill-treatment are carried out. Firstly, in only one case was the complainant interviewed by members of the Control and Inspection Service. In the other three cases, the complainants apparently refused to be interviewed; however, in one of these cases, the file did not contain evidence that an attempt had been made to interview the complainant and none of case-files contained indications that efforts had been made to persuade the complainants to cooperate with the investigation. In none of the cases examined was other relevant information¹, such as eyewitness reports or CCTV recordings, collected. Further, in all cases the assessment concerning the appropriateness and proportionality of the police intervention was drawn up by the hierarchical superior of the police officers against whom the allegations of ill-treatment were lodged and was not subjected to external supervision.

In sum, the CPT considers that investigation carried out by the Control and Inspection Service could be significantly improved. At present, the investigation has a routine character and based upon limited documentary information. In the view of the CPT, a far more in-depth investigation would have been appropriate in the above-mentioned cases, in particular given the seriousness of the injuries sustained. The CPT recommends that the Slovak authorities take the necessary steps to improve the effectiveness and independence of investigation into allegations of police ill-treatment, in the light of the above remarks.

Allegations against the officers of the Police Force concerning ill-treatment and the use of physical violence against detained and accused persons are, in majority cases, dealt with on the basis of the reports by the staff of the Remand Section and the Section for Sentenced Prisoners of the Prison and Court Guard Corps in relation to their obligation to report, of the reports by individual Police Force units, as well as based on the reports by the injured parties themselves or, as the case may be, in any other way. Persons who are admitted to custody or to serve their sentence of imprisonment lodge scarcely allegations on their own, but via the bodies of the Prison and Court Guard Corps.

Based on this fact, it was in the past agreed upon the model of synergy with the bodies of the Prison and Court Guard Corps, namely that a body of the Prison and Court Guard makes with such a person an interview the objective whereof is to ascertain how the person was injured and who caused the injuries to him. The records of these interviews are included into the documentary materials that are sent by the Prison and Court Guard Corps to the Inspection Service in the event that the person claims that the injuries were caused to him by an officer of the Police Force. Unless this procedure followed by bodies of the Prison and Court Guard Corps is in place, we would not be informed about these cases.

Each and every received motion is being considered individually in all earnestness, and it is given due attention also with regard to the previous recommendations by the CPT. The motion is always supplemented, by virtue of Section 196 par. 2 of the Code of Criminal Procedure, in such a way that an investigator of the Police Force could to be able to assess its contents, and on the basis of evidentiary situation to make a decision on further procedures. The decision rendered is always served on the injured party accompanied by a notice of a right of remedial measure.

Investigators of the Police Force are bound by law, and as the Government authorities they are obliged to carry out their duties in compliance with the law and within the bounds of the law. The law enables only a petitioner to be examined for supplementing the motion, and following the amendment to the Code of Criminal Procedure by the Act No. 491/2008 Coll., also a person who has allegedly committed a

¹ In one file, the CPT did find a signed declaration from a person apprehended together with the complainant stating that police officers had not beaten the complainant. However, the reliability of that statement is questionable as the person concerned was intoxicated at the time of the incident.

criminal offence, thus not the injured party. It results from the aforementioned that investigators of the Police Force, prior to the commencement of criminal prosecution, are not entitled to interrogate other persons, but to gather all available evidence for rendering a decision. An investigator of the Police Force, as an independent and impartial body in the proceedings, makes a decision using his discretionary judgement which evidence he will consider to be necessary for his decision, and then he has to indicate these documentary materials in his decision and to substantiate his decision. Only a prosecutor may interfere with his independency within the proceedings. Due to the fact that the majority of potential injuries are inflicted when apprehending persons who are to be remanded in custody, or to serve their sentence of imprisonment, one of such evidence is usually the assessment of the intervention by a hierarchical supervisor of officers of the Police Force. It represents the statement regarding legitimacy of an intervention that is drawn up pursuant to the statutory obligation (Section 64 of the Act No. 171/1993 on PF), therefore it is not an arbitrary assessment of an incident. As the law stipulates a control mechanism to inquire into the circumstances of a police intervention in such a way as set forth under Section 64 of the Act No. 171/1993 on PF, it is not possible to arbitrarily derogate from this statutory obligation, and to substitute it by other way (criminal proceedings). The assessment of an intervention pursuant to Section 64 of the Act No. 171/1993 on PF is therefore lawfully substantiated, and thus an investigator of the Police Force gives due regard to its findings when making decisions, and we cannot a priori make its relevance doubtful. The Act No. 171/1993 on PF does not provide for the legitimacy of a police intervention to be subjected to an assessment by any external body, and thus it consists in a personal integrity, professional expertise and accountability of a each superior officer of the Police Force, how he inquires into such a police intervention and issues an assessment in compliance with the law.

The persons on whose behalf a report is lodged, e.g. by the Prison and Court Guard Corps, and who are the objects of the CPT's attention, however, may not be considered as reporting entities, and thus they cannot be, pursuant to the Section 192 par. 2 of the Code of Criminal Procedure, heard once again. These persons are not willing to file a motion to commence criminal proceedings, and they only give their statements to the issues related to the injuries found out during the examination of the body, or medical examination upon admission.

A police investigator of the Inspection Division of the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic considers each and every lodged motion in a lawful manner, and a decision rendered upon each and every motion complies with the law. It is also necessary to state that the adherence to the rule of law before the commencement of criminal prosecution and within the pre-trial proceedings is being supervised by a prosecutor. Each decision on merits of the case rendered by an investigator of the Police Force was scrutinized by a competent Prosecutor's Office.

Almost all injuries of the persons who were of interest to the CPT were inflicted while using a coercive measure. A coercive measure is legally stipulated and regulated form of forcible action against a person, and due to the nature of such a measure, it is possible that its application would cause certain injuries to a person. When taking decisions on these motions, an investigator of the Police Force also takes into account whether the bodily injuries of such persons are adequate both to the use of a coercive measure and the reasonable extent of its use.

One of the measures taken by the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic was its initiative to amend Section 196 par. 2 of the Code of Criminal Procedure concerning the interviewing of a person, with the aim to enable to interview, apart from the reporting entity, also an injured party. Under the provision of Section 201 par. 2 of the Code of Criminal Procedure, to procure evidence means to obtain evidence necessary to qualify the case. The extent concerned is limited by the performance of supervision by a prosecutor who gives a guarantee that this extent is not arbitrarily determined. The opinion is generally held that each and every case is necessary to be judged separately, and the necessity to interview reporting entities is not to be generalized. The draft amendment concerned has been submitted for consideration and realisation to the respective Section of the Ministry of the Interior of the Slovak Republic that will consult it with a subject-matter administrator.

Ad paragraph 20 – The quality of the investigations in a fifth case of alleged ill-treatment could not be examined by the CPT's delegation as the allegations had not been investigated by the Control and Inspection Service. Apparently, the report on the allegations of ill-treatment drawn up by staff of

Bratislava Prison on 12 February 2009, which clearly mentions that it had been forwarded to the Control and Inspection Service and, in addition, lists the injuries sustained, had not been received by this Service. The CPT would like to receive the comments of the Slovak authorities on this matter. Further, the Committee recommends that an investigation be carried out into the above-mentioned allegations of ill-treatment.

On 1 April 2009, there was held a working meeting at the Presidium of the Police Force, initiated by the members of the CPT. At this working meeting that was also attended by a President of the CPT, Mr. Mauro Palma, he requested a concrete information on steps taken by the Inspection Service in the case of Y*, while he handed over a document drawn up by the Bratislava Remand Prison sub reference number ..., the subject line whereof bore the following text: „A person with an injury brought to – preliminary report.“, dated 12 February 2009.

Following a telephone consultation with a Director of the Bratislava Remand Prison, it was ascertained that the motion in question was not sent to the Section of Control and Inspection Service of the Ministry of the Interior.

With respect to the person Y, the First Inspection Department of the Inspection Service Division of the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic has registered a document sub Case No: ..., while the motion was delivered from the Bratislava Remand Prison sub Case No.: ... dated 6 April 2009. An investigator of the Police Force of the First Inspection Department of the Inspection Service Division of the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic dealt with the case in compliance with Section 197 par. 1 subpar. d) of the Code of Criminal Procedure, namely by issuing the resolution whereby the matter was dismissed.

Ad paragraph 22 – As was the case in 2005, many persons interviewed in the course of the 2009 visit complained that they had been handcuffed to a fixed object inside a police station (e.g. metal rings or radiators), at times in uncomfortable positions or whilst seated on the floor. These statements were confirmed by certain police officers and the delegation observed for itself fixtures, such as metal rings and floor to ceiling bars clearly designed for this purpose. One person claimed to have been handcuffed to a radiator, while naked, which, if true, would be totally unacceptable and in the CPT’s view would amount to degrading treatment.

With respect to the above recommendation of the CPT, we would like to point out to the explanation concerning the state-of-play of the necessary use of adequate objects that serve for handcuffing, which was provided by the Ministry of the Interior of the Slovak Republic upon the request by the CPT’s President, dated 30 January 2009, and the comments of the Ministry of the Interior of the Slovak Republic to the report delivered by the CPT President at the working meeting with the Slovak representatives held on 2 April 2009, at the end of the 4th periodical visit of the CPT to the Slovak Republic.

Further, it is necessary to indicate that under the current legislation officers of the Police Force are authorised to use the option of handcuffing persons to an adequate object, namely pursuant to Section § 52 par. 2 of the Act No. 171/1993 on PF, whilst however, it is necessary to state that at present an adequate object is not considered to be a radiator and built-in fixtures. Another reason for leaving the objects concerned unchanged is the fact that these are used in a few isolated cases, in particular, in the events where, at the premises of the Police Force unit, there are higher number of persons deprived of their liberty, they display aggressive behaviour, or it is necessary to separate the persons deprived of their personal freedom from each other because of tactical reasons related to the performing of police procedures. In case that a handcuffing to an adequate object occurs, it takes place in the areas that are not accessible for the public or, as the case may be, the access of the public is limited, whilst there is a chair or bench placed next to adequate objects. In the event that such cases as described in the report of the CPT apparently occur, it is always a failure of individuals that, even though system measures are in place, are impossible to be absolutely prevented. The proof of adequate system measures that are to prevent such misconduct on the side of the officers of the Police Force from occurring is the Act No. 171/1993 on PF itself. Its initial provision of

* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

Section 1 „Introductory Provision“ par. 3 reads as follows:

„The Police Force, in the performance of its tasks, shall be governed by the Constitution, constitutional laws, laws and other generally binding legal regulations and international treaties whereby the Slovak Republic is bound“.

Another significant provision confirming this wording is the provision of Section 8 „Duties of a Police Officer“ of the Act No. 171/1993 on PF, whereby these duties are directly transferred to officers of the Police Force, as the persons who, in the name of the State, take actions against citizens, and directly interfere with their rights that are guaranteed by the Constitution of the Slovak Republic, constitutional laws, laws and other generally binding legal regulations and international treaties whereby the Slovak Republic is bound. The provision concerned set out under Section 8 par. 1 reads as follows:

„In the execution of duty, an officer of the Police Force shall be obliged to respect the honour, esteem and dignity of another person as well as of his own, and shall not allow any unfounded harm to be caused to this person through his action and any potential interference with this person’s rights and freedoms to be made in excess of that which is necessary to achieve the aim pursued by his action. In the execution of duty, an officer of the Police Force shall be obliged to observe the Code of Ethics of a Police Officer issued by the Minister “.

With respect to this provision, it is necessary to draw the attention to the concept of „execution of duty“, which pursuant to Section 8 par. 3 of the Act No. 171/1993 on PF means a police officer’s performance related to fulfilment of the tasks set forth under the Act No. 171/1993 on PF or other generally binding legal regulations.

Other measures are defined within internal legal regulations adopted to prevent such conduct of officers of the Police Force from occurring. One of the internal legal regulations is the Decree of the President of the Police Force No. 17/2008 providing for the regulations governing the procedures that are necessary to be adhered to by police officers when discharging their duties with respect to persons deprived of their personal liberty.

It is also necessary to mention that in the event of proving the unlawful use and application of the Police Force officer’s power referred to under Section 52 of the Act No. 171/1993 on PF, the sanctions are imposed by virtue of effective legislation of the Slovak Republic, either through the use of disciplinary procedures or under the criminal law.

With regard to the sanctioning of such conduct, we state that a citizen is enabled to make use of control mechanisms that are available within the Police Force itself, and last but not least, within the Ministry of the Interior of the Slovak Republic. It represents a multi-level system. A baseline level represents the control that is carried out by hierarchical superiors when assessing police officers’ performance, arising for superiors as an obligation from Section 64 par. 1, 2 of the Act No. 171/1993 on PF, the further level is represented by departments, or the control divisions of separate Regional Headquarters of the Police Force within their local jurisdiction. The next stage falls within the competence the Control Division of the Presidium of the Police Force that is directly answerable to the President of the Police Force, and the highest level is represented by the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic. The Control Division of the Presidium of the Police Force has the subject-matter jurisdiction over all the units of the Presidium of the Police Force, separate Regional Headquarters of the Police Force and the units falling within their province, while the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic has the subject-matter jurisdiction over all the units of the Ministry of the Interior of the Slovak Republic. There are two different regimes within this system. The first one is a control regime set out under the Act No. 10/1996 Coll. on Control in the State Administration as amended. There have been internal legal regulations adopted to this particular Act to be adapted for use under the conditions of the Police Force and the Ministry of the Interior of the Slovak Republic, namely the Decree of the Ministry of the Interior of the Slovak Republic No. 69/2008 on the System of Internal Control, and the Decree of the Ministry of the Interior of the Slovak Republic No. 44/2009 on Carrying out Unscheduled and Operational Controls, and on Modification of and Amendment to the Decree of the Ministry of the Interior of the Slovak Republic No. 69/2008 on the System of Internal Control. The second one is the regime of complaints based upon the provisions of the Act No. 152/1998 on Complaints as amended, and the Decree of the Ministry of the Interior of the Slovak Republic No. 55/2009 on Handling of

Complaints Brought by Natural Persons and Legal Entities. Within both regimes, the control bodies have been assigned an obligation to report to the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic in the event of disclosing the facts that a criminal offence is alleged to have been committed.

Ad paragraph 24 – *Most of the police establishments that were designated for accommodating detained persons overnight were in a good state of repair, with cells of sufficient size, and well-equipped, with a bed, toilet and table, and access to sufficient natural light and artificial lighting. However, in some police stations the ventilation was inadequate. In particular, the cells at the Regional Police Directorate in Košice were, as in 2005, poorly ventilated. Further, the windows of certain cells (e.g. in Prešov – north) were covered with a film, blocking out all natural light. Also, toilet facilities in double occupancy cells, such as in Rožňava Police Station, were not partitioned.*

Not all police stations visited were equipped for overnight stay (area specially designated for persons who are temporarily deprived of their liberty). Yet, the CPT's delegation was informed by various interlocutors including police officers that detained persons would, on occasion, be held overnight in these police stations (e.g. in Šamorín and Moldava nad Bodvou Police Stations).

The CPT recommends that all persons detained overnight be held in appropriate conditions (i.e. in a cell equipped with a bed and provided with a mattress and a blanket).

Based upon the above suggestion, the Regional Headquarters of the Police Force in Prešov removed the film covering the windows of the police detention cells (hereinafter referred to as „PDC“). The windows have been glazed by the so-called frosted glass which provides opacity from the side of an open-air area in the vicinity of the premises of the Prešov – north Police Station, and simultaneously allows for sufficient natural light penetration in accordance with the guidelines governing the building of police detention cells.

All PDCs at the Regional Headquarters of the Police Force in Košice will be under reconstruction until 31 December 2009, whilst the reconstruction concerned will also be focused on their better ventilation.

At the District Headquarters of the Police Force in Rožňava, there were established two PDCs with capacity of two beds. Neither in the period of the year 2009, nor during the previous years, any case occurred that two persons were at the same time placed in PDC with two beds. In these PDCs, there was always placed only one person. Thus, despite the fact that toilet facilities are not partitioned in the PDCs concerned, a person placed into PDC enjoyed adequate privacy.

Due to the fact that in both PDCs with two beds it is not possible to separate toilet facilities from the rest of the premises through refurbishment works, there was removed one bed from both above-mentioned PDCs. At present, they are single-bed PDCs.

PDCs at the Regional Headquarters of the Police Force in Bratislava have been constructed in compliance with Annex No. 1 to the Decree of the Minister of the Interior of the Slovak Republic No. 41/2003 on Police Detention Cells as amended by the Decree of the Minister of the Interior of the Slovak Republic No. 52/2005 (hereinafter referred to as „the D MoI SR No. 41/2003“), and the persons deprived of their personal liberty from the entire Bratislava Region are being placed into them under adequate conditions.

Based on the data stated that the CPT delegation was informed by various interlocutors including police officers of the Moldava nad Bodvou Police Station „that detained persons would, on occasion, be held overnight“, we claim that the above conditions have been substantially changed as from April 2009. The change in question consists in the fact that at the Operational Centre of the Department of Internal Affairs of the District Headquarters of the Police Force in Košice – outskirts, at the end of March 2009, there was installed video surveillance system for monitoring the persons placed in PDCs. Therefore, all persons deprived of their personal liberty who are envisaged to necessarily stay overnight at police stations will be escorted to PDCs established for this purpose at the Operational Centre of the District Headquarters of the Police Force in Košice – outskirts. This applies also to persons who are under the influence of alcohol, whilst if this is the case, police officers from Police Stations will also deliver the consent with the placement of a person in PDC given by a doctor. Since this date, detained persons have not stayed overnight at Police

Stations, not even in exceptional cases.

In the areas designated for temporary deprivation of personal liberty at the units falling within the competence of the Regional Headquarters of the Police Force in Nitra, the persons are placed exclusively for a period during which procedural acts are pursued. All the PDCs falling within the competence of the Regional Headquarters of the Police Force concerned are, within the intention of the effective D MoI SR No. 41/2003, equipped with a bed with a mattress and a blanket.

The persons who were deprived of their personal liberty and who are placed in PDCs are dealt with in compliance with the regime set out under the D MoI SR No. 41/2003.

In remaining cases, persons are placed exclusively at the premises not accessible to the public, where a facility for being seated is provided, while using the institute pursuant to Section 52 of the Act No. 171/1993 on PF - Use of Handcuffs.

With respect to the persons who were deprived of their liberty at night, the necessary procedures are immediately performed, and in the event that these procedures are impossible to be performed due to objective reasons, the persons concerned are placed overnight into PDC.

Ad paragraph 25 – A form describing the daily regime for persons placed in a detention cell was available in various languages, including English, German and Russian, in those police stations visited, which were equipped for overnight stay. The form indicated that persons placed in a detention cell have the right to, inter alia, take a shower if detained longer than 24 hours, be provided with a meal and to be offered one hour of outdoor exercise every day. However, with the exception of Trnava Regional Headquarters and the Prešov - north Station, none of the police stations visited was equipped with an outdoor exercise yard. Instead, detained persons were either allowed to stroll around in a corridor or were taken outdoors handcuffed to two police officers.

The CPT recommends that the Slovak authorities take the necessary steps to ensure that all persons detained longer than 24 hours are offered outdoor exercise every day under suitable conditions; for this purpose, police stations should be equipped with a secure yard.

The Department of Police Detention and Escort of the Regional Headquarters of the Police Force in Bratislava is situated in 45 Račianska St., at the premises inside the yard, on the 1st floor, where even in the past were efforts exerted to build an area for outdoor exercise of persons who were deprived of their liberty, however, it was not realised due to security reasons; outdoor exercises are provided on a ventilated „corridor“ which was set up in the space between cells.

All persons who were deprived of their liberty and are placed in PDC longer than 24 hours in the Košice Region are enabled to enjoy outdoor exercise on the yard that is secured by a fence and monitoring devices. On no account, detained persons are handcuffed to two police officers.

All persons who were deprived of their liberty and are placed in PDC longer than 24 hours are, by virtue of Article 6 par. 3 of the D MoI SR No. 41/2003, enabled to enjoy outdoor exercise, either within the premises set up for this purpose, or in presence of at least two police officers within the area of the unit.

The D MoI SR No. 41/2003, under Article 6 „Regime in the Cells, par. 4, imposes an obligation upon police officers to enable a person placed in PDC longer than 24 hours to enjoy one hour of outdoor exercise every day within the premises of the unit at which the cells have been established.

