

EXECUTIVE SUMMARY

During the 2023 periodic visit, the CPT delegation examined the treatment and safeguards afforded to persons deprived of their liberty by the police and the treatment of persons in prison and their conditions of detention. Further, it assessed the treatment of persons placed at Hronovce Detention Institute upon whom a measure of detention had been imposed by the court, of involuntary patients in two civil psychiatric facilities and of foreign nationals held at Medveďov Immigration Detention Facility.

The cooperation received during the visit, both from the national authorities and staff at the establishments visited, was excellent. Further, the Committee welcomes that a number of positive developments have taken place since the last periodic visit carried out in 2018. However, several recommendations made by the CPT after previous visits remained unimplemented.

Police custody

The majority of persons interviewed during the visit stated that they were treated correctly by police officers. However, the delegation did receive some allegations of physical ill-treatment and excessive use of force during apprehension, during the transfer of detained persons to police stations and during their initial registration by police officers. A few allegations were also heard of excessively tight handcuffing and of persons being handcuffed, including to fixed objects, in stress positions for prolonged periods of time in police stations. The CPT recommends that the Slovak authorities pursue their efforts to combat ill-treatment by police officers – unlawful behaviour which undermines the fundamental trust between the police and the public. It also calls upon the Slovak authorities to put an end to the practice of handcuffing detained persons to fixed objects in police establishments.

While noting that the formal institutional independence of investigations into allegations of ill-treatment by police officers (as well as prison officers) has been strengthened since the last visit, the CPT expresses certain reservations whether the new mechanism, the Inspection Service Office, fully complies with the requirement of independence.

As regards fundamental safeguards against ill-treatment, the CPT notes that the information sheets on rights of detained persons have been reviewed and the right of access to a lawyer and the right to notify a third person of one's detention now apply to all categories of person deprived of their liberty by the police, regardless of the precise legal ground for police custody. However, some allegations were heard that detained persons were not duly informed of their rights or that police officers attempted to informally interview them before any information whatsoever had been provided on their rights.

While several persons interviewed by the delegation during the visit confirmed that they had been promptly granted the right of access to a lawyer, a few allegations were received that persons deprived of their liberty had been discouraged by police officers, under various pretexts, from requesting the presence of a lawyer, or that their request had been disregarded.

As regards the right of access to a doctor, the findings of the visit indicate that requests by detained persons to be examined by a doctor were promptly granted by police officers and, in several cases, detained persons were medically examined by a doctor upon the initiative of police officers. However, the information sheets on the rights of detained persons appeared to unduly limit the scope of the right of access to a doctor to cases in which coercive means have been used. Moreover, it was still the case that police officers systematically remained present during medical examinations of detained persons.

The CPT notes that the relevant legislation contains a number of safeguards concerning juveniles deprived of their liberty by the police. However, while juvenile suspects benefit from the general right of access to a lawyer, it remains the case that the obligation to be represented by a lawyer only applies once the juvenile concerned has been formally declared “accused”. The CPT reiterates its recommendation that, given their particular vulnerability, juveniles deprived of their liberty are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person.

Material conditions in the police custody cells seen by the delegation were adequate. However, despite the fact that so-called “designated areas”, small holding facilities intended for short-term detention, are neither intended, nor equipped for overnight stays, the delegation heard a few allegations that persons had been placed in these facilities overnight.

Prison establishments

The CPT welcomes legal amendments which have been adopted since the last visit and which improved the situation of remand prisoners and life-sentenced prisoners; it requests more information on planned amendments which will concern the situation of sentenced prisoners in general.

Despite the fact that there had been a slight decrease in the prison population since the last visit and that the prison system as a whole operated below its official capacity, the delegation still observed cramped conditions in some cells and the prison population rate belongs among the highest in Europe.

At Žilina Prison, the delegation received no allegations of physical ill-treatment of prisoners by staff. Although a few allegations of physical ill-treatment (such as slaps and kicks) were made by the interviewed prisoners at Hrnčiarovce nad Parnou Prison, the vast majority of prisoners interviewed by the delegation stated that they were treated correctly.

In contrast, the situation at *Ružomberok Prison* was a matter of serious concern to the CPT. A number of prisoners interviewed during the visit made allegations of physical ill-treatment by certain prison officers, including slaps, punches, kicks and blows with telescopic batons. The alleged ill-treatment was said to take place in particular in the unit holding prisoners under the maximum guarding level, internal classification C, in areas not covered by CCTV.

