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Addendum

**to the 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 Slovak Government has requested the publication of this addendum to its response to the CPT's report on the visit to the Slovak Republic in March/April 2009. The CPT's report (CPT/Inf (2010) 1) and the response of the Slovak authorities (CPT/Inf (2010) 2) were published on 11 February 2010.

Strasbourg, 7 January 2011

ADDENDUM

to the 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

I.

By virtue of paragraph 17 of the Response of the Government of the Slovak Republic, the elements whereof are the tasks set out under 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, the Ministry of Interior of the Slovak Republic provided with the following updated information on the implementation of separate measures:

1. *„The psychological selection tests for aspiring police officers will be reviewed”*

The Department of Police Training and Service Psychology of the Centre of Training and Psychology of the Section of Human Resources Management of the Ministry of the Interior of the Slovak Republic 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. These issues were also dealt with at the International Seminar of Police Psychologists of the Visegrad 4 Countries that was held in November 2009. Through application of experience provided by representatives of the police forces from abroad, the acceptability of using the new tests as a standard is being verified step by step; these new tests have the potential to consider and assess the prerequisites of applicants for police profession more adequately. In parallel with the tests, there are gradually drawn up new updated norms which impose stricter requirements on aspiring police officers.

2. *„Serving police officers will undergo a psychological assessment every fifth year“*

The Section of Human Resources Management of the Ministry of the Interior of the Slovak Republic drew up 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 assessments is to prevent the undesirable forms and manifestations of police officers' conduct from occurring, and to prevent failures in their professional duties.

3. *„Police officers will receive special training in order to enhance their skills in dealing with minorities“*

At the establishments providing police training and education, the curricula have been updated through introduction of concrete topics concerning observance of human rights and freedoms and adherence to the rule of law, skills in dealing with minorities and police ethics, namely within the studies of Law, Methodology and Tactics of Police Interventions, Ethics

and Psychology of Police Work. A training project for the police specialists for community policing has been drawn up and implemented. The above issues have also been introduced into the new national training programmes, and subsequently broken down in concrete programmes of separate training establishments.

In 2009, within the framework of professional training of the Railway Police officers, a special training programme was carried out for selected officers of the Railway Police who work in the field of crime prevention. The priority focus of this programme represented both specific types of crime committed mostly by maladjusted persons and the skills of the Railway Police officers in dealing with minority communities, in particular with Roma ones. This training programme was implemented in cooperation with experts on Roma community integration who actively participate in the activities of the Milan Šimečka Foundation and a civic society “*Spoločne proti kriminalite*” (*verbatim translation: “Together against Crime”, translator’s note*). As an outcome of the mentioned specialised training, there was implemented the Railway Police project, titled: “*Železničná polícia očami rómskych detí*” (*verbatim translation: “The Railway Police through the Eyes of Roma Children”, translator’s note*) whereby, during lecture sessions given at schools attended by Roma children, the Railway Police officers made these children acquainted with the risks run by them within the railway track circuits, as well as with elementary legal regulations and sanctions concerning any illegal conduct in the course of railway transportation.

4. *„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“*

These tasks are fulfilled by the following departments: Criminology Department, Department of Police Services, Department of Investigation and Department of Public Law Disciplines. The heads of the departments updated the subject matter of their studies at the appointed time, and they included into the contents also the issues of human rights and freedoms in investigation, the ethics of dealing with evidence, as well as the methodology of investigation of extremism. Adherence to the rule of law is highlighted both in teaching the production of evidence in the course of investigation and in any methodology of investigation of a concrete type of crime.

The issues of human rights and freedoms observance are incorporated into the thematic plans of the studies of Legislation Relating to Criminal Investigation Procedures and Ethical Aspects of Dealing with Evidence by Investigators. The issues of the rule of law are included in all introductory chapters of the methodologies of investigation of certain crimes within the studies of Theory and Methodology of Investigation.

As from 2005, the Department of Public Law Disciplines delivers the studies of Human Rights and the Police, completion whereof is subject to passing an exam. The curricula of these studies are being continuously updated in compliance with amendments both to international and national legal regulations. The aforementioned update also draws on topical judgments of the European Court of Human Rights. Updated lecturing on fundamental human rights and freedoms is also included in the studies of Constitutional Law of the Slovak Republic.

Within the studies of Criminology, through the inclusion of the theme Crime Committed by Aliens and Ethnic Groups, there have been provided the pieces of information on situation and development of crime against the members of ethnic minorities living in the Slovak Republic, occasionally committed also by the officers of the Police Force and the Railway Police. The conditions and causes as well as possible ways of prevention are

analysed. Within the specialised police training and education, the Department of Criminology offers a theme titled Crime Committed by the Officers of the Police Force – Situation and Development. In each course, the lectures on this particular topic are delivered by the staff of the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic that has the subject-matter jurisdiction over disclosing of crimes committed by the officers of the Police Force and the Railway Police.