The enforcement of this provision requires enclosed area of a yard pertaining to the building of the Police Force, and keeping watch over a person during his/her outdoor exercise by at least two officers of the Police Force who are held responsible for the person concerned. Under the conditions of the Regional Headquarters of the Police Force in Trenčín, this is enabled in two ways, namely in the enclosed yard of the premises of the District Headquarters of the Police Force and the Regional Headquarters of the Police Force, in the presence of the Police Force patrol that is re-deployed there for this reason, or at places where a separate enclosed yard is not provided, an exercise offered to a person placed in PDC is only possible on corridors, while these corridors are supplied with fresh air for sufficient ventilation. Outdoor exercise of a person placed in PDC outside the premises should be carried out at the places freely accessible for the public, what would make the prevention of a person's escape harder or, as the case may be, an assault against

him/her would occur and his/her dignity would be surely compromised. However, officers of the Police Force who are in charge of PDC watch have also gained experience that persons placed in a cell do not request outdoor exercise.

Under the conditions of the Regional Headquarters of the Police Force in Trnava, a person placed in PDC is offered at least one hour of outdoor exercise every day on the yard. A fenced area for outdoor exercise of persons is also situated at the District Headquarters of the Police Force in Senica. All the other District Headquarters of the Police Force carry out exercises inside the building, in the yard pertaining to the building, or in front of the buildings of individual units of the Police Force.

The Regional Headquarters of the Police Force in Žilina currently does not meet the CPT recommendation, as dislocation of the majority of police stations does not enable a separate secured yard for outdoor exercise of detained persons to be set up. Persons placed in PDC longer than 24 hours are enabled to have outdoor exercise in the presence of a police officer who takes necessary measures to prevent such person from absconding.

Ad paragraph 26 – The CPT delegation noted that in certain police stations visited, such as in Trnava, Rožňava and Zvolen, the cells were monitored by CCTV. The CPT acknowledges that persons are only detained in police stations for short periods and that many of them may require ongoing observation due to their physical or mental state at the time of detention. Therefore, the Committee has no objection to the use of a closed-circuit video surveillance system for keeping detention areas under surveillance, provided that persons deprived of their liberty are assured of reasonable privacy when using toilets, wash basins and showers. However, systems of this kind cannot be a substitute for direct contact with custodial staff and may, moreover, breed a deceptive sense of security; they should not replace the regular inspection of cells by custodial staff in order to ensure the safety of detained persons.

The Department of Police Detention and Escort of the Regional Headquarters of the Police Force in Bratislava is equipped with monitoring system in all PDCs, whilst the person's privacy is also assured when using toilets through the building up of a partition wall in accordance with the recommendation of the CPT from previous years, and the surveillance over PDCs is carried out pursuant to Art. 8 par. 2 of the D MoI SR No. 41/2003.

In PDCs at the District Headquarters of the Police Force in Rožňava that are monitored by video surveillance, the persons are assured of reasonable privacy when using toilets as the area with toilet is not under the surveillance by monitoring system. In any case, the monitoring system does not replace direct inspections by custodial staff that is held responsible for the observation over PDCs. Police officers perform inspections of the persons placed in PDCs on a regular basis every hour, on which the records are kept and deposited in the file of a person placed in a police detention cell.

The obligation to carry out, at least once an hour, ongoing checks upon the conduct of a person placed in PDC, unless a non-stop surveillance is required, and to put down a record into the Control Sheet kept in the file of a person, is set out under Art. 8 par. 2 of D MoI SR No. 41/2003. In order to response to the remark by the CPT, the above paragraph 2 will be amended so as to impose upon a police officer an obligation to carry out at least once an hour „a physical“ inspection over the conduct of a person in PDC.

In all police detention cells situated in the territory of the Regional Headquarters of the Police Force in Trnava, it is provided monitoring by CCTV with transferring of captured images to the operational centre. A camera takes an image of the area of a cell in such a way that reasonable privacy when using a toilet is assured. However, by virtue of the D MoI SR No. 41/2003, a police officer performing an ongoing surveillance over a cell, at least once an hour, controls the conduct of a person placed in a cell. The performance of control over the conduct of a person is recorded by a police officer into „the Control Sheet“, which is deposited into the „File of a person placed in PDC“.

All the monitoring cameras are adjusted in such a way so as not to take an image of a toilet, persons take showers in the area that is not monitored. Video surveillance system for keeping the persons placed in the cell under observation does not replace regular inspections of cells by custodial staff in charge. All the persons placed in the cells are regularly inspected by police officers performing surveillance over the cells. The inspections are recorded in the Control Sheet pursuant to the D MoI SR No. 41/2003 that is a part of the file of a person placed in PDC. In any case, the safety of a person is kept under surveillance, mainly for the sake of preventing him from self-inflicted injury.

With respect to the requirement to amend the legislation by a definition of „designated areas“ (for persons deprived of their liberty) within the framework of amendment to the D MoI SR No. 41/2003, we suggest the following:

- an area that is situated apart from the area for dealing with the public, reporting persons and injured parties, while taking into account the structural characteristics and engineering potential of the building,
- the definition should clearly state that the area is different from PDC or an interrogation room,
- the area is equipped with mechanic lock safety devices that serve the purpose of preventing a person from absconding,
- „designated area“ is not necessarily the whole room, but also a mere part of the room equipped with the aforementioned devices,
- in the event that the area cannot be under ongoing direct watch by officers on round-the-clock duty, or other specified person, equipment by monitoring system is to be mandatory,
- to furnish the area in such a way that a person, being placed in, could not cause self-inflicted injury, or endanger the health of other persons, despite prior security body searches have been carried out (for the purpose of finding out whether a person brought in has a weapon on him or other objects whereby he could endanger the life and limb of other persons or of his own),
- to consult, as early as at the stage of designing, all the refurbishment adaptations of the area with a police health officer who would consider whether envisaged adaptations are in compliance with the legislation in force.

Ad paragraph 27, 28, 30 – *The CPT attaches particular importance to three fundamental safeguards against the ill-treatment of persons detained by law enforcement agencies. There are: the right of access to a lawyer, the right of access to a doctor, including the right to request a medical examination by a doctor of his/her choice and the right to have his/her detention notified to a third party of his/her choice (family member, friend). In the CPT opinion, these rights should apply as from the very outset of deprivation of liberty.*

During previous visits to Slovakia, the CPT has repeatedly observed that apprehended persons are not legally entitled to all these fundamental safeguards and, even when entitled to them, do not always enjoy them in practice. Despite the recommendations by the CPT aimed at remedying this situation, there has to date been little improvement.

a. access to a lawyer

28. – *Persons deprived of their liberty by the police have a right to appoint a lawyer, to consult with the lawyer in private and to request that he/she be present during interrogation as from the outset of the deprivation of liberty. In case of lack of financial means, a lawyer is appointed ex officio. However, the majority of persons interviewed by the CPT delegation claimed to have been informed of their right to a lawyer only at the time of the first court hearing, when an ex officio counsel was appointed. In very few cases did detained persons have an opportunity to consult a lawyer from the outset of their police detention, let alone request that the lawyer be present during the interrogation or initial questioning. Police officers questioned by members of the delegation as to the reasons why lawyers were not present from the outset of the deprivation of liberty as prescribed by Slovak law, were unable to provide a satisfactory explanation.*

The CPT once again calls upon Slovak authorities to ensure that the right of access to a lawyer is fully effective in practice as from the very outset of the deprivation of liberty. The Committee recommends that further efforts be made to ensure that the system of legal aid for persons in police custody operates effectively; this should be done in co-operation with the relevant bar association.

c. notification of custody

30.- It appears that not all persons deprived of their liberty are recognised under Slovak law as having a right to notify a third party of their choice, but rather only persons detained in conformity with Article 19 (1) of the Police Act. In consequence, as verified through interviews with both detained persons and police officers, in most cases notification of a third party was left to the discretion of the investigating police officer and, in practice, it was often denied.

The CPT recommends that the Slovak authorities take necessary steps to ensure that the right of all detained persons to notify a third party of their choice as from the outset of the deprivation of liberty is recognised in law and applied in practice. Any exceptions to this right should be clearly defined and strictly limited in time and be accompanied by appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons and to require the approval of a senior police officer unconnected with the case or a prosecutor).

The Act No. 171/1993 on PF, under Section 19 par. 6 – *Power to Detain a Person*, sets forth that a detained person shall have the right to notify, upon this person's request, one of the persons close to him of the deprivation of his liberty, and to request a defence counsel for legal assistance. This entitlement shall also apply, pursuant to Section 19 par. 1 subpar. c) of the Act No. 171/1993 on PF, to a person who has been detained for an attempted escape while being brought in, pursuant to Section 17 or 18, and there are reasonable grounds to believe that he would escape. It means that this entitlement of a detained person explicitly set out under Section 19 shall be recognised also with respect to the persons who were detained after having attempted to escape while being brought in pursuant to Sections 17 and 18 of the Act No. 171/1993 on PF.

Separate procedures taken by police officers with respect to persons by virtue of Sections 17, 18 and 19 of the Act No. 171/1993 on PF, are created as the forms that are used for these purposes. This particular form is titled Official Record on a Person Being Brought, Detained.

The Act No. 301/2005 sets out under Section 2 par. 9 that every person against which the criminal proceedings are held shall have the right to defence.

Pursuant to Art. 6 par. 3 of the Annex No. 1 to the D P PF No. 17/2008, police officers on round-the-clock duty at police stations shall put in writing into the protocol of events all cases of the persons being brought in, apprehended, detained or arrested, as well as the persons who were directly brought before a court or any other authority based upon the written letter of request by these authorities. In such a record, officer on duty shall always give

- a) the time at which a person was deprived of his/her personal freedom
- b) first name, surname, date of birth and the place of residence of a person deprived of his/her personal freedom,
- c) reason and statutory provision justifying the deprivation of personal freedom,
- d) the time at which a person was advised of his/her rights,
- e) signs of injury caused to a person or his/her injury,
- f) subjective health problems of a person,
- g) signs of mental disorder of a person,
- h) establishing the contact with a doctor and his/her visits,
- i) establishing the contact with a defence counsel and his/her visits,
- j) establishing the contact with a consular employee,

- k) establishing the contact with relatives and their visits,
- l) the time of performing interrogation or establishing the identity of a person,
- m) the time of releasing or handing over to a competent body,
- n) rank, first name and surname of a police officer who performed the given police procedure,
- o) other serious facts in conformity with the circumstances of the case.

Further, it is necessary to state that the individual aforementioned rights of citizens are guaranteed under the Constitution of the Slovak Republic, namely under Art. 16 in the case concerned, which reads as follows:

- (1) The inviolability of a person and his privacy shall be guaranteed. It can only be limited in cases defined by law.
- (2) No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

It means that the inviolability of a person and his privacy may be restricted in compliance with law, e.g. in fulfilment of duty by officers of the Police Force who are authorised to request the proof of identity pursuant to Section 18 of the Act No. 171/1993 on PF, apprehend a person pursuant to Section 19 of the Act No. 171/1993 on PF. In this respect, it is further necessary to quote Art. 17 of the Constitution:

- 1) Personal liberty shall be guaranteed.
- (2) No one may be prosecuted or deprived of liberty unless for reasons and in a manner defined by law. No one may be deprived of liberty solely because of his inability to comply with a contractual obligation.
- (3) Any person charged with or suspected of having committed an offence may only be apprehended in cases defined by law. A detained person shall have to be immediately informed of the grounds thereof, interrogated, and either released or brought before the court within 48 hours at the latest. The judge shall have to question a detained person, at the latest within 48 hours, and in the case of particularly serious criminal offences within 72 hours of taking over the case, and render a decision on his custody or release.
- (4) An accused person may be arrested only upon a substantiated written warrant issued by a judge. An arrested person shall have to be brought before the court within 24 hours. The judge shall have to question an arrested person, at the latest within 48 hours, and in the case of particularly serious criminal offences within 72 hours of taking over the case, and render a decision on his custody or release.
- (5) A person may be remanded in custody only for reasons and for a period defined by law and on the basis of a court ruling
- (6) The law shall set forth in which cases a person may be admitted to, or kept in, institutional health care without his consent. Such measure shall have to be reported within 24 hours to the court, which shall render a referral order within five days.
- (7) The mental state of a person accused of having committed a criminal offence may only be examined upon a written court order.

It results from the above Article of the Constitution of the Slovak Republic that, if the CPT reviews the appropriateness of exercising the powers of officers of the Police Force and their provision of protection to the citizens' rights, it is necessary to do it in three levels:

- a) the first level is applicable to any person,
- b) the second level is applicable to the persons accused or suspected of having committed a criminal offence,
- c) the third level is applicable to the persons who have been referred to institutional health care.

Ad subparagraph a) – Within the first group of persons, the form of statutory interference with personal liberty is governed by the regulation set out, in particular, under the Act No. 171/1993 on PF, whereby an officer of the Police Force shall be authorised to bring in a person under the conditions referred to in Section 17 par. 2 and Section 18 par. 3 of the Act No. 171/1993 on PF. If a person is deprived of his personal liberty what necessarily occurs while being brought in, this person shall have to also suffer other related procedures that are explicitly set forth under the Act No. 171/1993 on PF. This level also includes a power to apprehend a person pursuant to Section 19 of the Act No. 171/1993 on PF. This provision explicitly sets forth under which conditions an apprehension may be carried out, as well as the responsibilities arising

out of this authorisation for an officer of the Police Force who used the power in question.

Ad subparagraph b) – With respect to the deprivation of personal liberty of the persons accused or suspected of having committed a criminal offence, the concepts of detention and custody are used. These represent the institutes of criminal law whereby, for the purposes of the criminal proceedings, deprived of their liberty are the persons against which the criminal proceedings are held. These institutes are regulated under the Act No. 301/2005, the Code of Criminal Procedure. Detention is set forth in Chapter Four titled Apprehension of Persons and Seizure of Things, in which Division One is titled Custody and its Conditions, and separate obligations are stipulated under Sections 71 – 84, Division Three sets forth a detention under Sections 85 – 88.

Ad subparagraph c) – The personal liberty may also be restricted by reason of protective medical treatment. A court shall deprive a person of his liberty through imposing a protective medical treatment in cases where the person committed an act, which otherwise gives rise to criminal liability, but he is not criminally liable because of insanity, or he committed such act in a state of diminished responsibility.

Ad paragraph 29 – The Police Act lays down an obligation for the relevant police officer to arrange a medical examination before placing the apprehended person in a cell when he/she is obviously affected by alcohol, narcotic or psychotropic substances or medication, is injured or claims to be injured or seriously ill. And the CPT's delegation observed that most persons detained by the police who bore injuries were brought to a hospital in order to be seen by a doctor.

However, detained persons still do not have a right of access to a doctor, let alone a doctor of their own choice, from the outset of deprivation of liberty, despite previous CPT recommendations to this end. The CPT calls upon the Slovak authorities to introduce without further delay a fully-fledged right of access to a doctor, including to one of the detained person's own choice, from the outset of the deprivation of liberty; the exercise of this right should not be subject to any filtering by a police officer.

Under Section 44 par. 2 of the Act No. 171/1993 on PF, if a person, who is to be placed in a cell, is injured or claims to suffer from a serious illness or injury, a police officer shall arrange his medical treatment. Pursuant to Section 63 of the quoted Act, if a police officer ascertains that, through using coercive measures, the person has been inflicted an injury, he shall be obliged, if circumstances allows for it, to provide the person with first aid and arrange his medical examination. Thus, the provision of immediate medical examination is guaranteed on the side of the Police Force, and in the given cases, it is irrelevant whether the medically treated person has the permanent residence within the territory of the respective unit of the Police Force (which arranges a medical treatment) or in the territory of the other state. However, it is not possible for the Police Force to arrange, upon the request of a person, a medical examination in the territory of the other state.

Ad paragraph 31 – The CPT recommends that the Slovak authorities ensure that persons detained by the police are informed about their rights promptly. Further, the information booklet and the form attesting that a detained person has been informed about his/her rights should be amended to include the right of access to a lawyer and, once the necessary legislation has been amended, the right to notify a third party of one's choice and the right of access to a doctor.

Under Section 8, par. 2 of the Act No. 171/1993 on PF, a police officer, when taking police action whereby he interferes with the fundamental rights and freedoms of a person, shall always be obliged to advice this person of his rights that are set forth under the Act No. 171/1993 on PF, or under other generally binding legal regulations. It means that he shall be obliged to advice such person also of the right of access to a lawyer, the right of access to a doctor, the right to notify close persons.

Police officers being on duty at the police stations have simultaneously at their disposal the information booklet for instructing the persons who were deprived of their liberty, which was translated into eight languages. These particular booklets were distributed in 2006 by the Judicial and Criminal Police Division of the Presidium of the Police Force to separate Regional Headquarters of the Police Force in the amounts as follows:

Police Force Unit	Number of Booklets Provided
Regional Headquarters of PF in Bratislava	2,148
Regional Headquarters of PF in Trnava	1,019
Regional Headquarters of PF in Trenčín	1,010
Regional Headquarters of PF in Banská Bystrica	1,284
Regional Headquarters of PF in Košice	1,937
Regional Headquarters of PF in Prešov	1,322
Regional Headquarters of PF in Žilina	1,218
Regional Headquarters of PF in Nitra	1,040

The Uniform (Public Order) Police Division of the Presidium of the Police Force, through a document sub ref. No.: PPZ-66-5/OPP-2009, dated 4 September 2009, has modified or amended the form of the MoI SR No. 23-0151 XII/2006 Official Record on a Person Being Brought, Detained and, through a document sub ref. No.: PPZ-177/OPP-2009, dated 20 February 2009, it drew up a position statement to the information booklet for instructing the persons who were deprived of their liberty, suggesting modification of and amendment to this information booklet, the subject-matter administrator whereof is the Judicial and Criminal Police Division of the Presidium of the Police Force.

Ad paragraph 33 – *The CPT recommends that the Slovak authorities take the necessary steps to ensure that police officers accurately record all relevant information in the custody records, including any signs of injuries borne by persons apprehended and detained.*

As it has been referred to in this response ad paragraphs 21, 27, 28, 29, 30, and 31, separate procedures taken by police officers with respect to persons by virtue of Sections 17, 18 and 19 of the Act No. 171/1993 on PF are created as the forms that are used for these purposes. This particular form is titled Official Record on a Person Being Brought, Detained.

Another significant provision is Section 8 „Duties of a Police Officer“ of the Act No. 171/1993 on PF, whereby these duties are directly transferred to officers of the Police Force, as the persons who, in the name of the State, take actions against citizens, and directly interfere with their rights that are guaranteed by the Constitution of the Slovak Republic, constitutional laws, laws and other generally binding legal regulations and international treaties whereby the Slovak Republic is bound.

Pursuant to Art. 6 par. 3 of the Annex No. 1 to the D P PF No. 17/2008, police officers on duty at police stations shall put in writing into the protocol of events all cases of the persons being brought in, apprehended, detained or arrested, as well as the persons who were directly brought before a court or any other authority based upon the written letter of request by these authorities.

Under Section 44 par. 2 of the Act No. 171/1993 on PF, if a person, who is to be placed in a cell, is injured or claims to suffer from a serious illness or injury, a police officer shall arrange his medical treatment. Pursuant to Section 63 of the quoted Act, if a police officer ascertains that, through using coercive measures, the person has been inflicted an injury, he shall be obliged, if circumstances allows for it, to provide the person with first aid and arrange his medical examination.

Officers of the Police Force are in the course of their police service regularly instructed by their superiors on the duties in question that arise out of the generally binding legal regulations and internal regulations of the Ministry of the Interior of Slovak Republic. Officers of the Police Force are obligated to observe the generally binding legal regulations and internal regulations of the Ministry of the Interior of the Slovak Republic by virtue of the provision of Section 48 par. 3 subpar. a) of the Act No. 73/1998 Coll. on Civil Service of Members of the Police Force, the Slovak Intelligence Service, the Prison and Court Guard Corps and the Railway Police, and in the event of the failure to observe them on the side of an officer of the Police Force, the quoted Act is breached and officers of the Police Force concerned are held legally responsible for it.

