

CPT/Inf (2025) 10

Response

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

from 28 November to 9 December 2023

The Government of the Slovak Republic has requested the publication of this response. The CPT report on the 2023 visit to the Slovak Republic is set out in document CPT/Inf (2025) 09.

Strasbourg, 10 April 2025

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

I. INTRODUCTION

A. Visit, CPT report and follow-up activities

In an effort to further develop the international dialogue between international bodies established by the Council of Europe treaties, including the CPT (*treaty bodies*), the Slovak Republic submits in due time, in fulfilment of its international obligations, the Response of the Slovak Republic to the Report to the Government of the Slovak Republic on the visit of the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 November to 9 December 2023.

B. Consultations led by the CPT delegation and cooperation provided

Slovak Republic welcomes the consultations with the CPT thus far, which has so far conducted seven regular visits to Slovakia (1995, 2000, 2005, 2009, 2013, 2018 and 2023), and will continue its efforts to pursue good mutual cooperation.

II. FACTS FOUND DURING THE VISIT AND PROPOSED MEASURES

A. Detention by the police

On item 19 - The CPT recommends that the Slovak authorities pursue their efforts to combat illtreatment by police officers, unlawful behaviour which undermines the fundamental trust between the police and the public. The authorities should once again deliver a clear message, repeating it at regular intervals, including during regular trainings, to all police officers that:

- **any form of ill-treatment of persons deprived of their liberty, including verbal abuse, is unlawful, unprofessional and unacceptable and will be punished accordingly;**
- **no more force than is strictly necessary is to be used when carrying out an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them;**
- **when it is deemed necessary to handcuff a person, the handcuffs should under no circumstances be excessively tight¹ and should be applied only for as long as it is strictly necessary;**
- **persons deprived of their liberty by the police should never be handcuffed in stress positions (see also the recommendation set out in paragraph 20).**

The zero tolerance policy for ill-treatment and use of force by members of the Police Force (hereafter only as "police officers") only to the extent necessary is given substantial attention in the Police Force. The zero tolerance policy is based in particular on Act No 171/1993 Coll. on the Police Force, where the provision of Section 8 imposes on police officers the obligation to observe the honour, esteem and dignity of a person and their own in the performance of their official actions and not to allow unjustified harm to be caused to a person by their official activities, and not to allow any

¹ It should be noted that excessively tight handcuffing can have serious medical consequences (for example, sometimes causing serious and permanent impairment of the hand(s)).

interference with their rights and freedoms to exceed the extent necessary to achieve the purpose pursued by their official activities. In carrying out their official activities, a police officer is obliged to comply with the provisions of the Regulation of the Ministry of Interior of the Slovak Republic No. 41/2022 on the Code of Ethics for Police Officers (hereinafter only as "Code of Ethics") and also to comply with the Order of the Minister of Interior of the Slovak Republic No. 2/2002 on the tasks to increase the discipline of Police Officers, as amended by the Order of the Minister of Interior of the Slovak Republic No. 63/2003.

Violation of the code of ethics of a police officer is considered a breach of official discipline. Sanctions (disciplinary measures) for violation of the Code of Ethics are laid down in Section 53 of Act No. 73/1998 Coll. on civil service of members of the Police Force, Slovak Information Service, the Prison and Judicial Guard Corps of the Slovak Republic and the Railway Police, as amended (hereinafter only as "Civil Service Act"), whereby pursuant to Section 48 par. 3(a) of the Civil Service Act, a police officer is obliged to "perform conscientiously the tasks imposed on them by the Constitution, constitutional laws, laws and other generally binding legal regulations, as well as the tasks imposed by orders, regulations, commands and instructions of superiors, if they have been duly informed of them". Disciplinary powers shall be vested in the superior under the Civil Service Act.

In 2023, the Centre for Education and Psychology of the Personnel and Social Activities Section of the Ministry of Interior of the Slovak Republic, in cooperation with the Police Academy in Bratislava, drafted an educational Handbook on the Code of Ethics for Police Officers issued by the Regulation of the Ministry of Interior of the SR No. 41/2022 on the Code of Ethics for Police Officers, also containing practical examples on individual principles of ethical behaviour and professional responsibility.

Order No. 72/2022 of the President of the Police Force, amending the Order No. 111/2019 of the President of the Police Force on the execution of tasks to implement the CPT recommendations, inter alia, imposed the task of conducting a training session on the CPT recommendations to be implemented annually by 31 July each year, for all police officers on the relevant provisions of Title III of the Police Force Act, Section 7 of Act No. 9/2010 Coll. on Complaints, Code of Ethics and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The training is targeted at the regulations governing the fundamental human rights and freedoms of persons, in particular in relation to the non-tolerance of violence and any form of ill-treatment of persons deprived of their liberty, with particular emphasis on the relevance of the use of coercive means.

Effective from 1 December 2023, the Prevention and Support Activities Division of the Organisational Department was established within the jurisdiction of the Inspection Service Office in order to guarantee the implementation of prevention programmes for police officers aimed at preventing illegal acts with effective and timely adoption of measures for their elimination and to ensure the lecturing activities of prevention projects. The activity of the designated department is thus directed towards targeted prevention within the Police Force. The primary task is the elimination of criminal and other unlawful activities of police officers, as well as the prevention of their undesirable behaviour and actions, including the creation of desirable patterns of behaviour and verbal conduct in a manner consistent with the principles of the Code of Ethics and duties of police officers regulated by the Civil Service Act. Preventive activities/training have and will continue to be designed and implemented to be fit for purpose and addressed in the context of motions, complaints and criminal activity by police officers.

The fact that the zero tolerance policy towards ill-treatment and the use of force by police officers only to the extent necessary is given considerable attention within the Police Force is also demonstrated by the situation when, during the CPT visit to the Police Detention Unit of the Operations Department of the Regional Police Directorate in Trnava, a discrepancy was found between the extent of the injuries of a person deprived of his personal liberty and those recorded in the written documentation. In this context, the Control Department of the Police Force Presidium

immediately launched an operational control at the Regional Police Headquarters in Trnava and the units under its jurisdiction, under which the related materials were secured. The assessment of the materials in question revealed facts which indicated a suspicion of the commission of a criminal offence by police officers, on the basis of which the operational control in question was concluded by referring the complaint to the substantively competent Inspection Service Office for further proceedings.

In 2023, the Human Rights Department of the Control Department of the Police Force Presidium was also strengthened in terms of personnel, whose main activity is to take effective measures aimed at ensuring respect for fundamental human rights and freedoms of persons deprived of their personal liberty within the Police Force. In 2024, the staffing levels within the Control Department of the Control Division of the Police Force Presidium were strengthened, which has a positive impact on the performance of control activities in the field of compliance with legislation and internal regulations, in which individual CPT recommendations are implemented. Furthermore, operational inspections with the above-mentioned focus are carried out using the element of surprise, not only by the Control Department of the Police Force Presidium, but also by other specialised control units of the Police Force.

We would also like to point out that inspections focusing on compliance with the CPT recommendations, have also been included in the Inspection Activity Plan of the Police Force Presidium for the year 2024.

It can be concluded from the above that the Police Force considers the protection of persons deprived of their liberty from cruel, inhuman or degrading treatment or punishment by police officers one of its priorities. Any findings of unlawful conduct by police officers in this area are treated as individual failures, investigated by the relevant Police Force units or State authorities, and consequences are drawn against individual police officers.

Regarding the use of coercive means, we declare that each such use of coercive means is recorded by police officers in a written report on the use of coercive means, and if death, bodily injury or damage to property was caused by the use of coercive means, the supervisor assesses the legality of the use of coercive means in accordance with the Police Force Act. The recording of data of persons restricted in their personal liberty (inter alia, the date and time of their restriction and release), as well as the obligation to record the time span of the use of handcuffs, is regulated in the individual tasks imposed by Order of the Police Force President No. 111/2019.

The topic of the use and application of coercive means is covered in the basic police training in the subject "*Service of the riot police, service of the border and foreign police*" in the thematic unit "*Use of coercive means according to the Police Force Act*" and in the subject "*Service of the border and foreign police*" in the thematic unit "*Practical skills of the policeman of the border and foreign police*". In the officer studies in the subject "*Order Police*" in the topic "*Selected provisions of the Police Force Act - legal regulation of the use of law enforcement means*".

As part of physical training, methodology training, briefings and professional training, police officers are instructed and warned not to use more force when detaining persons than strictly necessary to successfully manage an intervention, as well as that further unjustified use of coercive means is inadmissible and in case of detection of such unlawful actions of the intervening police officer, such actions will be dealt with according to law and internal regulations. Service interventions involving the use of coercive means are evaluated by the officer's immediate superior, who assesses the service intervention comprehensively according to the conditions under which it was carried out and whether or not the use of coercive means was in accordance with the applicable law.

In 2022, the Police Force Presidium published a methodological sheet - Use of coercive means and tactical procedures of police officers, which also includes images and videos (available to all police officers on the intranet site of the Ministry of Interior of the Slovak Republic /Department of Training

of the Police Force Presidium - Methodology/), and which was amended on 01 June 2023 as well as on 03 May 2024.

The Police Force Presidium continuously evaluates the need to update internal regulations within its competence. On this basis, an amendment to the Order of the Police Force President No. 111/2019 will also be prepared, in which the scope of the current retraining of police officers in the subject matter will be reviewed.

On item 20 - The CPT notes the measures taken so far, but reiterates its call on the Slovak authorities to take further measures - including at the legislative level - to put an end to the practice of handcuffing detained persons wall fixtures or similar objects in police establishments. All wall fixtures or similar objects used to restrain persons should be removed from police facilities, including from all 'designated areas'.²

The authority of a police officer to use handcuffs and to also handcuff a person to a suitable object is permissible under Section 52(1), (2) of the Police Act.

According to the Order of the President of the Police Force No. 111/2019, police officers are obliged to use handcuffs, including handcuffing persons restricted in their personal liberty to a suitable object after an individual assessment of each case. The retention of suitable objects for handcuffing and their use is done rarely and in justified cases only, for example, the person puts up active resistance, attacking other persons or police officer and damaging property, and the person is handcuffed to a suitable object only for a period of time, as long as the above reasons persist. Such handcuffing to a suitable object is only used if no other solution is possible, as priority shall be given to the use of designated areas.

It follows from the above that not every person deprived of their personal liberty is automatically handcuffed to an appropriate object. Each case of handcuffing a person to an appropriate object is assessed strictly on individual basis and according to the actual behaviour of the person deprived of liberty at the Police unit (e.g. as the person is being aggressive or damaging property), and they are handcuffed to an appropriate object for a limited time only, while the reasons for such procedure persist.

By Order of the Police Force President No. 111/2019, the directors of the organisational units of the Police Force Presidium and the regional directorates of the Police Force were ordered to ensure the immediate removal of handrails or metal security devices used to handcuff persons from all designated areas that are secured by bars or grilles. In connection with the above, inspections are carried out at Police Force units throughout the Slovak Republic, focusing, *inter alia*, on the obligation to remove handrails or metal securing devices used to handcuff persons in designated areas. Under such inspections in question, it was found that there was a metal safety device used to handcuff persons in a designated area of the Rožňava Police Department, which has now been removed.

In order to eliminate the occurrence of handrails in the designated areas of the Police Force units, a working aid was created - Catalogue of Designated Areas of the Police Force Units, which contains photo documentation of individual designated areas of the Police Force units in the Slovak Republic. In order to ensure a uniform procedure of the units under the Police Force' competence in the field of placing persons in a designated area, on 23 July 2024, the Order of the Minister of Interior of the

² See also [Recommendation of CM/Rec\(2021\)2](#) the Committee of Ministers to Member States on measures to prevent trafficking in goods used for capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, which, *inter alia*, considers handcuffs intended to be anchored to walls, floors or ceilings to be "goods and equipment that are inherently abusable" and requires Member States to take measures to prevent and prohibit their import, export or transit from, into or through their jurisdiction. Further, they should be placed on a list of prohibited goods and equipment to be established by Member States and their stockpiles destroyed (paragraphs 1.2, 1.3, 1.4 and Annex 1 to the Recommendation).

Slovak Republic No. 117/2024 on the working group for the preparation of the Regulation on the designated area in the Police Force unit by the Ministry of Interior of the SR was issued. The task of the working group is, inter alia, to define in an internal regulation the minimum standards for the creation and equipment of designated areas.

In conclusion to the above recommendation, we declare that the issue of completely abandoning the handcuffing of persons deprived of their liberty to suitable objects will be the content of further analyses and discussions within the Police Force.

On item 22 - The CPT would like to receive information from the Slovak authorities on whether additional steps are considered to further strengthen the institutional framework of investigations into allegations of ill-treatment by police (and prison) officers and to guarantee its full independence.

The Inspection Service Office is a special part of the Police Force with jurisdiction for the entire territory of the Slovak Republic for detection, investigation and summary investigation of crimes of members of the Police Force, members of the Prison and Judicial Guard Corps and, as of 1 January 2020, also investigation and summary investigation of crimes of members of the Financial Administration. Effective from 15. March 2024, the investigator of the Police Force assigned to the Inspection Service Office shall also have material jurisdiction to act in the case of offences committed by police officers, members of the Prison and Judicial Guard Corps and members of the Financial Administration, including their accomplices or participants in such an offence, other members of an organised group, extremist group or dangerous group, except for offences committed in connection with violations of customs regulations or tax regulations in the field of value added tax on imports and excise duties, the investigation of which is the responsibility of the investigator of the financial administration (amendment of the Criminal Procedure Code by Act No. 40/2024 Coll. z., amending Act No 300/2005 Coll. on the Criminal Code).

The Inspection Service Office shall be headed by a Director who shall report to the Government of the Slovak Republic for the exercise of their powers.

On the basis of the above-mentioned legislative provisions, the independence of the Inspection Service Office has been significantly strengthened. Although it is included in the structure of the Ministry of Interior of the Slovak Republic, the Ministry of Interior supports its activities only in terms of personnel, financial and material-technical aspects. Reiterating the above, the Inspection Service Office, which was established by law, operates within the designated Ministry, but with the status of a special component of the Police Force, independent from other structures of the Police Force and from the President of the Police Force, i.e. as a social organism regulating the legal conditions of its members relatively independently, with independent decision-making processes without interference from other structures of the Ministry, with subsidiary support in the field of personnel, material and technical support and legislative support.

At the criminal law level, the Inspection Service Office, through the Inspection Unit, examines complaints against police officers, the contents of which indicate a suspicion of the commission of a criminal offence listed in a special part of the Criminal Code. The investigator of the Police Force included in the competence of the Inspection Service Office is procedurally independent in the matters they investigate, bound in their activities by Constitution, constitutional laws, laws, other generally binding legal regulations, international treaties to which the Slovak Republic is bound and, to the extent provided for by the Criminal Procedure Code, also by the instructions and orders of the prosecutor and the court. Independence in the investigation of criminal cases falling within the material jurisdiction of the Inspection Service Office lies in the procedural independence of the investigator of the Police Force, with the entire course of the initial and preparatory proceedings being carried out under the supervision of a prosecutor, observing the conditions of legality. Any decision taken by Police investigator is also subject to this role of supervision of legality. We note that the regional prosecutor's offices have jurisdiction in criminal proceedings conducted within the jurisdiction of the Inspection Service Office.

In terms of its institutionalisation, the independence and autonomy of the Inspection Service Office is highlighted by the exclusion of this institution from the organisational structure of the Police Force and the regulation of its status by law. The fact that the investigating bodies of the Inspection Service Office are police officers with many years of professional experience gained also from previous service in different units of the Police Force (e.g. criminal police, riot police, border police, foreign police) only guarantees wide erudition and consequent qualification in decision-making processes.

As a repetition, it is necessary to categorically remind that the independence and impartiality of the investigation is ensured not only by the internal control of the investigator's activities by the superiors in the service in relation to the objectivity and speed of the investigation, but also by the direct control of the investigation process by the statutory supervisory bodies, which are not only the components of the prosecutor's office (in a multi-stage instance), but also, depending on the criminal procedural aspects, the courts.

On item 24 - The CPT recommends that the information sheets (defendant's instructions) be updated and contain comprehensive and correct information.

The Criminal Police Department of the Police Force Presidium has developed a service manual for law enforcement agencies under the jurisdiction of the Police Force entitled "Samples for Police Officers in Criminal Proceedings", which also includes a model "Instructions to a detained or arrested accused person on their rights", as well as a model "Instructions to a detained suspect on their rights".

The Criminal Police Department of the Police Force Presidium has arranged for the translation of the accused person's and suspect's instructions into 24 foreign languages (English, Arabic, Bulgarian, Bulgarian, Chinese, Czech, Finnish, French, Greek, Dutch, Croatian, Macedonian, Hungarian, German, Polish, Romanian, Romanian, Russian, Slovene, Serbian, Spanish, Swedish, Italian, Ukrainian, Vietnamese), which are the languages most frequently spoken by the accused or suspects in Slovakia, from a central level, so that the police officer of each unit conducting an investigation or summary investigation can provide these instructions to the persons concerned without undue delay and so that it is not necessary to engage an interpreter to translate the instructions in each case separately.

Since the CPT visit, the Criminal Procedure Code has been amended and thus its individual provisions have been amended, inter alia, concerning the rights of the accused or suspect. In connection with the entry into force of the amendment to the Code of Criminal Procedure, the above-mentioned models are currently being updated and brought in line with the current legal status. The Criminal Police Department of the Police Force Presidium will review these instructions and subsequently, as far as materially and technically possible, translate them into as many foreign languages as possible.

On item 25 - The CPT recommends that the Slovak authorities pursue their efforts to ensure that all persons deprived of their liberty by the police - for whatever reason - are fully informed of their fundamental rights as from the very outset of their deprivation of liberty (that is, from the moment they are obliged to remain with the police). This should be ensured by providing clear verbal information at the very outset, to be supplemented at the earliest opportunity (that is, immediately upon their arrival at police premises) by provision of a written form setting out their rights in simple and accessible language.

The information should be explained to detained persons and care should be taken to ensure that they are actually able to understand their rights; it is incumbent upon police officers to ascertain that this is the case. Detained persons who are unable to read the information sheet or understand its contents should receive appropriate assistance including, where necessary, by using alternative modes, means and formats of communication.

Further, detained persons should be given (and allowed to keep) a copy of the information sheet, including once they have been placed in a police custody cell.

In addition, police officers should not seek to interview, whether formally or informally, persons deprived of their liberty about the offence of which they are suspected before the persons concerned are duly informed of their rights (and given the opportunity to exercise them).

Pursuant to Order No. 111/2019 of the Police Force President, a police officer is obliged to carry out a statutory briefing of each person deprived of their personal liberty immediately after such deprivation of their personal liberty orally on the reasons for such deprivation of their personal liberty and, if not prevented by other circumstances, in writing no later than upon arrival at the Police Force unit.

Compliance with the above internal regulation is regularly checked by the superiors, the Police Control Units and the Inspection Service Office, and if the provisions of the above order are found to have been violated, consequences are drawn against the police officers responsible.

The person deprived of their personal liberty shall certify by their signature in the written instruction that they have been orally instructed on a specific date and time, that they have understood the content of the instruction and that they have received one copy of the written instruction. The instruction shall inform the person of all rights, including the right to a lawyer, a doctor, notification of a third party, the right to an interpreter in the case of a person who does not speak the official language and other rights. The instructions are also provided in foreign languages (possibly translated into sign language). Any foreigner shall be provided with translation or interpretation into a language they understand, respecting the right under Article 47(4) of the Constitution of the Slovak Republic. Only non-repeatable and urgent acts shall be carried out without the presence of an interpreter.

These instructions are made out in 24 foreign languages in addition to Slovak. If necessary, these instructions are translated by an interpreter. At the same time, the instructions themselves are formulated in a comprehensible manner so as to guarantee their understanding by all persons who may be deprived of their personal liberty (irrespective of age, education, social status, etc.).

At the same time, it should be pointed out that persons deprived of their personal liberty have the right to keep the instruction in written form with them, however there is no way to influence the manner in which the person deprived of their personal liberty will handle the instruction in question (its destruction in the case of aggressive persons, persons under the influence of addictive substances, etc.).

We would like to point out that, in general, the written instructions provided by police officers to persons deprived of their personal liberty pursuant to Order No. 111/2019 of the President of the Police Force are formulated in a stylistically simple manner, without technical terminology, so as to ensure their understanding by persons deprived of their personal liberty, regardless of their educational, social and intellectual level.

The instruction on the rights of the person deprived of their personal liberty is to be carried out by the police officer who deprived the person. In police custody cells, the instruction on the cell regime shall be carried out, the person shall be acquainted with it, which shall be confirmed by their handwritten signature, and the cell regime shall be placed in a visible place in the cell in the Slovak, German and English languages.

In the area of training, great emphasis is placed on knowledge of the basic principles of criminal procedure as well as the manner in which the acts of criminal proceedings are carried out. At the same time, police officers are confronted with the legal regulation of possible criminal sanctions in

the event that restrictions on fundamental rights and freedoms do not meet the requirements of legal implementation. The training also includes the rigorous implementation of acts related to the interview of a person suspected of committing a criminal offence, with a focus on rigorous instruction regulated by the Code of Criminal Procedure.

The Code of Criminal Procedure explicitly states the form of the instruction that the accused must receive at the first interview. This is a "basic instruction" at the initial stage of the criminal proceedings, which reads as follows: "As an accused, you have the right to testify or to refuse to testify. No one may force you to confess. You have the right to select a lawyer. If you do not have the means to pay for a lawyer, you have the right to request that a lawyer be appointed for you. You have the right to request that a lawyer be present at your interview and not to testify without a lawyer present."

It follows from the above that an interview, in order to be admissible in court proceeding, must be conducted in a lawful manner and after being instructed according to the appropriate procedural status. An interview which has not been lawfully conducted cannot be used in a court of law, as it is absolutely ineffective evidence.

The Police Force continues to perform additional police officers' education in various trainings and courses, including analysing more options of raising the professional level of police officers in all areas.

On items 26 and 27 - the CPT reiterates its recommendation that the Slovak authorities take the necessary steps - including at legislative level - to ensure that these precepts are effectively implemented in practice. The CPT recommends that the Slovak authorities remind police officers of their obligation to provide feedback to detained persons as to whether a third person has been notified of the fact of their detention when notification is performed by police officers, in full compliance with the national legal requirements. Further, police officers should facilitate the efforts of detained persons to have a third party notified of their detention.

Pursuant to the Order of the Police Force President No. 111/2019, a police officer is obliged to give a statutory briefing to every person deprived of their personal liberty immediately after such deprivation of their personal liberty orally on the reasons for the deprivation of their personal liberty, and, if not prevented by other circumstances, also in writing no later than upon arrival at the Police Force unit. The instruction shall inform the person of all rights, including the right to a lawyer, doctor, notification of a third party (including the right to be informed of the contact or notification), the right to an interpreter in the case of a person who does not speak the official language, and other rights.

At the request of an accused who has been detained or arrested, the law enforcement authority (investigator of the Police Force, authorised officer of the Police Force) shall immediately inform of this fact a family member or other person, whom they identified and provide the information necessary for such notification. The notification shall not be made if this would impede the clarification and investigation of the case. It should also be pointed out that an accused person who has been detained or arrested has the right to communicate, at their own expense, with a person whom they identify by telephone no more than twice during the period of deprivation of their personal liberty, provided that this does not jeopardise the purpose of the criminal proceedings and that it is technically feasible to do so, for a maximum period of 20 minutes. During a telephone call made by an accused person who has been detained or arrested, a police officer shall always be present and authorised to terminate the call if it is clear from its content that the purpose of the criminal proceedings is being frustrated. This procedure shall also apply if the arrested person is being questioned at a time when charges have not yet been brought against them.

