

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2014) 29

Report

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

from 24 September to 3 October 2013

The Government of the Slovak Republic has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2014) 30.

Strasbourg, 25 November 2014

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Copy of the letter transmitting the CPT's report

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Strasbourg, 24 March 2014

Dear Mr Kadlečík,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Slovak Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to the Slovak Republic from 24 September to 3 October 2013. The report was adopted by the CPT at its 83rd meeting, held from 3 to 7 March 2014.

The recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Slovak authorities to provide **within six months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Slovak authorities to provide, in that response, reactions to the comments formulated in this report as well as replies to the requests for information made.

As regards the second recommendation made in paragraph 61 (appropriate interim measures at the Leopoldov high-security department), the CPT requests that a full account of action taken to implement it be provided **within three months**.

The CPT would ask, in the event of the response being forwarded in Slovak, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Latif Hüseyinov
President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a periodic visit to the Slovak Republic from 24 September to 3 October 2013. The visit formed part of the CPT’s programme of periodic visits for 2013. It was the Committee’s fifth periodic visit to the Slovak Republic.¹

2. The visit was carried out by the following members of the CPT:

- Marzena KSEL, 1st Vice-President of the CPT, Head of delegation
- Wolfgang HEINZ
- Ilvija PŪCE
- Vytautas RAŠKAUSKAS
- Ivona TODOROVSKA
- Antonius VAN KALMTHOUT
- Olivera VULIĆ.

They were supported by Petr HNÁTÍK and Almut SCHRÖDER of the CPT’s Secretariat and assisted by:

- Peter BAJČÍK (interpreter)
- Dagmar HAJKOVÁ (interpreter)
- Tomáš HOLÍČKA (interpreter)
- František KOLEČÁNI (interpreter)
- Ivo POLÁČEK (interpreter)
- Pavol ŠVEDA (interpreter).

¹ The previous visits took place in 1995, 2000, 2005 and 2009. All visit reports and related Government responses have been made public and are available on the CPT’s website: <http://www.cpt.coe.int/en/states/svk.htm>

B. Establishments visited

3. The CPT's delegation visited the following places of detention:

Police establishments

- Operational Centre of Košice Regional Police Directorate
- Operational Centre of Nitra Regional Police Directorate
- Operational Centre of Žilina Regional Police Directorate

- Operational Centre of Komárno District Police Directorate
- Operational Centre of Košice – okolie District Police Directorate
- Operational Centre of Nové Zámky District Police Directorate
- Operational Centre of Topoľčany District Police Directorate

- Kežmarok Sub-District Police Department
- Košice – Dargovských hrdinov Sub-District Police Department
- Košice – Sídliisko KVP Sub-District Police Department
- Levoča Sub-District Police Department
- Nitra Sub-District Police Department
- Nové Zámky Sub-District Police Department
- Piešťany Sub-District Police Department
- Prešov – South Sub-District Police Department
- Žilina – West Sub-District Police Department

Prison establishments

- Košice Prison
- Košice – Šaca Prison
- Leopoldov Prison (unit for life-sentenced prisoners and the high-security department)
- Nitra – Chrenová Female Prison
- Nitra Prison
- Prešov Prison
- Sučany Juvenile Prison.

C. Consultations held by the delegation and co-operation encountered

4. In the course of the visit, the delegation held consultations with Tomáš BOREC, Minister of Justice, Zuzana ZVOLENSKÁ, Minister of Health, Monika JANKOVSKÁ, State Secretary for Justice, Marián SALOŇ, State Secretary for the Interior, Viliam ČISLÁK, State Secretary for Health, Štefan CHUDOBA, State Secretary for Education, Science, Research and Sport, Branislav ONDRUŠ, State Secretary for Labour, Social Affairs and Family, Tibor GAŠPAR, President of the Police Corps, Eugen BALKO, Director General of the Corps of Prison and Court Guards, Peter ŠUFLIARSKY, Deputy Prosecutor General for Criminal Proceedings, and other senior officials from the Ministries and services concerned.

Discussions were also held with Jana DUBOVCOVÁ, Public Defender of Rights (Ombudsperson), and members of her staff.

Further, the delegation met representatives of non-governmental organisations active in areas of concern to the CPT.

A list of the ministerial authorities, other national bodies and non-governmental organisations met by the delegation is set out in Appendix II to this report.

5. The co-operation received by the CPT's delegation, both from the national authorities and from staff at the establishments visited, was excellent. The CPT also wishes to express its appreciation for the assistance provided before and during the visit by the CPT's liaison officer appointed by the Slovak authorities, Branislav KADLEČÍK, as well as by the other liaison officers appointed at the various Ministries and services concerned.

With one exception, the delegation enjoyed rapid access to all places it wished to visit (including those not notified in advance) and was able to speak in private with persons deprived of their liberty, in compliance with the provisions of the Convention establishing the Committee. The delegation was also granted ready access to the documentation it wished to consult in the course of the visit. Further, it was provided in advance with the necessary documentation, and all additional requests for information made during the visit were promptly met.

The only exception concerned the Operational Centre of the Regional Police Directorate in Košice, where the police officer in charge had apparently not been informed of the possibility of receiving a CPT visit, or of the powers of the Committee, and did not provide the delegation with ready access to the establishment. Further, at the outset of the visit to this establishment, the officer stated that there was no-one in detention whereas in fact one person was being held there. Later, the police staff present at the establishment insisted that the delegation interview the detained person in his cell which was under constant CCTV-coverage.

By letter of 12 December 2013, the Slovak authorities informed the CPT that police officers had been instructed on the provisions of the Convention establishing the Committee and that a methodical directive on the interpretation of Article 8 (3) of the Convention (the CPT's power to interview in private persons deprived of their liberty) would be elaborated and distributed. The CPT welcomes the swift reaction of the Slovak authorities in this matter.

6. The CPT has repeatedly stressed that the principle of co-operation as set out in Article 3 of the Convention is not limited to facilitating the work of visiting delegations, but also requires that recommendations made by the Committee are effectively implemented in practice.

In this respect, the Committee notes with concern that several of its long-standing recommendations remain unimplemented.

Concerning the police, hardly any progress has been made as regards the legal framework and the practical operation of fundamental safeguards against ill-treatment of persons deprived of their liberty by the police, and the practice of handcuffing detained persons to wall fixtures or similar objects in police establishments still persists.

In the prison field, certain improvements have been introduced by the amendments to the Law on the execution of prison sentences and the Law on the execution of remand detention, and efforts have been made to improve the situation of certain individual life-sentenced prisoners. However, hardly any progress has been made in respect of several key issues, such as the general approach towards prisoners sentenced to life-imprisonment, the regime of activities provided to life-sentenced prisoners, remand prisoners and inmates placed in the Leopoldov Prison high-security department, and the holding of prisoners with intellectual disabilities and/or showing clear signs of serious mental disorders in that department.

The CPT urges the Slovak authorities to take resolute steps to improve the situation in the light of the recommendations made in the present report, in accordance with the principle of co-operation which lies at the heart of the Convention.

D. Monitoring of places of deprivation of liberty

7. Since the very outset of its activities, the CPT has been recommending the establishment of independent monitoring mechanisms at national level for all types of places of deprivation of liberty. Provided they possess the necessary knowledge and are adequately resourced and truly independent, such mechanisms can make a significant contribution to the prevention of ill-treatment of persons deprived of their liberty.

In this connection, the Committee considers that Parties to the Convention establishing the CPT should also become Parties to the Optional Protocol to the United Nations Convention against Torture (OPCAT). Indeed, this instrument provides, inter alia, for the setting-up of one or several independent monitoring bodies at national level (National Preventive Mechanism), which possess significant powers. These bodies should be in a position to intervene more regularly – and more rapidly – than any international body.

In the course of the 2013 visit, the Slovak authorities informed the CPT's delegation that accession to the OPCAT had been discussed at ministerial level in 2011 and would be the subject of further considerations. In the light of the preceding remarks, **the CPT encourages the Slovak authorities to accede to the OPCAT and to set up a National Preventive Mechanism.**

8. Turning to the monitoring arrangements which existed in the Slovak Republic at the time of the visit, the CPT notes that the Slovak Public Defender of Rights (Ombudsperson) may receive complaints from detained persons and pay unannounced visits to various places of deprivation of liberty.² However, it was brought to the delegation's attention that, although the institution of the Ombudsperson and its mandate had existed since 2002, visits had actually been carried out for the first time in 2013,³ reportedly due to the limited resources allocated to its budget.

The CPT considers that care should be taken to ensure that the resources allocated to the Slovak Public Defender of Rights enable it to implement fully the mandate conferred on it by the relevant legislation.

9. As regards more specifically the complaints mechanisms and inspection procedures concerning prisons, reference is made to remarks and recommendation made in paragraphs 114 and 115.

² According to Section 17 of Law no. 564/2001, on the Public Defender of Rights, the Ombudsperson has, inter alia, the right of access to premises of public administration bodies and the right to interview in private persons in remand prisons, prisons for convicted offenders, establishments for the execution of disciplinary punishments of military personnel, establishments for the placement of persons under protective treatment, protective education, institutional treatment, institutional education and police cells.

³ In the period from January to September 2013, the Ombudsperson carried out four visits to re-education centres for juveniles and paid targeted visits to six prisons.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Law enforcement agencies

1. Preliminary remarks

10. Since the last periodic visit in 2009, the legal framework governing the deprivation of liberty of persons by the police has remained by and large unchanged.⁴ Persons who are detained by the police on suspicion of having committed a criminal offence must be brought before a court within 48 hours of their deprivation of liberty. Persons who are arrested under an arrest warrant issued by a court must be brought before a court within 24 hours. In both cases, the court must then hear the detained person and remand him/her in custody or order release within 48 hours (within 72 hours for certain particularly serious criminal offences).⁵ Thus, the maximum period of police custody is five days.

Under Sections 88 and 128 of the Code of Criminal Procedure (CCP), the police may bring to a court a witness who has failed to appear despite having been summoned. The witness must be handed over to the court within 24 hours of his/her deprivation of liberty and then questioned by the court within an additional 48 hours. However, it would appear that no such time-limit exists for bringing to the court an accused person who has failed to appear despite having been summoned (Section 120 of the CCP).

Under the Police Act, a police officer may bring a person to a police station for identification purposes if the person refuses or is unable to provide his/her identity (Section 18). Section 19 of the same Act enumerates grounds on which a police officer may apprehend a person (e.g. if the person poses an immediate threat to his/her own, or another person's life or health, or to property, if the person is caught in the act of committing a minor offence, or if a person is at the scene of the crime immediately after it has been committed and it is necessary to establish his/her relation with the same, etc.). In all these cases, the period of police custody shall not last for more than 24 hours.

Additionally, the police may bring a person to a police station to provide an "explanation" under Section 17 of the Police Act.⁶ However, no time-limit for the deprivation of liberty appears to exist in this case.

The CPT would like to be informed about the maximum possible duration of deprivation of liberty by the police under Section 17 of the Police Act and Section 120 of the Code of Criminal Procedure.

⁴ It should be noted for the sake of completeness that the deprivation of liberty of foreign nationals is now regulated by Law no. 404/2011, on the stay of aliens, which came into force on 1 January 2012. However, the situation of foreign nationals held under aliens legislation was not examined by the CPT's delegation during the 2013 visit.

⁵ See Sections 73 and 85 to 87 of the CCP.

⁶ That is, a person who can contribute to the clarification of circumstances which are of importance in order to uncover a minor offence or an administrative offence and to identify its perpetrator, as well as to find wanted individuals or objects.

2. Ill-treatment

11. The majority of the persons met by the delegation who were or had recently been detained by the police, made no complaints in respect of their treatment by police officers.

Nevertheless, the delegation did receive a number of consistent and credible allegations of physical ill-treatment by police officers (including from several detained juveniles). Most of the allegations concerned the time period immediately after apprehension (even when the person concerned allegedly was not resisting apprehension or after he/she had been brought under control) and the period before and during police questioning.

The alleged ill-treatment mostly consisted of slaps, punches and kicks to various parts of the body. In one case, the head of a detained juvenile was allegedly repeatedly banged against a wall by a police officer during questioning, apparently in an attempt to extract a confession.

Another person met by the delegation stated that during his apprehension on the street, after having been brought under control by the police, he had been slapped in the face and kicked by a uniformed police officer. He had then allegedly been forced to lie prone on the ground while a police officer applied several electric shocks to his calves with a small hand-held device. The person concerned described the effect he had felt as “a thousand ants biting him” and as uncontrollable muscular spasms. The person concerned appeared to be distressed by the event but was afraid to lodge a complaint against the police officer concerned because of possible reprisals by the police.

In addition, some detained persons were purportedly threatened not to complain to their family or a lawyer about the ill-treatment to which they had allegedly been subjected. The delegation also received a number of complaints about verbal abuse, including remarks of a racist nature.

In the light of these findings, the CPT recommends that the Slovak authorities make further efforts to prevent ill-treatment by police officers. Police officers throughout the country should receive a firm reminder, at regular intervals, that any form of ill-treatment of persons deprived of their liberty – including verbal abuse/racist remarks and threats – is illegal and unprofessional and will be punished accordingly.

Further, it should be made clear to police officers, in particular through ongoing training, that no more force than strictly necessary should be used when effecting an apprehension and that there can be no justification for striking apprehended persons once they have been brought under control.

Moreover, appropriate steps must be taken to ensure that persons who may have been victims of ill-treatment by police officers are not dissuaded from lodging a formal complaint. Any information suggesting that a detained person has been subjected to threats and/or reprisals for having exercised his/her right to lodge complaints should be thoroughly investigated and, if appropriate, suitable sanctions should be imposed.

12. In the CPT's view, it is essential to promote a police culture where it is regarded as unprofessional to work and associate with colleagues who resort to ill-treatment. More precisely, proper conduct by police staff vis-à-vis detained persons must be fostered, in particular by doing more to encourage police officers to prevent colleagues from ill-treating detained persons and to report, through the appropriate channels, all cases of ill-treatment by colleagues. There must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. This implies the existence of a clear reporting line as well as the adoption of whistle-blower protective measures (i.e. a framework for the legal protection of individuals who disclose information on ill-treatment and other malpractice). **The CPT would like to be informed by the Slovak authorities whether such protective measures exist in the Slovak Republic.**

13. During the end-of-visit talks with the Slovak authorities, the delegation made specific reference to the case of a person who had been arrested by police officers in Komárno at about 11 p.m. on 28 September 2013.⁷ This person alleged that he had been punched in the face by a police officer after having been apprehended on the street and handcuffed behind his back. According to the medical record drawn up by a civilian doctor who had examined the person concerned shortly after apprehension, the cause of the injury stated by the police had been "fell from a bicycle". When met by the delegation in the remand section of Nitra Prison on 1 October 2013, the person concerned had displayed the following injuries (which had also been visible on photographs taken upon his arrival at that establishment): dark-red hematoma and oedema of the right eye and a laceration under the same eye with two stitches. According to the assessment made by a medical member of the CPT's delegation, the injuries observed on the person were consistent with the allegation of ill-treatment made.

The delegation requested that the Slovak authorities undertake an official inquiry into this case. Further, the delegation requested to receive a detailed account of the investigative steps taken in the context of this inquiry.

By letter of 12 December 2013, the Slovak authorities informed the CPT that the Section of Control and Inspection Service of the Ministry of the Interior had carried out an internal inquiry; it had concluded that force had been used by the police against the person concerned in a lawful way and had consequently dismissed the case. However, this decision had subsequently been quashed by the Regional Prosecutor's Office in Komárno and the case was thus still pending.

The CPT would like to receive updated information as regards the investigation and the outcome of the case. In particular, the Committee would like to receive a copy of the two decisions referred to by the Slovak authorities in their letter of 12 December 2013, namely the decision of the Section of Control and Inspection Service of the Ministry of the Interior dismissing the case and the subsequent decision of the Regional Prosecutor's Office in Komárno quashing that decision, as well as a copy of any subsequent decisions taken in the case.

⁷ See also paragraphs 18 and 26.