Ad paragraph 38 – *Material conditions of detention at the Medved'ov Centre were found to be broadly acceptable. The accommodation rooms were clean and adequately furnished, offered sufficient living space for the numbers of persons detained, and good access to natural light and artificial lighting. However, certain common areas were in need of maintenance: the television room in the first floor of the accommodation block for men was dirty, and the sanitary facilities in the same section were in a poor state of repair. The CPT recommends that these deficiencies be remedied.*

The Police Detention Centre for Aliens in Medved'ov (hereinafter referred to as "the PDCA Medved'ov"), by virtue of Section 64 par. 1 of the Act on Stay of Aliens, must be adequate to the purpose for which it has been established, it must be sanitary safe and equipped in such a way so as to prevent the endangering of life or the impairment of health. For the purposes of maintaining the sanitary safety in the PDCA Medved'ov, apart from other measures, there are 2 regular positions of cleaners with regular working hours on working days from 07.30 hrs. to 15.30 hrs. As aliens do not perform any kind of work activity, the tidying-up of all rooms used by aliens, including accommodation and common ones, are performed by these employees. Each area is tidied up once a day at minimum, particularly before midday, and then also on the days of rest, if necessary. The performance of the employees is subject to a control, in particular by a hierarchical superior, namely by the administrator of the premises of the PDCA Medved'ov who puts down a record on it. Due to the time of the CPT delegation visit in the evening, in all probability the aforementioned area was dirtier as opposed to other areas, as it had been more frequently used since the term of latest tidying-up. However, this deficiency may be considered as remedied as all the premises had to be surely cleaned again on the next day before midday.

As regards the sanitary facilities, these are renewed and maintained depending upon their state of repair and budget possibilities. The previous response applies also to this particular finding, as following the CPT visit, there were continuously repaired water supply piping, draw-off taps, showers and toilets.

Ad paragraph 39 – *That said, virtually no activities, apart from table tennis and watching television, were on offer at either establishment. Further all the detained persons interviewed at Medved'ov alleged that they had infrequent access (e.g. twice in four weeks) to outdoor exercise.*

In the report on its visit to Slovakia in 2000, the CPT stressed the need to ensure that regime activities in detention centres for foreigners include outdoor exercise, access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The Committee therefore recommends that the Slovak authorities substantially develop the programme of activities at detention centres for foreigners. Immediate steps should also be taken to ensure that persons detained at Medved'ov Detention Centre for Foreigners have access to at least one hour of daily outdoor exercise.

Despite the fact that aliens are detained at PDCA for the purposes of administrative expulsion or execution of the sentence of banishment, execution of transit pursuant to a separate regulation, or readmission pursuant to a separate regulation, if they illegally entered the territory of the Slovak Republic or unlawfully stay in the territory of the Slovak Republic, thus only for a period reasonably necessary, PDCAs permanently exert efforts to develop the programme of activities for aliens during their free time within the daily time schedule. At present, the aliens may watch satellite television, at the PDCA Medved'ov there was established a small library in which also magazines are free to borrow, there is the possibility to play table tennis in a day room, boxing gloves and punching bag are offered, board games are provided as regularly as possible, the aliens may play ball games during outdoor exercise. The areas for watching television and day rooms are non-stop accessible to detained persons. In this way, the CPT recommendation from 2000 was satisfied. At the same time, by virtue of Section 71 par. 3 of the Act on Stay of Aliens, an alien may give an order for books, daily press and periodicals at his own expenses, including those from abroad if these are being distributed in the Slovak Republic. In June 2009, there were completed works of hard surfacing of the area designated for outdoor exercise at the PDCA Medved'ov also for the purpose of sport activities. Simultaneously, every year there are permitted the visits and the activities of the NGOs within the framework of various projects, such as: Slovak Humanitarian Council – Social, legal and psychological counselling and assistance, financing and providing free-time activities to asylum seekers and refugees with the emphasis being put on care of minors and other vulnerable person in Slovakia, Better quality of life for

all, Social counselling and financial assistance to asylum seekers accommodated in the centres of the west Slovakia, organising of tournaments in mini football, table tennis and volleyball, People of Goodwill – provision of humanitarian financial assistance and legal counselling to aliens, provision of sports articles and board games funded by the European Refugee Fund.

PDCAs keep on continuing to co-operate with the non-governmental organisations in this field, and also so much as they may, to create favourable conditions for free time activities of aliens using the State Budget means, as well as drawing means from the multi-annual programme of the European Return Fund for the period of 2008 - 2013.

With respect to outdoor exercises of aliens, it is necessary to claim in accordance with the above CPT recommendation that, by virtue of Section 70 of the Act on Stay of Aliens, an alien shall have the access to at least one hour of daily outdoor exercise. This right of aliens is guaranteed and at the same time it is controlled through written documents kept at the post of a shift supervisor of the PDCA Medved'ov, as well as through the stored images of video surveillance monitoring system. Despite the allegations by the aliens, it is necessary to state that outdoor exercises under conditions of the PDCA Medved'ov are provided in compliance with the aforementioned statutory regulation, it is impossible to put a restriction on outdoor exercises to be accessible only „twice in four weeks“. We also wish to state that a special attention will be constantly paid to the issues concerning the due exercise of detained aliens' rights.

Ad paragraph 41 – The medical confidentiality of consultations was ensured at Sečovce: a police officer would stand outside the room during consultations. However, the situation was different at Medved'ov, where police officers remained present during medical consultations. The CPT recommends that the necessary steps be taken to ensure that the confidentiality of medical consultations in Medved'ov Detention Centre for Foreigners is respected.

A health care of a detained alien is regulated under Section 68 of the Act on Stay of Aliens, and Art. 10 of the Decree of the Minister of the Interior of the Slovak Republic No. 26/2007 on Procedures Followed in Placing the Aliens in Police Detention Centres for Aliens, pursuant to which an alien shall be obliged to undergo a medical examination to the extent determined by a doctor, and a police officer of the detention centre is authorised to request an alien to be subjected to a medical examination to the extent determined by a doctor. However, at the same time, an alien is entitled to receive health care which indirectly arise from Section 11 par. 1 and 2 of the Act of the National Council of the Slovak Republic No. 576/2004 Coll. on Health Care, Related Services and on Modification of and Amendment to Certain Acts, pursuant to which every person shall have the right to access to health care without discrimination. The regulation of concrete procedures taken by police officers when providing health care under the conditions of PDCA falls within the competence of its director, whilst it is important for this particular regulation to be fully in compliance with the above quoted provisions of the laws and with the Decree of the Minister of the Interior of the Slovak Republic. The proof of that is also an internal regulation issued by the director of the PDCA Medved'ov who, in a directive on daily shift duties of surveillance over the premises and accommodation facilities, under Art. 9 par. 2 subpar. C, orders a police guard supervising detained persons in a health care facility of the Centre to respect reasonable requirements raised by a doctor in a medical consultation room. It means that it is not exclusively a police officer who decides on remaining in the room during a medical consultations, but as it has been mentioned above, the extent as well as the manner of a medical examination falls within the province of a doctor who may decide that a police officer would stand outside the closed door for a period specified by a doctor, e.g. also for the sake of respecting the confidentiality of medical consultations.

Simultaneously, we wish, once again, to state that within an amendment to the internal regulation of the director of the PDCA Medved'ov, which has been under preparation and will come into force on 1 January 2010, a special attention will be paid to these particular issues.

Ad paragraph 42 – *It should be noted that the separation regime was not subject, by law, to any time limitation or procedure including safeguards. The delegation found records of the regime being used for a period of up to 14 days in Medved'ov, and 27 days in Sečovce.*

- *The CPT is concerned about the unregulated nature of the separation regime and the lack of safeguards surrounding it, such as a complaints procedure. It recommends that use of the separation regime for reasons other than medical quarantine be made subject to a detailed procedure, providing the persons concerned with the right to be heard and to appeal to a higher authority against any measure of separation imposed.*

The placement of an alien in a separation regime of detention is only possible in compliance with explicitly stipulated statutory reasons. The wording of the law itself and the underlying reasons suggest that it is a solution and a measure of last resort, which is necessary, in majority cases, to be carried out within a short period of time from the moment of occurrence of an event. If a person is e.g. aggressive, poses a threat to health of other aliens or of his own, an emerging situation is necessary to be forthwith solved. However, it is not a discretionary conduct of a police officer, as by virtue of Art. 4 of the Decree of the Minister of the Interior of the Slovak Republic No. 26/2007 on Procedures Followed in Placing the Aliens in Police Detention Centres for Aliens, the separation regime imposed upon of an alien shall be subject to a consent given by a director of the police detention centre. Simultaneously, the reasons for and the conditions of such a placement may be checked upon on the basis of an official record that a police officer shall be obligated to put in writing, as well as on the basis of other documents kept at the Police Detention Centre. The time limitation is set out under Art. 4 par. 1 of the quoted Decree of the Minister of the Interior of the Slovak Republic, pursuant to which an alien shall be placed in a separation regime of a detention only for a period reasonably necessary. At the same time, such a measure shall be preceded by a call upon a person to refrain from a certain activity or to suffer it. In practice, an alien is always enabled to communicate, to be heard by hierarchical senior staff of police officers who applied a separation regime, also via a document the Diary of Proposals, Submissions and Complaints, into which a police officer is obliged to record all proposals, submissions and complaints and to hand them over to a director for further procedure, also in the event of orally submitted proposals, submissions and complaints. For safeguarding of all the rights to be exercised as well as all the duties to be discharged, the use of interpreters' services may be enabled in order to make communication fluent, as referred to in this response ad paragraph 44 of the Report.

An alien is any time entitled to forward a complaint not only to a director of PDCA, but also to any other Government authorities for the purpose of exercising of his rights within the intention of Section 71 par. 2 of the Act on Stay of Aliens. This particular option is safeguarded also through persons providing legal protection. Further, it is necessary to state that similarly to a citizen of the Slovak Republic, also an alien, including an alien placed in a separation regime of detention, has a possibility to make use of the control and complaint mechanisms that the Police Force itself has at its disposal, and last but not least, those of the MoI SR. This multi-level system is referred to in detail in this response ad paragraph 21 of the Report.

- *Further, the Committee recommends that the opaque film covering the window-panes at Medved'ov be removed, so that access to natural light is no longer obstructed.*

Within the intention of the recommendation, the mentioned film was removed and replaced by a transparent glass.

Ad paragraph 43 – *The CPT invites the Slovak authorities to ensure that all detained foreign nationals, including persons with little or no financial means, are able to maintain adequate contact with the outside world.*

As it has been stated under this paragraph in the CPT Report itself, police detention centres for aliens also fulfil their tasks in the field of „contact with the outside world“ within the scope prescribed by law. Section 63 subpar. b) of the Act on Stay of Aliens stipulates an obligation to forthwith notify a detention of an alien to the foreign mission of the State, whereof an alien is a national, and by virtue of Section 63 subpar. c) to enable a detained alien to forthwith notify any of his close persons and his legal representative of his detention, whilst we do not deem that such enabling is also an obligation for the police unit to provide financial means for such a notification. In fact, however, such a potential is safeguarded, in particular, if such a contact of an alien is necessary in the course of his cooperation with PDCA for his return to the country of origin. An alien is enabled to send complaints and applications at the expense of police centre, however exclusively those sent to the Government authorities by virtue of Section 71 par. 2 of the Act on Stay of Aliens. The contact with the outside world is also safeguarded through the right of an alien to accept a visit, or as the case may be, a parcel pursuant to Section 72 par. 1 and Section 73 par. 1 of the Act on Stay of Aliens.

Since aliens are detained in PDCAs for the purposes of expulsion, return or transit pursuant to separate regulations, the Act on Stay of Aliens itself, under Section 60 imposes an obligation first of all upon an alien to cover all the expenses incurred within the administrative expulsion. At the same time, apart from aforementioned rights, it appears to us that an adequate contact with the outside world even for aliens lacking financial means is safeguarded, in particular by a possibility to receive telephone calls e.g. through public phone boxes. Therefore, also the PDCA at Sečovce will as soon as possible take similar steps as did the PDCA Medveďov within the intention of the recommendation by the CPT.

Ad paragraph 44 – Foreigners deprived of their liberty should be expressly informed without delay and in a language which they understand, of all their rights and of the procedures applicable to them. Although the services of a qualified interpreter were in theory available, in practice it was rare that an interpreter would be called upon to assist. At both of the detention centres, or at the temporary holding facility visited, the delegation met several detained persons who had clearly not been able to communicate, due to a language barrier, with the authorities and/or the staff of the establishments.

Legal aid is provided by non-governmental organisations to asylum applicants – most of whom are not generally held in closed detention facilities in Slovakia – as well as to persons who have not lodged a request for asylum. However, the CPT’s delegation observed that access to legal aid, as well as to the assistance of an interpreter, is, in practice, not effective for this latter category of detained persons.

The procedure concerning a detention of an alien, as well as that of expulsion, is by virtue of Section 78 of the Act on Stay of Aliens governed by the general regulation on administrative procedure, the Act No. 71/1967 Coll. on Administrative Procedure (Rules of Administrative Procedure). Under Section 33 par. 2 of the Rules of Administrative Procedure, the administrative authority shall be obliged to provide the parties with the opportunity to express their view regarding the supporting evidence and the methods of its establishment prior to the decision and, if appropriate, to suggest some additional evidence to be provided. Therefore, the respective administrative authority within the Alien Police Service and Border Police Service shall always, prior rendering a decision on expulsion, or as the case may be, on detention, take down the minutes on given explanation, in which an alien has an opportunity to express his view regarding the case at issue. For this purpose, as well for the purposes of familiarizing himself with the decision of the administrative authority and the notice of a right of remedial measure against the decision, an interpreter is called upon in any case. This obligation is also set forth in Section 63 subpar. a) of the Act on Stay of Aliens, pursuant to which the police unit shall be obliged to instruct an alien immediately after his detention, in a language which he understands, on the grounds of a detention and on the option of reviewing the lawfulness of the decision on detention. In PDCA, there are placed aliens who have already been instructed by the administrative authority on the aforementioned facts, as well as on the obligation to leave the territory of the Slovak Republic on the basis of the decision on expulsion and the prohibition on entering, in a language which they understood. At the same time, in the mentioned establishments, there are available additional multilingual booklets with instructions on the rights and obligations of aliens, on contacts for the sake of legal representation, on the option of voluntary return to the country of origin, on the consequences resulting from being entered into the Eurodac information system, as well as on the house rules of establishments. It results from the aforementioned that round-the-clock presence of interpreters is not safeguarded, however, if

appropriate, these are being called upon as soon as possible, in particular for the purposes of communication in the execution of the decision on expulsion. Simultaneously, after being placed, each detained alien is interviewed. An interview is carried out after his file had been read through by an officer of the Alien Police Department (decision on detention, decision on expulsion, minutes on explanation given). Each alien is treated individually and each alien has an option to approach even the PDCA director with his requests, complaints and information. As from 1 January 2006, it has been created a position of an independent advisor whose work consists mainly in providing necessary assistance in the form of counselling to detained aliens when solving their personal problems arising also during their stay in PDCA, and in daily communication with detained aliens. Where necessary, police officers and employees have the option to make use of an interpreter in each of the cases mentioned above.

By virtue Section 72 par. 2 of the Act on Stay of Aliens, an alien shall have the right to accept the persons who provide legal protection to him without limitation. At present, under conditions of PDCA, the legal protection is provided by the Human Rights League through 2 ongoing projects and by the People of Goodwill. The Human Rights League has a project ERF II. Legal Aid within Asylum Procedure in the Territory of the Slovak Republic, Asylum Clinic III., and a project of the Open Society Fund, Legal Counselling Bureau for Aliens. These are concentrated both on the category of aliens who are asylum seekers, as well as on aliens who are not. Apart from the above ways, aliens have an option to make use of legal aid provided by legal representatives authorised to act on behalf them in the execution of legal procedures pursuant to respective legal regulatory acts (Rules of Administrative Procedure, Code of Civil Procedure). For the purpose of exercising his rights, a detained alien has also an option to submit, upon his own initiative, applications and complaints to the Government authorities of the Slovak Republic that PDCA is obliged to send immediately. Simultaneously, by virtue of Section 5 par. 1 of the Act of the National Council of SR No. 327/2005 Coll. on Provision of Legal Aid for People in Material Need and on Modification of and Amendment to the Act No. 586/2003 Coll. on Legal Profession and on Modification of and Amendment to the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended by the Act No. 8/2005 Coll., the Centre for Legal Aid was established as an institution fully funded from the State Budget that provides legal aid pursuant to this Act through its employees and designated defence counsels.

However, based on the CPT recommendation, the Slovak Republic will constantly pay special attention to the removal of potential insufficiencies in this field, as well as keep on enabling aliens to have access to legal aid via all the aforementioned ways.

Ad paragraph 45 – The prohibition of torture, as enshrined in Article 3 of the European Convention on Human Rights, entails the obligation not to send a person to a country in which there are substantial grounds for believing he/she would run a real risk of being subjected to torture or other forms of ill-treatment. The decision-making process relating to asylum and immigration should, therefore, offer suitable guarantees against persons being sent to such a country.

The CPT would like to receive information about the procedures applicable in this regard, in particular as regards the opportunities available to persons subject to an expulsion order to contest the measure, and the training provided to officials entrusted with handling such cases, as well as the information available to them about the human rights situation in the countries concerned.

The above principle of obligation not to send a person in cases of expulsion pursuant to Art. 3 of the European Convention on Human Rights is stipulated under Section 58 of the Act on Stay of Aliens, as an obstacle in administrative expulsion. Its conditions have to be inquired into in each case of a decision on administrative expulsion. An expulsion is being decided upon by Alien Police Departments of the Police Force and Departments of Border Controls of the Police Force. When examining the obstacles in expulsion, a priority task is to examine the statements of an alien within the procedure on his expulsion. For confirming, or as the case may be, ruling out of the grounds for obstacles in his expulsion, there are further of significance available information on the country of origin that are obtained via the Documentary Division of the Migration Office of the Ministry of the Interior of the Slovak Republic which is in charge of comprehensive documentary and information activities, as well as analytical activities concerning the countries of origin that include especially the searching, gathering, analysing and providing of such information, mostly for the purpose of an asylum procedure. Further information is provided by the Ministry of Foreign Affairs, and also by police attaches accredited at the missions of the Slovak Republic abroad. The

administrative authority indicates the non-existence of the obstacles in expulsion in its decision, however, any potential obstacle in administrative expulsion pursuant to Section 58 of the Act on Stay of Aliens, shall be the reason for granting tolerated stay pursuant to Section 43 par. 1 subpar. a) of the Act on Stay of Aliens.

An alien may lodge a remedial measure against the decision on administrative expulsion and prohibition of entering with the administrative authority that issued the decision within the period of 15 days from the service of the decision, the instruction on which is provided to him in a language that he understands. If the administrative authority does not satisfy the remedial measure, it refers the remedial measure concerned to hierarchically superior administrative authority to be decided. Under the conditions of the Slovak Republic, these are the Border and Alien Police Directorates Bratislava and Prešov, Alien Police Directorates Nitra and Banská Bystrica, and Border Police Directorate Sobrance. In the event of final and conclusive decision, an alien may bring an action to the respective regional court pursuant to Section 250c of the Act No. 99/1963 Coll. the Code of Civil Procedure. In this particular case, the decision on administrative expulsion is enforceable, however, the court may suspend its enforcement by resolution.

At each stage of decision making, as well as at the stage of execution of the decision on expulsion, an alien shall have the right to have his potential request for international protection reviewed, namely the request to be granted an asylum status by virtue of the Act of the National Council of SR No. 480/2002 Coll. on Asylum and on Modification of and Amendment to Certain Acts. Within the intention of Section 22 of the quoted Act, an applicant shall have the right to stay in the territory of the Slovak Republic, what indirectly poses a legal obstacle to the execution of decision on administrative expulsion. The Migration Office of the Ministry of the Interior of the Slovak Republic, as a first-level administrative authority making decisions on granting an asylum status and providing further protection to foreigners, follows the procedures set out under the provisions of the Act No. 480/2002 Coll. on Asylum and on Modification of and Amendment to Certain Acts, which reflects, in particular, the Geneva Convention Regulating the Legal Status of Refugees of 1951, New York Protocol Relating to the Legal Status of Refugees of 1967, as well as respective European directives and regulations governing international protection of aliens.

The training of the police officers who are entrusted with handling the issues within the administrative procedure on expulsion and detention of aliens may be subdivided in two subgroups. The first one is represented by the training provided at individual police schools within foundation and specialised training, as well as university-type education at the Academy of the Police Force in Bratislava. At all levels of training and education, there are curricula drawn up for the training and education of police officer of Border Police Service and Alien Police Service.