In the studies of Crime Prevention, it is included the theme „A Member of the Police Force as a Crime Preventionist“ through which students get acquainted with prevention programmes and also with control activities designed to reveal undesirable conduct of the officers of the Police Force while being in the line of duty at separate work places.

The Department of Police Services has updated the contents of studies with the aim of intensifying and extending the lecturing on the topics concerning observance of human rights and freedoms and adherence to the rule of law, skills in dealing with minorities and police ethics, in the course of delivering practical and theoretical knowledge, in particular in the field of public order police (uniform) and traffic police prevention and repression, premises protection, special police activities, weapons and ammunition – police shooting, extremism at sport events, social disorders and animosities arising during public, cultural and sports events gatherings.

The lecturers of the Department of Police Services, when delivering the lectures concerning the bringing of a suspect to the police station, apprehending, restricting a suspect's personal freedom, escorting and applying coercive measures during police interventions, operating a police holding cell, etc., give focus to the prevention of torture, inhuman and degrading treatment of the suspect. These issues are also given attention when dealing with police interventions and high profile incidents. The lecturers instruct students to use police force and coercive measures reasonably when tackling security threat through taking measures and performing actions. The students learn how to prevent the use of excessive police force and illegal practices from occurring when policing communities.

5. *„Internal police legal regulations will be assessed and adapted, if necessary“*

The Office of the President of the Police Force worked out an analysis of the internal regulations governing procedures followed by the officers of the Police Force when taking interventions with the aim of putting them in more precise terms. On 30 September 2009, it submitted to the President of the Police Force a written position statement together with a proposal for a measure to be taken, whereby it moved a subject-matter administrator of 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 of the Police Force, as amended, to consider the need to amend it. By virtue of the aforementioned proposal, the Public Order Department of the Police Force Presidium has drawn up an amendment to that end that came into force on 1 January 2010.

6. *„Behaviour of police officers during interventions will be assessed, with shortcomings addressed and strict measures adopted “*

When conducting controls, a closer attention is paid to conduct of the officers of the Police Force, in particular during carrying out police interventions against persons. All the interventions with the use of coercive measures are assessed separately, their legitimacy,

reasonableness and adequacy are analysed and evaluated and, if necessary, the measures are taken immediately to remove revealed shortcomings.

Upon the Order of the Minister of the Interior of the Slovak Republic No. 21/2009 of 24 July 2009, concerning the 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, under paragraph I. subparagraph a), a Director General of the Section of Control and Inspection Service of the Ministry of the Interior of the Slovak Republic has been assigned a task quoted as follows: „to carry out an analysis of conduct of the officers of the Police Force and the outcomes of the investigation related to the case of misuse of power by a public official, namely by the officers of the Police Force at Borough Police Department Košice – South on 21 March 2009, and to send it to selected units of the Ministry of the Interior of the Slovak Republic, to units of the Police Force and units of the Railway Police for the purposes of making it public at in-service sessions attended by all the officers of the Police Force and the Railway Police“. Within the intention of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published sub No. 26/1995 Coll., please find enclosed the analysis concerned for your official use, provided to you upon prior consent given by a prosecutor of the General Prosecutor’s Office of the Slovak Republic.

II.

Following the paragraph 59 of the response of the Government of the Slovak Republic the Ministry of Justice confirms that Order of the Minister of Justice of the Slovak republic No. 2/2010 on Guard and Escort Activity and on Court Guard in the Corps of Prison and Court Guard which regulates the conditions of the execution of the personal searches of pre-trial detainees and condemned persons entered into force on 1 March 2010.

**Order of the Minister of Justice of the Slovak Republic No. 2/2010 On Guard and Escort Activity and on Court Guard in the Corps of Prison and Court Guard
(selected provisions)
(...)**

§ 38

Personal Searches of Pre-trial Detainees and Prisoners

(1) Personal search of pre-trial detainees and prisoners is a preventive-security measure; details are amended by a special regulation (§ 53 of the No. 4/2001 Coll.)

(2) Personal searches of pre-trial detainees and prisoners are divided into:
a) full personal searches,
b) preventive personal searches.

(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 of a direct escort or escort of the whole-state chute 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 a cell where a disciplinary punishment is executed or the 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 guarded workplace, and that only to such number of persons that is determined by the head of the security department for each individual guarded workplace regarding the dangerousness of pre-trial detainees or prisoners, character of the work and guarded 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 according to par. 3 letter d). The pre-trial detainee or prisoner during full personal search takes off everything apart from the 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 that he/she could endanger the security of persons occurring in spaces of the pre-trial detention and prison sentence.