14. During the above-mentioned talks, the delegation also requested information on the outcome of investigations into cases of persons admitted to the remand section of Nitra Prison in 2013 and the remand section of Prešov Prison in 2012 and 2013, with injuries allegedly caused by the police. In the above-mentioned letter, the Slovak authorities provided a list of 16 cases which had been notified by the prison authorities to the Control and Inspection Service of the Ministry of the Interior. According to the response, the reports had been dismissed by the investigator of the Inspection or the investigation had been discontinued in all the cases. **The CPT would like to receive copies of the final decisions taken by the Control and Inspection Service of the Ministry of the Interior in these cases.**

15. More generally, the CPT notes that investigations into allegations of ill-treatment by police officers continued to be carried out by the Control and Inspection Service of the Ministry of the Interior (whose head is subordinated to the Minister of the Interior) and supervised by the Public Prosecutor's Office.

The CPT considers that for an investigation into possible ill-treatment to be effective, it is essential that the persons responsible for carrying it out are independent from those implicated in the events. Ideally, those entrusted with the operational conduct of the investigation should be completely independent of the agency implicated.

In this context, the CPT wishes to draw the attention of the Slovak authorities to the case-law of the European Court of Human Rights which states that an investigation into criminal offences committed by police officers carried out by an internal unit of the Ministry of the Interior directly managed by the Minister does not comply with the requirement of institutional independence demanded by the European Convention on Human Rights (ECHR). The Court further held that the merely supervisory role of a prosecutor was not sufficient to render a police investigation compliant with this requirement.⁸ Consequently, the Court found violations of Articles 2 and 3 (in their procedural limb) of the ECHR (right to life and prohibition of torture).

The CPT would like to receive the comments of the Slovak authorities on this issue, in the light of the relevant case-law of the European Court of Human Rights.

16. Further, the CPT would like to refer to a recent police operation in the Roma settlement of Moldava nad Bodvou. According to the information available, on 19 June 2013, some 60 police officers entered the settlement and individual houses, officially in an attempt to search for wanted individuals and stolen goods. Apparently, the police intervention was pre-planned but the police chose not to video-record it. Following the operation, 15 persons were apprehended and escorted to the Moldava nad Bodvou sub-district police department where they spent several hours. Allegedly, in the course of the actual apprehension and subsequent detention, several individuals were ill-treated by the police. An investigation into the allegations which was carried out by the Control and Inspection Service of the Ministry of the Interior was ongoing at the time of the CPT's 2013 visit. However, it is a matter of concern that, according to some reports, the service has so far failed to interview witnesses and alleged victims of the ill-treatment.

⁸ See *Eremiášová and Pechová v. the Czech Republic*, no. 23944/04, 16 February 2012, paragraphs 151-160, and *Kummer v. the Czech Republic*, no. 32133/11, 25 July 2013, paragraph 87.

The CPT must underline that it is a well-established principle that effective investigations, capable of leading to the identification and punishment of those responsible for ill-treatment, are essential to give practical meaning to the prohibition of torture and inhuman or degrading treatment or punishment. An investigation into possible ill-treatment by public officials must comply with the criterion of thoroughness. It must be capable of leading to a determination of whether force or other methods used were or were not justified under the circumstances, and to the identification and, if appropriate, the punishment of those concerned. This is not an obligation of result, but of means. It requires that all reasonable steps be taken to secure evidence concerning the incident, including, *inter alia*, to identify and interview the alleged victims, suspects and eyewitnesses (e.g. police officers on duty, other detainees), to seize instruments which may have been used in ill-treatment, and to gather forensic evidence.

The CPT would like to receive updated information on the progress and outcome of the investigations into allegations of ill-treatment of persons deprived of their liberty by the police in the context of the above-mentioned police operation of 19 June 2013 in Moldava nad Bodvou. Further, the Committee would like to be informed in detail of the steps taken by the Control and Inspection Service of the Ministry of the Interior when investigating these allegations.

Moreover, **the Committee recommends that the Slovak authorities take the necessary steps to ensure that police interventions of the kind described above are video-recorded (e.g. with tactical cameras as part of the equipment of the police officers concerned).**

17. In its report on the 2009 visit,⁹ the CPT referred to the incident of 21 March 2009, concerning the case of six Roma juveniles who had allegedly been forced, under threat of physical assault by police officers, to strip naked in a police station in Košice and to slap each other. Furthermore, they had allegedly been subjected to intimidation by police dogs. The Committee is concerned to note that, according to the information provided by the Slovak authorities during the 2013 visit, i.e. four-and-a-half years after the alleged incident, the criminal case was still pending before the first instance court. **The CPT would like to receive updated information on this matter.**

18. Since its first visit to the Slovak Republic in 1995, the CPT has repeatedly expressed its misgivings about the practice of handcuffing detained persons to wall fixtures or similar objects in police establishments. It is a matter of serious concern that the findings of the 2013 visit confirmed that this practice still persists. In the course of the visit, the delegation found such fixtures in a number of the police establishments visited, often in corridors and, in several cases, even inside the “designated areas”¹⁰ (see paragraph 30), and their use was confirmed to the delegation by police officers, as well as by detained persons.¹¹

⁹ See CPT/Inf (2010)1, paragraph 16.

¹⁰ For example, at the Operational Centre of Komárno District Police Directorate, Piešťany Sub-District Police Department, Žilina West Sub-District Police Department and Nové Zámky Sub-District Police Department.

¹¹ Reference is also made in this context to the recent judgment of the European Court of Human Rights which concludes that increasingly intrusive restraints of an agitated detainee, including his handcuffing by both hands to iron rings and tying his legs with a leather strap in an already secure environment of a police cell for about fifty minutes was not compatible with the provisions of Article 3 (prohibition of torture) of the ECHR (*Kummer v. the Czech Republic*, no. 32133/11, 25 July 2013, paragraphs 66-73).

Moreover, the delegation viewed a CCTV recording of a person handcuffed to a metal bar in a “designated area” for a whole night.¹² This would confirm the allegations received by the delegation that detained persons could be handcuffed to these fixtures for several hours,¹³ sometimes overnight and in uncomfortable positions.

The CPT must once again call upon the Slovak authorities to remove wall fixtures for attaching persons from all police establishments and, more generally, to take effective measures to stamp out the practice of persons held by the police being attached to fixed objects. Every police facility where persons may be deprived of their liberty should be equipped with one or more rooms designated for detention purposes and offering appropriate security arrangements. Corridors should not be used as *ad hoc* detention facilities.

In the event of a person in custody acting in a violent manner, the use of handcuffs may be justified. However, the person concerned should not be shackled to fixed objects but instead be kept under close supervision in a secure setting and, if necessary, medical assistance should be sought. Moreover, where it is deemed necessary to handcuff a person during the period of custody, the handcuffs should be applied only for as long as is strictly necessary.

3. Safeguards against ill-treatment

19. The CPT has repeatedly stressed that the fundamental safeguards for persons deprived of their liberty by the police, namely the right to have his/her detention notified to a third party of his/her choice, the right of access to a lawyer and the right of access to a doctor, should be granted from the very outset of the deprivation of liberty, i.e. from the moment when the person concerned is obliged to remain with the police. They should apply not only to persons detained by the police on suspicion of having committed a criminal offence, but also to persons who are obliged to remain with the police on any other legal grounds.

Regrettably, the information gathered by the CPT’s delegation indicates that the situation had remained virtually unchanged since the last visit. More particularly, not all persons obliged to remain with the police are legally entitled to or granted in practice all the above-mentioned rights.

a. notification of custody

20. As was the case during the previous visit, the right to notify a third party of one’s own choice is only formally guaranteed to persons deprived of their liberty under Section 19 of the Police Act. The information gathered during the 2013 visit indicated that, in other cases (see paragraph 10), such notification was left to the discretion of police officers and requests to this end by the detained persons were not always granted. Moreover, in some cases, no feedback was provided by police officers as to whether or not it was possible to reach the third person designated by the detained person. One person also claimed that his request had been delayed for no obvious reason before being granted by the police officers, and no explanation was provided for the delay.

¹² See paragraph 13.

¹³ In one case allegedly for 16 hours.

The CPT reiterates its recommendation that the Slovak authorities take the necessary steps to ensure that the right of all persons deprived of their liberty by the police 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).

Further, the Committee recommends that the Slovak authorities take the necessary steps to ensure that detained persons are provided with feedback on whether it has been possible to notify a close relative or other person of the fact of their detention when notification is performed by police officers.

21. The delegation also met a foreign national who claimed that she was not given an opportunity to contact the embassy/consulate of her country. **The CPT would like to be informed by the Slovak authorities from which moment the right of foreign nationals deprived of their liberty by the police to contact the embassy/consulate of their country becomes effective and to what extent the exercise of this right may be delayed or limited under the current legislation.**

b. access to a lawyer

22. Access to a lawyer is formally guaranteed to persons deprived of their liberty by the police under Section 85 of the CCP (criminal suspects) and under Section 19 of the Police Act. However, as regards the former, according to the information received by the delegation from police officers at the various police establishments visited, in practice, the rights of access to a lawyer only became effective at the time a person was formally declared “accused” and questioned by criminal police investigators.

Moreover, persons deprived of their liberty (i.e. obliged to remain with the police) on other grounds (see paragraph 10) are still not formally granted such a right.

The CPT must therefore once again call upon the Slovak authorities to take the necessary steps to ensure that the right of access to a lawyer is formally guaranteed to all persons who are under a legal obligation to attend – and stay – at a police station, irrespective of their precise legal status and that this right is fully effective in practice as from the very outset of the deprivation of liberty.

c. access to a doctor

23. According to Section 44 (2) of the Police Act, police officers are under an obligation to arrange a medical examination before placing an apprehended person in a cell when he/she is obviously under the influence of alcohol, narcotic or psychotropic substances or medication, is injured or claims to be injured or seriously ill. Further, according to the information sheets referred to in paragraph 25, all persons deprived of their liberty by the police are guaranteed the right to receive first aid and medical care if they are injured as a result of coercive means being used.

Persons interviewed by the CPT's delegation during the 2013 visit who had met the above-mentioned criteria at the time of police custody indicated that they had been seen by a doctor. This is positive. Moreover, the information gathered by the delegation indicates that persons deprived of their liberty by the police were granted access to a doctor upon their request.

However, not all detained persons have a *right* of access to a doctor, let alone a doctor of their own choice, from the outset of deprivation of liberty, despite the specific recommendations previously made by the Committee to this end. **The CPT is therefore obliged to once again call 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,¹⁴ from the outset of deprivation of liberty (i.e. from the moment when the persons concerned, irrespective of their precise legal status, are obliged – for whatever reason – to remain with the police); the exercise of this right should not be subject to any filtering by a police officer.**

24. Further, the information gathered during the visit indicates that police officers were as a rule present during medical examinations of detained persons.

The CPT must stress in this respect that the presence of police staff during medical examinations of detained persons could discourage a detained person who has been ill-treated from saying so and, more generally, is detrimental to the establishment of a proper doctor-patient relationship. Consequently, **the CPT recommends that the Slovak authorities take the necessary steps to ensure that all medical examinations of persons in police custody take place out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers.**

¹⁴ It being understood that an examination by a doctor of the detained person's own choice may be carried out at his/her own expense.

d. information on rights

25. Information sheets describing, in several languages, the rights and obligations of persons deprived of their liberty by the police on various legal grounds could be downloaded by police officers and printed for detained persons.¹⁵

However, as was the case during the previous visit, in none of the police stations visited were these sheets in evidence and none of the persons who were or had recently been detained by the police referred to them.

Indeed, many allegations were received that detained persons were not informed of their rights either orally, or in writing. As regards more particularly the right of access to a lawyer, the majority of detained persons claimed that they had been informed of this right only at the time of their first questioning, i.e. after having spent up to several hours with the police.

Further, in none of the police stations visited were detained persons requested to sign a statement attesting that they had been informed of their rights.¹⁶

The CPT once again recommends that the Slovak authorities ensure that all persons deprived of their liberty by the police – for whatever reason – are fully informed of their rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (that is, immediately upon the first arrival at a police station) by provision of a written form setting out the detained person's rights in a straightforward manner, and available in an appropriate range of languages. Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case.

Further, **the Committee recommends that persons deprived of their liberty by the police be requested to sign a statement attesting that they have been informed of their rights and whether they have availed themselves of these rights or have waived them; any absence of a signature should be duly accounted for.** This would make it possible to check more accurately whether detained persons had availed themselves of their rights, and would also protect police officers against false allegations. **In cases where alcohol or drug intoxication prevents a person from making a valid statement, this request should be made as soon as the person is in a suitable mental state.**

¹⁵ *Poučovanie osôb – služobná pomôcka na poučovanie osôb, ktorým bola obmedzená osobná sloboda (Bratislava, 2006).*

¹⁶ With the exception of the right of access to a lawyer referred to on the written record of the interview.

e. custody records

26. Custody registers examined by the delegation in the police stations visited in the course of the 2013 visit were generally properly kept.

However, on a few occasions, the delegation observed that some of the data, in particular the exact hour of release of a detained person, was missing. The delegation also noted that detained persons were not requested to confirm by signing the register the date and time of their deprivation of liberty and of release.

Further, at Komárno District Police Directorate, the comparison of the CCTV footage and the custody records revealed two issues of concern. Firstly, the placement in the “designated area” of a particular person was not recorded in the custody register. When asked, the police officers informed the delegation that individuals who do not “belong” to the Komárno district but are brought by police officers from elsewhere would not be recorded in the register. Secondly, in the case of alleged ill-treatment described in paragraph 13, the custody record indicated that the individual concerned was placed in the “designated area” from 11.20 p.m. to 2.10 a.m. the following day. However, it became clear from the CCTV footage that, in fact, the person stayed in the “designated area” until about 6 a.m.

The CPT reiterates its recommendation that the Slovak authorities take the necessary steps to ensure that police officers accurately record all relevant information in the custody registers. For various issues,¹⁷ such as the exact date and time of the deprivation of liberty and of release, the signature of a person deprived of his/her liberty should be required and, if necessary, its absence duly accounted for. Further, custody registers maintained at police stations should register every person deprived of his/her liberty at any given time on their premises.

f. juveniles deprived of their liberty by the police

27. Several allegations were heard by the delegation that juveniles deprived of their liberty by the police were interviewed and requested to sign documents in the absence of their parents, lawyers or social workers. When asked, some police officers confirmed to the delegation that this was regularly the case, in particular during the initial questioning of a juvenile before he/she has been formally declared “accused”.

The CPT recommends that steps be taken to ensure that juveniles are not questioned and do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of another trusted adult person) being present and assisting the juvenile. Such arrangements will protect this age group and provide them with adult support so that they do not have to make decisions with important legal implications on their own.

¹⁷ See also paragraph 25.

4. Conditions of detention

28. In all the establishments visited, material conditions in police custody cells¹⁸ were, on the whole, satisfactory. All the cells seen by the delegation were sufficient in size for the number of persons they were intended to hold (between 6 and 10m² for single- and some 11m² for double-occupancy), were in a good state of repair and cleanliness, suitably equipped, sufficiently heated, had adequate access to natural light and artificial lighting.

However, at Nové Zámky District Police Directorate and at the Regional Police Directorate in Košice,¹⁹ ventilation in the custody cells was inadequate. Moreover, the toilet in the double-occupancy cell of Kežmarok Sub-District Police Department was not partitioned, and in two of the police stations visited,²⁰ CCTV in the cells also covered the in-cell sanitary facilities. **The CPT recommends that the above-mentioned shortcomings be remedied.**

29. With the notable exception of Košice–Dargovských hrdinov Sub-District Police Department, none of the police stations visited were equipped with suitable outdoor exercise areas. Instead, at some police stations,²¹ detainees were offered access to fresh air while being handcuffed (e.g. in the establishment's car park). **The Committee reiterates its recommendation that the Slovak authorities take measures to ensure that all persons held in police custody for 24 hours or more are offered outdoor exercise under suitable conditions.**

30. Several of the police stations visited had small holding facilities destined for temporary placement of persons deprived of their liberty (so-called "designated areas").²² Some of them were cage-like cubicles,²³ others were small rooms, sometimes without windows, and equipped with only one or two fixed stools or a small bench. The "designated areas" generally measured a minimum of 4m² (though some of the cage-like cubicles measured a mere 2m²). According to the information gathered during the visit, these rooms were occasionally used for the placement of apprehended persons for prolonged periods and, on occasion, overnight.²⁴

Their small size and inadequate equipment made most of the "designated areas" clearly unsuitable for detaining persons for more than a few hours. Therefore, **the CPT recommends that "designated areas" not be used for the detention of persons for more than a few hours and never for overnight stay.**

¹⁸ *Cela policajného zaistenia.*

¹⁹ As regards the Regional Police Directorate in Košice, this had already been criticised in the CPT's last reports.