At present, the specialisation for officers of the Border and Alien Police is provided, and it is also attended by officers of the Railway Police. Part of the study is devoted to practical exercises that include the subject-matters of several subjects. Upon passing the final examination, the graduates acquire a foundation police qualification and they are appointed to the positions of non-commissioned officers. They perform their duties most of all in low-level units of the Police Force. Additional professional training and education is provided in accordance with the requirements of the Police Force within variety of types and forms of training and education (post-graduate refresher studies, university studies, in-service re-qualification courses, and suchlike). School leavers may further improve their qualification within the system of advanced police training and education.

At the SPS in Bratislava, a graduate of the post-graduate advanced study in the study branch security service, specialisation Border and Alien Police, acquires a specialised police qualification. The given studies represent a higher level of professional training and education. The graduates from post-graduate advanced studies take the positions of low-level managers of the Border and Alien Police Service. Based upon acquired theoretical knowledge, intellectual capabilities, communication abilities, practical skills and routines, a graduate is capable of appropriate and independent performance of duties as prescribed for the position of a commissioned police officer in the Border and Alien Police Service in compliance with the Act No. 73/1998 Coll. on Civil Service of Members of the Police Force, the Slovak Intelligence Service, the Prison and Court Guard Corps and the Railway Police.

The Academy of the Police Force is a state-run university type educational institution providing the education mostly for the officers of the Police Force and other security services. The Border and Alien Police Department, one of its departments, takes an active part in professional preparation of would-be police

managers of the Border and Alien Police Services, which is necessary for tackling the strategic tasks resulting from the requirements of the European Union. Their preparation is oriented at successful performance of managerial positions and specialised functions within the Police Force in the field of State border protection and alien regime, with emphasis being put on the application of legal standards. Students gain knowledge related to policing activities of the Police Force services required for cooperation with the law enforcement agencies of the European Union Member States in implementation of the Schengen Conventions. The Border and Alien Police Department prepares professionals with university background for the field of alien and border regime control who are capable to perform their profession under dynamically changing conditions.

The second group of training includes the system of further education of police officers, as well as daily instructions by supervisors, seminars and in-service trainings. For a specific branch of the Alien Police Service, these trainings are delivered by the Alien Police Division of the Border and Alien Police Bureau of the Ministry of the Interior of the Slovak Republic through in-service courses carried out on a regular basis. In practice, there are also used the pieces of knowledge obtained during international meetings of employees and experts to the topic of gathering the information on the countries of origin that was also held in 2009 in Bratislava.

The training with respect to the protection of human rights and freedoms is elaborated in more details in this response ad paragraph 15 of the Report.

B. – PRISONS

Ad paragraph 51 – The CPT reiterates its recommendation that minimum living space be raised to 4 m² for each inmate accommodated in a multi-occupancy cell, and the official capacities be recalculated on that basis.

The Corps of Prison and Corps Guard (hereinafter only “the Corps”) supposes in connection with the problem of prisons’ capacity a decrease of persons in remand prisons and currently files an increase of persons in prison sentence execution. It is the interest of the Corps to solve the insufficient accommodation capacities of pre-trial detention and prison sentence execution by their further widening. However, realization of acquiring additional accommodation capacities depends on the possibility of financing from the state budget of the Slovak Republic. The Corps will in connection with the allocated financial means from the state budget create conditions so that the prisons’ occupancy levels gradually decreases.

Ad paragraph 52 – The CPT would like to be informed of the detailed plans as regards both the new prison for mothers with children and the new psychiatric detention institution, including the establishments’ capacities, staffing and other resources.

a) New prison for mothers with children

The Act No. 475/2005 Coll. on Prison Sentence Execution as amended by Act No. 93/2008 Coll. (hereinafter only the “Prison Sentence Act”) efficient since 1 January 2006 enabled by the provision of § 74 par. 4 the establishment of a specialized unit for prison sentence execution of mothers with children: “The Minister (of Justice) is entitled to issue an approval for establishment of a specialized unit in which a female prisoner can be allowed upon her request to have with her and take care in prison sentence execution of her child older than one year usually until three years, extraordinarily to five years of its age; this is not valid if the child was consigned to another person by the court.”

On the basis of the created legislative conditions a Draft project of a specialized unit of imprisoned women – mothers with children in Nitra-Chrenová Prison was processed in June 2007. The draft project was focused on establishment of a specialized unit for prison sentence execution of mothers with children in compliance with the European Prison Rules, went out from the experiences of prison sentence execution of mothers with children in some countries and the actual legal enactment and conditions of prison sentence execution in the Slovak Republic. At the same time in June 2007 a survey was realized in Prison in Nitra-Chrenová focused on finding the interest of female prisoners – mothers with children in placement in the specialized unit. 34 female respondents participated in the survey, 17 women were interested in placement, 8

women met the conditions of child's age, and only 4 sentenced women met the conditions for recommendation in compliance with the stipulated criteria, concerning mainly protection of child's interests and rights.

A committee was established on 1 August 2007 by the Director General Order No. 30/2007 on Establishment of the Committee of Director General of the Corps for Preparation of the Project of Establishment of the Specialized Unit with the aim of preparation of the specialized unit. The Committee focused on activities and proceedings directed at acquiring the necessary financial means for preparation of the project and establishment of the specialized unit. During proceedings with representatives of the Ministry of Construction and Regional Development of the Slovak Republic possibilities of acquiring financial means from the EU from the regional operation program were looked for. A condition of acquiring the financial means from the EU was to terminate in time until the submitted call the property-legal grant of land on which the project of the planned investment construction should have been realized.

The Contract of transfer of the administration of state property between the Ministry of Defence of the Slovak Republic and Nitra-Chrenová Prison was signed in September 2007. By this contract the Nitra-Chrenová Prison gained the land for widening its premises and establishment of the specialized unit in which a sentenced woman can be allowed upon her request to have and take care of her child older than one year. In August 2007 a material was prepared that assumed financial costs in the amount 80 – 100 Million SKK, counted with the finances from the EU means and also from the state budget, a schedule of fulfilment of tasks of the project realization in dependence of conditions of approval of the operation programs for the period 2008– 2013 was determined.

Despite the exerted effort and activities of the Corps it did not succeed to ensure the preparation of the investment project of establishment of the specialized unit in which a sentenced woman can be allowed upon her request to have and take care of her child older than one year because of the lack of financial sources. We do not consider solution of the mentioned task urgent concerning the numbers of sentenced women to whom the court intermitted the prison sentence because of pregnancy in compliance with valid legislation in previous year.

We provide to this information a chart with the overview of the number of prison sentence execution intermissions to women performed by the District Court Nitra according to provision of § 412 par. 1 of the Code of Criminal Procedure: "If a prisoner on whom prison sentence is executed falls ill of a serious disease, the senate chair can intermit the prison sentence for necessary time, he/she always intermits the prison sentence to the pregnant woman or mother of a child younger than one year."

year 2003	0
year 2004	0
year 2005	1 female prisoner
year 2006	1 female prisoner
year 2007	3 female prisoners
year 2008	6 female prisoners
year 2009	to 15/09/2009 - 4 female prisoners

The current financial situation determined by the economic crisis and lack of financial sources forces to look for solutions that will consider the growing criminality and the resulting increasing numbers of female prisoners. In the future the Corps will not want to fall short of the specialized treatment and of the ambition but the inevitable need will be also to deepen the treatment of the individual categories of sentenced women and react to the developmental trends in the advanced countries of the EU. In preparation of the modified project the Corps considers suitable to increase the accommodation capacities in Nitra-Chrenová by

units of specialized treatment and eventually to solve also the treatment conditions of the category of accused pregnant women within the project of establishment of the specialized unit for mothers with children. Therefore a change is being thought over of the legislation in the sphere of prison sentence execution of pregnant sentenced women above all in cases of women who committed serious criminality. It is a problem for scientific discussion or reviewing every single case, what is the most beneficial – stay of this prisoner with her child at liberty or in prison sentence execution in a specialized unit with program focused on her re-education and care of her child with ensuring needs of its emotional development and conditions in compliance with the International Convention on the Rights of the Child, concretely perceiving the best interests of the child, child's participation, child's survival and development.

Grant of land of the Ministry of Defence of the Slovak Republic to the administration of Nitra-Chrenová Prison and its exposure and area enable to prepare a project with focus on increasing the capacity of prison for sentenced women. The Corps considers more effective the solution of the project for more categories of women, not only for mothers with children and that also regarding the fact that their number could change significantly. The mentioned could positively influence the effectiveness of the established unit and that not only concerning the costs for unit establishment and operation, but also mainly ensuring the numerous and necessarily specially suitably trained staff.

Concerning the above mentioned the Corps tries to gain enough information on legislative regulation of pre-trial detention and prison sentence execution of pregnant women, prison sentence execution of mothers with children in chosen European countries as well as on treatment conditions, experiences and problems connected with ensuring pre-trial detention and prison sentence execution of these categories of women in the individual penitentiary systems. The Corps will compare the gained information and will propose a suitable solution for project preparation in Nitra-Chrenová Prison.

We point out that by the project of establishment of the specialized unit in Nitra-Chrenová the Corps will preferredly try to ensure specialized treatment of pregnant women namely accused and sentenced, sentenced mothers and their minor children. However, we consider necessary to reflect the current developmental tendencies and search effective and progressive solutions considering mainly the actual conditions in the growing number of imprisoned women, also their re-socialisation needs, but also the actual financial situation and real possibilities of the Corps' budget and economy of the Slovak Republic.

In this context, the Corps participates in preparation of proposals of legislative amendments or regulation of legal enactments on pre-trial detention and prison sentence execution, eventually Code of Criminal Procedure and that in co-operation with the Ministry of Justice of the Slovak Republic, General Prosecution of the Slovak Republic, Ministry of Labour, Social Affairs and Family of the Slovak Republic with the intention of a suitable legislative amendment and model of specialized treatment of pregnant women in pre-trial detention execution and sentenced women mothers with children in imprisonment sentence execution. The Corps wants to initiate the mentioned activities in the sphere of legislation, so that during 2010 new legislative conditions for preparation of the project of construction and establishment of the specialized unit in Nitra-Chrenová Prison were prepared.

b) New psychiatric detention institution

As for the CPT's requirements contained in par. 52 of its report by which the CPT would like to be informed of detailed plans as regards the new detention institution, including establishments' projected capacities, staffing and other sources, the Ministry of Health stated the following information:

By the budgetary provision of the Ministry of Finance of the Slovak Republic No. 22/2009 of 2 November 2009 the Ministry of Finance of the Slovak Republic released the funds for the purposes of the detention institution at the Psychiatric Hospital in Hronovce.

By the approval of the Prime Minister of the Slovak Republic No. 9822/2009/OHP of 3 October 2009 for fulfillment of the task B.2. of the Resolution of the Government of the Slovak Republic No.

489/2008 of 9 July 2009 to establish and to operate detention institution at Psychiatrická nemocnica Hronovce the deadline was set on 31 December 2010.

By the last background document for the project documentation of 30 January 2009 and by specifying conditions of the limited funds discussed on 29 January 2009 on the 3rd Production Committee the capacity of the new detention centre was defined for 36 beds. The project documentation was completed based on the background documents of the Corps of Prison and Court Guard and opinion of the main expert of the Ministry of Health of the Slovak Republic in the field of psychiatry. Capacity of the proposed detention institution amounting to 36 beds (or 72 beds) will be met under the assumption of placing 1 bed (or 2 beds) in a separate room. The Ministry of Health of the Slovak Republic published in the Bulletin of the Ministry of Health of Slovak Republic, part 33-39 Decree of 31 August 2009 amending and changing Decree of the Ministry of Health of the Slovak Republic No. 09812/2008-OL of 10 September 2008 on minimal requirements for personnel and material and technical equipment of individual types of medical facilities in the wording of Decree No. 25118/2008-OL of 10 December 2008. The Section of Health, on the basis of the specified criteria and background documents, elaborated a proposal for the personnel, material and technical equipment of detention institution, which is currently being analysed and will be submitted for the approval after the completion of expert negotiations.

With regard to the above-mentioned facts the Ministry of Health of the Slovak Republic still continues in the process of establishing of the detention institution in collaboration with the Psychiatric Hospital in Hronovce.

To the request for CPT, within the meaning of par. 108, which is also closely related to specification of detention institution clients target group within the meaning of par. 52 it is stated that the Ministry of Health of the Slovak Republic would welcome that in the detention institution there will be located:

1. persons who committed a criminal act, however, they were not convicted and punished and/or imprisoned due to their insanity and a court ordered a protective psychiatric treatment in the constitutional form,
2. prisoners, persons convicted of a serious criminal offence who became ill during serving of their punishment in the unconditional imprisonment.

In the context of the above-mentioned facts, it will be necessary to harmonise the needs gathered during the long-term psychiatric practice with the possibilities of the current legislation by the amendments to the existing legislation.

Ad paragraph 54 – The CPT would welcome the comments of the Slovak authorities to the extension of the maximum period of pre-trial detention from 4 to 5 years for persons charged with particularly serious offences.

A purpose of the introduction of § 76a of the Code of Criminal Procedure is the protection of persons, property and other values and interests protected by the Penal Code against offenders of particularly serious crimes for which the most strict possible legal sanction can be imposed, i.e. prison sentence for 25 years or lifelong prison sentence.

The application practice showed that restriction of the total pre-trial detention term in criminal proceedings for the period of four years does not suffice for this category of criminal cases and in reasoned cases it was necessary to extend this term up to one year. There was a risk that in currently and also in the future conducted proceedings it will come to release of persons that can be sentenced to above mentioned sentences, due to what there is a danger not only for the society and concrete persons but also from the viewpoint of violation or even degradation of the basic principles of justice and legally consistent state. On the other side the introduced legal possibility to extend the maximum pre-trial detention term in criminal proceedings is bound to the decision of the court so that the criteria according to the Article 17 par. 5 of the Constitution of the Slovak Republic be fulfilled.

Ad paragraph 55 – *The CPT recommends that custodial staff at Leopoldov Prison be reminded that all forms of physical assault of prisoners are unprofessional and that any evidence of such acts will lead to disciplinary and, if appropriate, criminal proceedings.*

Information gathered by the CPT indicate that some staff members in Prison and Remand Prison in Leopoldov (hereinafter only “Leopoldov Prison”) occasionally resorted to excessive use of force when faced with prisoners in the security regime unit whose behaviour was difficult to manage. It is necessary to note that the CPT in formulating the conclusions came out one-sidedly only from responses of some chosen prisoners, it did not communicate with all prisoners placed in this unit and these are mostly subjective opinions of prisoners unfounded by any evidences and often those prisoners are concerned who also in the past had problems with keeping the institutional rules. In this direction the CPT also did not require any scientific standpoint from anybody of the representatives of the Leopoldov Prison.

In compliance with § 31 par. 1 of the Act No. 4/2001 Coll. on the Corps of Prison and Court Guard as amended (hereinafter only “the Act on the Corps”) the prison officer is entitled to use compulsory means for preventing or eliminating of illegal action of prisoners.

Compulsory means in the security regime unit were used in previous time as follows:

- in 2006 once against a prisoner for physical attack on a regime officer whereas use of compulsory means was evaluated as adequate, in accordance with the valid legal regulations,
- in 2007 no compulsory mean has been used,
- in 2008 no compulsory mean has been used,
- in 2009 no compulsory mean has been used.

The above mentioned data were gained from the statistics on notification of extraordinary incidents in compliance with the Director General Order No. 8/2008 on Extraordinary Incidents. According to the mentioned direction in § 2 par.2 letter h) an extraordinary incident is the use of compulsory means against a prisoner. A written record is done about every use of a compulsory mean that is archived in accordance with the valid regulations. According to these data no physical violence against prisoners in form of slacks, kicks or other rough power in prisoners’ treatment was used in the security regime unit. In treatment of this group of prisoners the staff chose a sharper, more directive access but always only in form of a verbal address concerning the difficult personalities placed in this unit.

Prison officers participating directly in prisoners’ treatment are regularly reminded at working meetings of the prison sentence execution department that all forms of ill-treatment of prisoners are unprofessional.

Ad paragraph 56 – *The CPT requests the comments of the Slovak authorities to the incident from June 2004 when a prison officer at Bratislava Prison kicked a pre-trial detainee in the thorax when the person was already under control and lying on the floor. Criminal proceedings were instituted and the act was proven, yet on 30 October 2005 the judge referred the case, as a disciplinary matter, back to prison governor, who closed it by holding an interview with the prison officer concerned. In the CPT’s view, such an outcome is not proportionate to the gravity of the acts and it sends the wrong message to prison staff, in terms of preventing the ill-treatment of prisoners.*

Since proceedings in matters of servient relation (i.e. also proceedings on imposing a disciplinary measure to the prison officer) is independent from other proceeding types (Judgement of the Supreme Court of the Slovak Republic No. Sž-o-NS-23/03 from 25 September 2003), the process in proceedings is apart from part XII of the Act No. 73/1998 Coll. on State Service of Members of the Police Corps, Slovak Information Service, Corps of Prison and Court Guard of the Slovak Republic and Railway Police as amended regulated also by provision of § 56 of this Act:

“(1) The real state must be always objectively stated before imposing a disciplinary measure. The policeman must have the possibility to express himself/herself to the matter, propose evidences and defend himself/herself before imposing a disciplinary measure.

(2) When deciding about imposing a disciplinary measure the nature of illegal action is regarded, further circumstances under which it was committed, its consequences, extent of infliction and policeman's previous attitude to fulfilment of service duties.“

The Corps would like to note that the mentioned prison governor does not perform the function anymore and his servient relation was finished in 2007. Every complaint of ill-treatment of a prison officer or Corps employee against pre-trial detainees or prisoners is minutely reviewed by bodies of the Inspection of Director General of the Corps and in case of discovering ill-treatment of a prison officer or Corps employee against pre-trial detainees or prisoners disciplinary and personal measures against the prison officer or Corps employee will be taken.

Ad paragraph 59 – *The CPT requests to take steps to ensure compliance in practice with the requirement that prisoners placed in the life sentences unit can during full personal searches retain their underwear.*

The CPT recommends that the Slovak authorities put an immediate stop to the practice of collective strip searches as described in paragraph 57 and ensure that any resort to strip searching of prisoners is based on an individual assessment and is carried out in such a way as to respect, as far as possible, the dignity of the prisoners concerned. Moreover, dogs should no longer be used for routine duties involving inmates, nor should they be employed when prisoners are strip-searched.

The CPT requests confirmation, in due course, that a new measure concerning strip searches described in paragraph 59 has been implemented, together with a copy of the revised regulations.

Personal search of pre-trial detainees and prisoners is carried out in compliance with provisions of § 53 of the Act on the Corps. Personal search must not follow any other interest as ensuring the purpose of pre-trial detention execution, purpose of prison sentence execution, protection of persons, guarded Corps objects and order in them. Personal search is carried out on the determined place. Personal search is carried out by person of the same sex. Basic hygienic rules are observed by the personal search and human dignity of the searched person must not be degraded.

Personal searches in prisons are carried out in compliance with § 44 par. 2 of the Minister of Justice Order No. 2/2006 on Guard and Escort Service and on Special Intervention Units in the Corps (hereinafter only “the Order No. 2/2006“) and are divided into:

- a) full personal searches,
- b) preventive personal searches.

Conditions of carrying out full personal searches are stipulated in § 44 par.3 and par. 4 of the Order No. 2/2006. Carrying out preventive personal searches is regulated by § 44 par. 5 of the Order No. 2/2006.

In the life sentences unit preventive searches are carried out daily and that in accordance with § 44 par. 5 letter a) of the Order No. 2/2006 and not full personal searches as prisoners declared during the CPT visit. Full personal searches are carried out only in compliance with § 44 par. 3 a 4 of the Order No. 2/2006.

Preventive personal searches are usually focused on revealing subjects by which the prisoner could threaten e.g. security of an escort or lives of other persons; they are carried out by a thorough feeling of garments (the prisoner does not take them off) and control of personal things by the detector of metals.

In compliance with § 79 par. 4 of the Prison Sentence Act visit of the prisoner, to whom the court imposed the life sentence, is usually carried out without any direct contact and under direct surveillance of a prison officer – with exception of prisoners placed in differentiation subgroup D2.