Reference is made in the report to one specific case of a prisoner who had allegedly been the subject of repeated beatings by particular prison officers. Following the request made by the delegation at the end of the visit, the Slovak authorities carried out an inquiry into this case and, more generally, into the situation in this prison. However, the CPT points out that the information provided fails to fully address its concerns and requests a copy of the investigation file. Moreover, the Committee recommends that prison officers at Ružomberok Prison are given a firm message, to be repeated at regular intervals, that any form of ill-treatment of prisoners, including verbal abuse, is unlawful, unprofessional and unacceptable, and will be sanctioned accordingly.

As regards material conditions, the state of repair was adequate at Hrnčiarovce nad Parnou Prison and was acceptable overall at Ružomberok Prison, and the CPT welcomes the plans to refurbish Žilina Prison where material conditions were sub-standard at the time of the visit.

At Ružomberok Prison and in the cells holding remand prisoners at Žilina Prison, most cell windows were fitted with opaque plastic panes which obstructed access to natural light and ventilation, as well as any outside view, generating an oppressive effect. Moreover, at Žilina Prison, prisoners were offered outdoor exercise in small cubicles (measuring between 13 and 16 m²) in which any genuine physical exertion was inconceivable.

The delegation gained a positive impression overall of the regime activities provided to the majority of sentenced prisoners held in the three establishments visited. Concerning remand prisoners, those held under the mitigated regime at *Žilina Prison* were free to move within their units during the day and staff made efforts to provide these prisoners with organised activities. However, the regime for remand prisoners who were held under the standard regime in this establishment and for non-working sentenced prisoners under the maximum guarding level at *Ružomberok Prison* remained impoverished; these prisoners were locked in their cells for up to 23 hours per day and, despite efforts made by staff to provide some activities, spent most of the time in idleness. The Committee recommends that the Slovak authorities pursue their efforts in order to increase the number of prisoners engaged in work and organised activities.

As regards the provision of healthcare, it is positive that necessary medication and equipment were available in all three establishments visited and all newly admitted prisoner were thoroughly medically screened. However, several recommendations made by the CPT after previous visits remained unimplemented. This concerned in particular the recording of injuries (which remained incomplete in many cases), the insufficient presence of nurses in the establishments and the resulting problem of distribution of medication by custodial officers, the presence of custodial staff during medical examinations and the provision of healthcare to prison officers by prison healthcare staff.

Immigration detention

The delegation visited the Medved'ov immigration detention centre, which accommodated 78 persons at the time of the visit.

It received two allegations of physical ill-treatment of detained foreign nationals by staff which consisted of punches reportedly inflicted to enforce obedience. Another, similar allegation was being investigated by the criminal police at the time of the visit. The CPT recommends that it be strongly reiterated to staff that all forms of ill-treatment are unlawful, unprofessional and unacceptable, and will be sanctioned accordingly.

As regards material conditions, the facility was of a carceral appearance and the building used for accommodating foreign nationals was in a poor state of repair. While the management had made requests for repair and the delivery of new material, no positive responses had been received at the time of the visit. A rolling programme of refurbishments should be put in place in the centre. Further, the Slovak authorities are asked to offer detained foreign nationals the possibility to wear their own clothes and to improve the variety of meals and portions of food.

Immigration detainees should be afforded a regime which is appropriate to their legal status, with limited restrictions in place and a varied offer of activities. However, no activities were in place at the centre since a project ran by an NGO had ended more than a month before the visit. In that respect, immediate measures must be taken to ensure that activities are made continuously available at Medved'ov as well as in the other immigration centres operating in the country.

While arrangements concerning the provision of healthcare were on the whole satisfactory, detection of injuries upon admission was inadequate. The report formulates several recommendations aimed at improving detection, by *inter alia* recording, of any signs of injuries. Further, at the moment of the visit, access to specialist care appeared to be difficult and the presence of a psychologist in the centre was insufficient. The Slovak authorities are recommended to remedy these shortcomings.

The Committee also recommends that steps be taken to improve access to information to detained foreign nationals regarding the status of their case, and to ensure the presence of staff to communicate with them. While mobile phones were systematically taken away from detained foreign nationals by staff upon arrival, the Slovak authorities are encouraged to ensure that all of them can have daily contact with the outside world and preferably to be allowed to keep their own mobile phones. Finally, measures should be taken to ensure that detained foreign nationals who did not lodge a request for asylum have access to legal aid and that, overall, provision of legal aid to detained foreign nationals is rendered more effective in practice.

The Committee visited the Hronovce Detention Institute, the first forensic psychiatric establishment of the country built to accommodate persons upon whom a detention measure was imposed by court based on Section 81 of the Slovak Criminal Code.

During the visit, there were 16 patients accommodated in the Institute and the delegation received no allegations of physical ill-treatment of patients by staff. While inter-patient violence occurred, it appeared that staff responded promptly and adequately to these incidents.

Regarding material conditions, the buildings were clean, offering good access to natural and artificial lights. Nevertheless, concrete steps should be taken by the authorities to create a more therapeutic environment, including by providing patients visual stimulation in their rooms and communal areas.