²⁰ At Nitra Regional Police Directorate and at Topoľčany District Police Directorate.

²¹ For example at Nitra Regional Police Directorate, at Topoľčany District Police Directorate and at Košice – okolie District Police Directorate.

²² *Vyhradený priestor.*

²³ Located in a part of the police station that was not accessible to the public.

²⁴ See also paragraph 18.

B. Prisons

1. Preliminary remarks

31. In the course of the 2013 visit, the delegation carried out a full visit to Nitra Prison, Nitra-Chrenová Female Prison, Prešov Prison and Sučany Juvenile Prison. A targeted follow-up visit was carried out to Leopoldov Prison where the delegation focused on the situation of life-sentenced prisoners and inmates held in the establishment's high-security department. Further, the delegation paid short targeted visits to Košice²⁵ and Košice-Šaca Prisons.

32. **Leopoldov Prison**²⁶ had an official capacity of 278 places for remand and 1,140 places for sentenced inmates. At the time of the visit, the establishment was accommodating 174 remand (including nine women) and 1,083 sentenced prisoners. Of the sentenced inmates, 30 were serving a life sentence and eleven were being held in the high-security department.²⁷

Nitra-Chrenová Female Prison, built between 1991 and 1999, is located on the outskirts of the town of Nitra, some 100 km from Bratislava. From its creation until 2009, it had served as the only establishment for sentenced women in Slovakia.²⁸ With an official capacity of 295 places, it was accommodating 259 sentenced women at the time of the visit (215 at minimum, 30 at medium and 13 at maximum "guarding" level) as well as one juvenile female inmate. The establishment also had a double-occupancy cell for female life-sentenced inmates and a high-security cell which were both not in use at the time of the visit.²⁹

Nitra Prison is located in the centre of Nitra next to the district court house; its main building was constructed at the beginning of the 20th century. Until 2013, the establishment operated as a remand prison. In February 2013, a unit for sentenced women was established in the prison and as of 1 July 2013, the institution was officially re-classified as a prison for remand and sentenced prisoners. At the time of visit, the prison was holding 158 remand prisoners (including twelve women) and 163 sentenced inmates (including 48 women³⁰ and three juveniles), for an official capacity of 264 and 138 places, respectively.

Prešov Prison³¹ consists of a main facility located in the centre of the town and adjacent to the District Court building, and two detached penitentiary units: an open unit in Prešov and an establishment for sentenced prisoners in Sabinov. For a total capacity of 735 places, the three units were holding 631 inmates at the time of the visit. The delegation focused on the main facility which, at the time of the visit, was accommodating 162 remand and 41 sentenced prisoners (including eight juveniles and seven women), for an official capacity of 196 places. Sentenced prisoners were generally held at Prešov Prison for very short periods either at the beginning of their sentence³² or in transit during court proceedings.

²⁵ The prison had been visited by the CPT in 2000, 2005 and 2009. During the 2013 visit, the delegation interviewed prisoners who had recently been in police custody.

²⁶ The prison had previously been visited by the CPT in 1995 and 2009.

²⁷ *Oddiel s bezpečnostným režimom (OBR)*.

²⁸ At the time of the visit, sentenced women were also being held at Bratislava, Levoča and Nitra Prisons and in the open unit of Banská Bystrica-Kráľová Prison.

²⁹ There were no female lifers in Slovakia at the time of the visit.

³⁰ The unit for sentenced women had a capacity of 50 places.

³¹ The prison had been visited by the CPT in 2009.

³² For a period of "diagnosis" before transfer to the final destination prison.

Sučany Juvenile Prison, opened in 1976 and located on the outskirts of the town of Martin, is the only establishment for sentenced male juveniles in Slovakia.³³ It comprises two separate facilities: one for male sentenced juveniles and young offenders under the age of 30³⁴ and one for male sentenced adults held at minimum “guarding” level. At the time of the visit, the establishment held 505 prisoners for an overall capacity of 628 places. During its visit, the delegation examined the situation in the juvenile section which had an official capacity of 118 places and was holding 69 inmates.

33. As regards the prison population, the CPT welcomes the further decrease in the remand population from 1,626 to 1,314 since the 2009 visit. However, the overall prison population has continued to rise and at the time of the visit, the Slovak prison estate was holding 10,084 inmates for an official capacity of 11,302 places. It should be noted, however, that following a presidential amnesty declared in January 2013, some 800 inmates have been released from Slovak prisons. The Slovak Government’s Revised Concept Paper on the Slovak Prison System for the period of 2011-2020 identifies the rising prison population as being among the biggest challenges being faced by the prison system.

Concerning living space per prisoner (whether remand or sentenced), the CPT notes that the relevant legislation guarantees as a general minimum standard 4m² for juveniles and women. However, despite repeated recommendations by the CPT, the minimum for male adult prisoners still stands at 3.5m². Moreover, the aforementioned standards may be “decreased for the necessary time if the number of inmates in an establishment has excessively increased”. For example, at the time of the visit, this exception was applied at Nitra-Chrenová Female Prison. Further, even the national standards were not respected in some cells at Nitra and Prešov Prisons (see paragraphs 71 and 72).

At the outset of the visit, the Slovak authorities informed the delegation that a draft law on electronic supervision was being prepared to tackle the problem of prison overcrowding. The law was expected to create better conditions for practical implementation of house arrest, an alternative sanction which existed in the Criminal Code but which was underused in practice.³⁵ The CPT takes note of these plans.

34. The Committee wishes to recall in this respect that the only viable way to control overcrowding is to adopt policies designed to limit or moderate the number of persons sent to prison. The highest priority should be to ensure that imprisonment really is the ultimate sanction. This implies, in the first place, an emphasis on various non-custodial measures. The problems of prison overcrowding and prison population inflation cannot be addressed in a comprehensive and lasting way through the use of exceptional measures, such as a presidential amnesty.

The CPT recommends once again that the minimum living space be raised to 4m² for each inmate accommodated in a multi-occupancy cell, and that official capacities be recalculated on that basis.

³³ Female sentenced juveniles are held at Nitra-Chrenová Female Prison.

³⁴ With prison sentences up to five years.

³⁵ According to the information provided, house arrest was generally imposed in 20 to 30 cases a year.

Further, **the Committee recommends that, in their efforts to combat prison overcrowding, the Slovak authorities be guided by all the relevant recommendations of the Committee of Ministers of the Council of Europe.**³⁶

The Committee would also like to be informed of any developments as regards the adoption and, in due course, the practical implementation of the new law on electronic supervision.

35. The Slovak authorities also informed the delegation that the plans to establish a psychiatric detention centre in Hronovce and a prison for mothers with children in Nitra, referred to in the report on the CPT's 2009 visit,³⁷ had not yet materialised, in particular due to lack of financial resources. **The CPT would like to receive updated information on the setting up of these two institutions.**

2. Legal framework

36. At the time of the visit, important amendments to the Law on the execution of prison sentences and to the Law on the execution of remand detention were pending in the Slovak Parliament. The amendments were subsequently adopted on 18 October 2013 and entered into force on 1 January 2014.³⁸ The Slovak authorities informed the delegation that the aim of the amendments was to bring the legislation into compliance with the European Prison Rules³⁹ and the recommendations of the CPT.

The amendments introduce certain improvements, such as more precise regulation of disciplinary proceedings, increased phone call/visiting entitlement, mitigation of certain disciplinary punishments (including the ineligibility of juveniles for solitary confinement) and more frequent review of placement in a high-security regime.

That said, it is regrettable that the amendments fail to respond to several issues of concern addressed in the CPT's previous visit reports, such as the general approach vis-à-vis life-sentenced prisoners or the minimum living space guaranteed by the legislation to every inmate.⁴⁰

³⁶ See Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec(2003)22 on conditional release (parole), Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures and Recommendation Rec(2010)1 on the Council of Europe Probation Rules.

³⁷ See CPT/Inf (2010)1, paragraph 52.

³⁸ Law no. 370/2013, amending Law no. 475/2005 on the execution of prison sentences, and Law no. 371/2013, amending Law no. 221/2006 on the execution of remand detention.

³⁹ Recommendation Rec(2006)2 of the Committee of Ministers to member States on the European Prison Rules.

⁴⁰ Some additional aspects of the new legal framework are addressed later in this report in connection with the various issues examined by the CPT during the 2013 visit.

37. As regards the criminal legislation, the maximum period of pre-trial detention in the Slovak Republic remains five years. As noted in the previous visit report, this arrangement is a matter of concern to the CPT, given the persistent problems identified by the Committee as regards the conditions of detention of remand prisoners. Moreover, it should be reiterated that it places the Slovak Republic among the countries with the longest maximum periods of remand detention in Europe.

38. The system of classification of sentenced prisoners remained unchanged since the last visit: at the stage of sentencing, the court classifies a prisoner on a minimum, medium or maximum “guarding” level (“external classification”). Within each level, sentenced prisoners are further categorised into a differentiation group (A, B or C) which is decided by the prison administration.⁴¹

That said, the external classification had a direct bearing on the manner in which a prison sentence was executed (e.g. the eligibility for open visits, material conditions and/or regime). The CPT considers that allocation and classification of prisoners, enabling each person to be assessed in terms of security risk, skills, and needs, should occur upon admission to prison and not at the sentencing stage. Reference is made in this context to Rules 51 and 52 of the European Prison Rules. **The Committee would appreciate the observations of the Slovak authorities on this matter.**

3. Ill-treatment

39. The vast majority of inmates interviewed in the prison establishments visited made no allegations of physical ill-treatment by prison staff. On the contrary, several prisoners stated that they were treated correctly by prison staff and made positive comments about their professionalism. Some inmates who had spent longer periods at Leopoldov and Nitra-Chrenová Prisons remarked to the delegation that the manner in which inmates were treated by the staff and the general atmosphere in the establishments had been gradually improving over time.

Nevertheless, despite these generally positive findings, the delegation did receive a few allegations of physical ill-treatment of inmates by members of staff in some of the establishments visited, notably in reaction to the misbehaviour of prisoners. At Leopoldov Prison, two accounts were heard of inmates receiving punches and kicks and being hit with hard objects (“tonfas”) on various parts of the body even after being hand- and/or ankle-cuffed. At Košice-Šaca, Nitra-Chrenová and Nitra Prisons, a few complaints were received of inmates being slapped.

At Leopoldov and Košice-Šaca Prisons, the delegation also received a few allegations of verbal abuse of inmates by prison staff, including of a racist nature.

⁴¹ See Section 8 et seq. of Decree 368/2008 of the Ministry of Justice which introduces the Rules on the execution of prison sentences.

In the light of these findings, **the CPT recommends that custodial staff at Leopoldov, Košice-Šaca, Nitra and Nitra-Chrenová Prisons be reminded that:**

- **all forms of ill-treatment, including verbal abuse/racist remarks, are not acceptable and will be punished accordingly;**
- **no more force than strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for them being struck;**
- **inmates who violate existing rules should be dealt with only in accordance with the official disciplinary procedure.**

40. It is a positive development that the practice of the almost daily strip searching of life-sentenced prisoners, criticised by the CPT in its previous visit report,⁴² has been abandoned.

That said, it would appear that strip-searching of prisoners is still a frequent occurrence in the Slovak prison system. By way of example, the information gathered through interviews with female inmates at Nitra and Nitra-Chrenová Prisons indicates that prisoners are obliged to strip naked and perform a squat before and after each contact visit (including visits by a lawyer) and whenever leaving/returning to the prison (e.g. to appear before a court). Moreover, random strip-searches were apparently carried out on inmates when they were departing from their accommodation unit to go to work or when returning from work. Allegedly, in both these establishments, as well as at Prešov Prison, inmates were on occasions strip-searched collectively.

The CPT notes in this respect that such practices would not be in compliance with the relevant regulations referred to by the Slovak authorities in their response to the report on the CPT's 2009 visit.⁴³

41. A strip search is a very invasive – and potentially degrading – measure. Therefore, resort to strip searches should be based on an individual risk assessment and subject to rigorous criteria and supervision. Every reasonable effort should be made to minimise embarrassment; detained persons who are searched should not normally be required to remove all their clothes at the same time, e.g. a person should be allowed to remove clothing above the waist and to get dressed before removing further clothing. Moreover, prisoners should never be required to strip naked in front of other inmates or a large group of persons.

The CPT recommends that the Slovak authorities ensure that these precepts are respected in practice whenever it is deemed necessary, on the basis of an individual risk assessment, to resort to strip-searching of a prisoner.

⁴² See CPT/Inf (2010) 1, paragraphs 57 to 59.

⁴³ See CPT/Inf (2010) 2, pages 34 and 35.

42. The information gathered during the visit indicates that inter-prisoner violence was not a frequent occurrence in the establishments visited; if exceptionally confronted with such situations, staff reacted in an appropriate manner.

However, at Košice-Šaca Prison, the delegation received some allegations of fights and bullying among prisoners and noted tensions among inmates; it also gained the distinct impression that an unofficial hierarchy existed among inmates within their cells and/or units, with some inmates exercising control over others. Reference is also made in this context to paragraph 98.

The CPT trusts that the prison staff at Košice-Šaca Prison will take the necessary steps to ensure that the maintenance of order and control in the establishment remains within their exclusive remit.

4. Conditions of detention

a. life-sentenced prisoners

43. In order to examine the implementation of the recommendations made by the Committee in the previous visit reports, the delegation carried a targeted follow-up visit to the unit for life-sentenced prisoners at Leopoldov Prison.

44. The CPT notes the efforts made by the management of Leopoldov Prison as regards the situation of certain individual life-sentenced prisoners (see paragraph 46). However, no systemic modification of the approach towards this category of inmate, as recommended by the Committee in its previous visit reports,⁴⁴ has been made since the last visit and the legislative framework concerning life-sentenced prisoners remains unchanged.⁴⁵ Moreover, it would appear that the amendments to the Law on the execution of prison sentences (see paragraph 36) fails to bring substantive progress in this respect. Thus, the general principle remains that a life-sentenced prisoner shall be segregated from other inmates⁴⁶ and be subjected to a very restrictive regime and stringent security measures.

⁴⁴ See, most recently, CPT/Inf (2010) 1, paragraph 64.

⁴⁵ For a detailed description, see CPT/Inf (2010) 1, paragraphs 69 to 78.

⁴⁶ It is noteworthy in this context that while the amendments introduce a new provision describing the aim of imprisonment of the general prison population (“to protect society against perpetrators of criminal offences, to prevent convicted persons from committing further criminal offences and to create conditions which would make it possible to support and develop positive personal reserves for their resocialisation so that they live an orderly life”), as regards life-sentenced prisoners, Section 79 (1) of the Law continues to provide that the main objective of their imprisonment is “the protection of society against future crimes by means of isolation of the convict in an institution, control of his behaviour in line with good morals and stabilisation of his mental and physical state”.

45. The standard regime applied to life-sentenced prisoners (“D1 regime”) is laid down in Section 79 (2) of the Law on the execution of prison sentences and Section 78 (4) of Decree 368/2008 of the Ministry of Justice which introduces the Rules on the execution of prison sentences: a life-sentenced prisoner shall be held in a designated establishment and in a specific cell, in which, as a rule, he/she shall be accommodated and work alone. Life-sentenced prisoners shall not participate in activities organised for other categories of inmate and any movement outside their cells shall be under the supervision of prison staff.

The standard regime may be mitigated by means of an internal differentiation (“D2 regime”). Inmates classified as D2 may benefit from certain privileges, such as the possibility to move in a restricted area outside their cells, to associate with other D2 prisoners, to have contact visits, to participate in group activities (organised for life-sentenced prisoners), and to participate in selected activities organised for prisoners not sentenced to life.⁴⁷

46. During the 2013 visit, the delegation observed certain limited improvements in the situation of individual inmates: three D1 prisoners benefited from contact visits,⁴⁸ five lifers had some recreational activity (painting, embroidery), two were allowed to have a CD player with educative materials in their cells and one was allowed a guitar. Seven life-sentenced prisoners out of 30 were classified as D2 (in comparison with five out of 26 in 2009).

It is also noteworthy that the majority of life-sentenced prisoners worked (stitching shoes).⁴⁹

However, there was not a significant difference in practice between the regime applied to D1 and D2 prisoners; for both categories, it remained impoverished, in particular in terms of out-of-cell activities and association. Apart from one hour of outdoor exercise a day (which could be taken by all life-sentenced prisoners with up to three other inmates of the same classification), the possibility to play table-tennis or go to a small gym for up to one-and-a-half hours three times a week and to search for legislation on a computer, the inmates spent the rest of their time (i.e. most days for 23 hours a day) locked up in their cells, the only form of distraction being in principle stitching shoes, watching TV and reading. Occasionally, some D2 prisoners were allowed to visit each other in their cells.