In connection with the above recommendations, the Criminal Police Department of the Police Force Presidium proposes to add to the internal regulation standardising, among other things, the

procedure of the Police Force investigator and the authorised officer of the Police Force in criminal proceedings (Regulation of the Minister of Interior of the Slovak Republic No. 175/2010 on the definition of the competence of the Police Force units and units of the Ministry of Interior of the Slovak Republic in detecting criminal offences, in identifying their perpetrators and on the procedure in criminal proceedings, as amended) a provision concerning the obligation to record in an appropriate manner the notification of the person identified by the detained or arrested accused or suspect, as well as the rejection of such notification, which would also include the documentation of the remand in custody provided to the accused or suspect. This would subsequently form part of the case file. This will ensure that the granting of this right to the persons concerned will be traceable or verifiable in the subsequent period of time.

On items 28 and 29, the CPT recommends that the Slovak authorities take the necessary steps to ensure that the right of access to a lawyer is fully effective in practice from the very outset of deprivation of liberty. Further, a firm message should be given to police officers that they should not seek to dissuade persons deprived of their liberty from exercising their right of access to a lawyer.

The CPT reiterates its recommendation that all criminal suspects deprived of their liberty who do not have sufficient financial means to pay the costs of their defence should have access to an *ex officio* lawyer free of charge as from the outset of their deprivation of liberty and are duly informed of this right.

Article 47(2) of the Constitution of the Slovak Republic states that everyone has the right to legal aid in proceedings before the courts, other state bodies or public authorities from the beginning of the proceedings, under the conditions laid down by law.

Specific instructions to persons depending on the performance of individual acts are regulated in Section 17 et seq. of the Police Force Act, as well as in Section 19(5) of the Police Force Act.

Under the relevant provisions of the Code of Criminal Procedure, the accused may exercise their rights alone or through a lawyer. An accused person who does not have sufficient means to pay the costs of their defence and requests the appointment of a lawyer shall, in the preparatory proceedings, be appointed a lawyer by the pre-trial judge and, in the trial proceedings, by the president of the chamber, even if there are no grounds for compulsory defence. The fact that they have insufficient means must be proved by the accused. The detained person shall be informed without delay of the grounds for detention, advised of their rights and questioned. If the suspicion is no longer well-founded or the grounds for detention are no longer applicable for any other reason, the police officer shall release the detained person immediately by written order. If he does not release the detained person, he shall charge the detained person, again advise them of their rights and question them. The rights instruction shall be both oral and written.

A detained person (including a minor) shall have the right to choose and consult a lawyer already during the detention, without the presence of a third person, and shall have the right to request that a lawyer be present during their interview, except where the lawyer is unreachable. A detained person who is being questioned at a time when they have not yet been charged shall also have the right to a defence free of charge or for a reduced-fee.

Since 2017, police officers have been using electronic forms in the SAP integrated information system, such as the official record of bringing a person before a court, official record of the detention of a person, the record of detention and deprivation of suspect's personal liberty, etc. In the event of a failure of the SAP integrated information system, all cases of bringing to court, apprehension, detention or arrest of persons, as well as persons who have been brought directly before a court or other state authority based on a written request from such authorities, are entered in the phonogram and report book in red. The record shall include, inter alia, information on the person's injuries, subjective medical problems of the person, the contact and visit of a lawyer, the contact and visit of

relatives, as well as information on the notification or non-notification of the person designated by the person whose personal liberty has been deprived of the deprivation of their personal liberty.

Currently, a review of the service manual for law enforcement agencies under the jurisdiction of the Police Force "Samples for police officers in criminal proceedings" is being carried out, which also includes the sample "Instructions to a detained or arrested accused person on his rights", as well as the sample "Instructions to a detained suspect on their rights" and its updating to take into account the currently applicable legislative status.

On item 31 - The CPT recommends that information sheets on rights of detained persons be reviewed to ensure that they provide comprehensive information on the full scope of the right of access to a doctor of persons deprived of their liberty by the police. In particular, it should be made clear that the right to have access to a doctor applies to all persons who are obliged to remain with the police, from the very outset of their deprivation of liberty.

Further, the right of access to a doctor should include, if the person concerned so wishes, the right to be examined by a doctor of their own choice, in addition to any medical examination carried out by a doctor called by the police (it being understood that the examination by a doctor of the detained person's own choice may be carried out at their own expense). If necessary, the relevant legislation should be amended accordingly.

The right to protection of health of every person results from Article 40 of the Constitution of the Slovak Republic. Any person deprived of their personal liberty who requests an examination, including immediately after they have been deprived of personal liberty, has the right to have access to a doctor. The exercise of that right and its observance by police officers is also provided for in Article 2(1)(a) of the Police Force Act.

The right of access to a doctor, as well as the duties of a police officer to provide first aid to a person deprived of liberty or to arrange for their medical treatment, are also included in other provisions of the Police Force Act, such as Section 44(2), Section 48(1) or Section 63.

The detained or arrested accused person as well as the detained suspect shall also be advised of the right to urgent medical assistance on the basis of the provisions of Article 34(5) of the Code of Criminal Procedure.

The forthcoming amendment to the Order of the Police Force President No. 111/2019 will, inter alia, modify the instructions to persons in the parts concerning the right to medical treatment, which is currently limited only to injuries related to the use of coercive means.

On item 32. - The CPT calls on 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. This must be seen as the shared responsibility of police officers and healthcare staff.

Further, police officers should only have access to medical information strictly on a need-to-know basis, with any information provided being limited to that which is necessary to prevent a serious risk for the detained person or other persons. There is no justification for giving access to information concerning the diagnoses made or statements concerning the cause of injuries, to staff who have no health care duties.

If a person becomes ill, injures their health or attempts suicide in a cell, the police officer who is in charge of the protection of the cell shall take the necessary measures to protect their health and life, in particular provide them with first aid and summon a doctor. In the event that a person is injured while being brought to the police station and coercive means are used, that person has the right to receive first aid and to receive medical treatment, which they are instructed to do in accordance with

the written instructions pursuant to Order No 111/2019 of the Police Force President. In practice, the choice of a doctor is not at the discretion of the police officer, who merely arranges for treatment (e.g. summons an ambulance). The presence of police officers during a medical examination is not arbitrary, but responds to the requests of the doctor or medical personnel, especially in the case of persons who are an immediate threat to their life or health, the life or health of other persons, behave aggressively, or have attempted to flee. In this connection, it should also be pointed out that persons deprived of their personal liberty are the responsibility of the police officers who arranged for medical treatment from the moment of their deprivation of liberty for the duration of the deprivation of liberty and whose task is to prevent any possible escape or threat to life and health on the part of the person being treated (Article 33(2)(m) of Ministry of Interior Regulation No 43/2020 on the conduct of escorting a person).

Medical examinations necessary for placing a person in a police detention cell shall be provided by the unit placing the person in the cell. The police do not have information from the doctor about the general health of the person in police custody; they have a medical report on whether the person is fit to be placed in a police custody cell.

In most cases, the presence of a police officer is required by medical personnel due to the potential for assault on medical personnel, to prevent the person from escaping, and to prevent the deprived person from endangering life and limb by self-harm.

We also consider it important that the person's injuries be documented by a physician (if the person has any injuries) that occurred before the person was restrained. The present is important to protect the police officer if the injuries or impairment occurred before the person's personal liberty was deprived.

On item 33 - The CPT recommends that the Slovak authorities take steps to ensure that when a parent or other adult person and the authority for the social protection of children are contacted in the case of juveniles deprived of their liberty by the police, this fact is always traceable in the relevant records.

In practice, detained persons (including juveniles) are provided with all fundamental legal safeguards from the outset of their deprivation of liberty in accordance with international standards. If the detained or arrested person is a juvenile, the police officer shall, without undue delay, inform the juvenile's legal guardian, the social guardianship and social welfare authority and, if the juvenile has a guardian, the guardian; if informing the juvenile's legal guardian is contrary to the juvenile's best interests, they shall inform another suitable adult (Article 34(4) of the Code of Criminal Procedure). The police officer shall record the notification in the electronic form of the SAP integrated information system or, in the event of its failure, in the phonogram and report book.

In order to make clearer the obligation of a police officer to record the facts concerning the contacting of the legal guardian of a detained or arrested juvenile defendant or suspect or other appropriate adult and the child social protection authority and its traceability in the relevant records or investigation files, an update of the relevant internal regulations will be made.

On item 34 - The CPT reiterates its recommendation that the Slovak authorities take the necessary steps - including at legislative level - to ensure that 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.³ The option of "does not wish to use a lawyer" should not exist for juveniles.

³ Reference is also made to Article 6(3) of EU [Directive 2016/800 on](#) procedural safeguards for children who are suspects or accused persons in criminal proceedings.

If the detained or arrested person is a juvenile (a juvenile is a person whose age is not known and for whom there is reason to believe that they are under 18 years of age until proven otherwise), the law enforcement authority shall inform the legal guardian of the juvenile of this fact without undue delay, the authority for the social protection of children and social guardianship, and, if the juvenile has a guardian appointed, the guardian, if notification of the juvenile's legal guardian is contrary to the best interests of the juvenile, shall notify another suitable adult. The obligation to inform the abovementioned persons in the event of the detention or arrest of a juvenile arises directly from the provisions of Article 34(4) of the Code of Criminal Procedure

In criminal proceedings against a juvenile, there is a compulsory defence (Article 37(1)(e) of the Code of Criminal Procedure), i.e. the accused juvenile must have a defence counsel already in the preparatory proceedings. The juvenile must have a defence counsel after the charge has been brought (Section 336 of the Code of Criminal Procedure).

If the juvenile defendant does not choose their own lawyer, and if their legal guardian does not choose a lawyer for the juvenile defendant, the defendant's next of kin, sibling, adoptive parent, adoptee, spouse, companion, or interested person may choose a lawyer for the juvenile defendant. If the accused is deprived of legal capacity or if their legal capacity is limited, the persons entitled may choose a lawyer for them against their will.

In general, it can be stated that although a minor whose personal liberty has been restricted and who is also a suspect waives the right of access to a lawyer by their own expression, this option remains available for the minor's legal guardian (who may choose the minor's lawyer even against the minor's will), even if the legal guardian has decided otherwise, and the latter is obligatorily informed of the deprivation of the minor's personal liberty. Once a charge has been brought against a minor, it is always compulsory for the minor to have a lawyer (even if the minor or the minor's legal guardian does not want/request one).

If the accused does not have a lawyer in a case in which they are required to have one, they shall be given a deadline for selecting a lawyer. If a lawyer is not selected within such deadline, a lawyer must be appointed by the court without delay (Article 40(1) of the Code of Criminal Procedure).

In general, the accused has the right to request to be questioned in the presence of their lawyer and not to testify without their lawyer being present, and they must be informed of this prior to the questioning (Article 34(1) of the Code of Criminal Procedure, Article 121(2) of the Code of Criminal Procedure).

Where a person under the age of 18 is being questioned as an accused, the law enforcement authorities shall carry out the questioning using technical equipment designed for sound and image recording if this is appropriate in the circumstances of the case, in particular if there is doubt as to whether the person is capable of understanding the content of the questioning, taking into account their best interests, and unless this is prevented by compelling technical reasons, which the law enforcement authority is obliged to state in the record (Article 121(5) of the Code of Criminal Procedure).

In addition to the lawyer, the legal guardian and, if the legal guardian cannot represent the rights of the juvenile, the guardian shall have the right to attend the interrogation of the accused juvenile. The interrogation shall also be notified to the authority for the social protection of children and social guardianship, which, pursuant to Article 345(1) of the Code of Criminal Procedure, has the right to lodge appeals in favour of the juvenile, even against their will.

In cases in which the legal guardian of the accused is unable to exercise their rights or there is a risk of delay, the judge for the preparatory proceedings may appoint a guardian for the accused to exercise these rights on the motion of the prosecutor, and the president of the chamber may appoint a guardian for the accused in the proceedings before the court even without a motion. The pre-trial

judge or, in proceedings before the court, the president of the chamber shall appoint as guardian a person proposed by the juvenile defendant. If the juvenile accused does not propose any person or proposes a person whom there are reasonable grounds for fearing will not defend their interests, the pre-trial judge or, in the proceedings before the court, the President of the Chamber shall appoint another suitable person as guardian.

On item 36 - The CPT recommends that the Slovak authorities take steps to ensure that training in appropriate police interviewing techniques is developed and provided to police officers, both for those undergoing initial training and for those already in service. Reference should be had in this regard to paragraphs 73-81 of the CPT's 28th General Report which concerns prevention of police torture and other forms of ill-treatment (including police interview methodology), as well as the Principles of Effective Interviewing in Investigations and Information Gathering (Méndez Principles).

No special training for law enforcement agencies on interviewing tactics for suspects or accused persons has been carried out within the Police Force so far.

In cooperation with the Academy of the Police Force in Bratislava, a system of training of law enforcement agencies under the jurisdiction of the Police Force is being implemented for the work and conduct of interviewing particularly vulnerable persons who have become victims of crime, how to approach these persons sensitively, empathetically and with respect. More than 3,000 police officers with law enforcement status have received training to date.

In this context, we note that some aspects of this training (e.g. identification of vulnerability, principles of communication) can also be used when working with particularly vulnerable persons and, in general, with all persons who are suspected or accused.

In addition, police officers assigned to the Criminal Police Service are regularly retrained in the relevant legal norms and internal regulations, including, inter alia, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Code of Conduct.

On item 37 - The CPT encourages the authorities to extend the practice of audio-visual recording also to police interviews of suspects and use it systematically. Further, the Committee would like to receive updated information on the creation of additional police interview rooms equipped with audio and video recording devices.

The police force currently has a total of 25 special interview rooms for particularly vulnerable victims, which have recently been commissioned as part of the projects.

According to the Code of Criminal Procedure, the interviewing of a witness who is a child about matters the recollection of which, in view of their personal characteristics, relationship to the accused or suspect, dependence on the accused or suspect or the nature and circumstances of the commission of the offence, could adversely affect their mental integrity or expose them to the risk of secondary victimisation, shall be carried out by means of a videoconferencing device. An empathetic approach and cooperation with a psychologist shall be used. The audio-visual recording may also be used when interviewing a witness who is unable to attend because of age, illness, physical or mental disability or is in custody or serving a sentence.

Where a person under the age of 18 is being interviewed in the procedural capacity of an accused person (juvenile accused), the law enforcement authorities shall carry out the interview using technical equipment designed to record sound and images, where this is appropriate in the circumstances of the case, in particular where there is doubt as to whether the person is capable of understanding the content of the interview, taking into account their best interests, and unless compelling technical reasons prevent this, which the law enforcement authority is obliged to record in the protocol.

Pursuant to the provisions of Section 58(7) of the Code of Criminal Procedure, interviews of persons other than those mentioned above may optionally be recorded, and the police officer or the prosecutor may also decide on the use of a suitable recording device in the preparatory proceedings.

The Ministry of Justice of the Slovak Republic is currently considering the extension of mandatory audio and video recording to interviewing suspects. This step would require the adoption of legislative amendments to the relevant provisions of the Criminal Procedure Code.

On item 38 - The CPT recommends that the Slovak authorities take steps to ensure that persons deprived of their liberty by the police are not held in such cage-like premises during their interviews, including meetings with their lawyers.

The Slovak law enforcement authorities follow the Criminal Procedure Code, according to which the acts of criminal proceedings are carried out in official rooms.

In justified cases, acts may also be carried out outside the official premises (e.g. in the case of verification of a person's statement at the scene of a crime). It follows from the above that the room in question is used only in justified cases, in particular if the person deprived of liberty is aggressive and there is an imminent danger to life or health. The room used must meet the security parameters in order not to endanger the police officer carrying out the protection of the cell, the police officer carrying out actions (interview), or the judge, prosecutor or other person.

On item 39 - The Committee would like to be informed by the Slovak authorities of any developments concerning the use of body-worn cameras by police officers.

After the cancellation of the pilot project for the introduction of body cameras into direct service, the main purpose of which was the trial operation and testing of a smaller number of cameras, the Ministry of Interior of the Slovak Republic proceeded to re-evaluate the original technical assignment for the purchase of personal cameras, taking into account the wider applicability and scope of the needs of the Police Force.

At the end of June 2024, the procurement of a consultancy contractor for "Video analytical services and body cameras" was successfully completed. The contractor of consulting services for "Video analytical services and body cameras" is currently completing a feasibility study, which will be the basis for the actual procurement of the video analytical platform (dispatching and software), body cameras and possibly other cameras identified in the study, necessary for the relevant departments of the Police Force and the Ministry of Interior of the Slovak Republic.

At the beginning of December 2024, a test phase of body cameras was launched in Košice and Bratislava, where Police officers were equipped with various types of body cameras with accessories from different manufacturers. The aim of this phase is to test the functions of the body cameras, the manner of their use, for example triggering - manual, remote or automatic, mounting or positioning, in order to optimize the overall setup of the implementation of body cameras in the direct performance of the service of the police officers. The above will mainly consist in identifying the needs of end users when using body cameras in practice, finding the most appropriate solutions when potential problems and user requirements arise in terms of technical capabilities, in obtaining information on the necessary capacity of internal storage facilities for the secure storage of records, but also in the management and protection of personal data in stored records. However, within the testing phase of body cameras, we also expect a change in the behaviour of the persons on each side of the camera during the performance of duty and a reduction in negative statistics.

The results of the test phase will be taken into account in the specification of technical parameters in the procurement of body cameras in the first half of 2025.

On item 40 - However, some detained persons met by the delegation complained, and this was confirmed by police officers, that the light in the police custody cell was switched on during the night or could not be dimmed enough for them to be able to sleep. Steps should be taken to remedy this shortcoming.

According to Order No. 111/2019 of the President of the Police Force, a duty has been tasked by the President of the Police Force with ensuring strict compliance with the Special Regulation on Police Detention Cells in the performance of duty in police detention cells, with emphasis on the use of dim lighting during the night hours, from the lights-off time to the wake-up time. It is also a requirement of the above-mentioned internal regulation that in all areas of the Police Force units under the jurisdiction of the Regional Directorate where CCTV cameras are used to monitor persons deprived of their liberty, the privacy of the said persons when using the toilet is always respected, for example by rasterising the toilet area.

The lighting of the cell during the night is governed by internal regulations. The cell shall be equipped with built-in self-contained dimmable lighting of 5 lux intensity, used from lights-off time to the wakeup time, an incandescent lamp 15-25W. The lighting shall be controlled from outside the cell.

The designated areas are used for a strictly necessary time only, regardless of the time of day or night. Acts are carried out with persons during their placement in custody and, as soon as circumstances permit, they are escorted to a police custody cell or handed over to another authority.

On item 41. - The CPT once again recommends that the Slovak authorities take steps to ensure that, due to their small size and inadequate equipment, "designated areas" are never used for detention of persons for more than a few hours and never overnight, in full compliance with relevant legal provisions.

Further, all persons deprived of their liberty by the police, including those placed in the "designated areas", should have ready access to drinking water and a toilet and should be provided with food at appropriate times.

The legislative framework of the designated area is regulated in Section 49a of the Police Force Act, as amended. Following the above mentioned Police Force Act, an order of the President of the Police Force dated 09 March 2023 was also issued concerning the application of Section 49a of the Police Force Act in order to ensure uniformity of the procedure of police officers when placing a person in a designated area. At the same time, the Order of the Police Force President No. 111/2019 authorises the placement of persons deprived of their personal liberty (e.g., persons brought, detained, arrested) in a designated area after an individual assessment of each case, only for the time strictly necessary, and it is obligatory to note each such placement, including the duration, in the relevant administrative aid.

If a person is deprived of personal liberty at night and subsequent acts are also carried out at night, it is not expedient to place the person immediately in a police detention cell. Toilet facilities and access to water shall be provided by the police officer on duty at the unit where the designated area is established. Meals for a person deprived of their liberty are regulated by Section 81a of the Police Force Act.

Compliance with the tasks imposed by the above-mentioned order of the Police Force President is regularly checked by the superiors and the control units of the Police Force.

At the Police Force units, persons who have been arrested or detained are placed for the necessary time in police detention cells and designated areas, while the regime of placement in cells is regulated in the Regulation of the Ministry of Interior of the Slovak Republic No. The designated premises themselves are used for the placement of persons deprived of their personal liberty only for the strictly necessary time, in the event that the placement of a person in a police detention cell

is not expedient. In spite of the use of designated premises for the strictly necessary time, on 23 July 2024, Order of the Minister of Interior of the Slovak Republic No. 117/2024 on the working group for the preparation of the Regulation of the Ministry of Interior of the Slovak Republic on the designated premises at the Police Department was issued. The task of the working group is, inter alia, to determine the minimum material and technical requirements of the designated premises (defining the minimum dimensions) in order to increase or unify their standard.

On item 42 - The CPT reiterates its recommendation that the Slovak authorities take measures to ensure that all persons held in police custody for 24 hours or more are, as far as possible, offered at least one hour of outdoor exercise every day in facilities of adequate size and possessing the necessary equipment (such as a shelter against inclement weather and a means of rest). This requirement should be taken into account in particular when the (re-)construction of a police establishment is being planned.

Pursuant to Article 5(4) of Ministry of Interior Regulation No. 92/2015 on police detention cells, a person placed in a cell for more than 24 hours shall be allowed, if they so request, to take a one-hour daily walk in the premises of the unit at which the cells are established. Walks are not to be carried out exceptionally only, due to bad weather or other serious reasons (the person has an infectious disease according to a medical report, threatens self-harm or damage to property, etc.).

Walking in the area surrounding the Police Department may be arranged only with due regard for the safety of other persons and to prevent the escape of the person deprived of their liberty.

When planning the reconstruction of police detention facilities, the above requirement is taken into account, but other circumstances and factors must also be taken into account, for which in individual cases the creation of suitable premises for the purpose is technically impossible. In view of the technical, spatial and financial difficulty of building a purpose-built area for the exercise of the restricted person's walk in each police custody cell established, this can only be done in the process of building new police custody cells. In the majority of existing cells where such space is provided, a walk is provided at the request of the person deprived of their liberty.

On item 43 - The CPT recommends that the Slovak authorities ensure that the precepts of effective application of conducting a two-step search of a person are effectively implemented in all police facilities in Slovakia, including by instructing police officers accordingly.

A search of a person shall be carried out in accordance with the provisions of the Criminal Procedure Code or the Police Force Act. The inspection and removal of items which could endanger a person's own life or health or the life and health of another person shall be carried out in accordance with the internal regulation. When placing a person in a cell, the police officer carrying out the protection of the cell shall remove from that person any items which could endanger their own life or health or the life and health of another person or of a police officer.

It should also be pointed out that at present, in the Police Detention Units for Foreign nationals in Medveďov and Sečovce, personal searches are carried out in a two-step method, separately on the upper and lower part of the body, without the presence of other foreign nationals.

The above recommendation will be the subject of further analysis and discussion in order to ensure a consistent practice of the two-step method by the individual services of the Police Force.

B. Prison establishments

On item 44 - The CPT would like to receive more detailed information on the proposed amendments to the Law on the Execution of Prison Sentences and on the expected timeframe for their adoption.