Dogs in Prison and Remand Prison in Ilava (hereinafter only “Ilava Prison“) were used in accordance with the internal norms for ensuring the evening head-count. The whip with the dog that had a muzzle assured from another block the prison officers who were carrying out the head-count concerning the fact that together 30 prisoners enter to the head-count and only 2 prison officers carry out the head-count.

Guard whip with service dog ensured the service on the guard standpoint No. 13, stated in the Specification of Guard Standpoints No. GR ZVJS-V-9-21/2006-22 from 13 April 2006.

Mentioned use of service dog has been repealed with immediate effect on the basis of instruction of Director General of the Corps.

Service dogs in prisons are used also for searching narcotic and psychotropic substances, their precursors, or explosives in accordance with § 39 par. 1 letter g) of the Act on the Corps.

Skilled guard whip with service dog searches or participates in searching drugs mainly in inmates' accommodation part, whereas the biggest attention is paid to the search of parcels, correspondence, means of transports, luggage of inmates and persons entering the prison.

Use of dog without a muzzle is possible only in compliance with § 39 par. 2 of the Act on the Corps, i.e. if the nature and intensity of the attack, breaking down opposition or character of the service intervention require it.

Service dog use is carried out in accordance with § 39 par. 1 letter g) of the Act on the Corps of Prison and Court Guard (hereinafter only the "Act on the Corps") "in searching narcotic substances, psychotropic substances, their precursors, poisons, explosives, booby-trap and explosive systems".

In the internal regulation there are specified tasks and activity of the trained prison officer – skilled guard whip in prison who searches drugs with service dog:

„(1) Skilled guard whip with service dog searches or participates in searching drugs mainly in Corps' objects, whereas the biggest attention is paid to the search of parcels, correspondence, means of transports, luggage of inmates and persons entering the prison.

(2) Apart from tasks mentioned in paragraph 1 the skilled guard whip mainly:

- a) carries out search of parcels, inmates' correspondence in the room established for this purpose,
- b) carries out in irregular intervals search of inmates' cells, chosen spaces, rooms and objects so that during 6 months the whole prison is searched,
- c) carries out control of cells, rooms and objects also on the basis of information from prison officers from the preventive-safety service division or group,
- d) carries out search of luggage and garments:
 1. of inmates during escorts of the whole-state chute,
 2. of tipped pre-trial detainees taken into custody and after contact visits,
 3. of prisoners upon entry to prison sentence, return from prison leave or extraordinary prison leave and after contact visits,
- e) uses in drugs searching lists of inmates whose criminal activity was connected with drugs and are registered as drug dependent; the list is regularly updated; co-operates with prison officers performing state service in medical facility preventive-safety service group or division,
- f) carries out searches whose purpose is drug search without presence of inmates.“

In the prepared Minister of Justice Order on Guard and Escort Service and Court Guard that should be valid from 1 January 2010 the conditions of carrying out full personal searches have been modified as follows:

Personal searches of pre-trial detainees and prisoners

“(3) Full personal search is carried out:

- a) upon admission and before release from pre-trial detention and prison sentence execution,
- b) before and after performing an escort to all pre-trial detainees or prisoners in case they came in contact with other persons,

- c) if there is a reasonable suspicion that the pre-trial detainee or prisoner has on one dangerous objects or not allowed things,
- d) by general and partial prison search,
- e) before and after carrying out a contact visit,
- f) before placing the pre-trial detainee to the cell where a disciplinary punishment is executed or prisoner to a cell in the life sentences unit, security regime unit, specialized treatment unit and closed unit,
- g) before and after performing an escort of pre-trial detainees or prisoners to a workplace, and that only to such number of persons that is determined by the head of the security department for every workplace concerning the dangerousness of pre-trial detainees or prisoners, character of the work and workplace.

(4) Full personal search of pre-trial detainees or prisoners is carried out in determined sufficiently heated room equipped by suspensory banks and racks; this does not apply to full personal search carried out during search according to par. 3 letter d). Pre-trial detainee or prisoner during full personal search takes off everything apart from underwear except the cases mentioned in par. 3 letters a) to c) when the pre-trial detainee or prisoner *strips naked*. Search of body, taken off garments and personal things is carried out by physical search and detector of metals. The pre-trial detainee or prisoner is taken away not allowed things or objects by which he/she could endanger security of the escort.“.

This internal norm will be sent to the CPT after the approval and signature by the Minister of Justice of the Slovak Republic.

Ad paragraph 60 – *The CPT recommends that the Slovak authorities review the ban on receiving cigarettes in parcels, with a view to attenuating its negative effects.*

Supply of the illegal goods including cigarettes and tobacco products was one of various reasons for the proposal of the Ministry of Justice of the Slovak Republic for dissolving parcels for the inmates and their replacement by a markedly better and carefree access in form of buy of goods from prison shops. In case of cigarettes and tobacco products it came out from the knowledge that the content of the parcel was created usually by these commodities that often came from the illegal market and the adopted measures went astray (e.g. the senders prevented holding back of not stamped – illegal cigarettes by sending the cigarettes without any wrapping). Dissolving parcels was omitted during the legislative process of adopting the Prison Sentence Act; however, things that a parcel can contain were determined more precisely. This determination reflects the security risks, hygienic-epidemiologic risks and tries to obstruct the supply of illegal goods to prisons. Despite the adopted legislative amendment the Corps considers the mentioned security risks to be still actual and selecting the parcel content for a permanent source of useless conflicts between the inmates and prison staff where the only solution is excepting the prisoners' right to receiving a parcel from the currently valid legislation.

The ban on sending cigarettes and tobacco products in parcels is effective since 1 April 2008, so it is applied more than one year and until now no rise of tension connected with abstinence symptoms caused by the insufficient nicotine supply has been noted. The sender of the parcel can send the prisoner a financial sum for which he/she can buy the cigarettes and tobacco products in the prison shop.

Ad paragraph 65 – *The CPT recommends that the placement of these pre-trial detainees be reviewed, in order to ensure that they are provided, as far as possible, with an appropriate regime, with only those restrictions strictly necessary to adequately protect them.*

In object Nr. 5 of the Ilava Prison there is ensured in connection with the instruction No. GRZVJS-111/22-2007 the execution of life sentences for 3 prisoners (in differentiation group D-1) in ten single-place cells, prison sentence execution with security regime for prisoners and pre-trial detention execution of pre-trial detainees who meet the conditions for separate accommodation.

All cells where pre-trial detainees and prisoners were placed have been constructionally finished and meet all requirements for accommodation of prisoners and pre-trial detainees according to the valid legislation.

The regime of pre-trial detainees and prisoners was ensured in compliance with the act. There were no contacts between the pre-trial detainees and prisoners.

Ad paragraph 66 – *The CPT recommends the Slovak authorities to take due note of the position of the Committee on the Rights of the Child (CRC) mentioned in paragraph 66 and consider abolishing the imposition of life sentences on children.*

In paragraph 66 of the CPT report there is mentioned that according to the Slovak law it is possible for children to be sentenced to life imprisonment. At the same time according to the article 30 (2) of the Institutional Rules for Prisoners (Instruction No. 12) the conditions of imprisonment for life sentenced children sentence shall be the same as for life sentenced adults.

The objective statement is not right and does not correspond with the real legal state in the Slovak Republic. It is possible to assume that it came to this because of an incorrect interpretation of the Slovak law as a consequence of an inexact language translation.

In accordance with § 117 of the Penal Code the penalties for juveniles are lowered to the half whereas the upper limit of such a lowered penalty must not exceed seven years and the lower limit two years. If the criminal act is particularly serious and the seriousness rate for the society is extraordinarily high, the court can impose the prison sentence over seven to fifteen years.

Thus, from the mentioned provision of the Penal Code unambiguously results that the maximum prison sentence length for juveniles cannot exceed 15 years.

On the basis of this fact it is obvious that to the mistake came also in connection with defining imprisonment conditions of life sentenced children that shall be stipulated in the institutional rules.

From paragraph 66 of the CPT report it is not clear which instruction No. 12 should have been the pattern for this statement; at any case as far as the Slovak penal codex does not permit life sentence for juveniles it is not possible that the institutional rules regulate conditions of life sentenced children. In addition, the institutional rules have not the force of a generally binding legal regulation; it is an internal act of prison governor issued on the basis of the Prison Sentence Act and Statute of the Ministry of Justice No. 368/2008 Coll. that issues the Rules of Prison Sentence Execution. The institutional rules only concretize provisions of the objective act and statute, above all the execution way of rights, restrictions and duties of prisoners and assertion of order and discipline. At the same time it is necessary to add that prison sentence of juveniles is executed in juveniles' prison, i.e. separately from adult prisoners and thus also the institutional rules in this prison are adjusted to juveniles' treatment.

Ad paragraph 68 – *The CPT recommends that outdoor exercise facilities for life-sentenced prisoners at Ilava and Leopoldov prison be improved significantly.*

Ilava Prison: Walk yards for pre-trial detainees and life-sentenced prisoners are standardly secured by a bar from above and partially covered against rain. Already during the CPT visit a cross-bar was imbedded in every yard.

Apart from it in the multi-functional exercise room there is a rotoped, stationary bicycle and a table-tennis table at disposal.

Leopoldov Prison: Four walk yards are set apart for life-sentenced prisoners in spaces of the object Nr. 20 – Castle where prisoners carry out walks and sports activity. All these walk yards are equipped by a bench and cross-bar designed for exercises. In addition two walk yards are equipped by basketball baskets where prisoners can play basketball also with other life-sentenced prisoners, maximum four prisoners. Further prisoners included in differentiation subgroup D2 can in case of their interest use a larger walk yard that is designed also for other prisoners in the object Nr. 20 – Castle. In the internal space of the life sentences unit there is a room set apart as a sports room with a table tennis table and prisoner can play table tennis according to their interest in time that does not break other activities in the unit (D1 and D2).

It is probably the inexact interpretation of prisoners' statements, if the CPT confirms in its report that these facilities were not accessible for life-sentenced prisoners who instead took exercise on corridor-like yards measuring between 13 and 20 m² (in fact the real area of these yards is as follows: 2 yards – each ca 24 m², 1 yard 30 m² and 1 yard 36 m²) and it is also not right that these facilities do not permit prisoners to exert themselves and limit any exercise to pacing back and forth.

Ad paragraph 76 – The CPT calls upon the Slovak authorities to take the necessary steps to provide a suitable solution whereby the life-sentenced prisoner in Leopoldov Prison can be afforded the conditions of detention and care he requires. The CPT would like to receive within two months an account of the measures taken in respect of the detention conditions of this man.

The prisoner mentioned in the report in paragraph 76 was sentenced to a life sentence for murder of his fellow-prisoner and was included to the maximal guarding level.

The expert from the branch of psychology stated in the expert opinion:

Personality of this prisoner is simple, structured, lowbrow, non-socialized with reactive instinctive way of behaviour, without moral principles and respecting social norms, without ability of emotional resonance with others, personality egocentric with predispositions to instinct– aggressive meeting the basic needs regardless the requirement and need of other people. She stated that the intellectual abilities are on the level of a light mental retardation. Behaviour motivation is charged by pathological personality traits for which moral insanity and aggressive impelling are considered. He is not able to either intra-psychically or consciously correct his internal aggressive satisfying; he lets it freely wash out without any effort for self-regulation. She judged the re-socialisation as evidently markedly problematic because she has not found in his personality any possibilities on which it would be possible to build the re-socialisation. Asocial and aggressive tendencies, impassibility, instinctiveness without internal self-regulations prevail and since any usual re-socialisation process has come off, this individual becomes dangerous for his environment and it is very difficult to assume that he would be able to change his behaviour and integrate into society. She stated schizoaffective disorder and not schizophrenia as it is stated in the report.

The prisoner was transferred to Leopoldov Prison on 22 November 2004 from Ilava Prison in order to continue in the execution of the life sentence in the maximal guarding level. In compliance with § 79 par. 2 of the Prison Sentence Act he was accommodated in the life-sentences unit in a separate cell and he was accommodated alone.

He was placed to the life sentences unit immediately without any stay on the entry unit in accordance with § 78 par. 2 of the Statute of the Ministry of Justice of the Slovak Republic No. 368/2008 Coll. that issues the Rules of Prison Sentence Execution (hereinafter only “the Statute”) and was included to the differentiation subgroup D1.

According to § 78 par. 3 of the Statute the prisoner is placed separately from other prisoners, is not included to the activities organised for the whole prison and outside the cell he moves essentially under supervision of a prison officer.

According to § 78 par. 4 letter b) of the Statute if the prisoner fulfils the treatment program on a long-term basis, keeps the institutional rules and shows positive changes in the attitude towards criminality and value orientation, he can be included to the differentiation subgroup D2 that is characteristic by mitigation of some restrictions of the life sentence – among other things also by enabling the contact with other prisoners in the differentiation subgroup D2.

The above mentioned prisoner does not meet the conditions for re-grading to the differentiation subgroup D2 because he does not fulfil the treatment program on a long-term basis and does not keep the institutional rules. During the prison sentence execution he has been penalized for 20 times, last time on 27 March 2009, mainly for misbehaviour towards staff, refusal to fulfil prison officer's command, self-injury, demolition of prison furniture, sleeping during disallowed time and possession of disallowed things. He has been disciplinary rewarded for 5 times, the last time on 4 June 1999, mainly for performing works for prison.

During prison sentence execution in Leopoldov Prison the above mentioned prisoner was hospitalized for 6 times on psychiatric ward of Trenčín Prison Hospital. Mostly it was because of behaviour disorders and aggressiveness demonstrations that escalated, total discomposure, insomnia, hetero-aggressive and uncontrollable behaviour. After behaviour stabilisation and medication he was always transferred back to Leopoldov Prison. Ingestion is regular and he is under watch of the prison psychiatrist. He is devoted systematic care that his health state requires.

At present, the above mentioned prisoner is accommodated in the life sentences unit, is accommodated separately, is included to the differentiation subgroup D1 and suitable conditions for execution of life sentence are created in compliance with the Prison Sentence Act.

Ad paragraph 78 – *The CPT recommends that Slovak authorities fundamentally rethink the regime applied to life-sentenced prisoners, with the objective to move away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells and to integrate them at some point into the mainstream prison population.*

Further, the CPT recommends that appropriate steps are taken to lend meaning to the period of imprisonment for life-sentenced prisoners by making major investment in structured activities of a long-term nature (in particular work, with a vocational value, and education).

In addition, the CPT recommends that the D2 regime differentiation be fully implemented and further developed; that clear criteria for promotion to and demotion from the better regime be set; and that the committee referred to in paragraph 72 increase the frequency with which it discusses the reclassification of life-sentenced prisoners.

Taking into account the broad spectrum of offenders' personalities in the social group of life-sentenced prisoners and using the large extent of knowledge that was acquired from prisoners' personal files, experts' opinions from the branches of law, psychology and psychiatry performed on offenders before passing judgement, from psychological examinations, opinions, suggestions and experience of pedagogues, psychologist, social worker and other prison staff who comes into direct contact with prisoners and also by using targeted individual interviews with prisoners it is possible to define prisoners' groups with following characteristics:

Criminal types – committed a particularly serious deliberate crime, for which they prepared or they committed criminality as members of an organised group, were repeatedly in prison sentence execution for violent crimes, are strongly anti-socially oriented with a negative attitude towards prison sentence. They are distinguished by a high level of egocentrism, increased sensitivity, emotional excitation, low self-criticism and often also little comprehensive thinking. They show physical aggressiveness, cruelty against their neighbourhood, hostility, defiance, reluctance and low frustration tolerance. Their abnormal personality structure means a permanent non-influenceable state, it is not a case of deviation and prisoners' state does not reach the disordered level. In case of these prisoners the prison sentence execution fulfils from its purpose the function of isolation from the society. The re-socialisation prognosis is particularly difficult, mainly because of their negatively oriented personality structure. The treatment program is focused on maintaining physical and psychical health what in practice means that these prisoners do not flee to negativism, to uncontrollable aggression, self-injury and the like.

Prisoners with distinct personality disorder – committed a particularly serious deliberate crime, a distinct mental defect was stated (*sadism, masochism, paedophilia and the like*). The personality disorder manifests itself by impulsive behaviour, affective instability, rapid changes of mood and tendency to strong depression and anxiety. There is a presumption that their criminal behaviour (*behaviour disorder*) rises in the lowered ability to control the own impulses. Seriousness of the disorder manifests itself not only by seriousness of offences but also by persistence and repeating. From the viewpoint of psychology, sexology but also pedagogy these prisoners can be designated as the most threatened ones and at the same time the most risk just because of persistence of their mental defect also during prison sentence execution. It is a group of prisoners that requires the presence of specialists and adequately trained staff.

Situational offenders - committed a particularly serious deliberate crime, presence of narcotic substance was stated, and they committed the crime in affective state or acted under influence of intensive emotions. The offenders are usually sentenced for the first time or they have minimum penal history and they do not belong to the criminally disturbed prison clientele. This group of prisoners is the most adaptable one; they realize the guilt extent, accept the sentence and are usually included in the differentiation subgroup D2. Their re-socialisation prognosis is the most favourable one because of their minimum criminal disturbance, adequate personality structure and interest to co-operate. The treatment program is purposely targeted on development of personality, value orientation and social support regarding the minimisation of the negative effects of long-term stay in prison sentence.

Conditions of prisoners' inclusion to the differentiation subgroup D2 within the execution of life-sentence in conditions of the specialized prison sentence execution are defined in § 78 par. 4 and 5 of the Rules of Prison Sentence Execution similarly as the internal differentiation is defined in provisions of § 9 to 22 of the Rules of Prison Sentence Execution. Treatment program is worked out and evaluated in accordance with provisions of § 23 to 27 of the Rules of Prison Sentence Execution for all prisoners and charts in sufficient extent the course of prison sentence and reached changes in prisoners' behaviour placed in the standard prison sentence execution as well as of prisoners placed in the life-sentences unit. Evaluation frequency of prisoner's stay in the differentiation subgroup D1, D2 as well as in other differentiation subgroups is given by provision of § 26 par. 1 and 5 of the Rules of Prison Sentence Execution (re-valuation of treatment program fulfilment is evaluated until six months and for prisoner with prison sentence longer than five years the evaluation of treatment program fulfilment is worked out once in 12 months). Change of treatment program, mainly in prisoner's crisis states or distinct behaviour changes is solved individually as necessary.

Ad paragraph 80 – *The CPT recommends that steps be taken to provide more precise legal provisions in respect of placement to the security regime unit.*

In compliance with § 81 par. 1 of the Prison Sentence Act to the security regime unit is placed:

- a) the prisoner who constantly violates the institutional rules, refuses to fulfil his/her duties, effects on other prisoners contrary to the purpose of prison sentence execution, endangers security of prison officers, prisoners or other persons, escaped from prison sentence, tried to escape or prepared an escape,
- b) the prisoner, against whom criminal prosecution is conducted, the reason of pre-trial detention is fulfilled and the court decided on adequate enforcement of restrictions,
- c) the prisoner, who by his/her uncontrollable aggressive behaviour endangers his/her health or life,
- d) the prisoner, to whom an international court imposed a sentence and the sentence shall be executed in the territory of the Slovak Republic.

In compliance with § 81 par. 2 of the Prison Sentence Act the prisoner can be placed to the security regime unit:

- a) for a particularly serious crime that he/she committed as a member of an organised, criminal or terrorist group and from preventive-security reasons,
- b) if being proposed to a disciplinary punishment for violation of the institutional rules, if being suspicious of committing a crime and there is a presumption that he/she could foil a proper investigation of the matter, will continue in his/her illegal activity, or if compulsory measures have been used against him/her; such a prisoner can be placed to the unit for inevitable time, mostly for 24 hours.

Prison governor decides about placement of the prisoner to the security regime unit in compliance with § 81 par. 3 of the Prison Sentence Act; this shall not be applied if it is the prisoner mentioned in par. 1 letter d). Prison governor realizes prisoners' inclusion to the security regime unit on the proposal of the committee that co-operates with various experts and specialists in prison (e.g. psychologist, psychiatrist, social worker, pedagogue) when working out the proposal for placement to this unit. The prisoner is placed to the security regime unit only on the basis of recommendation of this committee and in compliance with § 81 par. 1, 2 of the Prison Sentence Act.