47. The CPT must stress once again that long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, such prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills). Such risks are all the higher in respect of prisoners who face the prospect of spending most of the rest of their adult life in prison. In the Committee’s view, the programmes of activities offered to life-sentenced prisoners should seek to compensate for these effects in a positive and proactive way.

⁴⁷ See Section 79 (6) of the Law on the execution of prison sentences and Section 78 of Decree 368/2008.

⁴⁸ The management of Leopoldov Prison emphasised that this figure must be seen in the light of the fact that a number of life-sentenced prisoners did not receive visits at all.

⁴⁹ 74% according to the information provided by the management of the prison.

Additionally, a programme of purposeful and structured activities is an essential part of the rehabilitation and resocialisation of prisoners and of preparation for their possible release.⁵⁰ Moreover, the Committee considers that the provision of a regime of purposeful activities (including group association) and constructive staff/inmate relations will reinforce “dynamic security”⁵¹ within the prison.

48. In the light of the above, **the CPT calls upon the Slovak authorities to take appropriate steps to lend meaning to the period of imprisonment for all life-sentenced prisoners by making major investments in diverse, structured and purposeful out-of cell activities of a long-term nature (such as work, preferably with vocational value, education, sport, and recreation/association).**

Further, **the Committee recommends that immediate steps be taken to ensure that life-sentenced prisoners held in single cells paired in “suites”⁵² are allowed, as far as possible, to associate with each other within the “suite” for a reasonable part of the day.**

49. As regards the procedures for classification of life-sentenced prisoners, the decision to classify an inmate as D2 is taken by the governor upon the proposal prepared by the educator and discussed by a “placement committee”.⁵³ Nevertheless, as already noted in the previous visit report, apart from the general criteria provided for in Sections 78 (2) and (4) of Decree 368/2008,⁵⁴ there are no formal regulations in place governing in detail ‘promotion’ to or ‘demotion’ from a D2 regime for a life-sentenced prisoner. Further, the CPT notes that no interval for a regular review of the classification of a particular prisoner is set by the relevant legislation.⁵⁵

It should also be pointed out in this context that once again it transpired from the interviews with life-sentenced prisoners that they were uncertain about the precise criteria for both ‘promotion’ to the D2 regime, and for possible ‘demotion’ back to the D1 regime.

The CPT reiterates its recommendation that transparent criteria be set for promotion to and demotion from the D2 regime, which would enable prisoners to clearly identify the action and behaviour required of them in order to qualify for placement within a group with a more favourable regime.

Further, **the Committee recommends that the regime classification of life-sentenced prisoners be reviewed at regular intervals.**

⁵⁰ Reference is made in this context to Article 10(3) of the International Covenant on Civil and Political Rights (ICCPR) and the Grand Chamber judgment of the European Court of Human Rights in the case of *Vinter and Others v. the UK* [GC], nos. 66069/09, 130/10 and 3896/10, 9 July 2013, paragraphs 114-118.

⁵¹ Dynamic security is “is the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners” (see paragraph 18.a of Council of Europe’s Committee of Ministers Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners).

⁵² See paragraph 54.

⁵³ The committee is chaired by the head of the department for the execution of sentences and composed of several members of the prison staff, e.g. the educator, a psychologist, a social worker and officers from the security department.

⁵⁴ A life-sentenced prisoner must have served “a part” of the sentence, comply, on a long-term basis, with his personal treatment plan, abide by the internal rules of the institution and display positive changes in his attitude towards criminal activity and “value orientation”.

⁵⁵ According to the information provided to the delegation at Leopoldov Prison, the review of a sentence plan of a given prisoner (every six months or one year depending on the length of the sentence) does not necessarily involve the question of a possible re-classification.

50. In respect of seven D1 inmates, systematic handcuffing whenever they were taken outside their cells had been abolished. This is an encouraging development.

However, it still remains the case that the majority of life-sentenced prisoners classified at D1 level were handcuffed whenever they were taken out of their cell⁵⁶ and all lifers were handcuffed whenever they were taken out of the ward where they were accommodated.⁵⁷

The CPT recommends that the Slovak authorities build on the above-mentioned positive development with the aim of ensuring that the handcuffing of life-sentenced prisoners when they are outside their cells is an exceptional measure which is taken only when strictly necessary, based on an individualised assessment of real risks, and is never applied as a routine measure.

51. Moreover, it is a matter of concern that the majority of life-sentenced prisoners classified at D1 level also remained handcuffed during medical examinations and interventions. **The CPT calls upon the Slovak authorities to implement its longstanding recommendation to put an end to the practice of handcuffing life-sentenced prisoners when they undergo a medical examination/intervention.**

52. The CPT must once again recall that one of the general principles underpinning the management of life-sentenced prisoners expressed in the Council of Europe's Committee of Ministers' Recommendation (2003) 23, on the management by prison administrations of life-sentence and other long-term prisoners of 9 October 2003, is the non-segregation principle.⁵⁸ It should be underlined in this context that life-sentenced prisoners are *not* necessarily more dangerous than other inmates.

The Committee reiterates its recommendation that the Slovak authorities fundamentally rethink their approach vis-à-vis life-sentenced prisoners, with the objective of (i) moving away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells and (ii) integrating them at some point into the mainstream prison population.

53. By virtue of Section 34 (8) of the Criminal Code,⁵⁹ when imposing a sentence of life imprisonment, the court may also decide, under certain conditions, that the offender shall not be eligible for conditional release. According to the information provided to the CPT's delegation by the Slovak authorities at the outset of the 2013 visit, there was one prisoner out of a total of 42 life-sentenced prisoners being held in the Slovak prison system, who was not eligible for conditional release ("actual lifer").

The CPT has serious reservations about the very concept according to which "actual lifers", once they are sentenced, are considered once and for all to be a permanent threat to the community and are deprived of any hope of being granted conditional release. Consequently, the Committee considers that it is inhuman to imprison a person for life without any realistic hope of release.

⁵⁶ Except for when they were in the outdoor exercise yards.

⁵⁷ Although handcuffs were removed when lifers received visits.

⁵⁸ This principle states that consideration should be given to not segregating life-sentence prisoners on the sole ground of their sentence.

⁵⁹ Law no. 300/2005.

Moreover, as it has recently been confirmed by the European Court of Human Rights, “for a life sentence to remain compatible with Article 3 [of the European Convention on Human Rights], there must be both a prospect of release and a possibility of review.”⁶⁰

The CPT recommends that the Slovak authorities amend the relevant legislation with a view to introducing a possibility of conditional release (parole) to all life-sentenced prisoners, subject to a review of the threat to society posed by them on the basis of an individual risk assessment.

54. Material conditions in the unit for life-sentenced prisoners at Leopoldov Prison were described in the previous visit report⁶¹ and, at the time of the 2013 visit, they remained adequate. All prisoners were accommodated in a separate department in single- and double-occupancy⁶² cells which were in a good state of repair, sufficient in size and adequately equipped (including a fully partitioned sanitary annexe) and ventilated; they also had sufficient access to natural and artificial light. Most but not all of the single-occupancy cells were paired to form “suites”, i.e. two single cells either facing each other or located side-by-side, with a common entrance area, from which they were separated by a metal grille. This arrangement enabled the two inmates to communicate with one another.

55. As regards the outdoor exercise facilities, D2 inmates now had access to a spacious outdoor yard which was also used by other convicts (though not at the same time). However, D1 prisoners still took outdoor exercise in small partially covered corridor-like yards. Although these yards were equipped, in addition to chairs, with some basic sports equipment (a basketball hoop, a pull-up bar and a bench), they only provided a limited opportunity for inmates to exert themselves physically, in particular due to their limited size.

The CPT recommends that further efforts be made to improve the outdoor exercise facilities for life-sentenced prisoners at Leopoldov Prison. Consideration should be given to making the outdoor yard used by the general prison population regularly accessible to all life-sentenced prisoners.

56. The delegation also met one life-sentenced prisoner whose leg had been amputated and in respect of whom no practical arrangements existed which would enable him to take outdoor exercise. As a result, he had allegedly not been able to take outdoor exercise for several months preceding the visit.

The CPT recommends that the Slovak authorities take the necessary steps to ensure that, in practice, all prisoners (including disabled inmates) are able to benefit from daily outdoor exercise.

⁶⁰ See *Vinter and Others v. the UK* [GC], nos. 66069/09, 130/10 and 3896/10, 9 July 2013, paragraph 110.

⁶¹ See CPT/Inf (2010) 1, paragraph 67.

⁶² Double-occupancy cells were accommodating inmates classified on the D2 regime.

b. high-security prisoners

57. The legal grounds for placement in a high-security department and the situation in the high-security department at Leopoldov Prison remained unchanged since the last visit.

According to Section 81 of the Law on the execution of prison sentences, a *sentenced* prisoner *shall*, in principle, be placed in a high-security department if (i) he/she constantly violates the internal order of the institution, refuses to fulfil his/her duties, has a negative effect on other prisoners which counters the objective of imprisonment, endangers the security of prison officers, prisoners or other persons, or has escaped from prison, has tried to escape or has prepared an escape, or (ii) he/she is facing criminal charges and conditions for his/her detention on remand are met. Further, such a placement *may* be made in respect of a prisoner convicted of a very serious offence that he/she has committed as a member of an organised, criminal or terrorist group and for preventive/security reasons.

Under Section 7(4) of the Law on the execution of remand detention, *remand* prisoners who behave aggressively, violate the internal order of the institution, pose a threat to the security in the institution or are charged with certain very serious criminal offences⁶³ shall, as a rule, be placed in a high-security “cell” (i.e. the equivalent of a high-security department).

58. As regards the regime applied to prisoners accommodated in the high-security department at Leopoldov Prison, no improvement was observed by the delegation during the 2013 visit; regrettably, the regime was still characterised by a total absence of organised activities. High-security prisoners were offered one hour of outdoor exercise a day, in groups of up to four high-security inmates, and some of them the possibility to play table tennis (for up to one hour a day). The result was that they were effectively confined to their cells for up to 23 hours a day, with watching television and reading books being their only means of distraction.

The CPT wishes to stress once again that any regime which denies appropriate mental and physical stimulation to prisoners is likely to have a detrimental effect on the health of the person concerned and, in particular, can lead to a gradual deterioration in their mental faculties and social abilities. Consequently, regardless of the gravity of the offences of which prisoners are accused or have been convicted and/or their presumed dangerousness, efforts must be made to provide them with appropriate stimulation and, in particular, with adequate human contact.

Prisoners who present a particularly high security risk should, within the confines of their detention units, enjoy a relatively relaxed regime by way of compensation for their severe custodial situation. In particular, they should be able to meet their fellow prisoners in the unit and be granted a good deal of choice concerning their activities (thus fostering a sense of autonomy and personal responsibility). The activities provided should be as diverse as possible (education, sport, work of a vocational value, etc.). Special efforts should be made to develop a good internal atmosphere within high-security units. The aim should be to build positive relations between staff and prisoners. This is in the interests not only of the humane treatment of the unit's occupants but also of the maintenance of effective control and security and of staff safety.

⁶³ Which are enumerated in Section 47(2) of the Criminal Code.

The CPT recommends that the Slovak authorities review the regime applied to prisoners accommodated in the high-security department of Leopoldov Prison and, where appropriate, in other prisons in the Slovak Republic, in the light of the above remarks.

59. At the time of the 2013 visit, it was still the case that the relevant legislation⁶⁴ did not lay down any procedural requirements for placement in a high-security department, which is decided by the governor of the prison.

The CPT is well aware of the fact that in every country, there will be a certain number of prisoners considered, for various reasons, to present a particularly high security risk and hence to require special conditions of detention. However, every placement in a high-security department should be surrounded by appropriate safeguards. Moreover, clearly defined objectives and goals should be agreed upon to enable a prisoner to be re-classified to an ordinary regime and prisoners should be involved in the review process concerning their placement in a special department.

Consequently, **the CPT reiterates its recommendation that the Slovak authorities take steps to ensure that:**

- **prisoners in respect of whom placement in a high-security department is envisaged, or in respect of whom such placement is extended, are given an opportunity to express their views on the matter after having been informed in writing of the reasons for the measure (it being understood that there might be reasonable justification for withholding from the prisoner specific details related to security);**
- **prisoners are given the right to appeal to an independent authority against the imposition or extension of placement in a high-security department (in line with the principles laid down in the European Prison Rules).**⁶⁵

60. On a positive note, the CPT welcomes the fact that the amendments referred to in paragraph 36 have shortened the period for the mandatory review of placement of sentenced prisoners in a high-security department from six to three months.

However, it would appear that no such deadline exists in respect of the equivalent placement of remand prisoners to a high-security cell (pursuant to Section 7 (4) of the Law on the execution of remand detention). **The CPT recommends that the review for holding remand prisoners in a high-security cell take place at least once every three months.**

61. As was the case during the 2009 visit, several prisoners accommodated in the high-security department and interviewed by the CPT's delegation suffered from learning disabilities and/or showed clear signs of serious mental disorders. This situation had been the subject of an immediate observation under Article 8 (5) of the Convention at the end of the 2009 visit and it is a matter of concern to the Committee that this issue still remained unresolved. In this context it is noteworthy that many professionals met by the delegation during the 2013 visit felt that the absence of a suitable detention facility for mentally disturbed prisoners was a major problem.

⁶⁴ See Section 81 of the Law on the execution of prison sentences.

⁶⁵ See Rule 53.7.

Moreover, the delegation gained the impression that, as regards some of the inmates interviewed, their perceived “dangerousness” lay in their inability to comply with the strict prison regime and to adapt to the penitentiary environment, due to their mental state.

In the CPT’s view, a high-security department is not an appropriate place for managing prisoners with learning disabilities and/or serious mental disorders who should be cared for and treated in an environment (within a civil psychiatric hospital or a prison establishment), which is suitably equipped and has sufficient qualified staff to provide them with the necessary assistance.

The CPT reiterates its recommendation that the Slovak authorities develop facilities suitable to accommodate prisoners suffering from learning disabilities and/or serious mental disorders, such as those currently accommodated at the Leopoldov high-security department. Reference is made in this connection to paragraph 35.

Further, the Committee recommends once again that appropriate interim measures be sought as a matter of urgency to ensure adequate care for prisoners with learning disabilities and/or serious mental disorders at the Leopoldov high-security department.

62. Material conditions in the Leopoldov high-security department were similar to those offered to life-sentenced prisoners (see paragraph 54) and call for no particular comment.

c. juvenile prisoners

63. The CPT’s delegation examined the situation of male juvenile sentenced prisoners at Sučany Juvenile Prison and of juvenile remand prisoners at Nitra and Prešov Prisons.

64. Material conditions in the accommodation areas provided to juvenile prisoners at Sučany Juvenile Prison were on the whole satisfactory. The 20 cells in the five wards for juveniles measured between 9m² and 36m² and accommodated from two to nine juveniles; they were generally in an acceptable state of repair and cleanliness, were well-lit and ventilated and equipped with bunk-beds and wardrobes, a table and chairs.

That said, in the four double-occupancy cells in the closed/disciplinary unit, in-cell toilets were only partly partitioned. Further, some of the cells and the communal room on the ground floor were in need of refurbishment and in several cells, the number of chairs was not sufficient for the number of juveniles accommodated therein. **The CPT recommends that these shortcomings be remedied.**

65. The material conditions of detention under which juvenile remand prisoners were held at Nitra and Prešov Prisons were the same as for adult prisoners. In this regard, reference is made to the remarks in paragraphs 71 and 72.

66. The delegation gained a particularly positive impression of the regime offered to sentenced juveniles at Sučany Prison. Cell doors were open day and night, allowing juveniles to move freely within their living unit including as regards access to the communal rooms.

A structured programme of purposeful activities allowed the juveniles to spend most of the day outside their units. The educational programme included elementary and secondary school classes, vocational training (for masons, painters and carpenters) and a course for the illiterate. Various hobby groups were on offer (e.g. gardening, handcrafts, literature and different sports activities), a library was open twice a week and the chaplain organised regular masses and other activities. A large outdoor playground fitted with a variety of sports equipment was used for daily outdoor exercise and once a week juveniles had access to an indoor gym. Juveniles could also play table tennis in the corridor. The young inmates met by the delegation generally had a favourable opinion of the regime at Sučany Juvenile Prison.