In June 2024, by an internal regulation of the Minister of Justice of the Slovak Republic, an expert commission was established to prepare legislative changes regulating, in particular, the conditions for the execution of prison sentence and, if necessary, also the conditions for the execution of detention, composed of representatives of the Ministry of Justice of the Slovak Republic, the Prison and Judicial Guard Corps and the Office of the Public Defender of Rights. The task of the Commission is, in accordance with the Government Manifesto of the Slovak Republic for the years 2023 - 2027 in the section Penal Policy of the State and in accordance with the Framework Plan of Legislative Tasks of the Government of the Slovak Republic for the IXth electoral period, to submit to the Minister a proposal of legislative measures related to:

1. implementation of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment contained in the reports to the Government of the Slovak Republic on the visits carried out,
2. recommendations from national authorities and institutions,
3. eliminating application problems of the existing legal regulation of the conditions of detention and imprisonment in the Slovak Republic,
4. implementation of innovative methods and procedures, especially those developed and tested within the framework of the national project "Chance to Return".

The forthcoming extensive amendments to the PJGC and the Decree of the Ministry of Justice of the Slovak Republic No. 368/2008 Coll., which issues the Regulations for the Execution of Imprisonment, as amended (hereinafter only as "Regulations for the Execution of Imprisonment") should come into force in 2026. These amendments should also include amendments to Act No. 221/2006 Coll. on the Execution of Prison Sentence, as amended (hereinafter only as "Act on the Execution of Prison Sentence"), Decree of the Ministry of Justice of the Slovak Republic No. 437/2006 Coll., as amended (hereinafter only as "Act on the Execution of Prison Sentence"), and the following amendments to the Act on the Execution of Prison Sentence, as amended (hereinafter only as "Act on the Execution of Prison Sentence"), (hereinafter only as "Detention Execution Regulation"), which were required by the application practice. In view of the intention to change the levels of guarding of convicts from the courts to the Prison and Judicial Guard Corps, it will also be necessary to amend Act No 300/2005 Coll. on the Criminal Code as amended (hereinafter only as Criminal Code) and Act No 301/2005 Coll. on the Criminal Procedure Code as amended (hereinafter only as Criminal Procedure Code). Among the most significant changes planned are:

- increasing the minimum accommodation area for a convict in a locked cell to at least 4 m²
- change of the level of supervision in the material jurisdiction of the institutes,
- abolition of internal differentiation of life imprisonment prisoners,
- abolition of the mandatory obligation to place life sentenced prisoners in the life imprisonment section,
- the possibility of changing the degree of custody of convicts sentenced to life imprisonment,
- extending the scope of visits in the case of convicts with minor children,
- the introduction of video visits and video telephony,
- abolition of the method of carrying out visits depending on the level of guarding,

- abolition of the penalty of the telephone ban, change of principles in the imposition of disciplinary penalties,
- lifting the ban on telephones while serving a disciplinary sentence in a closed compartment,
- not making the purchase of phone credit conditional on prior payment of owed money,
- the introduction of an extraordinary remedy against any disciplinary penalty imposed.

On item 45 - The CPT encourages the authorities to continue their efforts to address the high population rate in the country and would like to receive more detailed information on the concrete steps planned in this respect. The Committee trusts that in their efforts, the authorities will take due account of the principles listed in the relevant Council of Europe Committee of Ministers' recommendations.

The Government of the Slovak Republic approved an amendment to the Criminal Code and the Criminal Procedure Code to bring Slovak criminal law closer to European standards. The aim is to humanise sentences, prioritise alternative punishment over imprisonment and tackle overcrowded prisons. Changes include increasing the possibilities to individualise sentences, promoting probation services and reducing the cost of prisoners. Slovakia has a high number of prisoners per population compared to other EU countries, leading to overcrowded prisons and high costs. Neighbouring countries have already switched to alternative sentencing, which has proven to be effective. The amendment aims to align sentencing rates with European standards and promote restorative justice. All of this respecting international, European and constitutional requirements, as well as the conclusions of the jurisprudence of the Constitutional Court of the Slovak Republic, criminal law theory on the proportionality of punishment and, in particular, the Convention for the Protection of Human Rights and Fundamental Freedoms, the case law of the European Court of Human Rights, the Charter of Fundamental Rights of the European Union and the jurisprudence of the Court of Justice of the European Union.

On item 46 - The CPT would like to receive updated information on the plans to build new prisons or refurbish existing establishments. In addition, the Committee encourages the Slovak authorities to implement their longstanding plans to establish a mother-and-child unit.

Construction of prison facility Rimavská Sobota - Sabová

Pursuant to Government Resolution No. 354 of 19 June 2024, the Minister of Justice was assigned the task item C.20.: "To ensure the update to the feasibility study of the Rimavská Sobota - Sabová Prison Construction Project" with a deadline of 31 December 2025. On the basis of the above, the General Directorate of the Prison and Judicial Guard Corps ordered the author of the original construction plan to update it. The subject of the order is to incorporate the requirements arising from the Prison and Judicial Guard Corps and to update the estimated financial costs of the construction. The update will include a graphic section, a text section and an updated economic evaluation at the current price level.

Subsequently, a contractor will be procured to update the feasibility study.

Multi-purpose building complex No. 3 in the Institute for the execution of prison sentence and the Institute for the execution of detention Ilava

The intention of the Prison and Judicial Guard Corps is to implement a multi-purpose complex, the primary objective of which will be to create new sufficient catering and storage capacities and at the same time to create new accommodation capacities for the needs of the Ilava Institute. The secondary objective will be the expansion and construction of new premises necessary for the proper operation and activity of the institute, such as the offices of psychologists, psychiatrists, psychiatric outpatient clinic, and the related construction of premises necessary for the treatment of prisoners

(a clerk, therapist and therapy room). An architectural study was carried out in 2022 for this investment project. Since the building in question will be located in the premises of the Ilava Institute, which is situated within the immovable national cultural monument - Ilava Fortress, registered in the Central List of the Monument Fund of the Slovak Republic, the architectural study was consulted and the final version was approved by the Regional Monument Office Trenčín. Due to the scope and nature of the proposed project, its implementation is conditioned by the submission of project documentation for further approval at the Regional Monuments Office Trenčín.

In 2023, a Public Works Construction Plan was prepared and sent within the Department for inclusion in the Public Works Summary Program administered by the Department of Transportation of the Slovak Republic. The Prison and Judicial Guard Corps plans to begin preparing tender documents for the selection of a contractor for the construction design documents in 2025. The estimated time for design works and engineering has been set at 1.5 years. The implementation of the rehabilitation of the original buildings and the construction of the new complex is planned to start in 2027 (estimated time 3 years), depending on the possibilities of the state budget.

Reconstruction of the Institute for the Execution of Detention and Imprisonment Žilina

See reply to point 59.

Department for mothers with children

Instead of setting up a special ward where convicted woman may be allowed, at her request, to have her child older than one year with her during the execution of her sentence and to take care of her child older than one year, usually until the age of three years, it is the intention to amend the Criminal Procedure Code so that the court may postpone or suspend the execution of a sentence of a convicted woman on the grounds of her pregnancy or the mother of a child younger than three years of age. At the same time, the court could subsequently substitute the execution of the remainder of the sentence with a sentence of house arrest or a fine if the convicted person has demonstrated by her behaviour during the period of suspension of the execution of the sentence that she has reformed her behaviour and that further execution of the prison sentence is not necessary.

On item 50 - The CPT recommends that staff at Hrnčiarovce nad Parnou Prison receive a clear message that any form of ill-treatment of prisoners, including verbal abuse, is unlawful, unprofessional and unacceptable and will be sanctioned accordingly. Further, there can be no justification for damaging prisoners' belongings during cell searches, it being understood that unauthorised items may indeed be confiscated.

In addition, the Committee recommends that staff at Žilina Prison be reminded that prisoners should always be treated with respect.

Act No. 4/2001 Coll. on the Prison and Judicial Guard Corps, as amended (hereinafter only as "Prison and Judicial Guard Corps Act"), in Section 6, imposes on members of the Prison and Judicial Guard Corps the obligation to regard the honour, respect and dignity of a person and their own in the performance of their duties and not to allow unjustified harm to be caused to a person in connection with the performance of their duties and not to allow any interference with their rights and freedoms to exceed the extent necessary to achieve the purpose pursued by the performance of their duties. In the performance of their duties, an officer of the Prison and Judicial Guard Corps is also obliged to comply with the Code of Ethics of an Officer and Employee of the Prison and Judicial Guard Corps, which defines and promotes the principles of professional conduct of officers and employees of the Prison and Judicial Guard Corps in accordance with the Constitution of the Slovak Republic, constitutional laws, laws and other generally binding regulations, and internal regulations, International Declaration of Human Rights and Freedoms and other international documents governing the value of human beings and human dignity, with regard to the application of ethical

requirements in the performance of official and work tasks, the provision of punitive sanctions and measures, so that every work at every level is based on defensible ethical precepts.

The staff of this and other institutes are familiarised with the above duties upon recruitment, also as part of the police education at the Institute of Prison and Judicial Guard Education in Nitra, and last but not least during the annual cyclical training of Prison and Judicial Guard officers in each institute.

The Prison and Detention Institute Žilina is not aware of any legitimate request that has been denied by a correctional officer, nor is it aware of allegedly ignoring the requests of prisoners. All requests received or filed in person are registered at the Institute and dealt with within the specified time limits. The above fact is also not recorded in the reports of the prosecutor supervising the observance of legality in the institute. In addition to submitting applications through the officers on duty directly in the prisoners' accommodation, prisoners may deposit their applications and suggestions in a locked box for the director of the institute. They may also submit their requests and complaints in a locked box to which only the public prosecutor supervising the observance of legality in the institution has the keys.

Notwithstanding the above, officers are trained at regular intervals by specialist staff in the treatment of prisoners, including communicating with prisoners in an assertive manner, using elements of dynamic security with respect for human dignity.

Prosecutors actively supervise compliance with the law in police detention cells and in facilities where detention or imprisonment is carried out.

In addition to the basic legal regulation referred to in Section 18 of Act No. 153/2001 Coll. on the Public Prosecutor's Office, as amended (hereinafter referred to as "Act No. 153/2001 Coll. on the Public Prosecutor's Office"), prosecutors carry out regular legality checks in accordance with the following service regulations:

- Order of the Prosecutor General of the Slovak Republic Lt. No. 33/2024 of 25 March 2024 on the prosecutor's procedure in the exercise of the prosecutor's supervision over the observance of legality in police detention cells (until 1 April 2024, the procedure of prosecutors was regulated by the Order of the Prosecutor General of the Slovak Republic file No. 8/2010 of 12 May 2010 on the prosecutor's procedure in the exercise of the prosecutor's supervision over the observance of legality in police detention cells),
- Order of the Prosecutor General of the Slovak Republic file No. 6/2024 of 14 February 2024 on the prosecutor's procedure in exercising the prosecutor's supervision over the maintenance of legality in places of detention (until 1 March 2024, the prosecutor's procedure was regulated by the Order of the Prosecutor General of the Slovak Republic file No. 7/2010 of 12 May 2010 on the prosecutor's procedure in exercising the prosecutor's supervision over the maintenance of legality in places of detention),
- Order of the Prosecutor General of the Slovak Republic file No. 3/2024 of 23 January 2024 on the prosecutor's procedure in the exercise of the prosecutor's supervision over the observance of legality in places of deprivation of liberty (until 1 February 2024, the procedure of prosecutors was regulated by the Order of the Prosecutor General of the Slovak Republic file No. 6/2010 of 12 May 2010 on the prosecutor's procedure in the exercise of the prosecutor's supervision over the observance of legality in places of deprivation of liberty).

Prosecutors shall, on the basis of their legal powers, examine whether the laws and other generally binding legal provisions applicable to police custody cells and places where custody or imprisonment is carried out are strictly complied with. Prosecutors shall carry out inspections at regular intervals of three months in places of detention and at regular intervals of two months in places of custody. In addition, they shall carry out periodic inspections in each institution and, in the course of their

exercise, shall see that the rights of convicted and accused persons are scrupulously respected, that the human dignity of convicted persons is observed, or that there is no unjustified violence, torture, inhuman or degrading treatment or punishment or other ill-treatment, etc.

At the same time, prosecutors examine the lawfulness of decisions on placement in a section with a security regime, decisions on disciplinary punishments, the lawfulness of the use of coercive measures, and the lawfulness of the handling of written requests, complaints and other submissions. Convicted persons and accused persons may also submit written requests and complaints directly to the supervising prosecutors in special boxes available in each institution. In addition, they may request the prosecutor for an interview, which the prosecutor is obliged to conduct with the convicted person. The supervising prosecutor shall draw up a written record of all the findings of the inspection and shall discuss the outcome of the inspection with the director of the institute immediately after the inspection has been completed and, if necessary, take appropriate effective legal measures. In the event of notification of an emergency, the supervising prosecutor shall be obliged to carry out an emergency inspection of the Institute within three working days. The performance of inspection activities in institutions by authorised prosecutors of regional prosecutor's offices or district prosecutor's offices shall be supervised by prosecutors of the Prison Department of the Criminal Division of the General Prosecutor's Office of the Slovak Republic (hereinafter only as Prison Department). The prosecutors of the Prison Department shall inspect each institution in the Slovak Republic at least once a year.

The system of control of prisons by the prosecution authorities is regulated in such a way that the prosecutors in charge always react immediately to any notification of an extraordinary event by carrying out an extraordinary inspection, and also to any notification of convicted and accused persons of unlawful conduct by members of the Prison and Judicial Guard Corps in institutions. The actions of the prosecutors and the measures taken by them in relation to the institute are always under the supervision of the superior prosecutors assigned to the Prison Department. In addition, the prosecutors in charge of supervision in places of detention and imprisonment meet with the management of the institutes and representatives of the General Directorate of the Prison and Judicial Guard at regular working meetings, at which any shortcomings detected are dealt with expeditiously and, as far as possible, without delay.

The allegations contained in paragraph 50 of the CPT's Report (ill-treatment of prisoners physically when the officers of the Prison and Court Guard Corps from the intervention teams carried out customs searches) are not substantiated by evidence and are unreviewable due to the non-identification of the complainant. Nevertheless, the General Prosecutor's Office investigated whether any prosecutors had obtained knowledge of the treatment of prisoners in the Hrnčiarovce nad Parnou Penitentiary Institution as described in the CPT Report with a negative finding.

The case of the convict, who was allegedly physically assaulted repeatedly by members of the Prison and Judicial Guard Corps at the Ružomberok Penitentiary Institution, was examined by the district prosecutor in Ružomberok and the prosecutor of the Regional Prosecutor's Office in Žilina. The case file shows that the facts stated by the convict in his submissions were refuted during the operational investigation and were ultimately disputed by the convict. The case file did not show any consequences to the convicted person's health which, from the point of view of the mechanism of their occurrence at the incriminated time, would suggest that another person had acted violently in the manner alleged by the convicted person. Neither did the doctor at the Central Hospital in Ružomberok find any injuries on the convict that would correspond to the assault by the members of the Prison and Judicial Guard Corps described by him. From the operational information found, it emerged that the convicted person's allegations in his submissions appeared to be evasive and untrue. The prosecutor of the Regional Prosecutor's Office in Žilina assessed the operational verification carried out as sufficient and not justifying the initiation of criminal proceedings in the case under consideration. On 20 December 2023, an extraordinary inspection was carried out at the Ružomberok Institute for the Execution of Prison Sentences on the basis of a mandate from the

Minister of Justice. Neither did the inspection team find any facts that would indicate suspicion of criminal activity in relation to the convict.

On item 57 - The CPT recommends that the Slovak authorities take the necessary steps to ensure 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. In this context, the management of Ružomberok Prison should be particularly vigilant as to the situation in the unit holding prisoners under the maximum guarding level, internal classification of C. Further, the Committee wishes to stress that any reprisals against prisoners for having spoken to the delegation would be incompatible with the principle of cooperation, set out in Article 3 of the Convention. In addition, the Committee would like to receive a copy of the investigation file, including the final reasoned decision taken in the case, concerning the investigation carried out by the Inspection Service Office into the alleged ill-treatment of the prisoner by staff at Ružomberok Prison on 11 January 2023. Moreover, it would like to receive clarification on how long CCTV footage from prison establishments is kept. Finally, it would be interested to receive updated information on the public procurement process to equip prison officers with body-worn cameras, including the number of cameras to be purchased, which prison officers will be equipped and the expected timeline.

On 9 November 2022, the Inspection Service Office received a submission by [A], born on 8 November 1996, at that time placed in custody in the premises of the Ružomberok Institute for the Execution of Prison Sentences, made on 2 November 2022, and on 26 January 2023, a submission by the same person (made by the submitter on 13 January 2023), addressed to the General Directorate of the Corps. The subject of both submissions was the suspicion of possible physical violence by members of the Corps on duty in the jurisdiction of the Ružomberok Penitentiary Institution against the person of the whistleblower in the context of the offence of abuse of authority of a public official under section 326(1)(a) of the Criminal Code.

In response to a submission received on 9 November 2022, an operational search activity was carried out by officers of the Inspection Service Offices, concentrated on obtaining information of operational relevance (recorded in file number UIS-OSP-OP1-259/2022, re-registered as UIS-OSP-OP1-39/2023 in 2023). A second submission received on 26 January 2023 was also dealt with in the file in question.

Regarding the circumstances mentioned in the submission of [A], which were supposed to have happened on 1 November 2022 in the premises of the Institute for the Execution of Imprisonment Ružomberok, it was found that the submission in question was initially sent from the General Directorate of the Corps for examination and possible further measures to the Director of the Institute for the Execution of Imprisonment Ružomberok. On 4 November 2022, the instruction was adopted to: "Prevent further contact between members of the Prison and Judicial Guard Corps on duty in the jurisdiction of the Institute for the Execution of Prison Sentences Ružomberok, [B], [C], [D] with the convicted person [A]."

Interviews were conducted with the designated members of the Prison and Judicial Guard Corps and records of the investigation were drawn up, registered under number UVTOS-01117/19-RK-2022. On the matter in question, the convicted persons [A], [E], [F]. On the basis of the investigation of the incident of 1 November 2022, the officer of the Police Inspection Service Office did not find any misconduct, i.e. he did not find any unlawful conduct by the officers of the Corps.

In the matter of resolving the second submission of [A], received on 26 January 2023 regarding the incident of 11 January 2023 in the Institute for the Execution of Imprisonment Ružomberok, an explanation was given by the suspicious officer assigned to this institute, [G]; the General Directorate of the Prison and Judicial Guard Corps provided documents on the disciplinary offences of the

person [A] of 11 January 2023, outpatient reports, the discharge report of the Hospital for the Accused and Convicted and the Institute for the Execution of Prison Sentences Trenčín, statements of the convict [A], and others. The evaluation of the verified facts, information obtained within the framework of the operational-search activities of the Inspection Service Office did not reveal any information of operational significance pointing to unlawful conduct of the officers of the Ružomberok Institute for the Execution of Prison Sentences, and therefore, on 11 April 2023, the procedure within the framework of the operational-search activities was concluded.

We consider the exhaustive information in question to be a substitute postulate for the provision of a copy of the file on the conduct of the search and seizure operation.

Generally, CCTV footage in prisons is kept for 14 to 30 days. The retention period of CCTV footage in a particular prison depends on the technical specification of the CCTV system. The recording period depends on:

- number of cameras,
- the resolution of the recorded image,
- the quality of the recorded image,
- number of frames/second,
- the size of the storage space.

Each prison facility has a specific facility system, which significantly impacts the number and granularity of the CCTV system. The full storage capacity of the system is used for camera recordings, and when the storage capacity is full, the oldest camera recordings are automatically overwritten by the newest ones. On the basis of the above, longer retention times may occur if the number of cameras is reduced or replaced by more modern ones with better technical parameters while maintaining the same size of the data storage.

The procurement process for the body-worn cameras is currently on hold due to two bidders filing an objection to the Contracting Authority's rejection of their bid with the Public Procurement Office. The Public Procurement Authority has not ruled on the objections within the statutory time limit and to date, as it has requested expert reports on the objected grounds for exclusion. The subject of the procurement is a total of 1242 body cameras with accessories. These cameras will be provided to the officers of the

Detention and Sentence Enforcement Units and to the officers of the Protection Units in the institutions.

For the above reason, it is not possible to set a timetable at the moment, but the provision of body cameras remains one of the priorities of the Prison and Judicial Guard Corps.

On item 59 - The CPT welcomes the plans to refurbish Žilina Prison and would like to receive updated information on the progress of the works.

As part of the reconstruction of the Institute for the execution of detention and the Institute for the execution of prison sentence Žilina is currently being implemented the extension of a new building while reconstructing the thermal envelope (insulation of buildings, roofs, replacement of window and door) on the existing buildings for the execution of detention and the execution of prison sentence. At the same time, the preparation of project documentation for the implementation of the reconstruction of the electrical wiring in the existing detention building and in the penal building is under way. Subsequently, after the completion of the above-mentioned investment actions, the

intention is to carry out the remaining part of the reconstruction of the existing buildings (health and safety engineering).

The main objective of the extension of the new building is to create new accommodation capacities for the needs of the Institute for the Execution of Detention and the Institute for the Execution of Imprisonment Žilina. The subject of the design is the extension of the new building, which will be structurally connected with the existing housing building for the accused. The new building is structurally designed as a six-storey building of three-wing design with premises intended to increase the accommodation capacity (55 beds), to expand and build new premises necessary for the proper operation and activity of the institute, such as examination rooms, officers' changing rooms and a multipurpose room (meeting room, the possibility of hearings directly in the institute, videoconferences, etc.), and the associated construction of the facilities necessary for the treatment of detained persons (rooms for cultural and recreational activities and leisure time activities, convicts' workplaces). New visiting rooms for prisoners and their family members will also be built, as well as new facilities for prisoners to take walks.

On item 60 - The CPT recommends that the Slovak authorities take the necessary steps to ensure that the minimum standard of 4 m² of living space per prisoner in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) is legally guaranteed to all categories of prisoner (regardless of their gender, legal status, security classification, etc.) and fully respected in practice (see also paragraph 44).

Further, steps should be taken to ensure that in-cell sanitary annexes in multiple-occupancy cells at Žilina Prison and, as applicable, in other prison establishments in Slovakia, are fully partitioned (that is, from floor to ceiling).

The housing capacity of the Hrnčiarovce nad Parnou Prison for the Execution of Prison Sentences, while maintaining at least 3.5 m² of accommodation space in a cell or room for a convict, is 1 433 places. The above capacity has been determined for the Institute since 17 October 2019, when the last modification reduced it by 10 places in connection with the completion of the construction and technical works of the exit ward of the national project "Chance of Return" and the subsequent placement of convicts in the exit ward (reduction of the capacity of the ward from 50 places to 40 places in eight rooms with a floor area of at least 5 m² per convicted person).

In case of an increase of the housing area in a cell or room for a convicted person to at least 4 m², the accommodation capacity of the institution is 1,287 places. From the average number of convicts placed in the institution per calendar year (2019 - 1,287 convicts, 2020 - 1,246 convicts, 2021 - 1,231 convicts, 2022 - 1,201 convicts, 2023 - 1,181 convicts), it is evident that there is no problem in the institution to ensure that the minimum standard of 4 m² of accommodation area per one convict in multi-occupancy rooms/cells is met in compliance with the determination of the accommodation area of the cell or room pursuant to Art. 3 and 4 of the Rules of Procedure for the Execution of Prison Sentences and in accordance with Section 2 of RGR No. 20/2013 determining the accommodation capacity for accused persons and convicted persons, as amended. Already at present, in some specialised wards where additional methods and procedures of treatment are applied in order to deepen the individualisation of the execution of the convict's sentence (exit ward, security ward, three specialised treatment wards), the accommodation area in the cell or room for the convict is maintained at a minimum of 4 m².