The Committee is particularly critical of the excessive focus on security, with an abundance of CCTV cameras, including in all patients' rooms. The Committee considers that decisions to impose CCTV surveillance in a patient's room should always be based on the existence of serious health or security concerns, established on an individual risk assessment, and should be reviewed on a regular basis. Further, the frequent strip searches of patients should be drastically reduced and based on an individual risk assessment.

The report formulates several recommendations regarding the treatment of patients placed in the two operational treatment units of Hronovce (red and orange treatment units). The Committee calls for an increase in the range of activities offered to patients placed in the red treatment unit, the unit with the highest security level, tailored to their needs. Further, the Committee recommends reviewing the approach of conducting all consultations and activities through bars in the red treatment unit. It should also be ensured that medical examinations of detained patients are always conducted out of the hearing and, unless the healthcare professional concerned expressly requests otherwise, out of sight of staff without healthcare duties.

Concerning the treatment plans for patients, efforts should be undertaken to ensure that they are comprehensively drawn up and regularly reviewed, with the involvement of the patient concerned. In this regard, all relevant information, including collected by other services must be communicated to the management of the institute upon placement of a new patient. Further, the Committee recommends that the pharmacotherapy treatment of certain patients be immediately reviewed, and that free and informed consent be obtained from patients before administering anti-androgen treatment. In general, consent to treatment should be sought from patients, when in a position to give their consent.

The delegation examined resort to means of restraint in the institute, which did not appear to be excessive. However, the report calls for measures to be taken to ensure that every patient subjected to mechanical restraint is under continuous direct supervision by a qualified member of staff.

Concerning safeguards, the Slovak authorities must ensure that all court decisions ordering detention of patients at Hronovce are duly motivated and that all persons subject to such proceedings receive mandatory legal representation. Patients must be better informed about the applicable procedure and the possibility to file requests for discharge as well as the length of their placement in detention. Information brochure setting out the facility's routine and the patients' rights must be drawn up in a simple and accessible language and distributed to all patients upon admission as well as their families and lawyers.

Psychiatric establishments

The delegation carried out a full visit to the psychiatric department of Rožňava Hospital (Rožňava psychiatric department) and a follow-up visit to the psychiatric department of Bratislava University Hospital – Hospital of Saints Cyril and Methodius (Bratislava psychiatric department).

The patients interviewed by the delegation made no allegations of ill-treatment by staff. While inter-patient violence would occasionally occur in both establishments, staff generally reacted rapidly and adequately.

Patients' living conditions were satisfactory in both establishments visited. However, due attention should be paid to the decoration of patients' rooms and measures must be taken to ensure that all patients are provided with a personal, lockable space in which they can store their belongings. At Bratislava psychiatric hospital, the CPT recommends ensuring that all patients are offered daily access to outdoor exercise, with appropriate supervision or security if required.

As regards patients' treatment, the delegation found that patients were offered proper treatment but that their treatment plans lacked an individualised and multidisciplinary approach. Further, patients should be involved in the drawing up of their treatment plans. The Committee recommends that the Slovak authorities address and remedy these shortcomings.

Concerning electro convulsive therapy (ECT), it is positive that the Slovak authorities adopted national guidelines on ECT in 2020 imposing dedicated registers for its use in all psychiatric establishments. However, the Committee finds that at Rožňava psychiatric department, recourse to ECT was frequent, and not always applied in conformity with the applicable national guidelines. The Committee recommends that the Slovak authorities ensure that ECT is used in strict conformity with the national guidelines.

Administering ECT without the patient's consent should only apply in specific defined situations, namely i) when the patient lacks decision-making capacity, ii) when the patient is in an acute life-threatening situation and that ECT is necessary to save the life of the patient, and iii) when all alternative treatments have proven to be ineffective on the patient. These cumulative conditions should be clearly and strictly defined by law.

A new statutory framework on the use of means of restraint had been adopted since the 2018 CPT visit, which foresees that net-beds are to be banned as of 1 January 2025. At Rožňava psychiatric department, there were seven net-beds in use at the moment of the visit. The Committee recommends that the Slovak authorities take the necessary steps to ensure that net-beds are indeed withdrawn from service in all psychiatric hospitals in the Slovak Republic by 1 January 2025 at the latest and to find less restrictive alternatives.

In the report, the Committee also makes several recommendations regarding the application of means of restraints, including to ensure that their duration is for the shortest possible time and that patients subjected to mechanical restraints benefit from the continuous, direct and personal supervision by a qualified staff member. Written guidelines should also be adopted on the use of movement-restricting measures, which were not considered by staff as measures falling within the scope of the legal provisions on the use of means of restraint.