Moreover, comprehensive individual sentence plans had been set up for the juveniles which were reviewed every six months. This is a positive example.

67. In contrast, the regime for the juveniles on remand met by the delegation at Nitra and Prešov Prisons was as impoverished as that provided to adult remand prisoners, with no programme of meaningful activities being offered. The only exception was elementary school classes offered once a week to some juveniles (in principle those below the age of 16) or the provision of self-study materials in the cells. Consequently, juveniles spent 23 hours most days locked in their cells or (when on the mitigated regime) on their wards,⁶⁶ in a state of enforced idleness, their only regular out-of-cell activity being one hour of outdoor exercise a day. Such a state of affairs is unacceptable.

While a lack of purposeful activity is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. For this reason, regardless of their period of detention in a given establishment, juvenile offenders should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme.

The CPT recommends that the Slovak authorities take the necessary steps to ensure that all juvenile remand prisoners are provided with a programme of purposeful out-of-cell activities, including group association activities, tailored to their needs (education, sport, recreation, etc.). The longer the period for which juvenile remand prisoners are detained, the more developed should be the activities which are offered to them.

68. In several of the establishments visited, in particular at Košice and Nitra Prisons, the delegation again observed that juveniles, notably those held on remand, were sharing a cell with adult inmates. In this regard, the CPT is concerned to note that the possibility of juveniles being accommodated together with adult prisoners is now explicitly provided by the amended legislation if certain conditions are met.⁶⁷

⁶⁶ See paragraph 77.

⁶⁷ See, for sentenced prisoners Section 8(4) of the amended Law on the execution of prison sentences, and for remand prisoners, Section 7(7) of the amended Law on the execution of remand detention. According to the new provisions, juveniles can exceptionally be accommodated together with adult inmates, provided that such accommodation is in the interest of the juvenile, that the adult will not have an adverse influence on the juvenile or pose a threat to his/her health or abuse the juvenile's presence in the room or cell, and that both the juvenile and the adult agree to such accommodation. The arrangement must be brought to the attention of the supervising prosecutor who is responsible for inspecting the establishment and must be reviewed by the prosecutor and the governor of the establishment at least once every three months.

The CPT has repeatedly expressed its misgivings about the concept of juveniles being accommodated together with adults due to the risks inherent in such arrangements, in particular the possibility of domination and exploitation. As a matter of principle, juveniles who have to be deprived of their liberty should not be held in institutions for adults, but instead in facilities specially designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with young persons. When, exceptionally, they are held in an institution for adults, juveniles should be accommodated separately from adults, in a distinct unit. The Committee acknowledges, however, that there can be arguments in favour of juveniles participating in out-of-cell activities with adults, on the strict condition that there is appropriate supervision by staff.

The CPT reiterates its recommendation that the Slovak authorities take the necessary steps to ensure that the above-mentioned precepts are effectively implemented in practice in the Slovak prison system.

d. general prison population

69. During the 2013 visit, the conditions of detention offered to the general prison population were examined by the CPT's delegation at Nitra-Chrenová and Prešov Prisons. At Nitra Prison, the delegation focused on the situation of sentenced female inmates and prisoners held on remand.

70. At Nitra-Chrenová Female Prison, material conditions were, on the whole, of a very good standard; all the cells/rooms seen by the delegation were clean and adequately equipped ((bunk-)beds, tables, chairs, wardrobes, shelves), with good access to natural and artificial light and sufficient ventilation. The majority of inmates were accommodated in paired rooms (each room measuring between 11 and 15m² and, as a rule, accommodating up to four inmates) which shared a fully partitioned sanitary annexe (composed of a shower⁶⁸ and a separate toilet) and a small entrance (6m²). Female prisoners with special needs (elderly, on medical grounds) were accommodated in the establishment's specialised treatment unit which consisted of six rooms (four triple-occupancy and two with a capacity of four beds) and a common toilet, shower, kitchenette, dining room and a spacious terrace (equipped with benches and partially covered), used as an outdoor yard. Inmates classified at maximum "guarding" level C were held in double- and triple-occupancy cells (each measuring some 14m²).⁶⁹

That said, many complaints were heard that the oldest of the three accommodation buildings was insufficiently heated during winter months. Further, in several cells and rooms, the delegation observed that call bells were not functioning.

71. Material conditions at Prešov Prison were generally satisfactory. The cells were in a good state of repair and adequately equipped; they measured between 7 and 16m² (excluding the fully-partitioned in-cell sanitary annexes) and generally held two to four inmates. However, the delegation saw some ten cells of 16m² in size which were each holding five to six inmates, leaving them with 3.2 or 2.7m² living space per person, respectively.

⁶⁸ In one of the three accommodation buildings, showers were located in the basement; nevertheless, inmates had daily access to showers, as was the case in the other two buildings.

⁶⁹ Two additional double-occupancy cells were reserved for high-security and life-sentenced female prisoners, but were not in use at the time of the visit.

72. At Nitra Prison, material conditions were on the whole acceptable for female prisoners and sentenced male prisoners.

The majority of sentenced female prisoners and female prisoners held on remand in the mitigated regime⁷⁰ were accommodated in one separate building in multi-occupancy cells of varying design but generally measuring between 14 and 23m². However, the living space provided in several of them was insufficient; by way of example, a cell measuring some 18m² was accommodating five inmates and another one measuring 17.5m² was holding six, thus providing less than 3m² of living space per inmate.

The few other sentenced women and female remand prisoners in the standard regime were held in a building accommodating primarily male inmates, though in separate cells. These cells, which were equipped with fully-partitioned sanitary annexes, also provided acceptable material conditions.

The majority of sentenced men who worked in the general maintenance of the establishment were accommodated in a spacious dormitory (90m² for 18 inmates)⁷¹ and two adjacent smaller rooms; these premises were all adequately equipped and provided good material conditions in other aspects as well.

73. In contrast, the cells accommodating male remand prisoners, in particular those in the standard regime, newly admitted sentenced prisoners and inmates temporarily placed in the establishment (e.g. to attend a court hearing) were in a very poor state of repair, and their size was clearly insufficient for the number of inmates they could hold. For example, cells measuring between 26m² and 30m² could hold up to ten inmates, and two admission cells seen by the delegation were each accommodating six inmates in only some 11m² for periods of more than a month, thus providing only some 2m² per inmate (while the majority of the space in the cell was in fact taken up by the bunk-beds). Moreover, the majority of the cells were equipped with a toilet which was only partially partitioned.

74. At Prešov Prison and in cells accommodating remand prisoners in the standard regime at Nitra Prison, windows were fitted with frosted glass panes which prevented inmates from seeing outside, thus generating an oppressive effect.⁷²

The CPT fully accepts that specific security measures designed to prevent the risk of collusion and/or criminal activities may well be required in respect of certain prisoners. However, the imposition of measures of this kind should be the exception rather than the rule. This implies that the relevant authorities must examine the case of each prisoner in order to ascertain whether specific security measures are really justified in his/her case.

⁷⁰ See paragraph 77.

⁷¹ The premises had formerly been used as a prison canteen before being rebuilt to serve as a dormitory.

⁷² The panes were attached to the outside of the buildings, some distance from the windows.

75. In the light of the above-mentioned findings, **the CPT recommends that the Slovak authorities take steps to:**

- **ensure that the minimum standard of 4m² of living space per inmate in a multi-occupancy cell, not counting the area taken up by in-cell sanitary annexes, is respected in practice in all the establishments visited;**
- **significantly improve the material conditions provided to male remand prisoners, newly admitted sentenced prisoners and inmates temporarily placed in the establishment at Nitra Prison; priority should be given in this context to ensuring that the toilets in all multi-occupancy cells are fully-partitioned (i.e. to the ceiling);**
- **review the design of the cell windows at Nitra and Prešov Prisons so as to allow inmates, as a rule, to see outside their cells;**
- **ensure that all cells and rooms at Nitra-Chrenová Prison are adequately heated and equipped with functional call bells.**

76. In several of the cells seen by the delegation at Nitra-Chrenová and Prešov Prisons, the in-cell sanitary annexes were only partitioned from the rest of the cell by a curtain. **It would be preferable to fully partition the sanitary annexes with solid walls and doors.**

77. As was the case during the previous visit,⁷³ some of the *remand prisoners*⁷⁴ met by the delegation were held under a mitigated regime, with open cell doors and access to common areas and sometimes a kitchenette during the daytime. However, such arrangements, although alleviating the monotony of day-to-day life, cannot substitute for a programme of purposeful activities including work, education, sports and cultural activities.

Remand prisoners under the standard regime, i.e. the large majority of remand prisoners, were generally locked up in their cells for 23 hours a day.

Despite the efforts made by the prison management, the regime for remand prisoners at Nitra and Prešov Prisons, whether in the standard or mitigated regime, was impoverished. Very few remand prisoners were engaged in work and a rather limited number of activities (mainly lectures or quizzes) were being offered to inmates.⁷⁵ On most days, the bulk of remand prisoners remained in enforced idleness with no other activity than one hour of outdoor exercise, reading books, watching TV and possibly occasional access to a gym/table-tennis.

78. The CPT recognises that the provision of organised activities in remand prisons, where there is likely to be a high turnover of inmates and in some cases a potential risk of collusion, poses particular challenges. However, it is not acceptable to leave prisoners to their own devices for months and even years on end.

⁷³ See CPT/Inf (2010)1 paragraph 93.

⁷⁴ For example, at Prešov Prison, 60 out of 162 remand prisoners were subject to this regime with open cell doors from 6 a.m. to 10 p.m.

⁷⁵ At Prešov Prison, for example, apart from some activities organised by the chaplain, remand prisoners were mainly offered one quiz and one or two discussions or lectures per week, usually on legal subjects. Occasionally, table tennis or chess tournaments were organised. In addition, there was only a weekly meeting with the educator and books available for borrowing from a library.

79. The CPT also wishes to highlight the case of one female prisoner on remand who was subjected to court restrictions prohibiting her contact with other prisoners (“B-treatment”). Apart from one hour of outdoor exercise per day (which she spent alone) and occasional voluntary stitching work in her cell, no activities whatsoever had been offered to her. For weeks on end, she had no contact with other prisoners and an educator had only come to see her for the first time the day before the delegation arrived. She was effectively held in conditions of solitary confinement.

The CPT considers it unacceptable to hold prisoners in such conditions. Consequently, **it recommends that steps be taken to ensure that prisoners subjected to court restrictions are offered a programme of purposeful activities and appropriate human contact.**

80. Turning to the regime for *sentenced prisoners*, the CPT’s delegation gained a positive overall impression at Nitra-Chrenová Prison. Inmates, with the exception of those classified at maximum “guarding” level C, benefited from an open-door regime during the day and were offered various recreational activities (singing, publishing a magazine, knitting, embroidery), education (basic literacy classes, IT/legal awareness course) and occasional access to a spacious gym.

Moreover, all inmates worked,⁷⁶ the vast majority of them either in the establishment’s workshops (stitching shoes, tailoring/knitting, assembling electric cables/components for fire extinguishing equipment, work in the establishment’s kitchen/warehouses or cleaning) or, exceptionally, performing seasonal agricultural work outside the prison premises.

On the other hand, prisoners classified at maximum “guarding” level C in principle spent 23 hours a day locked up in their cells, the only activities being reading and watching television or stitching shoes and one hour of outdoor exercise. Occasionally, they were allowed access to a kitchenette.

81. At Nitra Prison, some 75% of sentenced women worked (i.e. the vast majority of those fit for work), either assembling cables for the car industry or separating plastic waste. Efforts were also being made to provide them with additional activities, although the situation observed by the delegation was less positive than that at Nitra-Chrenová. Occasionally, they were offered lectures (in particular on legal issues related to imprisonment) and had the opportunity to organise recreational activities for themselves, such as table tennis/card tournaments, dancing/singing contests, quizzes, Slovak language classes, etc. However, hardly any organised activities were provided by the prison and many complaints were heard by the delegation that there was virtually no possibility for sports (other than table-tennis).

82. At Prešov Prison, the regime for sentenced prisoners was as impoverished as the one for remand prisoners (see paragraph 77).

83. In the light of the above findings, **the CPT must again call upon the Slovak authorities to take resolute action to provide all prisoners in all establishments visited with a comprehensive programme of activities. The aim should be to ensure that all prisoners (including those on remand) spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association.**

⁷⁶ With the exception of those unfit for work or receiving a retirement pension.

84. As regards the working terms and conditions of sentenced prisoners, many complaints were heard by the delegation about the low salaries coupled with extensive deductions, including taxes, insurance premiums, alimony, obligatory savings, costs of criminal proceedings and some 50% of their income after tax being deducted to pay for the costs of imprisonment.

It became clear during the visit that many prisoners working full-time and earning between 100 and 140 Euros a month, received as little as three to ten Euros once all the deductions had been taken into account. It is noteworthy in this context that almost no basic hygiene products were provided free of charge to prisoners who worked (irrespective of the actual money they received) and that, as the delegation ascertained for itself, prices in the prison shop were significantly higher than those outside the prison. Many prisoners also stated that they could not afford to buy phone cards in order to make phone calls to their families.

In the CPT's view, the system of low wages and high deductions is not only demotivating but could be perceived as exploitation of the prison population as a source of inexpensive labour which is not acceptable.

The CPT recommends that the Slovak authorities review the working terms and conditions for inmates and the system of deductions in order to ensure that the remuneration for their work is equitable. Reference in this context is made to Rule 26 of the European Prison Rules.

85. Furthermore, all prisoners, whether or not they were working, had to reimburse the costs of their imprisonment. As a result, many inmates were leaving prisons with debts which they had accrued while in prison. In the CPT's view, such a situation is not conducive to facilitating the re-integration of inmates into society.⁷⁷ **The CPT would like to receive the observations of the Slovak authorities on this issue.**

86. Outdoor exercise was offered to all prisoners for a minimum of one hour a day, in compliance with the relevant legislation.

That said, at Nitra-Chrenová, Nitra and Prešov Prisons, the delegation heard many complaints that the outdoor exercise areas did not provide sufficient opportunity for the inmates to exert themselves physically. The CPT subscribes to this point of view.

At Prešov Prison, one larger (60m²) and five smaller (35m²) corridor-shaped yards were available for prisoners' outdoor exercise. The delegation was particularly concerned by their layout and oppressive design, notably as regards the smaller yards. While they were approximately 18m long, they were only 1m wide at one end, extending to a maximum of 3m at the other end of the yard. The delegation was informed that ten to twelve prisoners would usually take their outdoor exercise together, which only allowed them to walk back and forth in rows. In addition, the five yards had no shelter against inclement weather. Similar arrangements existed at Nitra Prison for male prisoners (though the yards were equipped with a shelter and a pull-up bar).

⁷⁷ See Rule 6 of the European Prison Rules.

At *Nitra-Chrenová Prison*, inmates classified at maximum “guarding” level C had access to a partially covered metal cage, adjacent to their unit, measuring some 40m² and equipped with a basketball hoop and some benches. The rest of the inmates at that establishment and sentenced women at *Nitra Prison* had access to narrow areas in front of each accommodation building, which had no shelter against inclement weather and only provided the opportunity to sit on a bench or pace back and forth.

The CPT recommends that the Slovak authorities improve the arrangements for outdoor exercise at Nitra, Nitra-Chrenová and Prešov Prisons to ensure that all inmates are able to exert themselves physically. Further, all exercise yards should be equipped with a shelter against inclement weather.

5. Health-care services

87. The delegation examined the health-care services at Nitra Prison, Nitra-Chrenová Female Prison, Prešov Prison and Sučany Juvenile Prison. In addition, the delegation paid a brief visit to the health-care unit at Leopoldov Prison.

88. In all these establishments, the material conditions in the premises were of an acceptable standard and all the necessary basic medical equipment was available.

89. The health-care staff at Leopoldov Prison consisted of three full-time and three part-time general practitioners (each working ten hours per week), eleven general nurses and two psychiatric nurses, one full-time psychiatrist, one psychologist and one dentist.

Nitra Prison employed two full-time medical doctors, five full-time nurses, one dentist (working four days per week) and one radiologist. In addition, a dermatologist came to the prison once every second week. Gynaecological consultations took place at Nitra-Chrenová Prison.