Ad paragraph 81 – The CPT recommends that:

- *a prisoner in respect of whom a placement in a security cell/unit with security regime is envisaged, or who is placed in a security cell/unit with security regime or in respect of whom such placement is extended, be given an opportunity to express his/her views on the matter after having been informed in writing of the reason for the measure (it being understood that there might be reasonable justification for withholding from the prisoner specific details related security);*
- *the placement of a prisoner in a security cell/unit with security regime be fully reviewed at regular intervals (preferably on a quarterly basis). This review should be carried out in respect of both pre-trial detainees and prisoners;*
- *prisoners have the right to appeal to an independent authority against the Imposition or extension of a placement to a security cell/unit with security regime.*

Pre-trial detainees in pre-trial detention execution are placed to a security cell in compliance with provision of § 7 par. 4 of the Act on Pre-trial Detention No. 221/2006 Coll. in wording of the Act No.127/2008 Coll. (hereinafter only “Pre-trial Detention Act”) if they behave aggressively, break the institutional rules, endanger security in prison or are prosecuted for criminal acts mentioned in § 47 par. 2 of the Penal Code for which it is possible to impose even life-sentence. Staff ensuring pre-trial detainees’ treatment registers in their documentation all behaviour demonstrations so that in case of need they could be a basis for such a placement. Similarly the reasons of prisoner’s placement to the security regime unit are stated in his/her documentation whereas governor’s decision after the proceedings of the committee is recorded on a prescribed form. We consider the decision on placement to the security regime unit on the basis of reason given by the act transparent and standard exercitation of prisoners’ differentiation.

The Corps considers the legislative regulation of placement to security cells and unit with security regime sufficient including the guarantees that such a placement will not be misused. The detained persons have to possibility to address the complaint to the prosecutor who carries out surveillance over keeping law in prison as well as to many other authorities and organisations. Their right is also to ask for provision of written information and prison’s obligation is to provide them such information.

However, in the effort to improve the approach to inmates the Corps will be grateful if the CPT mediates us contacts to countries with the recommended practice implementation when the inmate is in writing informed about the decision of the placing body on his/her accommodation in the concrete prison cell, especially if members of organised criminal or terrorist groups are involved, or when the inmate has a right to refuse the determined accommodation with the subsequent process in case the prison management does not find with the inmate a bilaterally satisfactory solution of placement to the cell so that we could verify such practice and eventually take it over to the Slovak prison system.

The Corps accepts the CPT’s recommendation pointing to improvement of skills of prison staff performing service in security regime units, increasing surveillance over cells where risk prisoner are placed and increasing the frequency of visits of the risk prisoners by a psychologist, in case of need by a psychiatrist.

Ad paragraph 84 – *The CPT recommends that the Slovak authorities take measures to ensure adequate care for prisoners in the Leopoldov security regime unit. Those measures include basic training about relevant mental health issues for staff working in the security regime unit; increased staff surveillance of prisoners; the adaptation of cells where mentally ill prisoners are accommodated so as to reduce the risk of self harm; and an increased presence of the psychiatrist in the unit and the introduction of a psychiatric team. Further the CPT recommends the Slovak authorities to develop facilities suitable to accommodate mentally ill prisoners such as those currently accommodated in the Leopoldov security regime unit.*

During visit of the CPT and also at present in Leopoldov Prison there is created 1 functional place of psychiatrist for ca 1100 inmates according to the tabular numbers of prison officers. The Corps agrees with the statement of the delegation members that one psychiatrist is not sufficient for the number of inmates in Leopoldov Prison and also for the number of specialized units. Main content of the psychiatrist's service activity is his/her action on the unit of protective treatment execution (alcohol and toxicomaniac protective treatment). Schedule of psychiatrist's activity is as follows:

- Monday - execution of protective treatments,
- Tuesday - pre-trial detention and prison sentence execution unit,
- Wednesday - execution of protective treatments,
- Thursday - prison sentence execution unit,
- Friday - execution of protective treatments.

According to the mentioned it is obvious that the psychiatrist can devote himself/herself to the prisoners on life-sentences and specialized treatment units in full extent only one day a week and on other days depending on need he/she solves prisoners' individual crisis states. A specialized team composed of a psychologist, special pedagogue and social worker participate in prisoners' treatment on life-sentences and specialized treatment units apart from the psychiatrist. Creating a new psychiatric team on these units is conditional on creating new functional places, economic provision what does not depend only on Leopoldov Prison.

Accommodation conditions of prisoners in the security regime unit are in full compliance with the Prison Sentence Act. Only by amendment of the mentioned Act it is possible to prevent prisoners from self harm by a suitable adaptation of cells. Prisoner who by his/her behaviour endangers his/her health or life can be placed to the compensation room in compliance with § 81 par. 4 of the Prison Sentence Act; prison governor on the recommendation from the doctor decides about such a placement. The compensation room is specially adapted so that the prisoner cannot cause himself/herself a bodily harm. The prisoner is placed to the compensation room until the end of his/her behaviour signs by which he/she could endanger his/her life, health or life of another person. The compensation room does not serve for prisoner's accommodation. On one side the CPT compares the accommodation conditions in the security regime unit with conditions in solitary confinement and on the other side it requires such adaptation of cells as to reduce the risk of self harm of these persons what essentially requires the adaptation of the cell so that it is similar to the compensation room.

Basic training of staff working in the security regime unit about relevant mental health issues and topics connected with problems of self-injury, aggressiveness, personality disorders, abnormal reactions, suicides and the like will be included in the plan of technical-refining training of Leopoldov Prison staff in the training year 2010.

Prisoners in the security regime unit do not require psychiatric care at large. Main diagnoses of prisoners in this unit are personality disorders (psychopathies) and at the point of compensation of these disorders treatment is not necessary. It is good to note that troublesome and de-compensated patients get adequate care and are psychiatrically dispensarized.

Ad paragraph 85 – The CPT would like to receive within two months confirmation that the prisoner mentioned in paragraph 85 has been placed back in a normal cell.

The prisoner was placed to the security regime unit in compliance with § 81 par. 1 letters a) and c) of the Prison Sentence Act when such prisoner is placed to the security regime unit who constantly violates the institutional rules, refuses to fulfil his/her duties and such prisoner who by his/her uncontrollable aggressive behaviour endangers his/her health or life.

The mentioned prisoner deliberately set on fire in the cell where he was placed on 4 January 2009 at 7.15 p.m. in spaces of the Leopoldov Prison in the object Nr. 20 - Castle on VIII unit - security regime unit.

On the basis of the caused situation the prisoner was accommodated separately in spaces of the VI unit in the object Nr. 20 – Castle in terms of § 8 par. 4 letter b) of the Prison Sentence Act. The prisoner was accommodated in these spare spaces (during the re-construction of the stultified cell) also during the visit of the CPT Committee.

At present the mentioned prisoner is accommodated on the security regime unit in a normal cell in compliance with § 81 par. 1 letters a), c) of the Prison Sentence Act where adequate conditions for his prison sentence execution are created.

Ad paragraph 86 – *The CPT requests removal of deficiencies described in paragraph 86 concerning material conditions of pre-trial detainees in Košice Prison; in particular it is necessary to remove the metal screens on some cell windows or find another solution to ensure adequate access to light.*

In Remand Prison and Prison in Košice (hereinafter only “Košice Prison”) and concretely in the object of pre-trial detention and prison sentence execution on cell and room windows from the external side there are no metal screens. Cell windows of pre-trial detainees and prisoners’ rooms are equipped only by a metal frame that serves as a holder of wire glass that ensures enough light in every cell. The CPT members were explained that these are no metal screens and they were also clearly shown the object. The CPT after these act had no comments, however, it occurred as a deficiency in the CPT report. It is necessary to point that these frames do not hinder in any case the intersection of enough light to cells and rooms. Eventual removal of frames (concerning demandingness of the disassembly – it is possible only by supplier’s way) constitutes financial costs minimally 8.298 EUR (250 000 SKK). Given action has not been included in the investment construction for the respective years concerning the insufficient financial sources.

The project documentation of the action “Constructional adaptations of cells in the pre-trial detention execution object” was by supplier’s way worked out in October 2005. Košice Prison requested afterwards in the process of budget preparation for 2006 for including the objective action to the Register of capital expenses already for the year 2006. Concerning the tightness of the Corps budget this action was included in the mentioned register neither in 2006 nor in 2007.

Constructional costs of the action “Constructional adaptations of the pre-trial detention cells” create division into 2 phases:

1st phase – budget cost	438.160 €(13,2 Mil. SKK)
2nd phase – budget cost	53.110 €(1,6 Mil. SKK)

Total costs:	491.270 €(14,8 Mil. SKK)
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These costs are on the price level of the year 2005.

Division of the objective action into the mentioned phases results from the binding standpoint of Deputy Director General for Economic Affairs – letter No. GR ZVJS-160/32-2005 from 20 July 2005.

Košice Prison planned the mentioned action also within the “Intention of modernisations, re-constructions and reparations of real estate and use of the object system for 2007 - 2011” – letter No. ÚVVaÚVTOS-39/32-2006 from 3 October 2006.

The project includes creating a new hygienic cell with toilet, wash basin and shower, at the same time draught of the given spaces and hall spaces of the whole object of pre-trial detention execution by the constructional air conditioning unit.

Košice Prison planned the mentioned action also in the Draft prison budget for 2008 - 2010 (No. ÚVVaÚVTOS-32/2007 from 14 May 2007), in the Draft prison investment designs for 2009 – 2011 (No. ÚVVaÚVTOS-5/32-2008 from 7 February 2008) and in the Draft prison investment designs for 2010 - 2012 from 3 April 2009.

Concerning the economic situation the mentioned action has not been included in realization yet.

Ad paragraph 86 – *Concerning juveniles exceptionally held in institutions for adults, the CPT recommends that the Slovak authorities take the necessary steps in the light of the remarks mentioned in paragraph 87.*

Placement of juvenile pre-trial detainees is in compliance with the CPT' recommendations legislatively sufficiently regulated in provisions of § 7 of the Act on Pre-trial Detention including the possibilities for application of exceptions in case of eventual accommodation with adults. The practice brought knowledge about positives of cases of common juveniles' accommodation with suitably selected adults that from many points of view appears to be substantially beneficial mainly for the juvenile and that from viewpoint or restriction of negative imprisonment influences. It concerns cases when placement of a juvenile with less disturbed adults is less devastating than placement exclusively in peer community. General Directorate of the Corps pays constant proper attention to juveniles' placement and leads prisons so that every case of juvenile's placement with an adult is consequently considered, properly justified and registered also in written form and continuously re-valued.

To the reservation of placement juveniles in institutions with adults we state that it concerns only juvenile pre-trial detainees who are placed to remand prisons. Juvenile prisoners execute the prison sentence in Sučany Juveniles' Prison. As far as in the Slovak republic there are very few juvenile female prisoners – the actual state on 7 October 2009 was that no juvenile woman was in prison sentence execution, thus it is not possible to establish a separate prison or unit for them. It is similar with the state of juvenile pre-trial detainees in remand prisons. Thus in some remand prisons it is not possible to establish a separate unit only for juveniles. We stress that placement of a juvenile with an adult in one cell as exceptional and must always be justified. In the treatment system constant attention is paid to protection of rights and interests of juvenile pre-trial detainees and prisoners and all risks resulting from eventual contacts with adult prisoners are eliminated.

Ad paragraph 88 – The CPT invites the Slovak authorities to ensure that juveniles at Košice prison are provided with an appropriate diet.

The diet in prison for pre-trial detainees and prisoners and for juvenile pre-trial detainees is prepared in accordance with Minister of Justice Order No. 4/2009 on Alimentation in the Corps (hereinafter only the "Alimentation Order") and Minister of Justice Order No. 12/2007 on Financial Limits for Diet Preparation in the Corps. The diet is prepared according to the menus approved by the prison doctor, meals' recipes in common eating, financial limits for food preparation and number of boarders in the extent of the recognized food rations. Food ration means the quantum of food that is provided to the pre-trial detainee or prisoner according to the age group, health state and work inclusion.

The quantum of aliments that corresponds to the individual food rations is stated in the recommended aliments rations (Enclosure No. 2 of the Alimentation Order).

Financial limit for food preparation for not working juvenile pre-trial detainees and prisoners is as follows: breakfast: 0,51 € dinner: 0,67 € and supper: 0,50 € A diet supplement belongs to all not working juvenile pre-trial detainees and prisoners in accordance with § 21 par. 8 of the Alimentation Order worth 0,23 € that is provided to juveniles in form of milk or milk products.

In this connection it is necessary to point out that the CPT delegation members in their statement on providing insufficient food to juvenile pre-trial detainees came only from statements of these persons. During the CPT visit to Košice prison the diet for juveniles was neither controlled, weighed nor visually checked from the viewpoint of composition and quantum.

Ad paragraph 90 – The CPT recommends that cells with virtually the same layout as those seen in Košice Prison before adaptation be no longer used for long-term detention or for holding persons posing a suicide risk.

- The CPT would like to receive a copy of the regulation concerning using security cells in remand prisons.

- The CPT would also like to receive in due course confirmation that security cells in remand prisons have been adapted as well as a detailed description of their new layout.

Security cells in remand prisons will be adapted gradually in years 2010 - 2012. However, the objective adaptation of the security cells depends on the allocated financial means from the state budget.

Preliminary plan of security cells adaptation in prisons:

Year 2010

1. Žilina Remand Prison
2. Košice Prison
3. Levoča Remand Prison

Year 2011

1. Bratislava Remand Prison
2. Ilava Prison
3. Banská Bystrica Remand Prison

Year 2012

1. Nitra Remand Prison
2. Prešov Remand Prison
3. Leopoldov Prison
4. Trenčín Prison Hospital

Košice Prison: Pre-trial detainee was placed in cell No. 105 since 4 March 2009. From his side no instigation to prison staff was filed concerning the bad condition of this bed. After arrival of the CPT member to the cell and finding out the mentioned state this problem was immediately solved.

Security cells Nr. 105, 116 and 305 were used exclusively for placement of particularly dangerous pre-trial detainees. Female pre-trial detainee who committed suicide on 31 May 2008 was placed to the security cell on the basis of prison director's decision and from security reasons. By her aggressive acting she became dangerous for her neighbourhood and for the women who had been in the cell with her before the placement to the security cell and also for prison staff. From these reasons she was placed to the security cell and she was paid increased attention on the part of the medical staff as well as on the part of the psychologist and officers of the pre-trial detention department.

Technical provision of security cells Nr. 105, 116 and 305 was removed on 20 May 2009 on the basis of Director General's instruction.

Placement of pre-trial detainees to security cells in remand prisons realized in accordance with provision of § 7 par. 4 and § 12 par. 6 of the Pre-trial Detention Act.

From January to September 2009 in remand prisons there were placed 450 pre-trial detainees in security cells what is ca. 17 % from totally 2662 pre-trial detainees in that period in pre-trial detention execution. Placement of pre-trial detainees to security cells in remand prisons is realized from preventive-security reasons with the aim to prevent the risk of health or life endangering of the pre-trial detainee or co-pre-trial detainee.

Ad paragraph 91 – *The CPT would like to be informed of the plans to bring into service the new unit with mitigated regime for women and juveniles in Ilava Prison and of the proposed regime.*

Bringing into service the unit with mitigated regime for women and juveniles in Ilava Prison is planned after termination of realization of the signal-security technic in the object. Nr. 5 probably in February 2010 and will be realized in compliance with the Act.

Ad paragraph 92 – *The CPT recommends that the deficiencies described in paragraph 92 concerning the living conditions of prisoners in Ilava Prison be remedied.*

Object Nr. 6 in Ilava Prison where prison sentence in maximum and medium guarding level is executed has at disposal only large-capacity cells (capacity 15 to 30 persons). The very object served originally as a monastery and was given over for purposes of prison sentence execution in 1856. The object and its surroundings came until the 90tis of the 20th century by non-conceptual constructional adaptations. Building up various stores and production places close to the accommodation spaces resulted in restriction of sunshine in cells. At the same time the state and number of sanitary facilities in cells did not suit.

This state started to be complexly solved in 2005, when the reconstruction of cells on the 3rd floor of the object Nr. 6 started. Re-building and increase of sanitary facilities number in the cell was also a part of the reconstruction.

During the CPT visit the reconstruction works on the mentioned floor were finished and prisoners in medium guarding level were accommodated there and the CPT stated adequate material conditions in all respects. Following cells were also reconstructed during the CPT visit:

- 2nd floor: cells Nr.108, 111, 112, 114, 120, 121, 122 and 127
- 1st floor: cells Nr. 9, 10 and cells of the entry unit, cell Nr. 43 reconstruction started

At present it is still necessary to reconstruct totally 6 large-capacity cells where prisoners in maximum guarding level are serving the sentence and that depending on the amount of allocated financial means.

During prisoners absence in cells (they were at workshops) we approached to economization of electric energy in accordance with the adopted measures No. ÚVTOS a ÚVV 3-14/3-2009 from 27 February 2009 on the basis of tasks for keeping measures adopted in connection with tying expenses of the Ministry of Justice chapter, armed part Corps of Prison and Court Guard, 070 Prison System.

The CPT also invites the Slovak authorities to review the arrangements at Ilava Prison for taking showers.

In object Nr. 6 taking showers is realized in accordance with the generally valid norms at least twice a week according to the individual sectors. Each sector has one space for taking showers that consists of two parts – a changing room and the very shower. The shower is equipped by 8-10 shower heads and taking showers proceeds gradually in groups according to the number of shower heads.

Ad paragraph 94 – The CPT calls upon the Slovak authorities to take resolute action to provide all pre-trial detainees with a regime of purposeful activities, such as group association activities, education and sport. Adult pre-trial detainees should also be offered work, preferably with vocational value. Particular efforts should be made to guarantee juvenile pre-trial detainees a regime adapted to their needs; this should include education and sports activities. An action plan for the implementation of this recommendation should be drawn up.

Since entering into force of the Pre-trial Detention Act (1 July 2006) remand prisons continuously go on in creating adequate conditions for realizing educational, enlightening, interests and sport activities for pre-trial detainees. The offer of activities in prisons is made available to pre-trial detainees by means of the offer lists. Pre-trial detainees have the possibility to borrow books of different genres from prison library, listen to the radio and watch television broadcast in time determined in the institutional rules.

In Leopoldov Prison and Nitra Remand Prison there was realized a common project for persons in pre-trial detention and prison sentence execution focused on “Improving life conditions and employability of persons preparing for return from pre-trial detention and prison sentence by means of development of general and technical knowledge and skills“ in cooperation with the Civil association Euroedukation. In Leopoldov Prison a combined course – PC and English was realized in which 21 pre-trial detainees participated. 10 pre-trial detainees finished the mentioned course and acquired a certificate. A computer course was realized within the mentioned project in Nitra Remand Prison in which 40 pre-trial detainees participated who acquired a certificate.

Compulsory school attendance of pre-trial detainees in remand prisons ensured in compliance with the Act No. 245/2008 Coll. on Education and Edification (School Act) as amended. In the school year 2008/2009 the compulsory school attendance was ensured for all 28 pre-trial detainees who have not finished it.

In 2008 in remand prisons there were organised together 115 activities of other education forms or enlightening activities for pre-trial detainees in which 1086 pre-trial detainees participated, thereof 645 adult and 441 juvenile pre-trial detainees. There were mostly lectures (e.g. on Pre-trial Detention Act, Pre-trial Detention Order, social etiquette, tobaccism, drugs, alcoholism and prevention, Euro introduction in the Slovak Republic), cognition quizzes (e.g. socio-scientific knowledge quiz). Individual form of study is allowed to pre-trial detainees in remand prisons from materials accessible in prison or that can be delivered to them in the parcel containing study materials and literature. Pre-trial detainees have possibility to borrow social games (chess, draughts...) within the interest activity, they are provided material for handicrafts (e.g. embroidering...) – pre-trial detainees produce different seasonal decorations that are according to the thematic focus used for decoration of prison spaces. In remand prisons pre-trial detainees are enabled also interest activity in individual form; in that case the pre-trial detainee can use the form of a parcel containing things for the interest activity for material assurance. Different interest activities were organised in prisons, e.g. tournaments in chess, draughts, table football, exhibition of graphic works, and production of seasonal decorations. 242 pre-trial detainees participated in the mentioned activities. In most remand prisons pre-trial detainees have possibility of sports activities during walks in prison outer spaces (football, leg-football, basketball...) or in determined time in prison inside spaces (table tennis, exercises in fitness room...). Apart from the daily offer of sports activities tournaments in table tennis, leg-football and power disciplines (dumb-bell press, dips and the like) are organised in remand prisons for pre-trial detainees; 464 pre-trial detainees (thereof 101 juvenile pre-trial detainees) participated in 2008.