The capacity of cells in the Institute for the Execution of Detention and the Institute for the Execution of Imprisonment Žilina is set so that the accommodation area for an accused in a locked cell, a juvenile accused or convicted person and an accused or convicted woman is at least 4 m² and for an accused in an unlocked cell and a convicted person in a cell or a room is at least 3.5 m². In view of the number of persons imprisoned in recent years in the Žilina Institute for the Execution of Detention and the Žilina Institute for the Execution of Prison Sentences, it was necessary in exceptional cases to reduce the accommodation area in selected rooms and cells of the Institute,

where the building conditions allowed it. The above-mentioned cells are located in wards with a relaxed detention regime and, with reduced accommodation space, prisoners were placed there only exceptionally and for the time strictly necessary, since being in unlockable spaces with free access to equipped cultural rooms and moving freely around the ward was to the prisoner's benefit, even at the expense of reducing the accommodation space. The above exceptional situations of reduced accommodation space will be resolved by the construction of a new building at the Žilina Institute for the Execution of Detention and Imprisonment, which is currently under way.

The sanitary facilities are not completed floor-to-ceiling for better ventilation of the space. When the sewer lines of the existing housing areas are rebuilt, the sanitary facilities will be located so that they can be vented outside the inmate housing area.

In the Ružomberok Penitentiary Institution, the toilet in all cells is structurally separated from the rest of the cell, up to the ceiling. The only exceptions are the two single-occupancy cells in the security section (cells 341A and 341B), where the toilet is separated by a brick screen so as to ensure the privacy and intimacy of the convicted person, so that they are not exposed to the entrance door. The cell of approximately 15 m² (hereinafter referred to as "small cell") has a capacity for 4 sentenced prisoners and in fact contains 4 beds and other equipment corresponding to that capacity. A cell measuring approximately 27 m² (hereinafter only as "large cell") has a capacity for 7 convicts and realistically accommodates 8 beds (4 bunk beds), with one bed available in case of a reduction in the accommodation area of the convicts, and this bed does not reduce the accommodation area of the room. The other facilities of the cell correspond to the number of 8 convicts, so the CPT's delegation could have been under the impression that these cells had a capacity of 8 convicts. Most of the large cells are occupied up to 7 convicts, the reduction of the accommodation area is only resorted to by the Institute in unavoidable cases in accordance with Section 18(1) of the Act on the Execution of Prison Sentences.

Pursuant to Section 18(1) PJGC, the accommodation area in a cell or room for a convicted person shall be at least 3.5 m². Pursuant to Article 29(1) of the Rules of Procedure for the Execution of Prison Sentences, if the conditions of the institution so permit, the accommodation area in a locked cell for a convicted person shall be 4 m². The Ružomberok Penitentiary Institution endeavours to respect the above-mentioned accommodation area as much as possible. In the event of an increase in the number of convicts, the Institute uses the legal authorisation of the Director of the Institute to reduce the accommodation area for the necessary time in accordance with Section 18(1) of the Act on the Execution of Prison Sentences and Section 3 of the Director General's Order No. 20/2013 determining the accommodation capacity for the accused and convicts, as amended. The Director of the Institute shall send a notification of the temporary reduction of the accommodation space with reasoning to the General Directorate of the Prison and Judicial Guard Corps.

In relation to the allegation that some convicts are locked in their cells for 23 hours, with reference to paragraph 70, we submit that the Institute endeavours to include convicts in employment to the maximum extent possible; the professional staff organise a range of activities for convicts, including sports, arts and craft, psychological counselling, discussion groups, relaxation groups with elements of art therapy and music therapy, a counselling group for perpetrators of domestic violence, etc., as also noted by the CPT in its report in paragraph 70 (more in Reply to paragraph 71).

With the current accommodation capacity and the number of prisoners, it is not possible to increase the minimum accommodation area per prisoner to 4 m². Therefore, in the context of the case law of the European Court of Human Rights, the Prison and Judicial Guard Corps intends to adjust the minimum accommodation area for a convicted person to at least 4 m² in a locked cell and 3.5 m² in an unlocked cell or room in the framework of the forthcoming amendment to the ZVV. Moreover, in the case of locked cells, the living space of the prisoner is considered to be not only the cell but also the surrounding area according to the case law of the European Court of Human Rights. In practice, we expect a reduction in the number of imprisoned persons due to the conversion of imprisonment

into house arrest introduced by the amendment to the Criminal Code No 40/2024. In relation to the accused, such a procedure is in force as of 1 January 2023.

As mentioned above, the sanitary facilities are not built up to the ceiling for better ventilation of the space. When the sewer lines of the existing housing areas are rebuilt, the sanitary facilities will be located so that they can be vented outside the inmate housing area.

On item 61 - In all three establishments visited, cells were in principle adequately equipped (beds/bunk-beds, lockers for personal items, table and chairs/stool), although the number of chairs/stools was sometimes not sufficient for the number of persons accommodated in the given cell. This deficiency should be remedied

In the first half of 2025, the Prison and Judicial Guard Corps will add the necessary number of chairs to correspond to the number of persons in the cells/rooms, which will be foldable, taking into account the space available in the rooms or cells. The chairs will be produced within the framework of the own production of the subsidiary economy established in the Juvenile Detention Centre Sučany and distributed through the General Directorate of the Prison and Judicial Guard to the individual detention and custodial institutions.

On item 62 - The CPT recommends that the Slovak authorities ensure that cells at Ružomberok and Žilina Prisons have proper access to natural light and ventilation and that prisoners are, as a rule, allowed to see through windows outside their cells. Cells with opaque windows should not be used for long-term placement of prisoners.

The building of the Ružomberok Penitentiary Institute is located in the city centre near the parish office, citizens' dwellings, a kindergarten, a rehabilitation centre, the building of the Police Department and the Liptovský Mikuláš District Court, Ružomberok branch. For this reason, opaque, transparent polycarbonate panes are installed on the outside of the cell windows to protect the persons in the cell from the view from outside the institution and to guarantee their safety and right to privacy. A secondary effect of these boards is to prevent unauthorised contact between convicts and the civilian environment, as well as between convicts and each other, which could have the effect of frustrating the purpose of the sentence. Prior to the installation of these boards, the Institute had received several complaints from citizens who had complained about the harassing behaviour of convicts. This issue was also addressed some time ago by the prosecutor supervising the observance of legality in the institute and by an inspection from the General Directorate of the Prison and Judicial Guard Corps, which concluded that the installation of the boards in question did not violate the fundamental rights of the convicts. The protective window panes do not prevent natural lighting of the cell or the supply of fresh air.

On item 63 - The CPT recommends that the Slovak authorities take steps to ensure that cells at Ružomberok and Žilina Prisons are properly heated and that at Ružomberok and Hrnčiarovce nad Parnou Prisons, there is a sufficient quantity of warm water for all prisoners to be able to take a shower.

*Institution for the execution of detention and institute for the execution of prison sentence
Ružomberok*

In accordance with Section 3 of Director-General's Order No 47/2013 on the operation of the energy and water management system in the Prison and Court Guard Corps (hereinafter only as "Order on the operation of the energy and water management system"), heating is engaged if the average outside air temperature drops below 13 °C for two consecutive days. The heating of the Institute's buildings is provided by an automatic system with Equi thermal temperature control. The outlet temperature of the central heating system is automatically regulated depending on the outside temperature. The entire system is fully functional and regularly subjected to professional inspections and professional tests by an authorised service. The system is operational 24 hours a day during

the heating season. The system is regularly vented to prevent any possible aeration and lowering of the system temperature. The temperature in the internal areas of the cells and inmate rooms shall not fall below 21 °C. It can be stated that the convicts accommodated in the local institution are provided with heating in accordance with the applicable legal and internal regulations.

In the area of hot water supply for showering, the Institute has not experienced any problems in the long term for which there would not be sufficient hot water available to provide showers for inmates. Sporadically, short-term pressure drops in the hot water distribution system are noted. The pressure is provided by the external contractor of the domestic water supply, Vodárenská spoločnosť Ružomberok, a.s., who informs us that there is a drop in pressure, mainly due to repairs being carried out on the public water supply pipeline. In conclusion, we would like to point out that the preparation of domestic hot water is carried out in accordance with the order on the operation of the energy and water supply system and with a view to maximum efficiency and economy of operation.

Institute for the Execution of Detention and the Institute for the Execution of Imprisonment Žilina

In 2024, in addition to the construction of a new building, the Institute for the Execution of Detention and Imprisonment Žilina also launched the reconstruction of the thermal envelope of the existing buildings where prisoners are accommodated. The reconstruction of the thermal envelope includes insulation of the envelope, insulation of the roof and replacement of windows. Once completed, the thermal comfort in the prisoners' accommodation will be improved. In the future, a comprehensive rebuilding of the heating system, which is currently outdated but functional, is also planned.

Institute for the Execution of Imprisonment Hrnčiarovce nad Parnou

The Hrnčiarovce nad Parnou Penitentiary Institute regularly monitors the temperature and consumption of the produced hot water. The consumption of domestic hot water in the institution has long been recorded as significantly over-consumed in relation to the number of persons accommodated in the institution, which has had an impact on the economy and efficiency of the use of public funds for energy. With the emphasis on energy saving measures to the proposal of measures to reduce energy consumption determined by the Government of the Slovak Republic by issuing the Resolution (No 602 of 28 September 2022) as well as the adopted Measures to reduce the energy consumption of the buildings of the Prison and Judicial Guard Corps approved by the Director General of the Corps and the task "To minimize hot water production during working hours, or to determine the time range when it is not necessary to supply hot water (e.g., to ensure hot water production in the buildings of the Corps). The Institute has proceeded to develop a shower schedule, which is adjusted from time to time according to the current needs of the regime of the Department of Correctional Services - the individual wards where convicts are accommodated and the workplaces outside the Institute to which convicts are assigned. The showering schedule shall be drawn up in such a way as to respect the right of the sentenced person to shower at least twice a calendar week. A convict assigned to work shall be allowed to shower more frequently, according to the nature of the work to which they are assigned.

According to the approved shower schedule and the shower list for individual wards where the convicts are housed, the Logistics Department of the Institute ensures the preparation and supply of hot water to the monobloc of the convicts' dormitories. In order to ensure more efficient and economical hot water production, the Institute plans to reconstruct the hot water production technology, which was completed by 30.11.2024 according to the valid Work Contract.

After the adoption of the above-mentioned saving measures, the Institute registered a number of complaints and suggestions from convicts addressed to the Director of the Institute and to various institutions (e.g. the Office of the Public Defender of Rights, the General Directorate of the Prison and Court Guard Corps, the Regional Prosecutor's Office in Trnava - Supervising Prosecutor, the Regional

Public Health Office). None of these submissions by the convicts was assessed as substantiated by the Institute or other institutions (the convicts were informed of the outcome of the investigation of the complaints - see paragraph 104).

On item 64 - The CPT trusts that in the context of the refurbishment of Žilina Prison referred to in paragraph 59, cells will be fitted with electrical sockets.

Due to the unsatisfactory condition of the electrical wiring in the buildings of the detention and imprisonment facilities, the project documentation for the implementation of the "Reconstruction of the electrical wiring in the building of the detention and imprisonment facilities in the ÚVV and ÚVTOS Žilina" was developed. On 21.08.2024 a contract for the work was concluded with the winning tenderer. The time for preparation and delivery of the project documentation is 100 calendar days from the entry into force of the contract. The deadline for the completion and submission of the project documentation was 30.11.2024. After the project documentation has been prepared, the building permit has been issued and the approval for the procurement has been granted (in terms of the financial coverage of the investment action), the selection of the contractor for the implementation of the work will follow.

The subject of the future reconstruction of the wiring will be the replacement of the existing electrical wiring in both buildings, i.e. the detention and penal facilities, including the low voltage substation, the installation of new sockets in the cells, new lighting and terminal switchboards on the individual floors of the buildings. The sockets and lighting will feature a tamper-proof design. The TV signal and radio wiring will also be reconstructed. The renovation of the wiring will also affect both kitchens, the laundry and the health centre, which are located within the individual buildings.

The cells are proposed with two 230 V separately fused sockets, one of which is for the connection of TV or radio and the other for the connection of the kettle. The sockets in the cells on each floor will be controlled from the clerk's room. As a separate electrical circuit of sockets will be established for each cell (i.e. the clerk will be able to switch on/off the sockets for each cell separately), in the event of a fault in one cell, the electrical circuit in the remaining cells in the corridor will remain intact, i.e. a fault in one cell will not affect the operation of the rest of the cells in the corridor.

On item 65 - The CPT trusts that in the context of the refurbishment of Žilina Prison referred to in paragraph 59, the need for a proper outdoor exercise area will be duly taken into account. Outdoor exercise facilities should be sufficiently large to allow prisoners to exert themselves physically (as opposed to pacing around an enclosed space), should allow a horizontal view to avoid oppressive effect and should, as far as possible, be located at ground level. Further, they should be equipped with a means of rest and a shelter from inclement weather, and should preferably contain some vegetation to provide congenial environment.

Further, the Committee recommends that arrangements be put in place to allow persons held in the unit for vulnerable prisoners and the high-security unit of Ružomberok Prison to take outdoor exercise in suitable conditions. As much as possible, the large outdoor yards should also be used for these categories of prisoner, while taking appropriate measures to guarantee their safety and that of other prisoners.

Institute for the Execution of Detention and Imprisonment Žilina

The project documentation for the reconstruction of the Institute for the Execution of Detention and Imprisonment Žilina includes the construction of new walking areas, which will also include spaces for sports activities and facilities enabling physical exertion replacing spatial movement with the provision of a horizontal view. However, for spatial and architectural reasons, they cannot be located at ground level, but will be equipped with rest facilities and shelter from inclement weather and, where possible, will include appropriate aesthetic and vegetation features.

Walks of convicts placed in the Ružomberok Penitentiary Institution are carried out in accordance with Section 31a PJGC and also in accordance with Section 43 of the Regulations for the Execution of Prison Sentences. The premises intended for the implementation of walks are equipped with seating and sports activities. The placement of convicts in the individual exercise yards is carried out with the utmost sensitivity in order to avoid overcrowding. Making these areas more aesthetic, which is essential and includes the replacement of the horizontal view with various motifs displayed on the walls of the exercise yards, must be preceded by a comprehensive overhaul of the walking yards, which the Institute is unable to carry out from its own budget. In 2024, the Prison and Court Guard Corps did not have sufficient funds to carry out the necessary repairs to the building.

On item 67 - The CPT encourages the authorities to continue their efforts to ensure that as many prisoners as possible at Hrnčiarovce nad Parnou Prison are engaged in work.

The Hrnčiarovce nad Parnou Penitentiary Institution has long had a problem in securing work for convicts in the internal premises of the prison from external companies. The Prison and Justice Guard Corps and the Hrnčiarovce nad Parnou Prison in particular will make every effort to secure employment opportunities for a larger group of convicts than is currently the case, with the help of external companies, preferably in the internal premises of the prison. In the context of the reduction in the average number of convicts in the institution over the last five years, the average number of convicts placed in work has also been reduced proportionally. In the recent period, the workplace of the work order contractor in the institute ceased work for operational and organisational reasons, with an average of 49 convicts assigned to it. The Institute is constantly negotiating with new work orders to fill the work assignments of the convicts assigned to work, particularly on the Institute's premises. During August 2024, the contractor workplace opened operation, where 60 convicts are currently assigned in two shifts. In spite of the above mentioned problems, the institute manages to keep the employment of convicts at 60%.

As a rule, convicts who are not assigned to work are regularly included in activities for the general development of their personalities in the form of activities for the benefit of the institution, mainly aimed at the environment, activities related to the improvement of State property under the administration of the institution and other activities carried out in the institution and in the external areas that are part of the institution (e.g. cleaning of the common and external areas of the institution, assisting in the preparation of meals, assisting in the material provision of the institution, activities carried out in the laundry and warehouse).

On item 71 - the Committee recommends that the Slovak authorities pursue these efforts, with a view to increasing the number of prisoners engaged in work and organised activities. Particular attention should be paid to the situation of remand prisoners held under the standard regime at Žilina Prison and non-working sentenced prisoners under the maximum guarding level at Ružomberok Prison. The aim should be to ensure that all persons held in prison (including those on remand) spend a reasonable part of the day (that is, eight hours or more) outside their cells engaged in purposeful activities of a varied nature, such as work (preferably paid work with vocational value), education, sport and recreation/association. An open-door arrangement, although alleviating the monotony of day-to-day life and allowing for more association between prisoners, cannot substitute for a programme of purposeful activities. This may imply hiring additional staff to provide activities.

The Institute for the Execution of Prison Sentences Ružomberok is making every effort to find clients with whom it could conclude a contract for the employment of convicts. However, a certain part of the prison population cannot be put to work for objective reasons, mainly due to health reasons. In the Ružomberok Penitentiary Institution in August 2024, an average of 42 convicts were excluded from the employment register. Out of the current number of 303 convicts, 169 convicts are in paid work. With regard to other activities, the institute involves approximately 40 convicts daily in activities

for the general development of the convict, mainly aimed at the tidiness of the accommodation and common areas of the institute and in activities related to the operation of the institute.

The Ružomberok Penitentiary Institute is active in the national project "Skills for the labour market", in which 78 convicts have expressed interest. Currently, 13 convicts meet the conditions, the project is in the phase of signing contracts of individual Bureaus of labour, social affairs and family with the convicts, followed by implementation of the actual course „Basic course of electric arc welding with hand-coated electrode“. The Ružomberok Penitentiary Institute has also started intensive negotiations with the Ružomberok United School in the field of education of convicts with high educational needs.

As regards non-work activities, the professional staff of the Institute carries out treatment of convicts both individually and in groups. The CPT itself notes in its report that the staff of the Institute organises a range of activities for convicts, including sports, arts and crafts, psychological and educational counselling, discussion groups, a relaxation group with elements of art therapy and music therapy, and a counselling group for perpetrators of domestic violence. In addition, the Ružomberok Penitentiary Institute implemented the FIE method (Feuerstein's method of instrumental enrichment) in the form of individual meetings, organised a number of community meetings, lectures, quizzes, cultural and entertainment activities, spiritual activities, etc. On the basis of indicator tools, convicts are identified and subsequently enrolled in the resocialization and educational programmes Financial Literacy and Employment and in the Elementary and Numerical Literacy Course. As of 01 October 2023, additional posts in the Institute are re-systemised: special educator, education educator, social worker and psychologist. After training of the above-mentioned staff, the Institute will be able to expand the offer of individual and, in particular, addressable group forms of treatment, with emphasis on specialised sections ("OŠZ" and "OBR") and on convicts placed in differentiation group "C" in the maximum level of guarding. The Institute's building is located in the city centre and its space possibilities are limited. Nevertheless, in 2024, suitable premises were found in the Institute and two additional rooms were created in which group activities can be carried out. A new space is also being prepared for the establishment of a separate classroom for convicts enrolled in education, which will be provided by the aforementioned United School in Ružomberok. In the period following the 7th CPT's regular visit (2024), the Slovak Republic completed the recruitment process for the post of special educator at the Ružomberok Penitentiary Institution in order to deepen the professional treatment of convicts. The recruitment of a special educator has thus created the necessary personnel prerequisites for the systematic and purposeful treatment of non-working convicts, even in the maximum security level. The new staff and the new premises are also a guarantee that the institute is interested in working systematically with convicts.

The Žilina Detention and Penitentiary Institution has been undergoing a comprehensive reconstruction of its premises since March 2024, which also includes the addition of a new building for the detention and Execution of Prison Sentences. In addition to increasing the accommodation capacity by 50 places while maintaining a living area of 4 m² per prisoner, new premises will be built for employment, education and leisure activities for the accused and convicted. After the completion of the construction work, the Institute will have sufficient space for the implementation of meaningful interest and educational activities as well as for the employment of prisoners, as the lack of space was the main limiting factor for their implementation.

On Item No. 72 - The CPT would like to receive more information on the changes that have already been introduced and those planned to the system of prisoners' wages and deductions. The Committee reiterates in this respect that the working terms and conditions for prisoners and the system of deductions should be such as to ensure that the remuneration for prisoners' work is equitable. Any deductions should not disproportionately diminish the net income.

The amount of the work salary of convicts is currently set by Slovak Government Regulation No. 7/2023 Coll. on the amount of the work salary and the conditions of its provision to convicts, as

amended, with an incorporated mechanism for its increase. The minimum amount of the remuneration of accused and convicted persons has increased by more than 55% since 2018 and currently amounts to EUR 284.30 for "full-time employment". The above trend is also supported by the selection of employers - hirers of convicts' work, in which the Prison Service tries to give preference to entities with a higher average working remuneration for prisoners.

The remuneration of accused persons has been implemented from 1 January 2023 in accordance with the new legislation of the Act on the Execution of Detention and its implementing regulation, the Rules of Execution of Detention. For accused persons, the amount of the working grade is determined by a percentage of the minimum wage according to the special regulation and is determined as 40 % for the first working grade (EUR 300,00) 43 % for the second working grade (EUR 322,50), 46 % for the third working grade (EUR 345,00), 76 % for the fourth working grade of the minimum wage according to the special regulation (EUR 570,00). It is currently proposed to introduce this method of remuneration for work performed also for convicted persons in the framework of the forthcoming legislative changes to the Act on the Execution of Prison Sentences.

Deductions are made by the Institute from the prisoners' remuneration. A distinction is made between deductions from gross remuneration and deductions from net remuneration. Deductions from gross remuneration (19 % personal income tax, 4 % health insurance premium and 8,4 % social insurance premium) are made in the same way as from the wages of civil employees, with the exception of deductions for unemployment insurance, which is not applicable to the accused and convicted person. Deductions from gross remuneration for the payment of personal income tax are made only after the amount of the non-taxable part of the tax base (currently EUR 470,54 per month) has been exceeded.

Deductions from the net remuneration of the accused shall be made in the same way as for those working at liberty, in accordance with the provisions of Act No. 233/1995 Coll. on bailiffs and enforcement activities (the Enforcement Code) and amendments to other acts, as amended.

The amount and sequence of deductions from the net remuneration of convicts are determined by the

Act on the Execution of Prison Sentences. In the forthcoming amendment to the Act on the Execution of Prison Sentences, the intention is to reduce the percentage of deductions for the payment of the costs of imprisonment by 10 % to a planned deduction of 35 % of the net remuneration of the convicted person (with a registered maintenance obligation) or 45 % of the net remuneration of the convicted person (without a registered maintenance obligation). The difference (10%) would be used in the case of convicts with a registered maintenance obligation to increase the maintenance deduction (by 3% to 33%) and the remainder would be registered in the convicted person's pocket account (increase by 7% to 19%), i.e. it would increase their net remuneration. A convicted person who has no support obligation on record would have their net pay increased by 10% (an increase from 12% to 22%).

On Item 73 - The CPT recommends that the Slovak authorities review the material conditions in the healthcare facilities at Ružomberok and Žilina Prisons and remedy the existing shortcomings, most notably those described above.