At Nitra-Chrenová Prison, the health-care staff consisted of one full-time post of a medical doctor and four nursing posts, one of which was vacant at the time of the visit. In addition, a dentist and a dental nurse came to the prison for one day per week and a gynaecologist and a psychiatrist for half a day each per week.

The medical unit of Sučany Juvenile Prison⁷⁸ consisted of two general practitioners (one working full-time and one 75%), one dentist and five full-time nurses (two of which were psychiatric nurses). A psychiatrist visited the prison once a week.

⁷⁸ The medical unit was responsible for all prisoners held in the establishment, i.e. juveniles, young offenders and adult prisoners (see paragraph 32).

The health-care team at Prešov Prison was in charge of all three facilities under the prison's management.⁷⁹ The team consisted of two general practitioners, one dentist and six nurses.⁸⁰ A psychiatrist came to the prison once every second week.

In all the establishments visited, additional specialists could be called in or prisoners could be transferred to an outside clinic when necessary.

90. However, the number of doctors appeared to be insufficient in each of the prisons visited, taking into account the tasks they had to fulfil. The fact that prison health-care services continued to be responsible not only for treating inmates, but also for treating prison staff (both acting and retired)⁸¹ increased the doctors' workload considerably.⁸²

As already noted in the report on the 2009 visit, the CPT has reservations about such a practice. The sharing of the doctors' working time between inmates and prison staff can clearly be to the detriment of the time the doctor has available to consult with the prisoners. Moreover, such a dual responsibility could also lead to a conflict of interest, which might ultimately compromise the perception of the professional independence of prison doctors.

Without the additional responsibility for treating prison staff, the number of doctors at the establishments visited would generally be sufficient.

The Committee invites the Slovak authorities to review the practice of prison doctors treating both prisoners and prison staff, in the light of the above remarks.

91. As regards psychiatric care, the CPT recalls that, in comparison with the general population, there is a high incidence of psychiatric symptoms among prisoners. Consequently, a doctor qualified in psychiatry should be attached to the health-care service of each prison. At Nitra Prison, however, psychiatric care was only available at an outside clinic and at Košice-Šaca Prison, the one psychiatrist's post had been vacant, at the time of the visit, for two months.

The CPT recommends that the Slovak authorities ensure the regular presence of a psychiatrist at Nitra Prison and fill the vacant post of a psychiatrist at Košice-Šaca Prison as a matter of urgency.

At Leopoldov Prison, the delegation met a life-sentenced prisoner who showed clear signs of serious mental disorder. The CPT wishes to reiterate its view that prisoners with serious mental disorders should be treated in a hospital environment which is suitably equipped and has sufficient qualified staff to provide them with the necessary assistance. **Reference is made in this context to the recommendations made in paragraph 61.**

⁷⁹ See paragraph 32.

⁸⁰ One of the nurses was on maternity leave at the time of the visit.

⁸¹ At Prešov Prison, also staff members' adult family members could be treated.

⁸² According to the information gathered during the visit, at least 20% of the doctors' working time was devoted to treating staff.

92. At Leopoldov, Prešov and Sučany Prisons in particular, the number of nurses was inadequate. In consequence, no health-care staff were generally present in the prisons visited after office hours (which ended in most prisons at 3 p.m.) or at weekends. At these times, medication (including psychotropic medication) therefore had to be distributed by custodial staff. In the CPT's view, such a practice could violate medical confidentiality as medication and its dosage are clearly visible to custodial staff. Medication should preferably be distributed by health-care staff.

In the light of the above shortcomings, **the CPT reiterates its recommendations that the Slovak authorities:**

- **reinforce the presence of qualified nurses at Leopoldov, Prešov and Sučany Prisons;**
- **ensure that someone competent to provide first aid is always present in every prison establishment, including at night; preferably, this person should be a qualified nurse, in particular in establishments which have an in-patient infirmary. This should *inter alia* make it possible to avoid the need for medication to be distributed to prisoners by custodial staff.**

93. Concerning confidentiality during medical examinations, it is positive that at Sučany Juvenile Prison, prison officers were generally not present during medical examinations of the juveniles.

In contrast, at Košice-Šaca and Prešov Prisons, the findings of the delegation indicate that prison officers were frequently either present during medical examinations or that they stayed outside the surgery room with the door open, allowing them to overhear and at times also to watch the examination. Prison officers were allegedly also regularly present during medical examinations of life-sentenced prisoners at Leopoldov Prison. Further, the information gathered suggests that, during medical examinations of inmates in an outside facility, escorting staff often remained present, including at times staff of the opposite sex.

As highlighted in the report on the 2010 visit,⁸³ the routine presence of prison officers during medical examinations violates medical confidentiality. Moreover, it can clearly deter prisoners from drawing health-care professionals' attention to injuries and/or from making allegations of ill-treatment. Alternative solutions can and should be found to meet legitimate security requirements. One possibility might be the installation of a call system, whereby a doctor would be in a position to rapidly alert prison officers in those exceptional cases when a prisoner becomes agitated or threatening during a medical examination.

The CPT calls upon the Slovak authorities to ensure that all medical examinations of prisoners be conducted out of the hearing and – unless the health-care staff member concerned expressly requests otherwise in a given case – out of the sight of non-medical staff.

94. Moreover, the delegation was concerned that at all prisons visited, non-medical staff had – when the health-care staff were absent (see paragraph 92) – access to inmates' medical files. **The CPT recommends that the Slovak authorities ensure that medical data are, as a rule, not accessible to non-medical staff.**

⁸³ See CPT/Inf (2010) 1, paragraph 105.

95. The CPT recalls the importance of medical screening of newly-arrived prisoners, in particular in the interests of preventing the spread of transmissible diseases and suicide prevention. Prison health-care services can also make a significant contribution to the prevention of ill-treatment by the police, through the systematic recording of injuries observed on newly-arrived prisoners and, if appropriate, the provision of information to the relevant authorities.

Medical screening of newly-arrived inmates upon admission to the prisons was systematic in the establishments visited. As part of the admission procedure, all remand prisoners were screened for tuberculosis and prisoners with a history of drug use were offered testing for HIV, hepatitis B and C and for syphilis at the remand prisons visited.

However, recording of injuries by health-care staff during screening upon admission was in several cases still incomplete and superficial and the statements of the inmates concerned were often absent.

In the light of the above, **the Committee once again calls upon the Slovak authorities to take the necessary steps to ensure that the record drawn up after the medical examination of a prisoner – whether newly-arrived or following a violent incident in the prison – contains:**

- i) an account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment);**
- ii) a full account of objective medical findings based on a thorough examination;**
- iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings.**

The results of the medical examination in cases of traumatic injuries should be recorded on a special form provided for this purpose, and “body charts” for marking traumatic injuries should be kept in the medical file of the detainee. If any photographs are taken, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in a special trauma register where all types of injuries should be recorded.

Further, the results of every examination, including the above-mentioned statements and the doctor's opinions/observations, should be made available to the prisoner and to his/her lawyer.

Finally, steps should be taken to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned.

96. As regards drug treatment, the delegation gained a positive impression of the manner in which drug-addicted juveniles were treated at *Sučany Juvenile Prison*. The establishment had a unit for voluntary drug treatment and a drug-free unit available for juveniles. A visiting psychiatrist offered individual psychotherapy and group therapy once a week (for half a day) and an addiction nurse was present during the day at the voluntary drug treatment unit.

However, none of the health-care services visited in the other prisons offered special medical and psychological treatment for prisoners with drug-related problems.⁸⁴ Methadone or other drug-substitution programmes were not available. This led in some cases to an abrupt end to such treatment which had been provided to the persons concerned prior to their imprisonment.

The CPT wishes to stress that the management of drug-addicted prisoners must be varied – combining detoxification, psychological support, socio-educational programmes, rehabilitation and substitution programmes – and linked to a proper prevention policy. It goes without saying that health-care staff must play a key role in drawing up, implementing and monitoring the programmes concerned and must co-operate closely with the other (psycho-socio-educational) staff involved.

The CPT recommends that the Slovak authorities develop and implement a comprehensive policy for the provision of care to prisoners with drug-related problems.

6. Other issues

a. prison staff

97. The climate in a prison is largely dependent on the quality and resources of its personnel. There must be enough staff to correctly supervise the activities of prisoners and support each other in the performance of their duties; further, management must be prepared to support staff fully in the exercise of their authority.

98. As far as the CPT's delegation could ascertain during the 2013 visit, the staffing levels in most of the establishments visited were adequate. The delegation was particularly pleased to note the favourable educator-juvenile ratio at *Sučany Juvenile Prison*, with seven educators in charge of 69 juveniles.

However, at *Košice-Šaca Prison*, the custodial staff complement of 226 posts for a prison population of 694 inmates appeared to be insufficient. **The CPT recommends that the Slovak authorities take steps to review the current staffing levels at Košice-Šaca Prison.**

⁸⁴ According to the information gathered by the delegation, a therapeutic programme (abstinence-based) for drug users only existed at *Trenčín Prison Hospital*.

99. It is also positive that at Nitra-Chrenová Female Prison, some two-thirds of the posts for custodial staff were occupied by women. However, at Nitra Prison, despite the recent creation of a unit for female prisoners (see paragraph 32), only five women were employed as custodial staff.

The CPT considers that in general, mixed-sex staffing is an important safeguard against ill-treatment in places of detention. This is also recognised in the European Prison Rules, according to which men and women should be represented in a balanced manner on the prison staff.⁸⁵ The presence of male and female staff can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention. Mixed-sex staffing also allows for appropriate staff deployment when carrying out gender-sensitive tasks, such as searches.

The CPT recommends that the Slovak authorities consider employing more female custodial officers at Nitra Prison and, where applicable, in other prisons in the Slovak Republic.

100. The delegation gained the impression that relations between staff and inmates in most of the establishments visited were adequate. Particular mention should be made in this respect of Prešov Prison and Sučany Juvenile Prison. At the latter establishment, the delegation received numerous positive comments from the inmates regarding the humane atmosphere and attentiveness of staff.

b. security-related issues

101. In all the prisons visited, custodial staff were openly carrying batons, handcuffs and/or tear gas canisters in the detention areas, in compliance with the relevant legislation.

Such an approach is not conducive to the establishment of positive relations between staff and inmates. **If it is deemed necessary for staff to carry batons and handcuffs in detention areas, the CPT recommends that they be hidden from view. Moreover, tear gas canisters should not form part of the standard equipment of custodial staff, and, given the potentially dangerous effects of this substance, tear gas should not be used in confined spaces.**

Further, there is a necessity to put in place a clear directive governing the use of tear gas. Only exceptional circumstances can justify the use of tear gas inside a place of detention for control purposes, and such exceptional use should be surrounded by appropriate safeguards. For example, persons exposed to the spray should be granted immediate access to a medical doctor, officers authorised to use the spray should receive proper training, and adequate reporting and inspection mechanisms with respect to its use should be in place. **The CPT recommends that the Slovak authorities put in place comprehensive procedures concerning the use of tear gas, in the light of the above remarks.**

⁸⁵ See Rule 85 of the European Prison Rules and the related Commentary.

102. The use of so-called “compensation cells” is regulated by Sections 18 and 81 of the Law on the execution of prison sentences. Under these provisions, a sentenced prisoner whose uncontrollable aggressive behaviour poses a threat to his/her life or health shall be placed in a “compensation cell” until the signs of his/her uncontrollable behaviour disappear. The decision shall be taken by the governor of the prison, in consultation with a medical doctor.

The cell of this kind seen by the delegation at Leopoldov Prison was fully padded, including the floor, and was devoid of any equipment, except for a floor-level toilet. The material conditions in this cell do not call for any particular comment. However, the examination of the relevant registers revealed that, contrary to the assertions of the prison management, prisoners could be placed in this cell for prolonged periods of time, sometimes for more than 24 hours. **The CPT would like to receive the observations of the Slovak authorities on this issue.**

103. According to the information provided to the CPT’s delegation during the 2013 visit, all but one prison was equipped with contact electrical discharge weapons (paralysers); however, they were not regularly carried by prison staff and had not been used since 2004. The use of such devices is regulated by Law no. 4/2001, on the Corps of Prison and Court Guards, which authorises their use, *inter alia*, to prevent intentional damage to property or other “rude” behaviour which violates order in the institution or public order, or when escorting an inmate who actively resists.⁸⁶

In this connection, the CPT wishes to refer to its 20th General Report on the CPT’s activities,⁸⁷ which spells out the general principles to which the use of electrical discharge weapons should be subject. In the Committee’s view, the use of electrical discharge weapons should be limited to situations where there is a real and immediate threat to life or risk of serious injury. It is inadmissible to use them solely with the purpose of ensuring compliance with an order. The CPT has also stressed that before such weapons are made available, they should go through a technical authorisation procedure and that they should be equipped with memory chips which can record information on their use, enabling supervision by the competent authorities. Furthermore, the Committee has strong reservations about devices which can only be employed through direct contact with the person who is the target. Properly trained custodial staff will have many other control techniques available to them when they are in touching distance of a person who has to be brought under control.

The CPT recommends that the Slovak authorities review the existing rules and practice, in the light of the above remarks.

104. At Nitra Prison, the delegation observed that inmates waiting for a medical examination in the corridor of the medical unit were obliged to stand facing the wall. In the CPT’s view, such a practice serves no security purpose, is hardly likely to promote positive staff-prisoner relations and could be described as anachronistic. Consequently, **the Committee recommends that the Slovak authorities put an end to this practice.**

⁸⁶ See Sections 33 (1) (b) and (c) of the Law. Limitations on the use of such devices against certain categories of person, such as pregnant women, elderly or mentally disabled individuals, are contained in Section 45 of the Law.

⁸⁷ See CPT/Inf (2010) 28, paragraphs 65 to 84.

c. discipline

105. Detailed provisions were in place, setting out the range of disciplinary sanctions available, the most severe punishments being placement in a disciplinary cell outside working hours, a whole-day placement in a disciplinary cell⁸⁸ and solitary confinement. The findings of the 2013 visit indicate that resort to disciplinary punishment was not excessive and that the procedure prescribed by law was generally followed and properly documented in the disciplinary registers.

However, at Nitra-Chrenová Prison, the delegation heard many complaints that inmates were sometimes left waiting for prolonged periods (e.g. 30 minutes or more) in the outside yard during inclement weather before the regular head-count was carried out, as an unofficial collective punishment. In this respect, **the CPT must stress that disciplinary sanctions should result from relevant existing disciplinary procedures and not take the form of an unofficial punishment. Moreover, any form of collective punishment would be unacceptable.**

106. In all the prisons visited, inmates subject to the sanctions of whole-day placement in a disciplinary cell or placement in solitary confinement were seen prior to their placement by a doctor, who certified whether the prisoner was fit to undergo the punishment. In accordance with the legislation in place,⁸⁹ a doctor thereafter generally visited these prisoners every three days.⁹⁰

The Committee wishes to stress that medical practitioners working in prisons act as the personal doctors of prisoners, and ensuring that there is a positive doctor-patient relationship between them is a major factor in safeguarding the health of prisoners. Obliging prison doctors to certify that prisoners are fit to undergo punishment is scarcely likely to promote that relationship. This point was recognised in the Committee of Ministers' Recommendation (2006) 2 on the European Prison Rules; indeed, the rule in the previous version of the Rules, stipulating that prison doctors must certify that a prisoner is fit to sustain the punishment of disciplinary confinement, has now been removed.

Further, a prison's health-care service should be very attentive to the situation of prisoners during their placement in disciplinary cells and should report to the prison director whenever a prisoner's health is being put seriously at risk as a result of him/her being held in disciplinary segregation/isolation. A member of the health-care staff (doctor or nurse) should therefore visit the prisoner on a regular basis, at least once per day.

The CPT recommends that existing regulations and practice concerning the role of prison doctors in relation to disciplinary matters be reviewed. In so doing, regard should be had to Rule 43.3 of the European Prison Rules and the comments made by the CPT in paragraph 53 of its 15th General Report.⁹¹ Health-care staff should visit the prisoner immediately after placement in a disciplinary cell and thereafter, on a regular basis, at least once per day, and provide him/her with prompt medical assistance and treatment as required.

⁸⁸ As far as the CPT's delegation could ascertain, the only difference (apart from the time-limits discussed in paragraph 107 below) between solitary confinement and whole-day placement was that the disciplinary cell for the latter may be of double-occupancy.