Increase of the extent and mainly diversity of the mentioned activities in the future depends on sufficient amount of the allocated financial means of the Corps necessary for reconstruction of the outside and inside spaces designed for using for mentioned activities by now.

On average 90 pre-trial detainees in remand prisons were in 2008 included to work. Eight remand prisons included pre-trial detainees in workshops (e.g. completing of wiring for car industry, manual shoe sewing, galvanisation and exterior adaptations), prison internal operation (cleaning, ancillary works in prison kitchen and the like). Including pre-trial detainees to work is primarily conditioned by provision of § 32 of the Pre-trial Detention Act (approval of the pre-trial detainee and the respective criminal proceedings authority or court).

Among further eliminating factors that influence including pre-trial detainees to work there is determination of the place of pre-trial detention execution by provision of § 3 of the Pre-trial Detention Act because of ensuring the purpose of pre-trial detention execution, i.e. the pre-trial detainee cannot be included to a workshop that is established outside prison.

Ad paragraph 95 – The CPT recommends that the Slovak authorities make more efforts to provide purposeful work, and to ensure that prisoners enjoy a safe and adequate working environment.

The Corps organizes and ensures activity focused on performing work by pre-trial detainees and prisoners in prison enterprise centres or in prison internal operation. This activity has no entrepreneurial character and the related expenses are reimbursed from the state budget. Works for the inmates are chosen so that they correspond to the qualification presumptions, complexity extent, reliability, psychical and physical abilities of the inmates. Apart from it when being included to work the including committee in prison regards the inmate's health state and possibilities of the use of his/her working abilities. The inmate is present at the meeting of the including committee and has the possibility to express if he/she can and want to perform the proposed work. A large part of inmates has insufficient qualification presumptions for technical works and this reflects in the fact that the Corps includes the inmates to simpler works – manual, e.g. assembly and completing works. We think that it is more suitable that the inmates perform simpler works rather than not

being included to work at all, as far as purposeful and meaningful work mitigates stress from a closed community and the economic benefits of inmates' inclusion to work are also indispensable.

The Corps places emphasize on the fact that working conditions of inmates be at least the same as for civil employees outside prison system. The respective legislate conditions are created for this purpose. Technical and hygienic requirements for suitable working environment according to the valid norms from the civil sector that are controlled by the independent public health body outside the prison system are applied when establishing Corps' workshops. The public health body does not issue a positive standpoint to their putting into operation in case the workshops do not meet the requirements stipulated by the law in term of noisiness, dustiness, lighting, temperature, cubage of rooms and further defined parameters. The Corps examines the mentioned case of insufficient lighting and temperature in the workshop and if the unsuitable conditions in the workshop confirm it will take measures for immediate removal of the insufficiencies.

Ad paragraph 96 – *The CPT invites the Slovak authorities to review the working terms and conditions for inmates in order to ensure that they are equitable.*

Every pre-trial detainee or prisoner is entitled to work remuneration for performed work in compliance with provisions of the Government Regulation No. 384/2006 Coll. on the Amount of the Work Remuneration and on Conditions of its Provision to Pre-trial Detainees and Prisoners (hereinafter only the "Government Regulation"). It is necessary to stress that it is work remuneration and not wage. Minimum wage is not applied in remuneration for performed work to pre-trial detainees in compliance with § 32 of the Pre-trial Detention Act and to prisoners in compliance with § 45 of the Prison Sentence Act. It is because of the fact that the pre-trial detainee and prisoner have during prison sentence execution in contrast to civil employee ensured the basic life needs mainly meals, clothes, accommodation, medical care as well as some specifics in including to work, e.g. ensuring free transport to the workplace from the state budget means.

According to the Government Regulation every type of work is remunerated under the same conditions. Every pre-trial detainee or prisoner included to work is for the purpose of setting the amount of the work tariff included to the respective work class depending on the character of performed work and reached qualification and to the work degree according to the length of included practice. Work tariffs characterize the work demandingness according to that if the prisoner is instructed, trained for the work activity or meets the condition of professional education.

Prison as the employer guarantees to prisoners all financial preferences to the work remuneration to which the claim arises them for in accordance with the Government Regulation, namely extra pays for work overtime, work on Saturday and Sunday, on holiday, work at night and work more difficult and deleterious work environment. The prisoner gets always the work remuneration on the pay day regardless if the purchaser of works and services has already reimbursed his/her claim to the prison or this is collected in the long term. It is necessary to mention also the fact that excepting the internal operations prisoners perform mostly ancillary works in workshops that cannot be remunerated as skilled labour performed by civil employees. Next problem is also non-fulfilment of output norms and not using the working time fund by inmates included to work.

Despite the institute of minimum wage is not applied to pre-trial detainees and prisoners included to work, in § 3 par. 3 of the Government Regulation there is stipulated the adjustment mechanism that regulates the work tariffs amount for pre-trial detainees and prisoner mentioned in enclosures 3 and 4. Gradual increase of the work remuneration amount of inmates is mentioned in the following table:

Year	2005	2006	2007	2008
Average amount of month remuneration (€) of work	77,98	82,52	86,01	90,98

Working time of inmates included to work is the same as for other employees in the civil sector, the prison ensures that the over work does not exceed the limit stipulated by the Labour Code. The pointed out case of work without adequate work remuneration concerns inmates' work for prison that is performed free of charge in compliance with § 46 of the Prison Sentence Act. No prisoner is forced to work free of charge – performance of works for prison is in no case any earning activity but a significant mean of prisoners' treatment the aim of which is activation of basic work habits and skills in compliance with the treatment program. Performance of works for prison is focused mainly on the environmental sphere and responsibility for one's surroundings connected with performance of simple self-service manual activities purposefully leading the prisoner to keeping the basic hygienic habits, order and cleanness. These works concern exclusively the prisoner's living space and his/her preparation for life after release and cannot be changed with performance of generally beneficial activities for municipalities or other physical or legal persons or with inclusion to work.

In the complex process of including inmates to work there is in practice a lot of specifics in comparison with the civil sector, prison officers try to create the same work conditions for the inmates as the civil employees have. Concerning the educational level of prisoners, their profession composition, manual skill, mental level and in many cases overall negative approach to work the Corps faces a very demanding task – develop such activities for prisoners' employment, so that simple and undemanding work for large number of persons is ensured that is adequately financially valued.

Ad paragraph 97 – The CPT calls upon the Slovak authorities to ensure that all sentenced prisoners benefit from a comprehensive regime of varied, purposeful activities.

The differentiation system of prison sentence execution in the Corps is applied also in education, interest and sports activity of prisoners. The offer of these activities for prisoners in all guarding levels is differentiated and some restrictions resulting from regulations consider the specifics of the individual prisoners' categories and the inevitability to keep the necessary security level in prisons. The extent of the activities is influenced also by prisoners' attitude and interest in the mentioned activities as well as prisoner's results in fulfilling the set treatment program.

Prisoners in minimum guarding level prisons have the most possibilities for meaningful spending time in prison. Prisoners included in the medium guarding level have fewer possibilities and prisoners included in the maximum guarding level have relatively the least possibilities. Mentioned state is connected with the guarding system but mainly with the restriction of this group of prisoners concerning the extent of their movement in the prison boarding house or in prison and related increased demands on personal provision – surveillance and supervision of prison officers.

To the possibilities of prisoners' activities we mention that the treatment system uses the whole scale of treatment means. Forms and methods of pedagogical and psychological influence, social work methods, inclusion to work, education and cultural-enlightening activities are used for fulfilment of treatment program goals. These means are used with all prisoners, thus in different conditions of the individual prisons according to the guarding level mainly, but mainly according to the personal dispositions of prisoners, their re-socialisation needs, but also in dependence on spatial and material possibilities of the prison. We point that great attention is paid to the individual pedagogical work with prisoners. A lot of prisoners' suggestions and requirements are solved within this activity, a lot of service activities are performed for prisoners (e.g. visits, parcels, correspondence). Also the administrative work of the pedagogues is relatively demanding concerning mainly the time. However, we expect that the situation will improve and thus by the already introduced electronic documentation that partially disburdens the staff from these activities.

It is necessary to stress that the Corps minds that still larger space for treatment deepening and improving so that pedagogues, psychologists and social workers in prisons could ensure a broader extent of varied and purposeful activities focused on prisoners' re-socialization. We mind the development and varied offer of the education activities, but also prisoners employment in workshops with work that not only strengthens their work habits but also contributes to increasing prisoners' qualification. However, in this sphere we are concerned to state that it is very difficult especially in the present period of continuing

economic crisis to ensure better paid skilled labour for prisoners. It is extraordinarily difficult in relation to prisoners who have low or no education, have no qualification and have no work habits. In case of such prisoners mainly when included to prison with maximum guarding level or in the life-sentences unit, often with diagnosed disorders of psychic or psychiatric character, i.e. with health restrictions or disability, work that would correspond to their re-socialization needs and would be adequately motivating for the prisoners also from the economic viewpoint is only very heavily ensured.

We point that the Corps tries to establish effective treatment means in the treatment system. We constantly pay attention to the individual and group treatment forms and deepening prison sentence individualisation so that it fulfils the prison sentence purpose. The Corps cares that prisoners have the possibility to spend the time in prison meaningfully and with activity that enables them development of the personality and helps to increase their self-respect that is a presumption for their successful inclusion to society.

With the aim to improve the treatment we focus lately on group forms of work with prisoners. Group treatment forms have significance in the sphere of optimizing the interpersonal relations in prisoners' units and in removing prisoners' adaptation disorders on prison sentence conditions. Group influence takes a significant share in climate optimization in the individual prisons. From the viewpoint of the content the group activities are focused on forming positive behaviour demonstrations, useful free time spending and life style in compliance with social and legal norms. Group work forms in the penitentiary treatment system have the biggest importance in that they contribute to effectiveness of prison sentence execution especially in the sphere of removing the subjective reasons of committing crime and contribute to development of prisoners' social competences.

Technically qualified prison officers lead last year 25 discussion groups, 22 relaxation groups, 52 socially-training groups, 9 counselling groups, 9 therapeutic and 11 other groups, totally 128 groups worked in all prisons. From the mentioned number in prisons with maximum guarding level there worked 9 groups in Ilava Prison and 5 groups in Leopoldov Prison. These data document the increase trend of the number of mainly socially-training groups. Mentioned situation is a result of the fact that practically all pedagogues, social workers and psychologists absolue specialized education – socially-psychological training. They exercise such acquired knowledge and skills in form of more intensive methods and approaches in prisoners' treatment.

Ad paragraph 98 – *The CPT recommends that the Slovak authorities take the necessary steps to remedy the shortcomings mentioned in paragraph 98 as regards arrangements for access to outdoor exercise and the facilities in which it is provided.*

Ilava Prison: Prisoners from the object Nr. 6 carry out walks in three walk yards. Two of them have been extensively reconstructed and offer enough spaces for rest and protection against inclement weather as well as space for sitting.

Walk yard for prisoners included to prison internal operation is solved in style of a garden with an artificial pond with decorative fishes. Over the pond there is a wooden bridge for pedestrians and wooden benches are settled around.

Walk yard for prisoners in medium guarding level has been extensively reconstructed. It was necessary to carry out the adaptation of the ground and isolation works, the yard is laid by the new paving, the toilette and access to drinking water has been constructed. In the middle of the yard there is a wooden arbour for ca 10 prisoners.

Walk yard for prisoners in maximum guarding level is equipped by a basketball basket and protection against inclement weather as well as access to drinking water has been constructed. Ca 15 prisoners get under the cover.

Košice Prison: Pre-trial detainees' walks are carried out according to the processed plan of pre-trial

detainees' walks in which the time rotation for the individual units is ensured. In walk yards there are cross-bars, in two yards there are bar-bells, one yard is adapted for mini-football. The walk yards were painted. Also sports walks are carried out for pre-trial detainees on the walk yard for prisoners where the football pitch and exercise kit is and in prison courtyard next to the laundry pre-trial detainees play volleyball and badminton. In the object of pre-trial detention execution there is established a room of free time activities with the television receiver with video, stepper, a bar-bell and two single-handed bells and an exercise bench.

7. Health care services

a. Somatic care

Ad paragraph 101 – *The CPT recommends that somatic health care provision at Ilava, Leopoldov and Bratislava Prisons be strengthened as described in paragraph 101.*

At present we do not consider purposeful to increase the number of middle health care staff or doctors at Ilava, Leopoldov and Bratislava Prisons as far as the current state is in compliance with the valid legislation of the Slovak Republic in mentioned sphere – Decree of the Ministry of Health of the Slovak Republic No. 09812/2008 on Minimum Requirements on Personal Provision and Material-technical Equipment of the Individual Types of Medical Facilities from 10 September 2008. According to the CPT recommendations the Corps would have to increase at Bratislava Prison by 3 nurses, at Leopoldov Prison by 1 doctor and 10 nurses and in Ilava Prison by 4 nurses.

Ad paragraph 102 – *The CPT therefore recommends that the Slovak authorities review the practice of prison doctors treating both prisoners and prison staff.*

Work of prison doctor includes conscientious health care provision to his/her patients regardless if they are pre-trial detainees, prisoners, prison officers, Corps employees or other registered persons. Personal provision of prison medical facilities is planed so that adequate health care can be provided to all groups of patients who are registered in the facility. Identical technical procedures are used in treatment and therapy of all patients that are ensured by the same medical staff; by this it is ensured that pre-trial detainees and prisoners will not be separated in health care provision and they are guaranteed that the level of provided health care be the same as that provided to prison officers and Corps employees. In reverse it could be objected that it comes to segregation in providing health care to pre-trial detainees and prisoners.

Ad paragraph 103 – *The CPT reiterates its recommendation to the Slovak authorities to ensure that someone competent to provide first aid, preferably a person with a recognised nursing qualification, is always present at prison premises.*

Provision of first aid in prisons is ensured by prison doctor during working hours from 7.00 a.m. - 3.00 p.m., from 3.00 p.m. – 6.00 p.m. by a nurse. In the time outside working hours from 6.00 p.m. – 7.00 a.m. first aid is provided by non-medical prison staff that is regularly schooled by prison doctors during the so-called cyclic service preparation on principles of providing first aid including using the defibrillator (AED) that is constantly at disposal in every prison. First aid continuation is subsequently ensured by the crew of the civil emergency that guarantees its arrival to the place of treatment until 15 minutes since announcing the case.

Ad paragraph 104 – *The CPT calls upon the Slovak authorities that the record drawn up after medical examination contains:*

- (i) *a full account of statements made by the prisoner concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;***
- (ii) *a full account of objective medical findings based on a thorough examination; and***
- (iii) *the doctor's conclusions in the light of (i) and (ii).***

The full record should be made available to the prisoner and his/her lawyer. Further, whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record must systematically be brought to the attention of the relevant authorities.

Content and form of medical documentation in the Slovak Republic is regulated by the Act. No. 576/2004 Coll. on Health Care, Services Related to Health Care Provision as amended in wording of later regulations (hereinafter only the "Health Care Act"). Legislative requirement for medical documentation is essentially identical with the CPT requirement.

This Act regulates also the access to documentation for the patient, his/her lawyer and further persons as well as retrieval of data from medical documentation. Prisons mind that medical documentation and handling with it including protection of medical data correspond with the diction of this Act. Therefore at present in medical findings there is mentioned everything so as it is required also by the CPT, especially the documentation is consequent in such cases where use of violence is declared. Access to the documentation for the patient or his/her lawyer is not restricted in any way.

In psychiatric unit of the prison medical facility the documentation is kept about the illness and treatment that has a relatively familiar character and its provision must take into account the risk of negative influence of the treatment. General practitioner or other specialists have access to the necessary part of the documentation so that their treatment does not interfere with the psychiatric treatment.

Psychiatric courses of disease of sentenced patients are stored in psychiatric unit of the prison medical facility and general medical files are stored at the general section of the medical facility so as the standard is.

Ad paragraph 105 – The CPT recommends that all medical examinations of life-sentenced prisoners be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers.

In CPT's view it is high time that the Slovak authorities implement the CPT's longstanding recommendation to put an end to such practices.

Prison doctor, nurse or other medical staff decide whether presence of prison officers during providing health care to inmates – medical examination or intervention is necessary whereas in interest of their security they definitely consider also the recommendations of the bringing prison officers about the necessity of their presence. Medical staff proceeds the same way also when deciding about the necessity of handcuffing and definitely considers also patient's health state.

Medical examination or intervention that must be necessarily performed outside prison is always ensured in Trenčín Hospital. If the hospital cannot provide the required medical examination or intervention, the prison in cooperation with the hospital ensure prisoner's medical examination or intervention in another medical facility. Handcuffs, shackling belt and shackling chains are used during escort.

Acute cases of health state examination, first aid provision in time outside working hours is ensured by civil emergency. The doctor performs the examination or intervention directly on the cell where the prisoner is accommodated or in a dedicated room.

Medical examinations are carried out in the presence of prison officers what is enabled by § 5 par. 2 of the Act No. 447/2006 Coll. on Organization of Health Care Provision in the Corps of Prison of Court Guard according to which when providing health care to a pre-trial detainee or prisoner in prison medical facility prison officer of the same sex can be present in the room where the care is provided, if the attending medical staff requests for it in interest of health of life protection of the present persons. If a prison officer is present by request at the examination, he/she shall in professional way respect the confidential nature of the doctor-patient relationship.

Ad paragraph 106 – The CPT recommends that measures be taken to ensure that medical files are kept according to professional standards.

To ensure conformity of keeping medical documentation of persons registered in medical facility with valid legal enactments (Health Care Act) thematic controls are carried out in health care divisions in the individual prisons part of which is devoted to control of keeping medical documentation. Valid legal standard does not stipulate that the record in medical file must be necessarily copied in printed form; however, it must be readable. It is the duty of every doctor to keep the mentioned standard, otherwise he/she is sanctioned.

b. psychiatric care

Ad paragraph 107 – The CPT recommends that psychiatric care provision at Leopoldov Prison be strengthened as a matter of priority, in particular in order to address the needs of inmates placed in the security regime unit and life sentences unit.

Leopoldov Prison: On 1 January 2008 a psychiatrist has been employed who was included in division of protective treatments of the medical facility. One day a week the surgery hours are dedicated to pre-trial detainees and one day to prisoners. Main content of the psychiatrist's service activity is his/her action in the unit of protective treatment execution (alcohol and toxicomanic protective treatment). Schedule of psychiatrist's activity is as follows:

- Monday - execution of protective treatments,
- Tuesday - pre-trial detention and prison sentence unit,
- Wednesday - execution of protective treatments,
- Thursday - prison sentence unit,
- Friday - execution of protective treatments.

According to the mentioned it is obvious that the psychiatrist can devote to the prisoners on life-sentences and security regime units in full extent only one day a week and on other days he/she solves prisoners' individual crisis states as necessary. A specialized team composed of a psychologist, special pedagogue and social worker participate in prisoners' treatment in life-sentences and security regime units apart from thy psychiatrist. Creating a psychiatric team in these units is conditional on economic provision. We repeatedly stress that prisoners placed in life-sentences and security regime units and requiring such treatment have it provided.

Ad paragraph 108 – The CPT trusts that the establishment of the new Psychiatric Detention Centre in Hronovce will lead to a significant improvement in the situation as regards psychiatric care provision to inmates.

See reply Ad paragraph 52.

Ad paragraph 112 – The CPT recommends that a range of activities be introduced at the unit for acute psychiatric conditions as a matter of priority. Moreover, all patients on the psychiatric ward including on the unit for acute psychiatric conditions, should be provided effective access to one hour of daily outdoor exercise. The yard used for this purpose should be equipped with a means of shelter.

Trenčín Prison Hospital: In the unit for acute psychiatric conditions there are all categories of pre-trial detainees and prisoners (all guarding levels, men and women, also all categories of pre-trial detainees) therefore it is not possible to perform common activities with these categories of pre-trial detainees and prisoners when respecting the Acts on Pre-trial Detention and Prison Sentence. Daily activities of patients in the unit for acute psychiatric conditions result from their actual psychical state and doctor's medication.

Staff of the psychiatric ward by its qualification presumptions and acquired specializations provide in their branches a spectrum of such medical services that on the side are determinable regarding the health

state of the concrete patients and at the same time these are a possibility to spend the time on psychiatric ward more meaningfully respecting the viewpoint of psycho-hygiene and prevention of hospitalism.