On the basis of the findings and the inspection carried out, measures will be taken, depending on the budget potential, in order to eliminate the alleged deficiencies so that they meet the requirements determined by the national regulation, i.e. the Decree of the Ministry of Justice of the Slovak Republic No. 225/2017 Coll. on the minimum requirements for staffing and material and technical equipment of medical facilities under the jurisdiction of the Ministry of Justice of the Slovak Republic, as amended.

On Item 74 - The CPT recommends that the Slovak authorities increase the psychiatric input at Hrnčiarovce nad Parnou Prison and the input of a general practitioner to Ružomberok Prison.

The minimum number of doctors in the field of psychiatry and general medicine, which is determined by the national regulation, i.e. the Decree of the Ministry of Justice of the Slovak Republic No. 225/2017 Coll. on the minimum requirements for staffing and material and technical equipment of medical facilities under the jurisdiction of the Ministry of Justice of the Slovak Republic, is respected in the Institute for the execution of prison sentence Hrnčiarovce nad Parnou and in the Institute for the execution of prison sentence Ružomberok. The Decree was verified by the Ministry of Health of the Slovak Republic during the legislative process of its drafting. Compared to normal civilian practice, the number of capitated persons per one general practitioner in the Ružomberok Penitentiary Institution is 2.5 times lower than in normal civilian conditions (where there are approximately 1500-2000 persons per one general practitioner). Moreover, there is a long-term shortage of general practitioners and psychiatrists on the labour market in the Slovak Republic.

On Item 75 - The Committee once again urges the Slovak authorities to generally review the practice of prison doctors treating both prisoners and prison staff, in light of the above remarks.

The Prison and Judicial Guard Corps provides health care for prison staff, firstly to enable them to have better access to this service, given the overcrowding of civilian districts in the face of a nationwide shortage of general practitioners, and secondly to provide occupational health services for prison staff and related services, in particular periodic assessment of fitness for a specific type of occupation where the performance of work involves the carrying and use of a weapon or the performance of work involving other occupational hazards. Since most institutions have two or more medical posts and, as a rule, separate outpatient clinics for staff and prisoners, the risk of conflicts of interest is reduced by an appropriate division of labour between the individual doctors in these outpatient clinics.

On Item 76 - The CPT recommends once again that the Slovak authorities take steps to ensure:

- ☐ **the daily presence (including on weekends) of a qualified nurse at Hrnčiarovce nad Parnou, Ružomberok and Žilina Prisons as well as in other prison establishments in Slovakia, as applicable. This should, *inter alia* make it possible to avoid the need for medication to be distributed by custodial staff.**
- ☐ **a person competent to provide first aid (who holds a valid certification in training in the application of cardiopulmonary resuscitation) is always present in every prison establishment, including at night and on weekends; preferably, this person should be a qualified nurse.**

The implementation of this recommendation may require increasing the number of nurses.

Persons detained in regular detention facilities of the Slovak Republic are capable of normal daily activities and are reasonably self-supporting. Persons who need the assistance of another person for normal daily activities are placed in specialised wings for persons with disabilities. In normal civilian settings, patients arrange to collect their own medicines from the pharmacy and arrange for their own dosage without any medical training. Similarly, this could be the case for incarcerated, self-empowered persons, unless they are restricted in their liberty. It is clear from the above that the distribution of medicines does not require any medical training. Still, the Corps provides for the dispensing of medicines, as a rule, by medical personnel, outside of holidays. Since 2023, the Corps has established the post of first aid instructor, who has the necessary medical training and certification to carry out such activities in the territory of the Slovak Republic with nationwide

coverage. As part of this activity, prison staff are trained to provide first aid as part of basic training at the Prison and Judicial Guard Corps Training Institute in Nitra after being recruited, as well as being retrained every 5 years thereafter directly at the Corps institute where they are serving. Each department of the Corps has an automatic external defibrillator, the operation of which is also the subject of first aid courses provided by the Corps instructor. The staffing and economic situation (consolidation of public finances, limited supply of nurses with specialisation on the labour market) does not allow us to ensure the constant presence of a nurse in the Corps' institutes, who, moreover, does not have sufficient competences to be able to carry out extended first aid independently or to indicate treatment to patients. From this point of view, it seems more appropriate to train staff and to use the ambulance or ambulance service in the off-hours.

On Item 77 - The CPT recommends that the Slovak authorities reinforce the provision of psychological care at Hrnčiarovce nad Parnou, Ružomberok and Žilina Prisons; additional clinical psychologists should be recruited as part of the prisons' healthcare teams. With a view to enabling the development of proper therapeutic relationships with prisoners, risk assessment and classification of prisoners should be carried out by a psychologist who is not involved in the therapeutic work with the prisoner concerned.

The provision of psychological care in Hrnčiarovce nad Parnou, Ružomberok and Žilina institutions is provided by psychologists of the Department of execution of prison sentence and the group of psychodiagnostic and consultancy activities, whose job description and tasks are related to psychodiagnostics, counselling and psychotherapy. Psychologists are part of the prison's professional staff team, in which each of their specialties (doctor, psychiatrist, psychologist, social worker, educator and other professional staff) assesses risks and classifies prisoners. This role of the psychologist does not appear to be a contraindication to the establishment of a proper therapeutic relationship in the prison environment; on the contrary, it is mutually helpful.

On Item 78 - The CPT recommends that the Slovak authorities take steps to ensure that prisoners at Hrnčiarovce nad Parnou, Ružomberok and Žilina Prison have access to the necessary specialist care without undue delay, by using telemedicine services, where appropriate.

The SR health system has repeatedly stated that there is a shortage of doctors providing specialised health care. In order to improve the above situation, and thus the availability of specialised outpatient health care for the civilian population, the Government of the SR is working to increase the capacity of training institutions for the health sector and also to facilitate the recognition of educational achievements for applicants from third countries. Unfortunately, these activities have not yet led to a reduction in waiting times for selected specialised outpatient examinations (especially cardiological, orthopaedic, neurological, etc.). The Prison and Judicial Guard Corps has repeatedly undertaken and continues to undertake activities to improve the availability of specialised health care for persons in custody and persons serving sentences. The Ministry of Health of the Slovak Republic, as the body competent to apply possible legislative regulations, views the prioritisation of accused and convicted persons on waiting lists for patient appointments as an unjustified advantage and, in the interests of the principle of equal access to health care (for civilians as well as for persons with disabilities, pregnant women or other groups of applicants for preference, including accused and convicted persons) rejected the proposal of the Ministry of Justice of the Slovak Republic to amend the relevant legislation of the relevant legislative regulations in terms of the obligation of civilian doctors not to refuse to provide health care to persons in custody or serving a sentence. The medical staff of the Prison and Judicial Guard Corps repeatedly make use of the current possibilities of telemedicine in dealing with the medical condition of accused and convicted persons, however, many of the difficulties reported by these persons require a physical examination by a specialist, and thus in many cases it is not possible to use the proposed procedure.

On Item No. 79 - The CPT recommends that newly admitted prisoners are systematically offered voluntary testing for HIV and hepatitis B and C.

Screening activities aimed at early detection of selected infections (HIV, HCV, HBV, lues) require costs that are either covered by public health insurance or the budget of the Ministry of Justice of the Slovak Republic. Reimbursement from the public health insurance is a logical solution to the problem, but it must be based on the legislated obligation for the health insurance company to reimburse such an action. The Prison and Judicial Guard Corps has undertaken normative activities to incorporate such screening of the prison population into Slovak legislation, in the context of negotiations at the Ministry of Health of the Slovak Republic and in the presence of representatives of professional medical societies (Slovak Society of Infectology, Slovak Society of Hepatology) and representatives of health insurers, but so far this activity has not been successfully completed by a generally applicable regulation, although it is expected to be introduced in 2025.

On Item 80 - The CPT reiterates its recommendation that the Slovak authorities take the necessary steps to ensure that all newly admitted prisoners are properly interviewed and physically examined by a medical doctor, or a fully qualified nurse reporting to a doctor, as soon as possible, and no later than 24 hours after their admission, and that any signs of injuries are duly recorded. The record should contain:

- (i) an account of statements made by the person which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment);**
- (ii) a full account of objective medical findings based on a thorough examination (supported by a “body chart” for marking traumatic injuries and, preferably, photographs of injuries); and**
- (iii) the healthcare professional’s observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.**

The results of every examination, including the abovementioned statements and the doctor’s opinions/observations, should be made available to the prisoner and, with the consent of the prisoner, to their lawyer. Prisoners should by no means be required to pay for the provision of this information.

Whenever injuries are recorded which are consistent with allegations of ill-treatment made by the prisoner concerned (or which, even in the absence of an allegation, are clearly indicative of ill-treatment), the record is systematically brought to the attention of the competent prosecuting authorities.

In addition, a special trauma register should be kept in which all types of injury observed should be recorded. Further, with a view to implementing these principles, the CPT recommends that special training on the documentation and interpretation of injuries be provided to healthcare professionals working in prisons.

The implementation of the examination within 24 hours by a doctor or a nurse is not feasible with the current number of medical personnel. The Prison and Judicial Guard Corps, during non-working hours and on non-working days, in cases requiring medical examination, escorts the injured prisoner to a civilian medical facility and subsequently uses the data from the medical report to fill in the necessary form by the inpatient medical staff (which is also implemented in at present). In cases where the injury does not require medical treatment and only needs to be documented within 24 hours, the only way to address this is to designate a telephone on-call nurse to be called in to provide the necessary documentation in such cases. The recording of accidents and injuries identified on admission of prisoners can be implemented in written form (in the newly created written record) de facto within the next few weeks - after issuing the necessary instructions to the concerned entities of the Prison and Judicial Guard Corps; electronic recording is linked to the modification of the medical

software in use and may take longer to implement. The Prison and Judicial Guard Corps will provide the necessary training for medical staff in 2025.

On Item 81 - The CPT once again calls upon the Slovak authorities to ensure that all medical examinations of prisoners are conducted out of the hearing and – unless the healthcare staff member concerned expressly requests otherwise in a given case – out of the sight of non-medical staff. This must be seen as the shared responsibility of prison officers and healthcare staff.

Further, steps should be taken to ensure that external medical consultations of prisoners respect the principle of human dignity, taking due account of the above remarks.

As has been stated repeatedly in past replies, the primary responsibility of the Prison and Court Guard Corps is not only to provide prisoners with the necessary medical care, but also to ensure the safety of medical personnel during the examination and provision of medical care to prisoners and to prevent the occurrence of an emergency during the examination. Moreover, it is the medical staff who must be the primary decision-maker as to whether or not prison staff are present during the examination and whether or not the prisoner is handcuffed during the examination, given that it is the medical staff who are at risk when providing health care and who must enter the prisoner's intimate area when examining/treating the prisoner and who have little opportunity to react and effectively prevent an attack on their person in the event of an attack by the prisoner. The legislation of the SR states that the provision of necessary assistance to a person who is in danger of death or shows signs of serious bodily harm does not have to be carried out by the attending person, in case they would put themselves in danger by doing so. (Art. 177 of the Criminal Code). An analogy may be followed in cases of treatment of dangerous prisoners. In the event that medical personnel could be exposed to danger by prisoners without effective prevention by the Corps, it is more than certain that no doctor or other medical personnel would be willing to carry out this activity.

On Item 82 - Although medical files in the three prisons visited were partly computerised, there was no link with the medical data of the person concerned prior to their imprisonment. The CPT considers that interconnecting the relevant electronic systems would ensure swift and easy access to relevant medical information for prison healthcare staff and enable adequate continuity and equivalence of care for prisoners, both when entering and leaving prison.

The issue of linking the electronic medical records of prisoners with their electronic civil medical records is in the process of being solved within the framework of eHealth, which is hosted by the Ministry of Health of the Slovak Republic and the National Centre for Health Information.

On Item 83 - The CPT calls upon the Slovak authorities to develop and implement a comprehensive national policy for the provision of care to prisoners with drug-addiction problems. In this context, substitution and harm-reduction programmes should be made available to prisoners to the same extent as in the outside community.

In the imprisonment conditions, the penetration of psychotropic substances and precursors is strictly controlled, so the provision of substitution treatment in these facilities is not appropriate. On the contrary, substitution substances could lead to an increase in illicit activities in prison settings, such as black market trafficking of substitution substances or suicidal acts. Prisons are one of the few places where incarcerated addicts can overcome their addiction through enforced abstinence, at least for the duration of their incarceration. We support initial symptomatic treatment to alleviate the initial withdrawal symptoms, which is already being implemented.

On Item No. 84 - The CPT recommends that healthcare staff not be involved in the collection and testing of urine samples for administrative purposes (namely, illicit drug use).

The collection and testing of urine, like any other diagnostic activity and manipulation of body fluids in order to perform a diagnosis on a patient, is a medical act under SR legislation and must be performed by medical personnel with appropriate training. In order to carry out the collection of blood, urine and other body fluids for medical purposes, the conditions for the premises in which such operations may be carried out, the personnel competent to carry out such operations and the manner in which the results are documented in the relevant medical records are precisely defined by the SR legislation.

On Item 85 - The CPT reiterates its recommendation that the Slovak authorities take the necessary steps to ensure that these precepts are effectively implemented in all prisons throughout the country. In particular, care should be taken to ensure that all prisoners, including those without resources, have access to the healthcare and medication which their state of health requires free-of-charge.

According to the legislation in force regulating the conditions of detention and imprisonment, the Institute shall provide a monetary allowance to a prisoner who does not have the financial means to purchase medicines, medical treatment or medical devices prescribed by a doctor and which cannot be provided free of charge on the basis of health insurance under a special regulation and to cover the necessary costs for services related to the provision of health care under a special regulation. The prisoner shall be obliged to pay the cash allowance out of the funds registered in their account. If the prisoner has no funds at the time of release from custody or execution of the sentence or after deductions have been made from their last wages, the cash allowance granted by the Institute or part thereof shall become non-refundable.

The Institute shall provide the prisoner with a monetary allowance in the amount of the lowest supplementary payment for a medicine, medical treatment and medical device included in the list of categorised medicines, medical treatment and medical devices that have a comparable purpose and comparable basic functional characteristics. If the medicine, treatment or medical device is indicated by a physician in an institution or hospital, the institution shall provide the convicted person with funds for the purchase of the medicine, treatment or medical device in the amount of the determined supplementary payment for the medicine, treatment or medical device.

It is clear from the above that in justified cases health care is provided free of charge to prisoners, in other cases it is provided in a manner similar to that of the civilian population. Non-prescription over-the-counter medicines shall be provided to a prisoner from a pharmacy, subject to the approval of the duty doctor, unless there is a presumption that the prisoner will misuse such medicines for other than health-promoting activities. In cases where such medicines are indicated directly by the duty doctor, funds shall be provided for their purchase by the Prison and Judicial Guard Corps.

On item 86 - The delegation was informed that prisoners who had not had health insurance prior to their incarceration were registered as patients of Trenčín Prison Hospital, and acquired health insurance but accrued debts vis-à-vis the health insurance company, which they had to reimburse after their release from prison. The CPT would like to receive clarification on this issue from the Slovak authorities.

Every prisoner who enters an SR prison becomes an insured person of the State. In accordance with the legislation in force regulating the conditions of detention and imprisonment, the Institute shall provide a monetary allowance to a prisoner who has no monetary resources for the purchase of medicines, medical treatment or medical devices prescribed by a doctor and which cannot be provided free of charge on the basis of health insurance, and for the reimbursement of necessary costs for services related to the provision of health care. The prisoner shall be obliged to pay this cash allowance out of the funds registered in their account. If the prisoner has no funds at the time of release from custody or execution of the sentence after deductions from the last wages have been made, the cash allowance provided by the institution or part thereof shall become non-refundable. For that reason, the prisoner may not incur any arrears of health insurance or any other debt to the

Institute while in prison. The more likely version is therefore that the person has already entered the prison as a debtor for health insurance.

On item 87 - At Ružomberok Prisons, the staff complement included 55 prison officers deployed on the ward in direct contact with prisoners (“referent režimu”), 11 case managers (so called “educators”) and two psychologists. All these posts were filled at the time of the visit.

In addition, as part of the "Chance to Return II" project ("Chance to Return II"), as of October 1, 2023, the facility has been allocated an additional position of Education Coordinator, Special Educator, Social Worker and Psychologist. At the time of the visit, recruitment was ongoing.

The CPT welcomes the reinforcement of the team and would like to receive confirmation that these four posts have now been filled.

The posts of "education coordinator, special educator, social worker and psychologist have been filled in the Ružomberok institute in the period from 01.02.2024 to 01.07.2024. Currently, the education and training of the above-mentioned professional staff is in progress.

On item 88 - Staff at Hrnčiarovce nad Parnou Prison comprised 67 prison officers (three additional posts were vacant), 41 case managers (including one vacant post and one case manager on long-term leave), five psychologists, one special educator and four social workers.

Further, two posts of a “pedagogical educator” (“pedagog vzdelávania”) were attributed to the facility a few months prior to the visit, and the recruitment procedure was underway at the time of the visit.

The CPT welcomes the reinforcement of the team and would like to receive confirmation that these two posts have now been filled.

The Prison Hrnčiarovce nad Parnou has systematised two posts of "Educational Educator" in the section of pedagogical and psychological activities of the Department of execution of prison sentence. One of these posts has been filled as from 1 January 2024 and the other post has been filled as from 1 December 2024, due to the need to meet the minimum qualification and professional prerequisites, by the successful applicant.

On item 89 - The CPT encourages the Slovak authorities to continue their efforts to fill vacant posts at Žilina Prison.

At present, all specialist posts (social worker, pedagogue, psychologist) are filled in the Prison and Penitentiary Institution Žilina.

On item 90 - More generally, the CPT recommends that, in line with international norms,⁴ after due risk assessment, the least intrusive approach to body searching should be undertaken,

⁴ See Rule 20 of the "Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders" (the "Bangkok Rules"), which states that "alternative methods of control, such as scanning, shall be developed to replace strip searches and invasive body searches in order to avoid the harmful psychological and possible physical impact of invasive body searches." See also Rule 52 of the UN Standard Minimum Rules for the Treatment of Prisoners ("Mandela Rules"), which encourages prison administrations to develop appropriate alternatives to "invasive body searches."

preferably using security technology, such as body scanners, as an alternative, rather than a supplementary, search option.

On 1 July 2023 Act No. 187/2023 Coll., which amends the Act on the Prison and Judicial Guard Corps, entered into force. This law specifies the performance of thorough body searches, guarantees strip searches behind a fence or in another suitable area and introduces the possibility of using body scanners. Searches are conducted in such a way as to detect prohibited items, such as drugs.

On 1.3.2024 the Order of the Minister of Justice of the SR No. 2/2024 came into force, which regulates the manner of conducting searches by officers of the PJGC. The new regulation allows for an individual assessment of the necessity of the search and the use of less invasive means. General searches are carried out in cells or other suitable premises, not in corridors.

The Prison and Judicial Guard Corps conducted a survey of the availability of body scanners that would allow for humane detection of unauthorised items. The technical equipment meets the needs of the Prison and Judicial Guard Corps, but the acquisition cost is high.

The Prison and Judicial Guard Corps seeks to detect and counter security threats, such as the infiltration of narcotic and psychotropic substances into prison facilities. Screening tests for the presence of illicit substances are carried out on a targeted or preventive basis. Despite its efforts, the Prison and Judicial Guard Corps remains at a technological disadvantage and has to rely on its own human resources and experience.

All the changes are a compromise between security and interference with the personal integrity of prisoners. The gradual humanisation of conditions of detention and sentencing must be accompanied by adequate measures to maintain security. The intrusion of unauthorised items endangers the life and health of prisoners; in view of the above, the staff of the Prison and Judicial Guard Corps will carefully assess on an individual basis the necessity of conducting searches of prisoners, the manner of conducting searches, and the very purpose of conducting searches, the possible security risks and taking into account, in particular, the seriousness of the crime committed, physical fitness, danger or knowledge of a preventive-security nature pointing to the risk of violent behaviour, escape or other events that could endanger security.

On item 92 - While welcoming the improvements achieved since the last visit, the CPT wishes to reiterate its view that all prisoners (whether sentenced or on remand) should benefit from a visiting entitlement of at least one hour every week. “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 CPT recommends that the Slovak authorities take further steps to ensure that these precepts are effectively implemented in practice.

Within the framework of the forthcoming amendment to the PJGC, the intention is to modify the conditions for the implementation of visits to convicts so that each convicted person has the right to receive a visit at least once per calendar month for a duration of two hours at a time determined by the director of the institute or a member of the Prison and Judicial Guard Corps designated by them. The visit may take the form of a physical visit or by means of a videoconferencing device (video-visit). The right to visit at a time determined by the director of the institute or a member of the Prison Guard designated by them shall lapse if not exercised. In justified cases, the Director of the Institute may authorise an alternative time for the visit to take place or to receive the visit more frequently. The convict may be physically visited by no more than five persons at the same time, whose name, surname and address the accused shall indicate in their written request; this number does not apply to the minor children of the prisoner. The director of the institution may, for security reasons, refuse

to allow visits by certain persons; the above shall not apply to close persons. If the sentenced person has minor children, he shall have the right to an additional video visit with them of at least one hour. At the same time, the visit shall be carried out by direct contact and only in justified cases may the director of the institution decide that, for security reasons, the physical visit shall be carried out without direct contact. Thus, the manner in which the visit is carried out will not be linked to the level of guarding, but to the existence of objective security reasons, the risk of violent behaviour or the risk of the prisoner escaping. In relation to defendants, such a procedure is in force from 1.1.2023.

On item 93 - The CPT trusts that the planned amendments to the Law on the Execution of Prison sentences will decrease the maximum period of uninterrupted consecutive solitary confinement or of whole day placement in a closed department for adult sentenced men, in light of these remarks.

Under the forthcoming amendment to the PJGC, the intention is to modify the conditions for the execution of disciplinary punishments of sentenced adult males so that if, during the execution of a disciplinary punishment, the convicted person has been re-imposed the disciplinary punishment of a full day's confinement in a closed section or the disciplinary punishment of solitary confinement, the convicted person may be subjected to such disciplinary punishment without interruption for a maximum of 14 days from the current 21 days; the remainder of the uncompleted disciplinary punishment shall be served by the convict at the earliest at the end of ten days.

On item 94 - The CPT recommends that the Slovak authorities ensure that acts of self-harm are no longer subjected to disciplinary punishment in prisons. The relevant legal provisions should be amended accordingly.

Within the framework of the forthcoming amendment to the PJGC, the intention is to modify the disciplinary procedure so that the psychological state of the convicted person at the time of committing the disciplinary offence is taken into account when deciding on the imposition of a disciplinary penalty for a violation of a prohibition related to harm to health, while a psychologist or a doctor expresses their opinion on the disciplinary procedure and the imposition of a disciplinary penalty. At the same time, the intention is to modify the obligation to pay the increased costs of his guarding and transport incurred by the institution if the sentenced person has caused injury to their health, so that the convicted person does not have such an obligation if the medical doctor of the institution assesses the medical condition of the sentenced person as incapable of being aware of the real consequences of their actions. In relation to defendants, such a procedure is in force from 1.1.2023.

On item 96 - The CPT trusts that the planned amendments to the Law on the Execution of Prison sentences will introduce the requirement that sentenced prisoners subjected to whole-day placement in a closed department or in solitary confinement be visited by a member of healthcare staff or a psychologist daily.