⁸⁹ See for sentenced prisoners Section 54(4) of the Law on the execution of prison sentences and for remand prisoners Section 38(7) of the Law on the execution of remand detention. The amendments to these laws did not introduce substantial changes to these principles.

⁹⁰ In Nitra-Chrenová every two days with the exception of weekends.

⁹¹ CPT/Inf (2005) 17.

107. The amendments to the Law on the execution of prison sentences and to the Law on the execution of remand detention (see paragraph 36) introduce important changes in respect of disciplinary procedure and sanctions.

It is a welcome development that the maximum possible length of solitary confinement for *adult remand prisoners* has been decreased from 15 to ten days (the maximum possible period of uninterrupted consecutive solitary confinement⁹² may be 15 days for male and 14 days for female inmates).⁹³ That said, it would appear that no change has been made as regards *adult sentenced prisoners*; thus, the maximum length of solitary confinement remains 20 days (30 days in the case of several consecutive punishments for male and, rather surprisingly, 14 days for female inmates).⁹⁴

As regards *juveniles*, it is to be welcomed that the sanction of solitary confinement has been abolished. *Juvenile remand prisoners* may now be subjected to the sanction of a whole-day placement in a disciplinary cell (for a maximum of five days/eight days in the case of several sentences);⁹⁵ regarding *sentenced juveniles*, the maximum length of a whole-day placement in a closed unit remains ten days (14 days in the case of several consecutive punishments).⁹⁶

108. Given the potentially very damaging effects of solitary confinement, the CPT considers that the maximum period for solitary confinement⁹⁷ as a punishment should be no more than 14 days for a given offence, and preferably less.⁹⁸ Further, there should be a prohibition on sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum period. Any offences committed by a prisoner which might call for more severe sanctions should be dealt with through the criminal justice system.

As regards more particularly juveniles, resort to such a sanction should be regarded as an exceptional measure which should only be resorted to for very short periods (preferably, for a period not exceeding three days).⁹⁹

The CPT recommends that the Slovak authorities take further steps to ensure that the above-mentioned precepts are implemented in practice.

109. In respect of both remand and sentenced prisoners, the amendments upheld the principle that they may not receive visits (with the exception of a lawyer) or make telephone calls when serving any of the above-mentioned disciplinary punishments.

The CPT considers that disciplinary punishment of prisoners should not include a total prohibition on family contacts¹⁰⁰ and that any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts. This is of particular importance given the already restricted possibilities for prisoners' contact with the outside world which currently exist in the Slovak Republic (see paragraph 111).

⁹² In the event that several disciplinary sentences have been imposed.

⁹³ In contrast with the 30-day period applicable previously.

⁹⁴ The same time-limits apply for whole-day placement in a disciplinary cell of remand and sentenced prisoners.

⁹⁵ During that period, juveniles may participate in educational activities (provided that such activities exist).

⁹⁶ The maximum length of the placement outside working hours is 14 days.

⁹⁷ Or any other disciplinary punishment amounting to a placement in conditions akin to solitary confinement.

⁹⁸ See the 21st General Report on the CPT's activities (CPT/Inf (2011) 28), paragraph 56.

⁹⁹ 18th General Report on the CPT's activities (CPT/Inf (2008)25), paragraph 26.

¹⁰⁰ See also Rule 60(4) of the European Prison Rules.

110. On a more positive note, the CPT welcomes the fact that the amended legislation contains detailed provisions concerning the disciplinary procedure as such, including a number of safeguards accorded to the inmates facing disciplinary charges, such as the right of the prisoner concerned to be heard in person, to propose evidence and to be informed of the modalities of lodging an appeal.

However, the Committee has misgivings about the provisions, concerning both remand and sentenced prisoners, by virtue of which appeals against disciplinary decisions rendered by the governor will now be decided by the governor him-/herself, on the basis of a proposal by a special commission appointed by the governor.

The CPT recommends that prisoners facing disciplinary charges be formally guaranteed the right to appeal to an independent authority against any sanctions imposed.

Further, the Committee would like to receive clarification as to whether prisoners facing disciplinary charges are allowed to benefit, if desired, from the assistance of a lawyer throughout the disciplinary procedure.

d. contact with the outside world

111. The amendments to the Law on the execution of prison sentences and to the Law on the execution of remand detention (see paragraph 36) introduce certain improvements in respect of visit and telephone entitlements.

All prisoners are now entitled to receive, as a minimum, one visit a month for two hours¹⁰¹ and the minimum phone call entitlement has been increased from 15 to 20 minutes twice a month. As was the case in the past, more favourable provisions exist for juvenile remand prisoners who may receive one visit a week for a minimum of one hour.¹⁰²

Nevertheless, in the CPT's opinion, all categories of prisoner should be entitled to the equivalent of at least one hour of visiting time per week (preferably, they should be able to receive a visit every week) and at least one phone call a week of reasonable duration (a minimum of ten to 15 minutes). There should also be the possibility of accumulating visit entitlements for periods during which no visits have been received.

The Committee recommends that the Slovak authorities make further efforts to comply with the above-mentioned minimum requirements.

¹⁰¹ The previous entitlement for adult remand prisoners was one visit for one hour every three weeks; entitlement for adult sentenced prisoners remained unchanged.

¹⁰² It should also be noted in this context that at the time of the 2013 visit, sentenced juvenile prisoners at *Sučany Juvenile Prison* were entitled to one visit of "unlimited" duration per week.

112. Sentenced prisoners at the maximum “guarding” level C and the majority of life-sentenced prisoners under the D1 regime (see paragraph 46) were as a rule not allowed to receive visits without physical separation. The CPT accepts that in certain cases it will be justified, for security-related reasons or to protect the legitimate interests of an investigation, to have visits take place in booths and/or monitored. However, “open” visiting arrangements should be the rule and “closed” ones the exception, for all legal categories of prisoner. Any decision to impose closed visits must always be well-founded and reasoned, and based on an individual assessment of the potential risk posed by the prisoner.

The Committee recommends that all prisoners be allowed to receive visits without physical separation, except in individual cases where there may be a clear security concern.

113. The information gathered by the delegation during the 2013 visit indicates that remand and sentenced prisoners were allowed, in addition to the private phone calls referred to above, to call their lawyers once a week.¹⁰³ The amended legislation¹⁰⁴ upholds this entitlement, though it does not provide for a guaranteed minimum duration of such phone calls. In justified cases, the governor will have the authority to grant additional phone calls.

In the CPT’s view, in the interest of the prevention of ill-treatment and the timely reporting of cases of alleged ill-treatment to the relevant authorities independent of the prison establishment concerned, such provisions seem to be unduly restrictive. **The CPT would like to receive the observations of the Slovak authorities on this issue.**

e. complaints and inspection procedures¹⁰⁵

114. Inmates met by the delegation during the 2013 visit were aware of the avenues of complaint available to them (e.g. to the supervising prosecutors, the prison governor or the Ombudsperson) and had access to confidential complaints boxes.

That being said, several inmates met by the delegation claimed that they were afraid to complain about ill-treatment to which they had allegedly been subjected, because of possible reprisals; they also stated that lodging a complaint with the prison governor or the supervising prosecutor was ineffective. This could explain the generally rather low number of official complaints registered in the various prison establishments, noted by the CPT’s delegation.

The necessary steps should be taken to ensure that any information suggesting that a prisoner has been subjected to threats and/or reprisals for having exercised his/her right to lodge applications or complaints is investigated properly and, if confirmed, that this results in appropriate sanctions.

¹⁰³ Generally for a maximum of 15 minutes.

¹⁰⁴ See Section 21 (2) of the Law on the execution of prison sentences and Section 27 (2) of the Law on the execution of remand detention, as amended.

¹⁰⁵ See also paragraphs 7 and 8.

115. As regards inspection procedures, the CPT attaches great importance to frequent and unannounced visits to prisons by an independent body with authority to receive – and, if necessary, take action on – complaints from detained persons and to visit the premises. Those exercising this oversight function should talk with prisoners and staff in the detention areas and carry out spot checks of practice and conditions.

It is positive in this respect that prisons visited by the CPT's delegation were regularly inspected by supervising prosecutors.¹⁰⁶ In accordance with the relevant legislation,¹⁰⁷ prosecutors verify the compliance with all relevant legal requirements, including the legality of the deprivation of liberty, and have the power to order release of the detained persons. Supervising prosecutors are entitled, *inter alia*, to visit such places at any time and to speak with the detained persons in private.

That said, the examination of the relevant registers revealed that at Prešov Prison, the supervising prosecutor would only occasionally talk to prisoners. Moreover, the information gathered at Nitra-Chrenová Prison indicates that the supervising prosecutor would often visit the detention area and talk to prisoners in the presence of members of the prison management.

The CPT recommends that supervising prosecutors regularly use their power to interview prisoners in private.

¹⁰⁶ As a rule, such inspections shall be carried out once every two months in remand prisons and once every three months in prisons holding sentenced prisoners.

¹⁰⁷ Section 18 of Law no. 153/2001, on the public prosecutor's office, and Orders of the Prosecutor General of the Slovak Republic nos. 6/2010 and 7/2010 (regulating the procedure for inspections by prosecutors of remand prisons and those for sentenced prisoners).

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Monitoring of places of deprivation of liberty

comments

- the CPT encourages the Slovak authorities to accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and to set up a National Preventive Mechanism (paragraph 7);
- care should be taken to ensure that the resources allocated to the Slovak Public Defender of Rights enable it to implement fully the mandate conferred on it by the relevant legislation (paragraph 8).

Law enforcement agencies

Preliminary remarks

requests for information

- the maximum possible duration of deprivation of liberty by the police under Section 17 of the Police Act and Section 120 of the Code of Criminal Procedure (paragraph 10).

Ill-treatment

recommendations

- the Slovak authorities to make further efforts to prevent ill-treatment by police officers. Police officers throughout the country should receive a firm reminder, at regular intervals, that any form of ill-treatment of persons deprived of their liberty – including verbal abuse/racist remarks and threats – is illegal and unprofessional and will be punished accordingly (paragraph 11);
- the Slovak authorities to make clear to police officers, in particular through ongoing training, that no more force than strictly necessary should be used when effecting an apprehension and that there can be no justification for striking apprehended persons once they have been brought under control (paragraph 11);
- appropriate steps to be taken to ensure that persons who may have been victims of ill-treatment by police officers are not dissuaded from lodging a formal complaint. Any information suggesting that a detained person has been subjected to threats and/or reprisals for having exercised his/her right to lodge complaints should be thoroughly investigated and, if appropriate, suitable sanctions should be imposed (paragraph 11);

- the Slovak authorities to take the necessary steps to ensure that police interventions of the kind described in paragraph 16 are video-recorded (e.g. with tactical cameras as part of the equipment of the police officers concerned) (paragraph 16);
- the Slovak authorities to remove wall fixtures for attaching persons from all police establishments and, more generally, to take effective measures to stamp out the practice of persons held by the police being attached to fixed objects. Every police facility where persons may be deprived of their liberty should be equipped with one or more rooms designated for detention purposes and offering appropriate security arrangements (paragraph 18).

comments

- in the event of a person in custody acting in a violent manner, the use of handcuffs may be justified. However, the person concerned should not be shackled to fixed objects but instead be kept under close supervision in a secure setting and, if necessary, medical assistance should be sought. Moreover, where it is deemed necessary to handcuff a person during the period of custody, the handcuffs should be applied only for as long as is strictly necessary (paragraph 18).

requests for information

- whether a clear reporting line for police staff to report ill-treatment committed by colleagues as well as whistle-blower protective measures exist in the Slovak Republic (paragraph 12);
- updated information as regards the investigation and the outcome of the case described in paragraph 13. In particular, the Committee would like to receive a copy of the two decisions referred to by the Slovak authorities in their letter of 12 December 2013, namely the decision of the Section of Control and Inspection Service of the Ministry of the Interior dismissing the case and the subsequent decision of the Regional Prosecutor's Office in Komárno quashing that decision, as well as a copy of any subsequent decisions taken in the case (paragraph 13);
- copies of the final decisions taken by the Control and Inspection Service of the Ministry of the Interior regarding the 16 cases of persons admitted to the remand section of Nitra Prison in 2013 and the remand section of Prešov Prison in 2012 and 2013, with injuries allegedly caused by the police (paragraph 14);
- comments of the Slovak authorities on the current system of investigations into allegations of ill-treatment by police officers in the light of the relevant case-law of the European Court of Human Rights (paragraph 15);
- updated information on the progress and outcome of the investigations into allegations of ill-treatment of persons deprived of their liberty by the police in the context of the police operation of 19 June 2013 in Moldava nad Bodvou referred to in paragraph 16. Further, the Committee would like to be informed in detail of the steps taken by the Control and Inspection Service of the Ministry of the Interior when investigating these allegations (paragraph 16);

- updated information on the trial against police officers who were allegedly involved in the ill-treatment of six Roma juveniles in a police station in Košice on 21 March 2009 (paragraph 17).

Safeguards against ill-treatment

recommendations

- the Slovak authorities to take the necessary steps to ensure that the right of all persons deprived of their liberty by the police 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) (paragraph 20);
- the Slovak authorities to take the necessary steps to ensure that detained persons are provided with feedback on whether it has been possible to notify a close relative or other person of the fact of their detention when notification is performed by police officers (paragraph 20);
- the Slovak authorities to take the necessary steps to ensure that the right of access to a lawyer is formally guaranteed to all persons who are under a legal obligation to attend – and stay – at a police station, irrespective of their precise legal status and that this right is fully effective in practice as from the very outset of the deprivation of liberty (paragraph 22);
- 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,¹⁰⁸ from the outset of deprivation of liberty (i.e. from the moment when the persons concerned, irrespective of their precise legal status, are obliged – for whatever reason – to remain with the police); the exercise of this right should not be subject to any filtering by a police officer (paragraph 23);
- the Slovak authorities to take the necessary steps to ensure that all medical examinations of persons in police custody take place out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers (paragraph 24);
- the Slovak authorities to ensure that all persons deprived of their liberty by the police – for whatever reason – are fully informed of their rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (that is, immediately upon the first arrival at a police station) by provision of a written form setting out the detained person's rights in a straightforward manner, and available in an appropriate range of languages. Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case (paragraph 25);

¹⁰⁸ It being understood that an examination by a doctor of the detained person's own choice may be carried out at his/her own expense.

- persons deprived of their liberty by the police to be requested to sign a statement attesting that they have been informed of their rights and whether they have availed themselves of these rights or have waived them; any absence of a signature should be duly accounted for. In cases where alcohol or drug intoxication prevents a person from making a valid statement, this request should be made as soon as the person is in a suitable mental state (paragraph 25);
- the necessary steps to be taken to ensure that police officers accurately record all relevant information in the custody registers. For various issues, such as the exact date and time of the deprivation of liberty and of release, the signature of a person deprived of his/her liberty should be required and, if necessary, its absence duly accounted for. Further, custody registers maintained at police stations should register every person deprived of his/her liberty at any given time on their premises (paragraph 26);
- steps to be taken to ensure that juveniles are not questioned and do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of another trusted adult person) being present and assisting the juvenile (paragraph 27).

requests for information

- clarification as from which moment the right of foreign nationals deprived of their liberty by the police to contact the embassy/consulate of their country becomes effective and to what extent the exercise of this right may be delayed or limited under the current legislation (paragraph 21).

Conditions of detention

recommendations

- the shortcomings regarding material conditions of detention at Nové Zámky District Police Directorate, Regional Police Directorate in Košice, Kežmarok Sub-District Police Department, Nitra Regional Police Directorate and Topoľčany District Police Directorate, as described in paragraph 28, to be remedied (paragraph 28);
- the Slovak authorities to take measures to ensure that all persons held in police custody for 24 hours or more are offered outdoor exercise under suitable conditions (paragraph 29);
- the small holding facilities destined for temporary placement of persons deprived of their liberty (so-called “designated areas”) not to be used for the detention of persons for more than a few hours and never for overnight stay (paragraph 30).

Prisons

Preliminary remarks

recommendations

- the minimum living space to be raised to 4m² for each inmate accommodated in a multi-occupancy cell, and official capacities to be recalculated on that basis (paragraph 34);
- the Slovak authorities, in their efforts to combat prison overcrowding, to be guided by all the relevant recommendations of the Committee of Ministers of the Council of Europe (paragraph 34).¹⁰⁹

requests for information

- any developments as regards the adoption and, in due course, the practical implementation of the new law on electronic supervision (paragraph 34);
- updated information on the setting up of a psychiatric detention centre in Hronovce and a prison for mothers with children in Nitra (paragraph 35).