Programs of psycho-social rehabilitation and activation are used in the psychiatric unit that by its content and scope include methods, ways and processes of verbally and non-verbally lead therapeutic procedures.

Group and in some determinable cases also individual activities by means of therapeutic employment - ergotherapy, psychomotoric therapy, art therapy, music therapy, cultural activities (TV, books, press..), counselling according to the determinability in individual cases and specialization of the provider (psychological, therapeutic-educational, social and the like) also belong to possibilities.

The possibility of performing walks for sentenced women executing protective treatment was re-valued and they were offered to perform walks from 9.00 - 10.00 a.m. Mentioned change has been included in the Institutional Rules.

Patients with ordered protective treatment also use the time space for ergo-therapeutic activities performed outside.

Hospital patients can use also walk yards that have been aesthetically adapted, supplied by benches; these are partially sheltered.

Realization of the shelter in the separate walk yard is planned during 2010.

Ad paragraph 114 – *The CPT recommends that the necessary steps are taken to ensure that resort to means of restraint in a psychiatric context is in compliance with the precepts mentioned in paragraph 114.*

Policy of using means of restraint as well as a detailed description of means of restraint use was elaborated in the instruction of prison governor ZIPS No. 4/2008 and at present in the instruction of prison governor ZIPS No. 1/2009.

Ad paragraph 115 – *The CPT recommends that the right for persons subject to a protective treatment order to request, at reasonable intervals – and in addition to the yearly automatic reviews – a judicial review of the order, be formally guaranteed.*

There is no legal enactment in the legislation of the Slovak Republic that would forbid persons with a protective treatment ordered by court to give impetus to the court for completion of the protective psychiatric treatment.

Person with a protective treatment ordered by court can give impetus to the court for completion of the protective psychiatric treatment anytime. The application is always sent to the court, it is not right that his/her request *would be sent to the court only when supported by the doctor*. Sending correspondence is stipulated in § 25 of the prison Sentence Act. According to § 25 par. 3 letter d) of this Act prisoner's right by his/her correspondence with the court is protected by the fact that the insight into the correspondence is inaccessible on the part of the prison governor or prison officer charged by him/her.

In case the correspondence is not sent the prisoner has the right to file an appeal.

Ad paragraph 116 – *The CPT requests detailed information on the procedure to be followed, including any safeguards involved, in the context of involuntary psychiatric placement and/or treatment of a prisoner in the psychiatric unit for acute conditions in Trenčín Prison Hospital.*

In accordance with the valid legislation the respective court decides about every compulsory hospitalization in the psychiatric unit for acute conditions after verifying all circumstances that lead to the compulsory hospitalization in the psychiatric unit.

In case of a compulsory hospitalization in the psychiatric unit in prison hospital it is proceeded in compliance with the Health Care Act.

Involuntary placement of a prisoner in the psychiatric unit for acute conditions as well as any treatment provided during such placement is amended in § 9 par. 4 of the Health Care Act according to which the provider is obliged to announce admission of a person to inpatient care until 24 hours to the court in which district the medical facility of inpatient care is situated. The court decides about the legality of reasons of admission to the inpatient care. Until the court's decision it is possible to perform only such medical interventions that are necessary for rescue of life and health of the person or for ensuring his/her surroundings.

Ad paragraph 117 – *The CPT would like to receive the comments of the Slovak authorities to matters mentioned in paragraph 117 concerning payment of costs connected with health care provision by prisoners.*

Health care provision is amended in § 16 of the Pre-trial Detention Act and in § 31 of the Prison Sentence Act where it is stated that the prison can grant from its budget an irrecoverable financial contribution to the pre-trial detainee or prisoner who has no financial means for purchase of medicines, medical or sanitary device prescribed by doctor and these cannot be provided for free on the basis of health insurance according to special regulations and for reimbursement of necessary costs for services connected with health care provision according to a special regulation.

Trenčín Prison Hospital provides health care in necessary extent regardless the finances on pre-trial detainee's or prisoner's account.

Ad paragraph 121 – *The CPT recommends that the Slovak authorities ensure that:*

- all medical files include a psychiatric assessment, providing sufficient detail to substantiate the treatment suggested;***
- relevant treatment and content-related information on inmates receiving treatment in the Unit is available to all members of the treatment team, in particular thy psychologists and nursing staff. Appropriate treatment team communication should also include staff and medical records on somatic care;***
- the prescription and distribution of medication is duly documented.***

In the Psychiatric Unit of the Health Care Department of Košice Prison there are placed sentenced juveniles and sentenced men from all prisons regardless the physical age to whom the court ordered sexological protective treatment or sexological protective treatment combined with psychiatric, alcohol, toxicomanic protective treatment or protective treatment of pathological gambling.

Medical staff is not present during the night and on weekends in the unit as far as the unit has no character of constant operation and in the time outside therapeutic activities it is in the routine prison sentence regime. Psychiatric evaluations and diagnoses of patients are stated according to the International Statistical Classification of Diseases and Related Health Problems - MKCH-10, adequately to the health state of the patient. On arrival to the unit the patient undergoes a psychiatric and psychological examination by objective standard methods and techniques that anyone has neither impeached nor denominated as superficial until now and that are valid in the whole medical system.

Psychiatrist and every member of the treatment team is obliged after every consultation with the prisoner (patient) to make an immediate written record that must be objective and utmost detailed. This activity is realized in practice, about what records in patients' psychiatric courses of disease evidence. What is work-related can never be private.

The CPT had the records at disposal, worked with them almost two days and ascertained concretely about it. The CPT member Dr. Marianne Kastrup had some randomly chosen written records from the courses of disease interpreted in the presence of Maj. Dr. M. Timková. It seems that the statement "little continuity or coordination of overall care" is highly subjective as far as the scientific therapeutic-diagnostic information flow in the Unit is realized daily on the morning session of all therapeutic team members and it

is registered in detail written form in the courses of disease, with which every therapist works repeatedly several times during the working hours. It would be interesting to know other kind of “continuity and working information interconnection” by what the above mentioned statements might be fulfilled.

Psychiatric courses of disease of the sentenced patients are kept in the psychiatric unit and general medical files are kept in the general division of the medical facility as the standard is. It is not possible that the general practitioner registers the psychiatric file and vice versa. What is essential and important for the patient from his/her general file is registered in written form in his/her scientific psychiatric course of disease.

The CPT was provided by the written schedule of therapeutic activities in the Unit and therefore the statement on sessions of 90 minutes' duration three times per week is perplexing. No meetings (social) are realized on protective treatment, but psychotherapeutic activities that are realized daily and in which every sentenced patient with protective treatment is obliged to participate within the treatment and not only can participate. No cases are known when a patient would refuse to participate in the psychotherapeutic activity.

Every patient participates during one week:

- Three times group psychotherapy
- Individual psychotherapy as necessary
- Once art therapy
- Twice autogenous training or relaxation with imaginations
- Once bibliotherapy
- Once musicotherapy
- Twice ergotherapy
- Twice medical physical training
- Once community

Talks, consultations, crisis interventions are realized always as necessary for the individual patient.

To medication it is necessary to state that medicines are properly documented in the psychiatric course of diseases and their serving is precisely marked on the phial for the imprisoned patient; because of this the nurse does not have to recall from her memory the therapy followed. It is eliminated to the lowest possible level or excluded that in this case comes to an exchange or mistake.

Ad paragraph 126 – *The CPT recommends that steps be taken to ensure that anti-androgen treatment of sex offenders is surrounded by appropriate safeguards. In particular:*

- *the free and informed written consent of inmates should be obtained prior to the commencement of anti-androgen treatment;*
- *such persons be given a detailed explanation (including in writing) of the purpose and possible adverse effects of the treatment concerned, as well as the consequences of refusal to undergo such treatment; and*
- *no prisoner should be put under pressure to accept anti-androgen treatment.*

Further, a comprehensive and detailed procedure should be elaborated with respect to anti-androgen treatment, including proper safeguards. In addition to the above-mentioned issues related to consent, such a procedure should include provisions on:

- *inclusion and exclusion criteria for such treatment;*
- *medical examinations before, during and after treatment;*
- *access to outside consultation, including an independent second opinion; and*
- *regular evaluation of the treatment by an independent medical authority.*

The CPT would like to receive information on the annual number of men under protective treatment who are undergoing or have undergone anti-androgen treatment in the course of the past five years in the Slovak Republic. These figures should indicate such treatment received in prison establishments as well as in health care institutions independent of the prison administration.

Košice Prison: The law must be strictly obeyed by any treatment and anti-androgen treatment is amended by § 6 par. 9 letter b) of the Health Care Act.

Here it is necessary to mention:

- consent in case of the court-ordered protective treatment is not needed,
- the patient is fully informed about the effects of the medicament,
- there is and was no pressure on the patient,
- medical examinations are realized before, during and after treatment,
- psychiatrist – sexologist is from “outside” where he/she works with similar patients in the same way, he/she is not a prison officer,
- in case of a complaint every patient can appeal to the Health Care Surveillance Authority what is an independent state authority.

Every patient to whom the treatment by Androcur is ordained is in advance informed about the positive and negative effects of the medicament during the doctor’s round, personal interview and in form of a scientific group lecture. According to § 6 par. 9 letter b) of the Health Care Act the informed consent is not required in case of protective treatment ordered by court, what is valid for every patient undergoing a protective treatment (every our patient is on the court-ordered treatment). During existence of the protective treatment there has been no case of treatment refusal and because of this it was not necessary either to escort back to the prison or file a proposal for obstruction of the judicial decision of the proposal on protective treatment.

It would be meaningful, if the CPT was interested how the “pressure” on taking the Androcur treatment looks like and how it is realized directly or indirectly. Such statement must be refused as far as it is dishonouring for a psychotherapist to be marked as an individual using this treatment way as a reason for the patient to avoid prolonged confinement.

Anti-androgen treatment is strictly objectively indicated, the patient is exactly informed about the positive and negative effects of the medicament and according to provision of § 6 par. 9 letter b) of the Health Care Act any written consent is required as far as it is a court-ordered protective treatment. This treatment is a complementary treatment of the psychotherapy. Psychiatrist of the psychiatric unit has the appropriate medical education with specific focus on sexology. He/she decides about the treatment – about its commencement and completion and it is fully in his/her competence for what he/she is also responsible. Anti-androgen treatment has never been and is not a general condition for “the release of sex-offenders”.

Ad paragraph 127 – *The CPT would like to receive the comments of the Slovak authorities to statements of some inmates that a procedure of surgical castration had been suggested to them in the past.*

No surgical castration has ever been realized during existence of the protective treatment in the Psychiatric unit of Košice Prison medical facility. There is only one patient in the files of this Unit who voluntarily at his own request underwent castration outside this unit and except the protective treatment. The Corps does not dispose of any other information.

Ad paragraph 128 – *The CPT recommends that the Slovak authorities continue to give high priority to the development of prison staff training, both initial and ongoing. In the course of the training, considerable emphasis should be placed on the acquisition of interpersonal communication skills, in addition to manual control and restraint techniques.*

The CPT would like to be informed of developments that concerns reconsideration of the Slovak authorities on the need of certain prison officers to carry truncheons.

Prison officer is entitled to use a compulsory mean – truncheon and tonfa in accordance with § 31 par. 1 letter i) of the Act on the Corps. Use of the truncheon is stipulated in § 33 par. 1 of the Act on the Corps whereas the prison officer is entitled to use it in order to:

- a) ensure his/her security or security of another person against unlawful attack if after the call it is not desisted from the attack and the attack imminently impends, lasts or will continue according to all signs,
- b) preclude a riot, fight, deliberate damaging of property or other course manners that violate the stated order or public order,
- c) bring the pre-trial detainee or prisoner who puts up active resistance,
- d) prevent the violent entry of trespassers to guarded Corps' objects or to places where the entry is forbidden.

From mentioned reasons carrying truncheon is necessary for performing an immediate intervention in case of unlawful action of pre-trial detainees or prisoners. Large part of prison officers who perform treatment with inmates does not carry the truncheon during the execution of service regarding focus of their service activities. These are the independent regime prison officers who ensure realization of rights and duties of pre-trial detainees in compliance with pre-trial detention purpose, pedagogical and specialized staff performing treatment with prisoners (educator, pedagogue, social work, psychologist, medical staff and others). In open units where the risks of unlawful action rise are not high, prison officers do not carry truncheons. Character and specific conditions of the individual prisons require that prison officers who are in direct service execution and ensure the organisation of pre-inmates' life carry the truncheons. The Corps will revalue apart from other matters also the differentiated carrying of truncheons by prison officers who ensure treatment, whereas stress will be put on the new system of external and internal differentiation of prisoners. In the future, if the financial situation allows it, we intend to include telescopic truncheons with hidden carrying in the equipment parts.

The Corps pays and will pay constant attention to improving the professional qualification and professionalism of prison officers. Pedagogical and psychological procedures are preferred in treatment, the importance of communication in preventing and solving conflicts is stressed. New internal regulations – e.g. Order of Director General No. 29/ 2008 on Social-psychological Training in the Corps also document the mentioned focus. This regulation amends the organisation, material provision, content focus and personal provision of the social-psychological training. The training is a form of practical experience specialized education of prison officers through experience on oneself.

The aim of the training is:

- a) improvement the quality of interaction skills and abilities for effective communication and work with people,
- b) deepening of professional qualification of prison officers,
- c) perfection of theoretical knowledge and practical skills for the purpose of methods enforcement and forms of pedagogical and psychological action and social work methods in inmates' treatment,
- d) broadening of theoretical knowledge and gaining practical interaction skills of prison officers with inmates,
- e) gaining professional skills that are a presumption for performing lecturer' activity within trainings and practical trainings of social-communication skills.

The training is designed mainly for prison officers in positions of pedagogues, social workers and psychologists. Also other prison officers can be included in the training, mainly those performing permanent state service in direct contact with inmates. The training lasts 200 lessons. The content is composed of activities focused on enforcement of suitable methods and forms of pedagogical and psychological influence and social work methods of the prison officer who performs permanent state service in direct contact with inmates, mainly on improvement of the treatment quality.

From the viewpoint of the content the training is focussed mainly on:

- a) optimal interpersonal communication (open communication, expressing feelings, acceptance of feelings, assertivity, role play, managing aggressive behaviour),
- b) emotional and rational analyses of behaviour elements,
- c) solution of model situations from the treatment sphere,
- d) practice of effective communication techniques, conflict solution,
- e) practice of relaxation techniques,
- f) pedagogical and psychological aspects of group activity and leading,
- g) solution of dependencies problems,

- h) peculiarities of works with minorities,
- i) basics of pedagogical and psychological counselling,
- j) prevention of discrimination, racism, manifestations of intolerance and violence.

The new regulation Order of Director General No. 61/2008 on Psychological Activity in the Corps was elaborated last year for the purpose of improvement of the treatment quality and optimising the interaction of staff with inmates.

Application of the mentioned regulation since 1 January 2009 creates suitable conditions for performing extensive psychological activity with inmates in remand prisons and prisons as well as suitable conditions for provision of psychological care to prison officers and Corps employees. Wider application of psychological activity in practice contributes to optimisation of penitentiary treatment of inmates, keeping mental health of inmates and staff and leads to gradual elimination of using protective force procedures, but always with stress on keeping the necessary security and exclusion of the risk of its endangering.

Ad paragraph 129 – *The CPT recommends that the legislation and regulations regarding discipline in prison be reviewed in the light of remarks mentioned in paragraph 129.*

Proper attention is systematically paid to enforcement of the disciplinary competence on the part of the competent departments, mainly Pre-trial Detention and Prison Sentence Execution Department of the General Directorate of the Corps within the control activity and when processing inmates' suggestions and complaints. It is minded that the disciplinary competence is executed not only in compliance with the legal regulations amending the prison sentence execution but also in compliance with the pedagogical principles of rewarding and punishing so that the level of discipline and order in prisons be kept and at the same time the inmates be motivated by adequate rewarding to respect the stipulated legal regulations, order in prison and moral principles enabling mutual non-conflicting common life.

The risk of imposing arbitrary and disproportionate punishments is excluded. It is also important that the community system and self-govern activity are used in the system of penitentiary treatment mainly in prisons with minimum guarding level and if it is meaningful, also in prisons with medium guarding level. Mentioned system enables the prisoners to actively participate in the organisation of prisoners' life in the units and instigates the prisoners to open communication also about the problems of behaviour. The community system enables all prisoners to know the stipulated rules very well, perceive a breach of the stipulated rule as well as its consequence – disciplinary solution. We point out that mild offence, breach of a rule or isolated negligence of a duty is almost always solved by a pedagogical talk. The pedagogue imposes a disciplinary punishment only in case when the due breach of the stipulated order and discipline is properly cleared, if all circumstances of this offence are cleared. The inmate is enabled to express himself/herself to the matter before imposing the disciplinary punishment. Seriousness of the offence is always considered when imposing a disciplinary punishment so that the imposed disciplinary punishment contributes to rehabilitation of the offender and not to his/her degradation or psychical devastation. Consequences of the offence in relation to the breach of rights and interests of other persons also in relation to the group of prisoners where the disciplinary offence occurred are also considered. We stress that disciplinary competence in the basic extent is performed by prison officers – pedagogues with university mostly pedagogical education, i.e. with supposed competence to perform disciplinary competence in compliance with pedagogical principles, viewing psychological aspects of influence of the person's behaviour, but mostly rightly, adequately and with focus on fulfilment prison sentence purpose.

We supply to the information that totally 10563 rewards were granted in 2008 to prisoners for long-term positive results reached in fulfilment the treatment program or fulfilment of work duties and 3119 disciplinary punishments were imposed to prisoners for due non-fulfilment of a duty or breach of a prohibition. Also from comparison of these numbers it is clear that the ratio between the rewards and punishments is optimal, positive motivation of prisoners dominates, whereas granting rewards prevailed ca. three times in 2008. This state came after repeated deeper analyses of disciplinary practice and purposeful coordination of the staff by the Pre-trial Detention and Prison Sentence Execution Department of the General Directorate of the Corps focused on improvement of quality of disciplinary competence application for the

purpose of intensification of effectiveness of inmates' treatment and keeping discipline and order in prisons.

The Corps will continue in the analysis of the legislation and regulations concerning discipline in prisons and in case of negative findings it will submit the respective legislative proposals.

Ad paragraph 130 – The CPT recommends that unacceptable practices concerning irregular disciplinary practices described in paragraph 130 be eradicated forthwith.

To the comment on irregular disciplinary punishments it is necessary to state that we consider the system of imposing and executing disciplinary punishments be not only suitably and precisely amended by legal regulations, but also their execution is duly controlled and examined not only by the control bodies of the Corps but also by prosecution bodies that perform surveillance over keeping law in remand prisons and prisons. To the mentioned case of psychiatric treatment interruption during execution of disciplinary punishment we state that if it came to the treatment interruption, it would be only with consent of the doctor who is always obliged to evaluate prisoner's health state and impact of the disciplinary punishment on the prisoner prior to his/her placement in the closed unit and commencement of the disciplinary punishment execution.

For elimination of the devastation impact of the mentioned disciplinary punishment on the person's health according to provision of 54 par. 4 of the Act on Prison Sentence doctor's obligation is stipulated according to which the prisoner performing disciplinary punishment of day-long placement in the closed unit or disciplinary punishment of placement to solitary confinement must be examined by the doctor at least once in three days and judge, if he/she is able to execute the disciplinary punishment henceforth. This way prisoner's right to provision of necessary health care is not injured.

b. Contact with the outside world

Ad paragraph 131 – The CPT invites the Slovak authorities to explore ways to ensure that all prisoners, including those with little or no financial means, may maintain contact with the outside world, including by telephone.

Inmates can maintain contacts with the outside world in form of personal or correspondence relation and since 2006 also by telephone relation. Inmates who do not dispose of financial means were enabled by the legislative amendment effective since 2006 to send in one calendar month two letters at the expense of the prison. The Corps is aware of the necessity to maintain and develop contacts with the outside world with the aim to support the broader social background. However, the financial demandingness does not enable that a similar process is introduced also in telephoning.

In the future the Corps will revalue the possibilities and conditions of inmates' telephoning and will look for such a solution that telephoning for the purpose of maintaining proper contacts with the outside world in larger extent be enabled also to those inmates who dispose of little financial means.