Further, full compliance with the relevant national legislation will require the presence of a member of healthcare staff on the weekend, as recommended in paragraph 76.

Inspections of sentenced persons placed under disciplinary punishment in a closed section or solitary confinement by medical staff, psychologists or educators do not require the presence of these personnel in the institution all day long, which is confirmed by the application practice in the case of defendants in custody, where such inspections during the execution of disciplinary punishment have been carried out since 1.1.2023.

On item 97 - the CPT considers that, as a matter of principle, medical personnel should never participate (or be perceived to participate) in any part of the decision-making process resulting in any type of solitary confinement, except where the measure is applied for medical reasons. Consequently, they should not be obliged to certify that prisoners are fit to undergo

punishment before solitary confinement starts. On the other hand, prison doctors should be very attentive to the situation of prisoners placed in disciplinary isolation/segregation cells, and should report to the prison director whenever a prisoner's health is being put seriously at risk by being held in disciplinary isolation/segregation (as is currently the case, as a general rule, in respect of remand prisoners). The CPT recommends once again that the Slovak authorities take steps, including at the legislative level, to ensure that these precepts are effectively implemented in practice.

Under the forthcoming amendment to the Act on the Execution of Prison Sentences, the intention is to replace the current legislation, according to which the execution of a disciplinary punishment of a full day's confinement in a closed ward or a disciplinary punishment of solitary confinement can only be started when a doctor finds that, that the convicted person is capable of submitting to such a disciplinary penalty, a new one is introduced, namely that, before serving the disciplinary penalty of confinement for a whole day or the disciplinary penalty of solitary confinement, the sentenced person shall undergo a medical examination and be interviewed by a psychologist. The execution of the disciplinary penalty shall not be initiated or shall be interrupted in the event of a serious threat to the health of the sentenced person. Thus, the new legislation will not explicitly oblige the doctor to "authorise" the execution of such a disciplinary penalty, but only to check the health of the sentenced person and to determine whether there is a medical reason for its execution. In relation to defendants in custody, such a procedure has been in force since 1 January 2023.

On item 98 - The CPT trusts that the planned amendments to the Law on the Execution of Prison sentences will abolish the automatic ban on making phone calls for sentenced prisoners subjected to whole-day placement in a closed department or solitary confinement.

In the framework of the forthcoming amendment to the Law on the Execution of Prison Sentences, the intention is to abolish such a ban, as well as to abolish the ban on telephone calls as a form of disciplinary punishment. In relation to defendants in custody, such a procedure is in force from 1 January 2023.

On item 99 - However, the cells in the closed department at Hrnčiarovce nad Parnou Prison had visible signs of wear and tear and needed whitewashing. Moreover, in-cell toilets in several of these cells which could be used for double-occupancy, were only partially partitioned. These shortcomings should be remedied.

In the cells of the closed section of the Institute for the Execution of Prison Sentence Hrnčiarovce nad Parnou, maintenance activities are carried out at regular intervals, during which, among other things, cleaning and painting of wall surfaces and ceilings is carried out, as well as the continuous repair of sanitary facilities in the antivandal design with the production of a new screen for the toilet area itself is carried out. These repairs were carried out in 2022, 2023 and 2024. all the necessary repairs are gradually being carried out, including the sanitary facilities of the closed section by the Logistics Department of the Institute and by the convicts working in the internal operations of the Institute.

There are six cells of the security section (with a capacity of 12 inmates) and 14 cells of the closed section (with a capacity of 27 inmates) in Section 5A. At present, all six cells of the security section and nine cells of the closed section have been reconstructed (with tamper proof design; painting was also carried out during the overhaul of the cells); five cells of the closed section remain to be reconstructed. In the case of serving a disciplinary sentence in a closed compartment, the convicts are placed in the renovated cells as a matter of priority.

On item 100 - The CPT considers that restraint beds should not be used in non-medical setting. It recommends that the restraint bed in the solitary confinement cell at Ružomberok Prison and, as appropriate, in other prisons in Slovakia, be removed.

Despite the fact that beds for restriction of movement in solitary confinement are still one of the legal means of coercion in accordance with Article 31(1)(f) of the Prison and Judicial Guard Act, they are not used in the application practice, since in the case of prisoners whose uncontrollable aggressive behaviour endangers their health or life, their use in the conditions of the Prison and Judicial Guard has been replaced by the use of compensatory rooms. For that reason, the bed with restraining straps in question will also be removed in the Ružomberok Prison.

On item 101 - The CPT recommends that the Slovak authorities take steps to ensure that genderspecific screening upon admission for women by specifically trained staff (and, preferably, healthcare staff) is introduced in all prisons which accommodate female prisoners.

The Prison and Judicial Guard Corps respects the recommendations of the Committee of Ministers of the Council of Europe, also takes into account these needs of women prisoners, and therefore in 2021 joined a multilateral partnership project entitled "Improving the Protection of Victims' Rights - Strengthening Capacities and Procedures to Combat Violence against Women and Domestic Violence" within the framework of the programme "Domestic and Gender-Based Violence" co-funded by the Norwegian Financial Mechanism. Within the framework of this programme, it has developed its activities in the field of work with perpetrators of domestic violence, but also with sentenced women who are victims of domestic violence or are at risk of it. In order to provide them with adequate interventions, the first necessary step is to identify them during their imprisonment. This screening is divided into two notional phases. The first takes place in the reception ward (referred to as the "reception ward" in the text), during the initial psychological diagnosis, which includes an item explicitly aimed at identifying the behavioural and attitudinal features that are characteristic of a victim of gender-based and domestic violence. On the basis of the answers obtained, women prisoners will then be approached to participate in a programme designed for women who have experienced or are at risk of experiencing gender-based and domestic violence. In addition to the above, a multifactorial programme for women will be created within the framework of the national project Opportunity to Return 2, which will also include the topic of domestic and gender-based violence, which we consider a form of repeated screening during the first months of imprisonment, since some of the women prisoners deny that the specific behaviour and actions to which they have been subjected are a manifestation of gender-based or domestic violence.

On item 102 - More generally, the CPT could not get a clear picture during the visit whether the admission procedure included trauma-informed and needs-oriented screening for all prisoners, regardless of their gender (including the identification of suicide and self-harm risks, drug use, mental health needs and previous traumatic experiences) and to what extent this information was taken into account when drawing-up individual sentence plans. The Committee would like to receive more information on this issue from the Slovak authorities.

The Prison and Judicial Guard Corps has knowledge gained from a revised version of the SBQ - R (Suicide Behaviours Questionnaire - Revised) self-assessment method, which includes questions focusing on both the past and the future, on suicidal ideation, plans and attempts, and on both thoughts and behaviours, and this is administered to all incoming inmates. For prisoners undergoing imprisonment, the PJGC also has data obtained from a structured initial psychological examination, which includes questions on the presence of specific personality disorders, psychotic symptoms and illnesses, behaviour in situations of increased stress, as well as questions on life events and the family. In the latter, the psychologist focuses on identifying whether or how many psycho-traumatic and lifechanging events, if any, have been identified in the prisoner's history. In the next part, the initial psychological examination focuses on the area of the occurrence of suicidality and this is at the level of the prisoner's past, present in the form of ideation and in the family. The knowledge obtained in the diagnostic examination is also complemented by the information already mentioned above obtained by the SBQ-R method. On the basis of this knowledge and the knowledge obtained

by the pedagogical and social diagnostics, the needs and risks of the prisoner are subsequently identified, which are taken into account in the development of the individual sentence plan (treatment programme).

On item 103 - Žilina Prison was equipped with two small waiting cubicles (each measuring approximately 1 m²) which were used for short-term placement of newly admitted prisoners while the initial paperwork was completed

The CPT trusts that in the context of the refurbishment of Žilina Prison referred to in paragraph 59, these cubicles will be taken out of service.

The Žilina Institute for the Execution of Detention and the Institute for the Execution of Prison Sentence plans not to use the waiting cubicles in the future or to rebuild them after the construction modifications.

C. Detention of foreign nationals

On item 107 - The CPT has repeatedly stressed that deprivation of liberty under immigration legislation should only be a measure of last resort after the careful and individual examination of each case. The Committee encourages the Slovak authorities to ensure that the alternatives to immigration detention are actually employed; foreign nationals should not be automatically subjected to immigration detention, and such detention should be exceptional, proportionate and an individual measure.

With regard to the recommendation, we would like to point out that the detention of foreign nationals is approached individually and proportionately, taking into account each national separately. Consideration is given to whether an alternative to detention (reporting of residence or cash bond) may be imposed. Such examination shall be reflected in the reasons for the decision. The application of the individual approach is also indicated by the capacity of the Police Detention Unit for Foreign nationals Medved'ov (for the year 2023, a total of 607 foreign nationals were accommodated).

On item 109 - 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. Further, the Committee would like to receive information on the outcome of the investigation into the alleged ill-treatment mentioned above.

The Inspection Service Office, following a notification by foreign national [H] and [I] UIS-313/0-OPOZ-2023 on suspicion of committing the crime of abuse of authority of a public official pursuant to Article 326(1)(a)(1)(b) of the Criminal Code of the Ministry of Justice of the Republic of Moldova. a) paragraph 2 letter a) of the Criminal Code, which should have been committed in such a way that at an unknown time on 30 September 2023, in the premises of the Police Detention Unit for foreign nationals Medved'ov, a police officer on duty in the competence of the said unit physically assaulted a person [J] born on 17 July 1988, of Turkish nationality, by punching him once in the ribs with a clenched fist, as a result of which he subsequently underwent a medical examination. By his actions, the police officer caused the victim as yet undetermined injuries.

The present criminal case was closed by the Inspection Service Office on 27 December 2023 by passing an order under Section 197(1)(b) of the Code of Criminal Procedure transferring the case to another authority. The right to lodge a complaint against the decision was not exercised by the parties concerned and, after examination by the supervising prosecutor, it became final on 8 February 2024. On 26 March 2024, the decision, together with the complete case file, was forwarded to the Director of the Border and Foreign Police Office of the Police Force Presidium on the grounds of the transfer of the case in connection with possible disciplinary proceedings against the police officer; the paperwork was delivered to the recipient on 4 April 2024.

The Inspection Service Office has relevant information on the basis of which it can be confirmed that the Director of the Police Detention Unit for Foreign nationals Medved'ov has carried out investigations in the framework of disciplinary proceedings against an unidentified police officer. In the abovementioned case, the police officers on duty in the jurisdiction of the Police Detention Unit in question were investigated and the recordings from the industrial cameras located in the premises in question were also examined (handed over on 7 November 2023 to the investigator of the Criminal Police Department). However, the checks and investigations carried out have not been able to identify the specific police officer in the case who is alleged to have committed the disciplinary offence in question.

In order to avoid and prevent the actions of police officers which have the characteristics of disciplinary offences, a measure was taken in the form of re-training/information of all police officers on duty in the competence of the Police Detention Unit for Foreign nationals Medved'ov of the relevant legal regulations, internal regulations governing the issue of the performance of official

activities of a police officer (the Civil Service Act, the Regulation of the Ministry of Interior of the Slovak Republic No. 41/2022 on the Code of Ethics of Police Officers).

Prosecutors of the District Prosecutor's Office Dunajská Streda visited the Police Detention Unit for Foreign nationals Medved'ov and conducted an interview with a Turkish national due to the reporting of an extraordinary event pursuant to Article 7(1)(d) of the Order of the Prosecutor General of the Slovak Republic No. 4/2023 on the procedure of the prosecutor in supervising the observance of lawfulness in the facilities where a third country national is placed on the basis of a detention decision, namely the mass or organized refusal of food by detained persons.

The Turkish national argued that detained persons are not sufficiently informed about the detention process and the procedures directly affecting them (asylum, expulsion, voluntary return). As a result of the lack of information, they consider that the State authorities act insufficiently swiftly and arbitrarily. His objections also concerned the regime in the facilities, namely the use of uniforms, the impossibility of putting on one's own clothes or restrictions on the movement of detained persons. He also referred to the bars installed in the accommodation facilities, which made it appear as if the foreign nationals were in prison, and this caused them considerable psychological problems. Lastly, he also commented on the behaviour of some members of the Police Detention Unit for Foreign nationals, Medved'ov, which was supposed to be disrespectful, treating them as animals, which he demonstrated by saying that they should be provided with used razor blades for personal hygiene or, in the case of administering medicines, that they should be thrown on the ground. He also referred to a case of the use of physical violence in the form of a punch to the abdomen against a detained person by an officer of the Police Detention Unit for Foreign nationals Medved'ov, without giving further details.

On the basis of the measure of the district prosecutor in Dunajská Streda of 27 October 2024, an investigation was ordered into suspicions of insufficiently defined violent criminal activity against persons detained in the Medved'ov Police Detention Unit. The police interrogated the employees of three foreign nationals detained in the Police Detention Unit for Foreign nationals Medved'ov on suspicions of violent criminal activity, provided backup of CCTV footage and a list of names of the employees of the facility and the police officers who were on duty during the period when the violent acts of the police officers were supposed to have occurred.

After the initial procedural steps had been taken, it was established that the suspects were to be exclusively police officers. Any unlawful conduct on the part of civilian employees was ruled out, so the case was referred to the Inspection Service Office and the Regional Prosecutor's Office in Trnava for further proceedings on grounds of subject matter and local jurisdiction.

The investigating officer of the Inspection Service Office decided by order issued on 27 December 2023, pursuant to Article 197(1)(b) of the Criminal Procedure Code, that the criminal complaint against X.Y. and A.Z. on suspicion of committing the crime of abuse of authority of a public official under Article 326(1) of the Criminal Procedure Code (a)(2)(a) of the Criminal Code, allegedly committed by a police officer on duty in the Police Detention Unit for Foreign nationals Medved'ov at an unspecified time on 30 September 2023 in the premises of the Police Detention Unit for Foreign nationals Medved'ov, was handed over to the Director of the Border and Foreign Police Office of the Police Force Presidium for disciplinary proceedings.

Resolution of the Inspection Service Offices hearing officer referring the matter for disciplinary action became final on February 8, 2024.

No other suspicions of physical assault of detained foreign nationals in the Police Detention Unit for Foreign nationals Medved'ov by police officers have been registered by the prosecuting authorities.

On item 111 - The Committee recommends that the Slovak authorities ensure that any resort to the use of force at Medved'ov Centre, including its justification, is recorded in detail.

With regard to the recommendation, we note that the use of coercive measures is governed by generally binding and internal rules and related provisions (see further the opinion on the recommendation in paragraph 19).

On item 114 - the Committee encourages that adjustments be made to the design and layout of the premises of Medved'ov Centre, with a view to rendering it less carceral, such as by removing window bars and barbed wire.

On this part it should be noted that the Police Detention Unit for Foreign nationals Medved'ov has a decision of the Department of Public Health of the Department of Health of the Section of Personnel and Social Activities of the Ministry of Interior of the Slovak Republic at its disposal, which approved the operating rules of the accommodation premises, in which the premises are approved to be secured against the escape of a third country national.

It should also be noted that a crisis plan for the facility of the Police Detention Unit for Foreign nationals Medved'ov has been prepared and approved for the purpose of protection of the facility, in which the visual design of the facilities and their components (e.g. barbed wire) is approved.

On item 116 - The CPT recommends that the Slovak authorities take the necessary measures to ensure the proper maintenance of the Medved'ov Centre and that mattresses, pillows and bedding are replaced regularly.

With regard to the above recommendation, we note that several requests for reconstruction and replacement of material and technical equipment have been submitted, which are dealt with gradually depending on the financial situation of the respective support centre. Since the last visit of the CPT delegation, painting has been carried out in the building where third country nationals are accommodated and the replacement of worn-out material is gradually taking place.

Prosecutors also focus on obtaining knowledge about the level of accommodation premises in terms of compliance with hygiene and material and technical conditions during the supervision of compliance with the law in police detention units.

The prosecution authorities shall report the identified deficiencies to the competent state authorities, which shall be responsible for taking measures to eliminate them.

On item 118 - the Committee recommends that the relevant provisions of the Law on the Stay of

Foreign Nationals be implemented in practice and that foreign nationals detained at Medved'ov Centre be offered the possibility to wear their own clothes, if they are suitable, and to have their clothes washed and repaired. If they are not suitable, the foreign nationals should be provided with clothes and footwear (adapted to the season).

Due to the fact that the detained foreign nationals come from a long journey, their clothes are in most cases quite worn out, hygienically defective, for this reason they are provided with clothing, which is provided through NGOs. The present also follows from the Regulation of the Police Force Presidium No. 98/2018 on the procedure for carrying out actions with a detained third country national placed in a police detention unit for foreign nationals, from Article 43(10) of which it is clear that if the detained person does not have sufficient clothing or their clothing is hygienically inadequate, the facility shall ensure the loan of clothing and the creation of adequate conditions for the removal of the hygienic inadequacy of the clothing.

During each inspection carried out in the Police Detention Unit for Foreign nationals Medved'ov, the supervising prosecutor checks whether the detained foreign nationals are allowed to use their own clothes.

The supervising prosecutor found during the inspection carried out on 28.10.2024 in the Police Detention Unit for Foreign nationals Medved'ov (i.e. after the visit of the CPT) that the foreign nationals did not use their own clothes. From the interview with the detained persons, the Prosecutor found that the detained persons were unaware of the possibility to ask for their own clothes back.

The supervising prosecutor of the Police Detention Unit for Foreign nationals Medved'ov reproached that the systematic removal and storage of foreign nationals' own clothes has no basis in law. In the opinion of the prosecutor's office, clothes should be returned to foreign nationals after the initial hygienic procedures (washing of clothes), if appropriate. The prosecution authorities will continue to ensure that this deficiency is remedied.

On item 119 - The Committee recommends that the detained foreign nationals are provided with adequate and appropriate food, and that dietary habits and religious requirements are fully taken into account.

With regard to the recommendation concerning the food provided in the facility, we state that in the Police Detention Unit for Foreign nationals Medved'ov, full consideration is given to the adequate and appropriate diet of detained persons, as well as to the dietary habits and religious requirements of detained persons. According to Section 91 of Act No 404/2011 on the residence of foreign nationals, dietary habits and religious requirements are taken into account on an individual basis.

On item 120 - The CPT encourages the direction of the Medved'ov Centre to provide areas which are free from passive smoking, known to have negative consequences for health, for all detained persons who request this, and to include this information in the house rules of the facility.

With regard to the above recommendation, we would like to point out that there are designated areas for smokers in the Police Detention Unit for Foreign nationals in Medved'ov, with each police officer of the unit being informed about this at duty meetings.

On item 122 - The Committee recommends that the Slovak authorities take immediate steps to ensure that persons detained at Medved'ov Centre enjoy at least two hours of daily outdoor exercise, as provided for by Slovak law, and possibly more, and have access to the outdoor sport fields and equipment. The CPT would also like to be informed whether the foreign nationals detained at the other immigration detention centre of Sečovce are offered outdoor exercise in conformity with the Slovak legislation.

Walks of third country nationals placed in the Police Detention Unit for Foreign nationals Sečovce are carried out according to the legal provisions, i.e. two daily walks for adults in a defined area, each lasting at least one hour; a third country national under the age of 18 has the right to three daily walks, one of which is in the morning and two in the afternoon. In the event of a detained person's refusal to take a walk, the commander of the patrol at the relevant post shall report this fact to the permanent service of the Police Detention Unit for Foreign nationals Sečovce and the refusal shall be entered in the phonogram and report book.

In the case of the walks in the Police Detention Unit for Foreign nationals Medved'ov, during the inspection carried out by the supervising prosecutor on 28 October 2024, from the interviews with the detained persons, repeated facts were found which indicate that the walks are not carried out in accordance with Section 96(1) of Act No.404/2011 on the stay of foreign nationals. The detained persons consistently stated that the walks are in principle carried out only once a day. The supervising public prosecutor strongly reproached the department for ensuring that the provisions of the Act on the Residence of Foreign nationals are complied with. The prosecuting authorities will continue to ensure that this deficiency is remedied vigorously.

In case of refusal to walk by the detained person, this shall be entered in the book of acceptance and handing over of the service at the appropriate post. An official record shall also be made of the refusal to walk, which shall also be communicated to the Slovak Humanitarian Council staff member present in the establishment.

On item 124 - The Committee recommends that the Slovak authorities take immediate measures to ensure that the activities (such as board games, table tennis, sports, a library and a prayer room) is made continuously available at Medved'ov Centre, as well as in the other immigration centres operating in the Slovak Republic. Further, the CPT would like to receive confirmation that activities outsourced to NGOs have resumed at Medved'ov Centre. The CPT would also like to receive information about the activities offered at Sečovce immigration detention centre.

At present, the Police Detention Unit for Foreign nationals Medved'ov is staffed by 1 psychologist, 2 social workers, 1 lawyer. In December 2024 the number will be increased by 1 advocate. The abovementioned workers are employees of the Slovak Humanitarian Council and financed from the DETENT project. Activities are carried out in the unit in question within the framework of the DETENT project and it should also be noted that leisure activities are provided on a regular basis, whether in the form of football, outdoor gym, these are not used by the detained persons due to bad weather, whether because of rain, low or, on the contrary, very high temperatures. Music therapy is also currently provided, as well as Slovak language lessons. Pursuant to the provisions of Section 97(3) of Act No 404/2011 Coll. on the Residence of Foreign nationals, as amended (hereinafter only as "Act on the Residence of Foreign nationals"), detained persons have the possibility to order books, daily newspapers and magazines, including foreign ones, at their own expense, if they are distributed in the Slovak Republic. It is also possible to borrow printed matter and books directly from the Police Detention Unit for Foreign nationals Medved'ov, as there is a library in the unit. In addition to the above-mentioned possibilities of spending time, detained persons have access to the Internet via tablets or their own phones.

Currently, in the Police Detention Unit for Foreign nationals Sečovce, leisure activities for third country nationals are provided by the staff of the Slovak Humanitarian Council within the framework of the "DETENT" project and also by an independent counsellor of the Police Detention Unit for Foreign nationals Sečovce. On behalf of the Slovak Humanitarian Council, leisure activities are provided by 1 psychologist, 1 social worker and 1 field social worker. Leisure activities are provided on a regular basis, whether in the form of football, table tennis, outdoor gym, indoor gym, board games and also group activities with small snacks are organised for detained persons. Currently, music therapy is carried out twice a month in the Police Detention Unit for Foreign nationals in Sečovce, either outdoors or indoors, depending on the current weather. On the basis of a labour agreement, a teacher of Slovak language and realities provides education for adult third country nationals in the Police Detention Unit for Foreign nationals in Sečovce, and a teacher for minors provides education for minors pursuant to the provisions of Section 96(2)(a) of the Act on the Residence of Foreign nationals. Also, pursuant to the provision of Article 97(3) of the Act on the Residence of Foreign nationals, a third country national has the possibility to order books, daily newspapers and magazines, including foreign ones, at their own expense, if they are distributed in the Slovak Republic. Third country nationals also have the possibility of borrowing newspapers and books directly from the Police Detention Centre for Foreign nationals in Sečovce, as there is a library in the facility. In addition to the above-mentioned possibilities of leisure activities, detained persons have access to the Internet via a tablet or their own phones. For the Police Detention Unit for Foreign nationals in Sečovce, leisure activities are provided by an independent counsellor with a job description of a social worker, who belongs to the Police Detention Unit for Foreign nationals in Sečovce on a permanent employment contract.

On item 125 - The CPT therefore recommends that the Slovak authorities take the necessary measures to provide women in such situation with purposeful activities and appropriate human contact, with staff or with suitably risk-assessed detained foreign nationals.