Legal framework

requests for information

- the observations of the Slovak authorities regarding the CPT's position that allocation and classification of prisoners should occur upon admission to prison and not at the sentencing stage (paragraph 38).

Ill-treatment

recommendations

- custodial staff at Leopoldov, Košice-Šaca, Nitra and Nitra-Chrenová Prisons to be reminded that:
 - all forms of ill-treatment, including verbal abuse/racist remarks, are not acceptable and will be punished accordingly;

¹⁰⁹ See Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec(2003)22 on conditional release (parole), Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Recommendation CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures and Recommendation Rec(2010)1 on the Council of Europe Probation Rules.

- no more force than strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for them being struck;
- inmates who violate existing rules should be dealt with only in accordance with the official disciplinary procedure (paragraph 39);
- the Slovak authorities to ensure that the precepts set out in paragraph 41 are respected in practice whenever it is deemed necessary, on the basis of an individual risk assessment, to resort to strip-searching of a prisoner (paragraph 41).

comments

- the CPT trusts that the prison staff at Košice-Šaca Prison will take the necessary steps to ensure that the maintenance of order and control in the establishment remains within their exclusive remit (paragraph 42).

Conditions of detention

recommendations

- the Slovak authorities to take appropriate steps to lend meaning to the period of imprisonment for all life-sentenced prisoners by making major investments in diverse, structured and purposeful out-of cell activities of a long-term nature (such as work, preferably with vocational value, education, sport, and recreation/association (paragraph 48);
- immediate steps to be taken to ensure that life-sentenced prisoners held in single cells paired in “suites” are allowed, as far as possible, to associate with each other within the “suite” for a reasonable part of the day (paragraph 48);
- transparent criteria to be set for promotion to and demotion from the D2 regime, which would enable prisoners to clearly identify the action and behaviour required of them in order to qualify for placement within a group with a more favourable regime (paragraph 49);
- the regime classification of life-sentenced prisoners to be reviewed at regular intervals (paragraph 49);
- the Slovak authorities to build on the positive development described in paragraph 50 with the aim of ensuring that the handcuffing of life-sentenced prisoners when they are outside their cells is an exceptional measure which is taken only when strictly necessary, based on an individualised assessment of real risks, and is never applied as a routine measure (paragraph 50);
- the Slovak authorities to put an end to the practice of handcuffing life-sentenced prisoners when they undergo a medical examination/intervention (paragraph 51);

- the Slovak authorities to fundamentally rethink their approach vis-à-vis life-sentenced prisoners, with the objective of (i) moving away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells and (ii) integrating them at some point into the mainstream prison population (paragraph 52);
- the Slovak authorities to amend the relevant legislation with a view to introducing a possibility of conditional release (parole) to all life-sentenced prisoners, subject to a review of the threat to society posed by them on the basis of an individual risk assessment (paragraph 53);
- further efforts to be made to improve the outdoor exercise facilities for life-sentenced prisoners at Leopoldov Prison. Consideration should be given to making the outdoor yard used by the general prison population regularly accessible to all life-sentenced prisoners (paragraph 55);
- the Slovak authorities to take the necessary steps to ensure that, in practice, all prisoners (including disabled inmates) are able to benefit from daily outdoor exercise (paragraph 56);
- the Slovak authorities to review the regime applied to prisoners accommodated in the high-security department of Leopoldov Prison and, where appropriate, in other prisons in the Slovak Republic, in the light of remarks formulated in paragraph 58 (paragraph 58);
- steps to be taken to ensure that:
 - prisoners in respect of whom placement in a high-security department is envisaged, or in respect of whom such placement is extended, are given an opportunity to express their views on the matter after having been informed in writing of the reasons for the measure (it being understood that there might be reasonable justification for withholding from the prisoner specific details related to security);
 - prisoners are given the right to appeal to an independent authority against the imposition or extension of placement in a high-security department (paragraph 59);
- the review for holding remand prisoners in a high-security cell to take place at least once every three months (paragraph 60);
- the Slovak authorities to develop facilities suitable to accommodate prisoners suffering from learning disabilities and/or serious mental disorders, such as those currently accommodated at the Leopoldov high-security department (paragraph 61);
- appropriate interim measures to be sought as a matter of urgency to ensure adequate care for prisoners with learning disabilities and/or serious mental disorders at the Leopoldov high-security department (paragraph 61);
- the shortcomings regarding material conditions of detention at Sučany Juvenile Prison as described in paragraph 64 to be remedied (paragraph 64);

- the Slovak authorities to take the necessary steps to ensure that all juvenile remand prisoners are provided with a programme of purposeful out-of-cell activities, including group association activities, tailored to their needs (education, sport, recreation, etc.). The longer the period for which juvenile remand prisoners are detained, the more developed should be the activities which are offered to them (paragraph 67);
- the Slovak authorities to take the necessary steps to ensure that the precept of separating juveniles from adult prisoners is effectively implemented in practice in the Slovak prison system, in the light of the remarks made in paragraph 68 (paragraph 68).
- the Slovak authorities to take steps to:
 - ensure that the minimum standard of 4m² of living space per inmate in a multi-occupancy cell, not counting the area taken up by in-cell sanitary annexes, is respected in practice in all the establishments visited;
 - significantly improve the material conditions provided to male remand prisoners, newly admitted sentenced prisoners and inmates temporarily placed at Nitra Prison; priority should be given in this context to ensuring that the toilets in all multi-occupancy cells are fully-partitioned (i.e. to the ceiling);
 - review the design of the cell windows at Nitra and Prešov Prisons so as to allow inmates, as a rule, to see outside their cells;
 - ensure that all cells and rooms at Nitra-Chrenová Prison are adequately heated and equipped with functional call bells (paragraph 75);
- prisoners subjected to court restrictions to be offered a programme of purposeful activities and appropriate human contact (paragraph 79);
- the Slovak authorities to take resolute action to provide all prisoners in all the establishments visited with a comprehensive programme of activities. The aim should be to ensure that all prisoners (including those on remand) spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association (paragraph 83);
- the Slovak authorities to review the working terms and conditions for inmates and the system of deductions in order to ensure that the remuneration for their work is equitable (paragraph 84);
- the Slovak authorities to improve the arrangements for outdoor exercise at Nitra, Nitra-Chrenová and Prešov Prisons to ensure that all inmates are able to exert themselves physically. Further, all exercise yards should be equipped with a shelter against inclement weather (paragraph 86).

comments

- it would be preferable to fully partition the sanitary annexes of cells at Nitra-Chenová and Prešov Prisons with solid walls and doors (paragraph 76).

requests for information

- the observations of the Slovak authorities regarding the CPT's opinion that obliging prisoners to reimburse the costs of their imprisonment is not conducive to facilitating their re-integration into society (paragraph 85).

Health-care services

recommendations

- the Slovak authorities to ensure the regular presence of a psychiatrist at Nitra Prison and to fill the vacant post of a psychiatrist at Košice-Šaca Prison as a matter of urgency (paragraph 91);
- the Slovak authorities to:
 - reinforce the presence of qualified nurses at Leopoldov, Prešov and Sučany Prisons;
 - ensure that someone competent to provide first aid is always present in every prison establishment, including at night; preferably, this person should be a qualified nurse, in particular in establishments which have an in-patient infirmary. This should *inter alia* make it possible to avoid the need for medication to be distributed to prisoners by custodial staff (paragraph 92);
- the Slovak authorities to ensure that all medical examinations of prisoners be conducted out of the hearing and – unless the health-care staff member concerned expressly requests otherwise in a given case – out of the sight of non-medical staff (paragraph 93);
- the Slovak authorities to ensure that medical data are, as a rule, not accessible to non-medical staff (paragraph 94);
- the Slovak authorities to take the necessary steps to ensure that the record drawn up after the medical examination of a prisoner – whether newly-arrived or following a violent incident in the prison – contains:
 - i) an account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment);
 - ii) a full account of objective medical findings based on a thorough examination;
 - iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings (paragraph 95);

- the results of the medical examination in cases of traumatic injuries to be recorded on a special form provided for this purpose, and “body charts” for marking traumatic injuries should be kept in the medical file of the detainee. If any photographs are taken, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in a special trauma register where all types of injuries should be recorded (paragraph 95);
- the results of every examination, including the above-mentioned statements and the doctor’s opinions/observations, to be made available to the prisoner and to his/her lawyer (paragraph 95);
- steps to be taken to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned (paragraph 95);
- the Slovak authorities to develop and implement a comprehensive policy for the provision of care to prisoners with drug-related problems (paragraph 96).

comments

- the Slovak authorities are invited to review the practice of prison doctors treating both prisoners and prison staff to be reviewed in the light of the remarks formulated in paragraph 90 (paragraph 90).

Other issues

recommendations

- the Slovak authorities to take steps to review the current staffing levels at Košice-Šaca Prison (paragraph 98);
- the Slovak authorities to consider employing more female custodial officers at Nitra Prison and, where applicable, in other prisons in the Slovak Republic (paragraph 99);
- batons and handcuffs to be hidden from view, if it is deemed necessary for staff to carry them in detention areas (paragraph 101);
- the Slovak authorities to put in place comprehensive procedures concerning the use of tear gas, in the light of the remarks formulated in paragraph 101 (paragraph 101);
- the Slovak authorities to review the existing rules and practice regarding the use of electrical discharge weapons, in the light of the remarks formulated in paragraph 103 (paragraph 103);
- the Slovak authorities to put an end to the practice of obliging inmates waiting for a medical examination in the corridor of the medical unit to stand facing the wall (paragraph 104);

- existing regulations and practice concerning the role of prison doctors in relation to disciplinary matters to be reviewed. In so doing, regard should be had to Rule 43.3 of the European Prison Rules and the comments made by the CPT in paragraph 53 of its 15th General Report.¹¹⁰ Health-care staff should visit the prisoner immediately after placement in a disciplinary cell and thereafter, on a regular basis, at least once per day, and provide him/her with prompt medical assistance and treatment as required (paragraph 106);
- the Slovak authorities to take further steps to ensure that the maximum periods of solitary confinement as outlined in paragraph 108 are implemented in practice (paragraph 108);
- prisoners facing disciplinary charges to be formally guaranteed the right to appeal to an independent authority against any sanctions imposed (paragraph 110).
- the Slovak authorities to make further efforts to comply with the visit and telephone minimum requirements as outlined by the CPT in paragraph 111 (paragraph 111);
- all prisoners to be allowed to receive visits without physical separation, except in individual cases where there may be a clear security concern (paragraph 112);
- the necessary steps to be taken to ensure that any information suggesting that a prisoner has been subjected to threats and/or reprisals for having exercised his/her right to lodge applications or complaints is investigated properly and, if confirmed, that this results in appropriate sanctions (paragraph 114);
- supervising prosecutors to regularly use their power to interview prisoners in private (paragraph 115).

comments

- tear gas canisters should not form part of the standard equipment of custodial staff, and, given the potentially dangerous effects of this substance, tear gas should not be used in confined spaces (paragraph 101);
- disciplinary sanctions should result from relevant existing disciplinary procedures and not take the form of an unofficial punishment. Moreover, any form of collective punishment would be unacceptable (paragraph 105);
- disciplinary punishment of prisoners should not include a total prohibition on family contacts¹¹¹ and any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts (paragraph 109).

requests for information

- the observations of the Slovak authorities regarding the CPT's observation that prisoners at Leopoldov Prison could be placed in a "compensation cell" for prolonged periods of time, sometimes for more than 24 hours (paragraph 102);

¹¹⁰ CPT/Inf (2005) 17.

¹¹¹ See also Rule 60(4) of the European Prison Rules.

- clarification as to whether prisoners facing disciplinary charges are allowed to benefit, if desired, from the assistance of a lawyer throughout the disciplinary procedure (paragraph 110);
- the observations of the Slovak authorities concerning the CPT's comment that the current provisions regarding telephone calls of prisoners with lawyers seem to be unduly restrictive (paragraph 113).

APPENDIX II

**LIST OF THE MINISTERIAL AUTHORITIES, OTHER NATIONAL BODIES
AND NON-GOVERNMENTAL ORGANISATIONS
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

A. Ministerial authorities

Ministry of Justice

JUDr. Tomáš BOREC	Minister of Justice
JUDr. Monika JANKOVSKÁ	State Secretary for Justice
JUDr. Ľubomíra VROBELOVÁ	Head of the Office
JUDr. Miriam OSWALDOVÁ	Director, Private Office of the Minister
Mgr. Zuzana MARUNIAKOVÁ	Director, Private Office of the State Secretary for Justice
Peter BÁŇAS	Acting Director General, International Relations Section
JUDr. Rastislav MIHALOVIČ, PhD.	Acting Deputy Director, Public International Law Department
JUDr. PhDr. Branislav KADLEČÍK	CPT's Liaison Officer, General State Counsellor for Public International Law
JUDr. Adriana NOVOTNÁ	CPT's Liaison Officer, Principal State Counsellor for Public International Law
JUDr. Richard SVIEŽENÝ	Director, Criminal Law Legislation Department
<u>Corps of Prison and Court Guards</u>	
plk. Mgr. Eugen BALKO	Director General
plk. Mgr. Daniel FÖLDEŠI	Deputy Director General
mjr. Mgr. Petra MRVOVÁ	Principal Counsellor for International Co-operation, Private Office of the Director General
pplk. Mgr. Michal SEDLIAK	Director, Department for the Execution of Remand Detention and Prison Sentences
mjr. MUDr. Radoslav LIŠČÁK, MPH	Director, Department for Health-Care

Ministry of the Interior

Mgr. Marián SALOŇ	State Secretary for the Interior
gen. PaedDr. Tibor GAŠPAR	President of the Police Corps
plk. Mgr. Róbert ZAPLATÍLEK	Deputy Director General, Section of Control and Inspection Service of the Ministry of the Interior
plk. JUDr. Rudolf BRIŠKA, PhD.	Deputy Director, Organisational Department of the Section of Control and Inspection Service of the Ministry of the Interior
pplk. Mgr. Ladislav CSÉMI	Deputy Director, Office of the Border and Foreigners Police, Presidium of the Police Corps
kpt. JUDr. Dušan ČURDA	Senior Specialist, Railway Police, Presidium of the Police Corps
mjr. Mgr. Matej POLÁČEK	Head of the Operational Centre of Nitra Regional Police Directorate

Ministry of Health

JUDr. Zuzana ZVOLENSKÁ	Minister of Health
MUDr. Viliam ČISLÁK, MPH, MBA	State Secretary for Health
MUDr. Mario MIKLOŠI, PhD.	Director General of the Health Section
doc. MUDr. Pavel ČERNÁK, PhD.	Director of “Philip Pinel” Psychiatric Hospital in Pezinok
doc. MUDr. Ivan DÓCI, PhD.	Principal Professional of the Ministry of Health for Psychiatry
Mgr. Šárka KOVÁCSOVÁ	Director, Department for EU Affairs and International Relations
Mgr. Markéta PAULUSOVÁ	State Counsellor, Department for Health Care

Ministry of Labour, Social Affairs and Family

Mgr. Branislav ONDRUŠ	State Secretary for Labour, Social Affairs and Family
Ing. Agáta ZÁHORSKÁ	Director General, Control Section
JUDr. Nadežda ŠEBOVÁ	Director General, Social and Family Policy Section

Ministry of Education, Science, Research and Sport

Ing. Štefan CHUDOBA State Secretary for Education, Science, Research and Sport

PaedDr. Mária TEKELOVÁ Director, Department for Special Schools and Special Educational and Advisory Facilities

B. Other national bodies

Public Defender of Rights

JUDr. Jana DUBOVCOVÁ Public Defender of Rights (Ombudsperson)

PhDr. Marian TÖRÖK, PhD. Director, Office of the Public Defender of Rights

Mgr. Tomáš ČITBAJ Director, Department for the Protection of Fundamental Rights and Liberties

Office of the Prosecutor General

Mgr. Peter ŠUFLIARSKY Deputy Prosecutor General for Criminal Proceedings

JUDr. Tibor ŠUMICHRASŤ Prosecutor

C. Non-governmental organisations

Centre for Civil and Human Rights

Helsinki Committee for Human Rights in Slovakia

Human Rights League

Slovak National Centre for Human Rights

Society for Criminal Law and Criminology