Consideration should be given to accommodating a single woman in Sečovce immigration detention centre, along with families and children.

When placing a third country national in the Police Detention Unit for Foreign nationals Sečovce, their age, health, kinship and family relations and religious, ethnic or national characteristics are taken into account. Men, women and persons under the age of 18 shall be placed separately from older persons.

Women in the Police Detention Unit for Foreign nationals Sečovce are placed together with families with children, where personal contact is ensured with other women and staff of the same sex. For capacity reasons, this was an individual exception to the placement of this woman in this case.

On item 127 - When no healthcare staff were present at the Centre, the facility relied on nearby emergency services. The Committee recommends that the Slovak authorities ensure that the presence of the doctor is increased when the Centre runs at full capacity.

In the Police Detention Unit for Foreign nationals Medved'ov, a doctor is fully available on the basis of a Work Agreement, who comes to the facility as required, even several times a week between 7:30 a.m. and 3:30 p.m. The doctor is normally present in the unit for 10 hours per week, but is also present as needed by the unit.

On item 130 - the CPT recommends that the Slovak authorities take the necessary measure to ensure that:

- ☐ **distribution of medication is, as a rule, carried out by nurses;**
- ☐ **a person competent to provide first aid (who holds a valid certification in training in the application of cardiopulmonary resuscitation) is always present in the establishment, including at night and on weekends; preferably, this person should be a qualified nurse; and**
- ☐ **a psychologist, assisted by interpretation services as required, is regularly present in the establishment.**

Police officers on duty in the Police Detention Unit for Foreign nationals Medved'ov are regularly retrained in first aid, including cardiopulmonary resuscitation, at annual intervals and in addition there is an AED (automatic electric defibrillator) on permanent duty in the facility. A psychologist is also present on a regular basis and is assisted by interpreters during interviews. The psychologist, who is employed full-time, is present in the unit every day and, if necessary, comes outside working hours at the request of the Police Detention Unit for Foreign nationals Medved'ov.

On item 131 - It was explained to the delegation that all new arrivals undergo a medical screening. This consisted of a physical examination by the doctor and included blood tests, screening for transmissible disease on a voluntary basis, and an x-ray of the chest. However, custodial staff were systematically present during medical examinations of foreign nationals. Moreover, according to the information provided to the delegation, chest x-rays had not been performed "for some time" due to technical reasons.

At the time of the visit, there was no screening upon admission for any possible signs of mental disorder, vulnerability and previous experience of traumatising, violence, or abuse, including torture, sexual and other gender-based violence or human trafficking (see also paragraph 136). The CPT recommends that the Slovak authorities rectify this shortcoming

Currently, a psychologist and a social worker are available in the Police Detention Unit for Foreign nationals Medved'ov, who are employed full-time and are in contact with detained persons on a daily basis, they contact the detained persons immediately after their placement and inform them about

the option of psychological assistance. The detained persons shall be informed by the health service immediately after examination is carried out by medical staff. The psychologist in question is specially trained to carry out the screening in question, which did not exist at the time of the CPT's visit.

On item 133 - the Committee recommends that the Slovak authorities take the necessary steps to ensure that all newly admitted foreign nationals are properly interviewed and physically examined by a medical doctor, or a fully qualified nurse reporting to a doctor, as soon as possible, and no later than 24 hours after their admission, and that any signs of injuries are duly recorded. The record should contain:

i an account of statements made by the person which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment); ii a full account of objective medical findings based on a thorough examination (supported by a “body chart” for marking traumatic injuries and, preferably, photographs of injuries); and

iii the healthcare professional’s observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.

Further, a dedicated register of the injuries observed on foreign nationals upon their admission (or later during their detention) should be put in place and whenever injuries are recorded which are indicative of ill-treatment of a detained person, the information should be immediately and systematically brought to the attention of the relevant prosecutor. The Committee also encourages the Slovak authorities to provide the healthcare staff at detention immigration centres with specific training on recording of injuries.⁵

In addition, to ensure full respect for medical confidentiality, medical examinations of foreign nationals should be conducted out of the hearing and – unless the healthcare professional concerned expressly requests otherwise in a given case – out of the sight of custodial staff. This must be seen as a shared responsibility of police officers and healthcare staff.

Finally, the CPT trusts that the technical issues are resolved so as to resume performing chest x-rays in the diagnostic procedures upon admission.

The initial medical examination is carried out within 72 hours of placement in the Police Detention Unit for Foreign nationals Medved'ov. With regard to blood tests and other professional examinations, the medical staff needs to wait for the delivery of the health card or identification number assigned to the detained person by the health insurance company, until which time it is not possible to carry out these acts. The recommendation to carry out medical examinations of detained foreign nationals without the presence of police officers is very difficult to implement and should be treated with caution. Without the presence of police officers, the medical staff could be endangered, as there are objects in the medical facility that could be used to attack and endanger the staff. For the above reasons, for the time being, the presence of a police officer during the examination of the detained person is desirable. The examination shall be carried out behind a screen, which is fully available to the medical staff and detained person, while respecting the privacy and dignity of the person examined. To carry out entry examinations, the medical staff of the Police Detention Unit for Foreign nationals Medved'ov was trained on 05 April 2024 to record a comprehensive history of the patient during the entry examination.

On item 134 - the Committee recommends that arrangements be put in place to ensure that substitution and harm-reduction programmes are available to foreign nationals to the same

⁵ In this regard, reference is made to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), revised version published in June 2022.

extent as in the outside community. Further, steps should be taken to ensure that foreign nationals with hepatitis B, hepatitis C and HIV are provided with the necessary treatment.

Within the outpatient clinics of the Police Detention Unit for Foreign nationals in Sečovce as well as the Police Detention Unit for Foreign nationals in Medved'ov, detained third country nationals have access to complete outpatient medical care on a daily basis. If necessary, medical care is provided in the relevant specialist outpatient clinics or in a hospital with an inpatient section. Outside the working hours of the Health Security Group, health care is provided by the ambulance service (Emergency Medical Assistance) or by visiting an emergency room in a hospital. Detection of diseases such as Hepatitis B, Hepatitis C and HIV is done as part of the initial screening by interview, examination and initial blood collection. In the case of hepatitis B and C with acute symptoms, third country nationals are examined at the venereology outpatient clinic. Subsequent treatment is determined by the venereologist. In the event of HIV disease, third country nationals shall be examined at the venereology outpatient clinic. Follow-up treatment is determined by the venereologist.

On item 136 - the Committee would like to receive additional information on the medical checkups undertaken on the detained foreign national.

As the Committee has already been informed by the Police Detention Unit for Foreign nationals Medved'ov, the above-mentioned person underwent a consultation with a psychiatrist on 15 December 2023, who, following an examination, prescribed medication with follow-up as necessary. On 10 January 2024, the above-mentioned person with number KUM 587/2023 ID: 274318 had their detention terminated and was subjected to an escorted deportation by air to the territory of the Federal Republic of Germany pursuant to the Dublin Convention.

On item 137 - the Committee recommends that the Slovak authorities take steps to ensure that detained foreign nationals at Medved'ov Centre have access to the necessary specialist care.

An initial medical examination shall be carried out for each third country national placed in detention within 72 hours of their placement in the Police Detention Unit for Foreign nationals Medved'ov. With regard to blood tests and other professional examinations, the medical staff must wait for receipt of the health card or identification number assigned to the detained person by the health insurance company, until which time it is not possible to carry out these acts.

In cases of the need for examination by a medical specialist, Article 9(2) of the Regulation of the Police Force Presidium on the procedure for carrying out acts with a detained third country national placed in the police detention unit for foreign nationals No. 98/2018 is followed, according to which, if the health condition of the detained person requires medical care that cannot be provided in the facility, the detained person is placed in a medical facility outside the facility on the basis of a decision of a competent specialist physician.

The procedure is also carried out in accordance with Act No 404/2011 Coll. on the Residence of Foreign nationals, as amended, which, in Section 95, regulates health care for a detained third country national.

On item 138 - The Committee recommends that clinical protocols and guidelines be established on the management of hunger strikes and the prevention of suicide in detention.

Regarding the recommendation related to the hunger strike procedure, we would like to state that the Police Detention Unit for Foreign nationals Medved'ov has incorporated the procedure after a hunger strike by a detained person into its internal regulation.

On items 142 and 145 - Considering the problem of communicating information to detained foreign nationals, which contributed to the overall tense atmosphere in the Centre, the

Committee recommends that steps be taken to improve access to information for foreign nationals detained at Medved'ov Centre, and to ensure the presence of sufficient dedicated staff to communicate with them, provide them with information and meet their social needs. This should also apply to other immigration detention centres operating in the Slovak Republic.

The CPT recommends the Slovak authorities review the current arrangements concerning the provision of legal aid to detained foreign nationals, to ensure that they are rendered more effective in practice, in light of the above considerations.

In this context, the Committee would like to receive confirmation that the new project mentioned in paragraph 141 has now begun. It would also like to receive more information on the precise modalities of provision of legal advice within the project. All immigration detention centres operating in the Slovak Republic should have a dedicated staff member available to assist detained foreign nationals who wish to seek legal advice, including free legal aid.

The maximum detention length is specified in the decision on detention issued by the competent administrative authority of the basic unit of the Police Force; the detained person has this decision at their disposal even during their placement in the facility, which implies that the period of detention is known to them. An interpreter shall be present at the basic unit of the Police Force when the decision is issued. The average detention period of a foreigner is individual and varies from case to case depending on various aspects such as nationality, etc. It should be noted that the period of detention is communicated to the detained person when the interview with the person is conducted. The detained person is also regularly informed of the progress of the detention. The detained person is informed of the possibility of applying for legal aid at the time of placement, signs the information in their own handwriting, and are informed of their rights and obligations; their rights and obligations are also posted on notice boards to which they have continuous access. A copy of the instruction shall be kept in the possession of the detained person.

Information regarding the new ongoing project "DETENT" is available under recommendation under point 124.

On item 146 - The CPT recommends that the Slovak authorities fill the vacant posts and would like to be informed of the progress in recruiting additional police officers at Medved'ov Centre.

In 2023, 9 candidates applied for the recruitment of a police officer to the Police Detention Unit for Foreign nationals Medved'ov, 2 passed the recruitment procedure. In 2024, as of 01.10.2024, 5 applicants applied without success. In 2024, 2 police officers were successful in their application for transfer to the Police Detention Unit for Foreign nationals Medved'ov from another Police Department. However, on the flip side, it should be noted that in 2023-2024, 8 police officers were released from the service of a police officer, causing a decrease in the number of police officers in the Police Detention Unit for Foreign nationals Medved'ov.

On item 147 - The CPT encourages the Slovak authorities to take measures to improve the day-to-day contact between the staff and detained foreign nationals, if necessary via the use of phone interpretation for this purpose. Further, at least some of the staff should have relevant language skills.

Full use is made of translation facilities in different languages and, where appropriate, of FRONTEX interpreters for interpretation.

On item 148 - The Committee recommends that the use of means of restraint be considered following an individual risk assessment and based on the principle of necessity and proportionality.

Coercive means shall be used in accordance with applicable law. The use of coercive measures shall take into account the detained person's individual circumstances, depending also on their current state of health as ascertained during medical examinations.

On item 150 - the Committee encourages the Slovak authorities to ensure that all detained foreign nationals are able to have daily contact with the outside world, in a setting respecting their privacy, and preferably be allowed to keep, or at least have more regular access to, their own mobile phones.

The recommendation of the CPT continues to be implemented within material and technical capacity available. Telephoning by detained persons is carried out depending on the number of detained persons. Name lists of the detained persons are also based on the telephone calls made: when, who, for how long. It should also be noted that there is a landline available for detained persons to receive calls 24 hours a day, 7 days a week. At the moment, with fewer nationals in detention, the frequency of mobile phone use is more frequent. Detainees also have access to the Internet, which they can also use to make phone calls and contact their relatives.

On item 151 - The CPT recommends that the Slovak authorities amend the legislation to ensure that persons detained for immigration purposes be offered the possibility of regular visits from family and friends. They should be allowed at least one visit of one hour per week, and preferably more.

The Police Detention Unit for Foreign nationals Medved'ov follows the valid legal provisions of Section 98 of the Act on the Residence of Foreign nationals, which stipulates that a third country national has the right to receive a visit of no more than two persons once every two weeks for a duration of 30 minutes. In justified cases, the director of the establishment may grant an exception. If the relevant legislation is amended as part of the Ministry's legislative task plan, the CPT recommendations may also be taken into account.

On item 153 - The Committee recommends once again that the relevant legislation be amended to ensure that the use of the separate detention regime (for reasons other than medical quarantine) be made subject to a detailed procedure in the law, providing the persons concerned with the right to be heard, to be provided with the decision on placement and to appeal to a higher authority against any measure of separation imposed.

Furthermore, steps should be taken, including at legislative level, to ensure that every placement under the separate detention regime is immediately brought to the attention of the healthcare service. The healthcare staff should visit the segregated person immediately after placement and thereafter, on a regular basis, at least once per day, and provide such persons with prompt medical assistance and treatment as required.

The police detention unit for foreign nationals is obliged to immediately notify the public prosecutor of the placement of the detained third country national in a place with a separate detention regime, who may carry out a check and, if necessary, take adequate measures. The scope of the measures results from the provisions of Article 18 of Act No. 153/2001 Coll. on the Public Prosecutor's Office, as well as from the Order of the Public Prosecutor General of the Slovak Republic file. No. 4/2023 of 26.05.2023 on the procedure of the public prosecutor in carrying out supervision over the observance of legality in the units where a third country national is placed on the basis of a decision on detention.

Separate detention regime is currently implemented according to the statutory provision of Section 93 of the Act on the Residence of Foreign nationals, according to which, with effect from 19.07.2024, placement in such a regime may not last longer than 14 days.

On item 154 - The CPT recommends that the Slovak authorities formalise the operation of complaint procedures at immigration detention centres, so as to make sure that all detained

foreign nationals are effectively enabled to send complaints in a confidential manner (and are duly informed of this possibility). Detained persons should be able to make written complaints at any moment and place them in locked complaints boxes (to which the Direction and/or another designated management member has the key) located in each accommodation unit. All written complaints should be recorded in a dedicated register.

Detained foreign nationals are informed of their right to lodge a complaint immediately upon placement in a detention facility. In practice, it is common for complaints to be made through a third party, i.e. psychologist or social worker, or in writing in the form of a request. At the same time, we would like to draw attention to the fact that the Police Detention Unit for Foreign nationals Medved'ov has mailbox installed in the accommodation facility, through which an anonymous complaint can be submitted.

On item 157 - Examination of the inspection reports revealed that the recommendations issued by these authorities were not actually implemented at Medved'ov Centre. The Committee invites the Slovak authorities to explore ways to ensure that the recommendations issued by inspection bodies are being enforced.

Ongoing checks are carried out in the Police Detention Unit for Foreign nationals Medved'ov, whether by the competent prosecutor's office or the Public Defender of Rights, or other entities authorised to carry out checks. The recommendations of all inspection bodies are treated responsibly. If a warning is issued by the public prosecutor, it is fully implemented to avoid any future illegality by police officers.

According to the Slovak legislation, if the prosecutor finds a violation of the law or another generally binding legal regulation when supervising the observance of legality in places where persons deprived of their personal liberty or persons whose personal liberty is restricted are held, they issue a written order by which the violation of the law or another generally binding legal regulation is eliminated and the employees of the facilities are obliged to comply with the prosecutor's order (Section 18(7) of Act No. 153/2001 Coll. on the Prosecutor's Office, as amended).

D. Forensic psychiatric facilities

On item 162 - The CPT recommends the Slovak authorities to take into consideration the recommendations issued in respect of the Hronovce Detention Institute, in particular as contained in paragraphs 167-170, 191-193 and 222-223 of this report, when planning the construction of the new forensic detention institute in Kremnica and drafting its house rules. Further, the Committee would like to receive information on any developments in connection to the construction of this new forensic detention facility.

The Ministry of Health of the Slovak Republic will make every effort to incorporate the proposed measures, as far as possible, into the project implementation documentation. At the same time, please note that the Ministry of Health of the Slovak Republic already holds a valid building permit and, in the event of major changes to the building permit documentation, would need to apply to the Building Authority for approval of the proposed modifications, which could result in failure to complete the construction of the Kremnica Detention Centre in accordance with the milestones of the Recovery and Resilience Plan.

On item 167 - Concerning material conditions, the new buildings were clean and equipped with central air conditioning, with good access to natural and artificial lighting. The corridors were separated from the atriums by white metal bars, placed from ground to ceiling. Due to this open space and to the fact that the corridors were empty of any furniture or equipment, noise constantly resonated loudly through the whole premises, which may constitute a serious issue for persons with mental disorders and persons with sensory sensitivity. The

Committee recommends that the management of the Hronovce Detention Institute finds a solution to resolve this problem.

The management and the staff of the Hronovce Detention Institute is aware of the issue of reduced acoustic comfort of the treatment units, however the options of having any influence over it are considerably limited due to the problematic construction design. In order to improve the acoustic conditions, the staff the staff of the Hronovce Detention Institute has placed panels in the corridors of the units, which serve to display the occupational therapy work of the detained persons.

The Ministry of Health of the Slovak Republic will recommend that measures, within the framework of the aforementioned construction possibilities be incorporated into the project implementation documentation, but in the case of the bars, the plan will have to be approved by representatives of the Prison and Judicial Guard Corps.

On item 168 - There were eight rooms designated for patients with physical disabilities, offering more space than the other patients' rooms and featured disability-friendly equipment as well as height-adjustable toilets and shower, which could be used by a patient in a wheelchair. The rooms were also equipped with a television. These rooms were located on the first floor of the facility, and there was only one elevator in the detention area, thus potentially creating complications for persons with disabilities in accessing the outdoor areas and the therapeutic rooms, which were all located on the ground floor, and in case of an evacuation. The CPT encourages the management of the Hronovce Detention Institute to find a solution to this shortcoming.

According to the construction project, only 4 rooms located on the ground floor are designated for patients with physical disabilities. The other 4 rooms on the 1st floor are not intended for such persons, they are only larger rooms. For example, the evacuation plan of the facility also foresees the accommodation of people with reduced mobility exclusively on the ground floor.

On item 169 - the CPT recommends that the Slovak authorities end the blanket use of CCTV cameras within patients' rooms and remove CCTV cameras, at the Hronovce Detention Institute.

If continuous supervision of a patient is considered necessary on the basis of an individual risk assessment, the patient concerned should preferably be placed in a dedicated observation room.

The management of the Hronovce Detention Institute has introduced a system of differentiated monitoring of patients based on the risk assessment of the specific person placed in the regimes - continuous (24 hours), increased supervision (30 min. checks), routine supervision (infrequent monitoring). The regimen is determined by the physician according to the current state of health and is periodically reviewed by an expert committee. The pixelation of parts of the toilet rooms was also checked and its modification implemented. The CCTV footage in the rooms can only be accessed by medical staff on the basis of an assessment by an expert committee for an individual risk assessment, not for the purposes of security risks, the management of which is the responsibility of the Prison and Judicial Guard Corps.

On item 170 - The CPT recommends that the management of Hronovce Institute take concrete steps to create a more therapeutic environment in the facility. Attention should be given to the decoration, both of patients' rooms and communal areas, in order to give patients visual stimulation.

The management of the Hronovce Detention Institute is working on aesthetic modifications of the interior. As mentioned in the reply to item 167, panels have been installed in the corridors of the units

to improve aesthetic (and acoustic) comfort. Also, detained persons are regularly allowed (if their current state of health permits) to make aesthetic adjustments to their rooms.

The Ministry of Health of the Slovak Republic reflects that the above measures also concern the equipment of the Kremnica Detention Institute and are currently the subject of project documentation. When the construction of the Kremnica Detention Centre is implemented, they will also be equipped accordingly.

On item 172 - the CPT recommends that the Slovak authorities undertake additional efforts to ensure that a wider variety of food is available in the right proportions to enable patients to maintain an adequately nutritious, sufficiently calorific and well-balanced diet.

Meals for the inmates are provided according to a standardised system of therapeutic diets. It is standardised by a professional staff member trained in therapeutic nutrition, taking into account the nutritional and caloric value of the diet. In case of interest, the inmates are allowed to purchase dietary supplements.

On item 173 - The CPT recommends that the Slovak authorities take steps to increase access to outdoor exercise for patients placed in the Hronovce Detention Institute. The aim should be to ensure that all patients benefit from unrestricted access to outdoor exercise during the day, unless scheduled activities require them to be present on the ward.

Currently, the issue of security in the outer yards is the responsibility of the Prison and Judicial Guard Corps. Due to the above reason, it is not possible to allow the movement of detained persons in the outer yards without the direct supervision of members of the Prison and Judicial Guard Corps and without the requirement of a personal (security) search of the detained person upon his return to the unit. In this context, a legislative change will be required to Act No. 231/2019 in order to define the outdoor yards as part of the treatment unit of the Hronovce Detention Institute, which will simplify the access of the detained persons to the movement in the fresh air and to the fact that the Prison and Judicial Guard Corps will only assist the detained persons in the movement in the fresh air at the request of the professional (medical) staff.

On item 179 - the Committee recommends that the Slovak authorities take immediate steps to increase patients' access to psychological care at the Hronovce Detention Institute.

Currently, three psychologists are employed at the Hronovce Detention Institute, two of them with many years of experience and specialisation in clinical psychology. In psychological care, activities in the field of individual and group psychotherapy and psychoeducation are carried out.

On item 184 - The Committee welcomes the steps undertaken in the recruitment of experienced staff and recommends that the Slovak authorities continue their efforts to ensure that all vacant posts of (healthcare) staff are filled at the Hronovce Detention Institute. Both categories of staff should cooperate closely and custodial staff should be engaged in ongoing training on the specifics of persons with mental disorders, and prevention as well as management of aggressive behaviour.

The management of the Hronovce Detention Institute has developed a training plan for medical staff and, in cooperation with the Prison and Judicial Guard Corps, uses its professional capacities to provide specific knowledge to new members of the Prison and Judicial Guard Corps in a specialised week-long course and also to disseminate knowledge to existing staff.

Following the recent amendments to the laws regulating the provision of health care, which introduced the obligation for health care providers to provide education and regular retraining of health care workers and persons designated to provide inpatient health care on the use of restraints and gentler ways of coping with the situation (de-escalation techniques), a training programme will be introduced with focus on de-escalation techniques with the joint participation of health care

workers and members of the Prison Guard Corps, in cooperation with the founders (the Ministry of Health of the Slovak Republic and the Ministry of Justice of the Slovak Republic).

On item 187 - the CPT recommends that the Slovak authorities fundamentally review the approach of conducting all consultations and activities through bars.

Further, all medical examinations/consultations should be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of sight of non-medical staff. This must be seen as the shared responsibility of police officers and healthcare staff. If necessary, the relevant regulations should be amended accordingly.

In addition, the CPT recommends that the Slovak authorities take the necessary measures to increase the range of activities offered in the red treatment unit of the Hronovce Detention Institute, tailored to the specific needs of various categories of patient. Particular attention should be paid to patients with intellectual disabilities. Further, the length of stay in the red unit of the newly admitted patients should be reduced and limited to the minimum.

The management of the Hronovce Detention Institute ensured that all activities with patients were carried out in the presence of non-medical staff only in the case of unavoidable necessity for acute behavioural disorders (i.e. at the request of a medical professional). It also took measures to maximise the delivery of activities in an accessible environment (without the use of bars).

The range of activities has been expanded to include psychotherapeutic activities and also the assignment of one occupational therapist (social rehabilitation worker) dedicated to this unit. For the target group of people with mental disabilities, in addition to general activities, there are also targeted activities such as the Scene test (Scene test - a diagnostic and therapeutic set containing human figures, miniatures of everyday objects, things symbolising the different developmental periods where the personality may be stagnating, emotions with which they have a problem, or internal conflicts that they are currently dealing with). The test can be used to analyse the patient's inner world or used in a playful form, which is particularly suitable for people with mental shortfalls. The test allows for the reworking of problem areas in the unconscious, or the catharsis of negative experiencing in play, showing attention to the patient and providing feedback in order to communicate understanding, mirroring and awareness of internal representations of the external world).

On item 191 - The CPT recommends that the Slovak authorities undertake efforts to provide more congenial and personalised surroundings for patients at the Hronovce Detention Institute and arrange more space for activities, as the capacity of the Centre fills up. Further, the CPT would like to receive information about the furniture and equipment ordered and if all these had been delivered to the facility.

In February 2024 room furnishings were provided (beds, tables) to the Hronovce Detention Institute. The range of activities is being expanded by strengthening the staff capacities - currently three occupational therapists/psychosocial rehabilitation workers and two social workers. Furnishings to therapy rooms with the required furniture and equipment is also being continuously added (e.g. table tennis table, weaving loom, inter alia).

The range of activities is also being expanded by strengthening the staff capacities - currently three occupational therapists/psychosocial rehabilitation workers and two social workers. The actual expansion of the space for activities is limited by the building design of the building.

The above recommendations are being acknowledged by the Ministry of Health of the Slovak Republic and it will recommend them to be included also into the implementation project documentation of the newly built Kremnica Detention Institute.

On item 192 - The Committee would like to be informed about when the green treatment unit would become operational. Further, it encourages the Slovak authorities to make rehabilitative plans for the relevant treatment regimes, in line with the aforementioned remarks.

The Committee also invites the Slovak authorities to explore ways in which the outdoor yards could be rendered more welcoming, for example by fitting the yard with plants and shrubs.

In addition, the CPT recommends that the dedicated yard of the orange unit be equipped with a means of rest and a shelter against inclement weather.

The rehabilitation and detention unit in the Hronovce Detention Centre has been opened since 1 February 2025. The management of the Hronovce Detention Institute developed, approved and implemented Standard Procedures and Methods of Rehabilitation for all units. Individual rehabilitation plans are part of the treatment plan for each detained person.

In the outdoor areas, planting was carried out in the growing season.

The construction of the shelters on the walking courts is in the process of obtaining the approval of the Ministry of Health of the Slovak Republic to start the public procurement process.

On item 193 - CPT recommends that steps be taken to encourage patients accommodated in the Hronovce Detention Institute to wear their own clothes, and provide the possibility to have them washed. If necessary, patients should be provided with appropriate non-uniform clothing. The law should be amended accordingly.

The permission to use personal clothing is currently widely applied in the Hronovce Detention Institute, if the current health condition of a particular placed person allows it. The current state of health of the placed person is assessed by a professional committee, which also takes into account whether the placed person is able to observe hygiene habits, whether they have the financial means to afford their own clothes. In case of deterioration of the detained person's health condition, they shall not be allowed to wear their own clothes (e.g. if their own clothes could be used for self-harm or suicidal activity).

On item 196 - The CPT encourages the management of the Hronovce Detention Institute to use an evidence-based structured professional judgement tool for individual risk assessments of patients, to educate its staff on the use of the tool and to include the assessments in the medical files of the patients.

The management of the Hronovce Detention Institute has implemented a risk assessment system based on daily evaluation of the MOAS scale and actuarial assessment of the HCR-20 supplemented by further evaluation of psycho-diagnostic (mainly projective) procedures. Their results are then the basis for the decision of the expert committee on the placement in the treatment regimes.

On item 198 - the Committee recommends that the Slovak authorities take the necessary measures to ensure that all relevant information and documents be communicated to the management of the Hronovce Detention Institute upon placement of a new patient.

Furthermore, the CPT recommends that the Slovak authorities take steps to ensure that, with the involvement of the patient concerned, a comprehensive individual treatment plan is drawn up and regularly reviewed for every patient at the Hronovce Detention Institute, in light of the aforementioned principles.

On the basis of the currently completed expert consultations, it has been agreed that in the course of 2025 an amendment to the Decree of the Ministry of Justice of the Slovak Republic No. 543/2005 Coll. will be made to ensure that all relevant information and documents are provided to the Hronovce

Detention Institute when a new patient is placed there. Treatment plans for patients are drawn up by an expert committee and are revised at regular intervals with the involvement of co-residents.

On item 199 - the Committee recommends that the pharmacotherapy treatments at the Hronovce Detention Institute be reviewed immediately.

In the Hronovce Detention Institute there is a regular daily review of pharmacotherapy with the aim of reducing the use of pacification medication. After admission to the Hronovce Detention Centre and due to the patient's current state of health, there is often a situation where this procedure needs to be implemented gradually over a longer period of time.

On item 200 - the CPT recommends that the Slovak authorities take immediate measures to ensure that free and informed written consent of the persons concerned be obtained prior to the commencement of anti-androgen treatment, it being understood that the consent can be withdrawn at any time. In addition, such persons should be given a detailed explanation (including in writing) of the purpose and possible adverse effects of the treatment concerned, as well as the consequences of refusal to undergo such treatment, and no person should be put under pressure to accept anti-androgen treatment.

Currently, the "Standard therapeutic and diagnostic procedure for the treatment of persons with paraphilic disorders", which was developed by an expert group and introduces such a form of patient consent, is in the process of approval by the expert committee of the Ministry of Health of the Slovak Republic. The process of approval of the standard procedure in question should be completed and the standard procedure should therefore be adopted during 2025. It will be the basis for the revision of antiandrogen treatment for persons in detention and will be conditional on informed consent.

On item 201 - The Committee recommends that the Slovak authorities reinforce the provision of psychological care at Hronovce Detention Institute, especially as regard psychological clinical work with patients, and more generally ensure a multidisciplinary approach to treatment (see also paragraph 179).

The answer is set out in paragraph 179.

On item 202 - At the moment of the visit, the institution faced some challenges regarding provisions of healthcare. First, it was not possible for the institution to access the patients' electronic health records via the network of the public health system. This shortcoming was supposedly going to be solved in the coming months. Second, the institution still did not have a signed contract with a health insurance company. The Committee would like to receive confirmation from the Slovak authorities that solutions to these shortcomings have been found.

The identified shortcomings were resolved by Act No. 360/2024 Coll., effective from 1 January 2025, which provides for the obligation of the health insurance company to conclude a contract on the provision of health care with the detention centre.

On item 203 - One patient placed in the red unit was a cisgender woman. Although she was under the regime of the orange treatment unit, the chief doctor of the facility decided that she would be housed in the red unit. The Committee recommends that the Slovak authorities take efforts to provide female patients in such cases with purposeful activities and appropriate human contact with selective patients or staff.

The management of the Hronovce Detention Institute in the area of care for cisgender women provided a full range of therapeutic activities for these women (analogous to all other detained persons). Cisgender women are provided with activities such as individual psychotherapy, therapeutic psychotherapy, group therapy, psychoeducational activities, therapeutic-pedagogical activities, occupational therapy activities and others.

On item 204 - the Committee recommends that the management of the Hronovce Detention Institute conduct an individual risk assessment of transgender persons placed at the facility, upon admission, as well as a consultation on their initial entry needs before placement decisions are made. The Committee also calls on the management of the Hronovce Detention Institute to ensure that the staff addresses transgender persons placed at the facility using their chosen names, titles and pronouns.

The management of the Hronovce Detention Institute has provided retraining of staff in the approach to transgender persons as part of the plans for regular continuing education activities for health care workers on this issue. The training also includes the topic of access and communication with transgender persons.

On item 208 - the CPT recommends that the Slovak authorities take steps to ensure that, at the Hronovce Detention Institute, every patient subjected to mechanical restraint is under continuous direct supervision – a qualified member of staff should be permanently present in the room in order to maintain a therapeutic alliance with the patient and provide them with assistance; clearly, video surveillance cannot replace continuous staff presence. Patients under restraint should be enabled, as far as possible, to meet the needs of nature in a sanitary facility. Putting patients in incontinence pads may, in the CPT's view, amount to degrading treatment.

The management of the Hronovce Detention Institute has ensured the immediate presence of staff with the person during the use of restraints by means of an organisational change (transfer of staff to the infirmary of the detention unit). Incontinence devices are used during the use of restraints only if the person also uses them in other circumstances. Otherwise, standard practice is to ensure that elimination occurs naturally.

On item 210 - As regards the supervision of staff, reference is made to paragraph 208. In the Committee's view, if patients are held in seclusion, continuous supervision may be ensured by the staff member being outside the patient's room (or in an adjacent room with a connecting window), provided that the patient can fully see the staff member and the latter can continuously observe and hear the patient. Steps should be taken to enhance the standard of the supervision.

The management of the Hronovce Detention Institute has ensured the immediate presence of staff with the person during the use of restraints (including during the stay in the seclusion room) by means of an organisational change (transfer of staff to the infirmary of the detention unit). This change will be applied in practice from 1.1.2025.

Act No. 360/2024 Coll., effective from 1 January 2025, unified the legal regulation of the use of restraints and currently the Hronovce Detention Institute is subject to the same regime of the use of restraints as in institutional health facilities, and thus it is a legal regulation contained in Section 2 (40) and Section 9b of Act No. 576/2004 Coll. and in the Decree of the Ministry of Health No. 358/2023 Coll, laying down details on the use of restraints and keeping a register of restraints, according to which "during the use of physical restraint, mechanical restraint or seclusion, the patient shall be personally checked by a healthcare professional on a regular basis, at least every 30 minutes. If the personal inspection of the patient by a health professional is not possible because of an imminent danger to the life or health of the health professional, the inspection shall be carried out remotely by means of a for two-way communication signalling device. When a pharmacological restriction is used, the patient shall be controlled in person by a healthcare professional in accordance with the summary of product characteristics."

On item 215 - The Committee would like to receive clarification from the Slovak authorities on the procedure applicable for appointing experts to deliver medical opinions on the placement of a person in the Hronovce Detention Institute, on the basis of Section 81 of the Slovak Criminal Code

The Ministry of Health of the Slovak Republic, in cooperation with the Ministry of Justice of the Slovak Republic, will establish an inter-ministerial working group that will draft a new legislative regulation aimed at legislatively anchoring the procedure for assessing the placement of persons in detention, including determining the qualifications of experts designated for these purposes.

Professional criteria for decision-making on placement / detention for forensic experts in the field of psychiatry are part of the professional discussions within the framework of events sponsored by the Section of Forensic Psychiatry of the Slovak Psychiatric Society.

On item 217 - the CPT encourages the Slovak authorities to take steps to ensure the issuance of a comprehensive report on the patient, and that the patients understand the applicable procedure, the length of their placement in detention, and their possibility to file motions for discharge.

The expert committee of the Hronovce Detention Institute drafts at least once a year a summary report on the detained person. Each detained person shall be informed of the results of this report in a manner appropriate to their state of health.

On item 218 - The CPT would like to receive information from the Slovak authorities about possibilities in place for placements of patients discharged from Hronovce Detention Institute and plans, if any, for inpatient and outpatient care facilities for those patients.

In Slovakia, the execution of a prison sentence may be interrupted if the convicted person is placed in a detention centre. A detention centre provides treatment and re-socialisation of persons who are considered dangerous to society and in need of special care. During the stay in the detention centre, the execution of the prison sentence is suspended and resumes only after the detention has been completed.

Act No. 40/2024 Coll. supplemented the legislation with the possibility for the court to decide on the imposition of protective treatment if the reasons for detention have passed, but it is necessary to continue the treatment of the convicted person.

On item 219 - The Committee recommends that the Slovak authorities take steps to ensure that the applicable rules and practice are amended in line with these principles (see also its recommendation contained in paragraph 200 of this report).

In execution of detention, the consent of the person to the provision of health care is not required by Slovak legislation. The procedure for obtaining consent or guidelines on the form of instruction on the course of detention (and protective treatment) is part of the forthcoming Standard Procedure for the Implementation of Protective Treatment, which is to be published by the end of 2025.

On item 220 - The CPT recommends that an information brochure setting out the facility's routine and patients' rights in simple and accessible language – including information on legal assistance, review of placement (and the patient's right to challenge this), consent to treatment, and complaints procedures – be drawn up and issued to all patients on admission, as well as to their families and lawyers. Patients unable to understand this brochure should receive appropriate assistance including, where necessary, using alternative modes, means and formats of communication.

The Ministry of Health of the Slovak Republic will endeavour to find opportunities and funding to produce an information brochure in an easy-to-read language for detained persons, see replies to measures 293, 298, 302 and 305 for more information.

The management of the Hronovce Detention Institute stated that due to the low level of literacy of some of the detained persons, it does not consider the creation of written information materials to

be a sufficient solution and will therefore focus on providing this information to the detained persons, especially in a form that they can understand, e.g. it will be included as part of the Scene test.

On item 221 - The CPT considers that all persons in detention should have the possibility to exercise their right to visits without partitioning, and that limitations should only apply based on an individual risk assessment of the patient. The CPT recommends that the Slovak authorities take the necessary measures to implement these precepts including, if necessary, by modifying the legislation.

The Director of the Hronovce Detention Centre has delegated the assessment of the possibility of contact visits to an expert committee in order to ensure an individual risk assessment.

On item 222 - The CPT would like to receive information if the facility is now equipped with computers and if the patients are able to exercise their right to communicate electronically.

The Hronovce Detention Institute installed an internet kiosk in March 2024. The assessment of the possibility of electronic communication is in the competence of an expert committee after an assessment of the individual risk (e.g. risk of committing a crime).

On item 223 - The Committee recommends that the Slovak authorities ensure the possibility that meetings between patients and their lawyers be held in private, out of sight of CCTV cameras.

The purpose of the cameras is to ensure the protection of life and health of visitors and civilians. Patients are at risk of developing behavioural disorders when making a visit and for this reason it is necessary to have cameras in visiting rooms. However, camera systems in visiting rooms do not record sound but only images.

On item 225 - The Committee recommends that the Slovak authorities ensure that patients placed in the Hronovce Detention Institute be duly informed of their right to file complaints, internally and externally, including of the modalities on how to file these complaints. Reference is hereby made to the recommendation contained in paragraph 220 of this report.

The possibility and form of lodging complaints in the Hronovce Detention Institute is regulated by the Institute Rules. The management of the Hronovce Detention Centre ensured that information on the possibility to lodge complaints is part of the regular information meetings held with the staff within the "therapeutic community".

On item 227 - The CPT recommends that the Slovak authorities take the necessary steps to ensure that these precepts are effectively implemented at the Hronovce Detention Institute. To this end, the regulations and practice applicable to searches, including strip searches, should be changed accordingly.

These, as well as other measures, will be the subject of the forthcoming amendment to Act No. 231/2019 Coll. on the performance of detention and on the amendment and supplementation of certain acts, as amended by Act No. 390/2022 Coll. on health care, services related to the provision of health care and on the amendment and supplementation of certain acts, the aim of which is to review the legislation and related internal regulations governing the performance of examinations in detention, taking into account the very purpose of their performance, as a preventive and security measure, and the characteristics of the addressees of this measure. The intention of the forthcoming legislative changes is to abolish the mandatory obligation to carry out searches in certain situations or in relation to a certain category of persons in detention and to create room for individual assessment of the necessity of carrying out a search, including the manner of its performance, with a view to ensuring the safety of persons and at the same time adapting the performance of searches to the state of health of persons placed in detention. Since January 2025, a working group has been set up to prepare amendments to Act No 231/2019 Coll. on the execution of detention.

On item 228 - The CPT recommends that the Slovak authorities take the necessary steps to find appropriate means, other than the application of restraints, to meet security needs satisfactorily (for example, by the installation of a call system, the presence of additional healthcare personnel, and the establishment of a secure room). Further, the CPT recommends to the Slovak authorities to ensure that medical examinations of detained patients are always conducted out of the hearing and – unless the healthcare professional concerned expressly requests otherwise in a given case – out of the sight of staff with no healthcare duties.

The management of the Hronovce Detention Institute declares that a member of the Prison and Judicial Guard Corps assists a health care worker or is present during the examination of a person placed in detention only if the health care worker explicitly asks for it when there is a risk of behavioural disorders.

E. Psychiatric facilities

On item 238 - The CPT recommends that the Slovak authorities end the placement of children in psychiatric departments for adults as soon as possible. In the meantime, the Committee recommends that the authorities ensure that safeguards applicable to children are implemented, including that the best interests of the child shall be a primary consideration. The CPT would also like to receive detailed information from the Slovak authorities about current or short-term future inpatient treatment options for children in need of psychiatric care.

In the Slovak Republic, there is currently a crisis situation in the provision of inpatient health care in the specialty of child psychiatry, which concerns both the acute shortage of bed capacity in child psychiatry wards and clinics and the number of child psychiatrists. At the same time, following the COVID-19 pandemic, the Slovak Republic finds itself in a situation where the number of patients or children requiring inpatient healthcare in child psychiatry is increasing rapidly.

In 2022, the so-called Order of the Minister of Health, which was issued in the context of the state of emergency declared due to the pandemic of the COVID-19 disease, was still in force and applied to inpatient psychiatric facilities for adults, the purpose of which was to allocate bed capacity in wards designated for adult psychiatric patients in order to accommodate and provide treatment to paediatric patients aged between 16 and 18 years old. As part of this order, there was a requirement to provide consultant care for paediatric patients by a child psychiatrist and to prevent contact between paediatric patients and adult patients through increased supervision by staff.

Since the issue and expiry of the Minister's Order, the crisis situation in the provision of inpatient child psychiatric care has not improved and the number of patients or children requiring inpatient child psychiatric care continues to increase. The Slovak Republic is therefore in a situation where children will either not be provided with healthcare in the specialised field of child psychiatry, due to a shortage of child psychiatrists and bed capacity, or they will be provided with it through their placement in adult wards, which is a temporary solution to the crisis situation.

The Ministry of Health of the Slovak Republic consulted possible solutions to this crisis situation with professional societies, which agreed that a temporary solution in the form of placing children in adult wards is a better solution than if these children could not be provided with health care at all, or with very long waiting times. On the basis of the above, the Ministry of Health of the Slovak Republic decided to legislate this temporary solution, which has been translated into the draft Act No. 578/2004 Coll. with the expected effect from 01.01.2025 in the following form:

"when providing overnight health care or inpatient health care, to ensure that patients who have reached the age of 15 years and have not reached the age of majority are admitted separately from

adult patients by placing them in a separate room with increased supervision, if such placement is implemented."

In addition to the above, the bed capacity of the child psychiatry wards will be increased; the reconstruction of the Child Psychiatry Clinic of the National Institute of Child Psychiatry in Bratislava (from capital expenditure) and the Child Psychiatry Ward in Martin (from Recovery and Resilience Plan funding) is currently underway for this purpose.

The Ministry of Health of the Slovak Republic has also opened a residency study aimed at supporting the specialisation studies of health care professionals and at supplementing and stabilising the number of qualified health care professionals in the health care system, including for the specialisation of child psychiatry. The residency training will increase the number of child psychiatrists in the Slovak Republic, but it will take some time for their training to be completed.

On item 241 - The Committee recommends that the management of Rožňava psychiatric department, as well as in other psychiatric institutions in the Slovak Republic, ensures that recourse to the assistance of the police be a means of last resort. The CPT would also like to receive confirmation that police interventions at Rožňava hospital are now recorded in the incident register.

The Psychiatric Department and Psychiatric Hospital of the Hospital with Polyclinic of St. Barbara Rožňava, a. s. (hereinafter only as "Psychiatric department in Rožňava") stated that the use of the assistance of active police participation in the treatment of aggressive psychiatric patients is considered by them as a last resort. Any police assistance used, if necessary, is recorded in the central register of adverse events - the CIRS system.

The Ministry of Health of the Slovak Republic shall inform all psychiatric facilities of this measure.

On item 245 - the CPT recommends that the Slovak authorities take the necessary measures to improve living conditions at both psychiatric departments visited so that:

- ☐ **due attention is paid to the decoration of patients' rooms, in order to provide visual stimulation. Chronic patients in particular should be encouraged by staff to personalise and decorate their rooms;**
- ☐ **all patients are provided with a personal, lockable space in which they can store their belongings; and**
- ☐ **all patients are reminded at regular interval, and encouraged, to wear their own clothes.**

The psychiatric department in Rožňava stated that the visual design of rooms and corridors is improved with the help of patients. Patients are advised and reminded to wear their own clothes; they are working to ensure that all patients have their own clothes if possible.

The psychiatric department in Rožňava stated that it is not possible to introduce individual locking rooms in the acute psychiatric treatment unit for security reasons.

The psychiatric department of the St. Cyril and Methodius Hospital Bratislava (hereinafter referred to as "the psychiatric department in Bratislava") stated that they pay due attention to the decoration of patient rooms, the decoration is changed according to the season (according to holidays and traditions), they try to incorporate the creation of individual parts of the decoration into the occupational therapy activities of the ward. They have not yet managed to obtain a personal lockable space for the patients, they will work on this obligation in the coming year. To this end, they plan to apply to the hospital management to purchase and fit locks to the lockers currently in use. Patients

on the ward have been allowed to wear their own home clothes since the ward was established in 1997.

On item 246 - At Rožňava psychiatric department, sanitary facilities were located in the corridors. In ward 3B, it was not possible to lock the bathroom doors from the inside. As the showers were shared between men and women, this put patients in a particularly uncomfortable position when using the showers. This shortcoming was brought to the attention of the direction of the hospital at the end of the visit and the Committee trusts that this shortcoming has been remedied.

The psychiatric department in Rožňava stated that the deficiency, locking the bathroom door from the inside, was remedied. The door locks in the hygiene areas have been reconstructed, the patient can lock the door from the inside and at the same time the staff can unlock the door from the outside if necessary. Patient privacy is therefore assured.

On item 248 - At Bratislava psychiatric department, in spite of a previous CPT recommendation to allow for daily access to outdoor exercise, there was still no secure outdoor space. In order to take a breath of fresh air, patients could access the unsecured balconies of wards located on an elevated first floor of the hospital, but only if permitted by the doctor based on an individual assessment and when accompanied by staff. The management of the hospital informed the delegation that, in the past, they had applied for fundings to the Ministry of Health to build secured balconies, but that they failed to obtain the necessary funds to do so.

The psychiatric department in Bratislava has not yet been able to secure outdoor space for patients. The problem is the hazardousness of that space (it is not fenced and is located by a small local lake). In addition, part of the land in question is not owned by the hospital but belongs to the capital city council and, according to the new rules, this area should not be visited by patients of the hospital.

Patients in both the urgent ward and the long-stay ward have the opportunity to spend 30 minutes a day in the fresh air on the ward balcony. In addition, patients with the above-mentioned looser regime can visit the hospital grounds for 2 hours a day, accompanied by relatives or staff. The failure to secure the balcony area with a safety net remains a problem. The psychiatric department in Bratislava has repeatedly drawn the attention of the hospital management, the Ministry of Health of the Slovak Republic and the supervising prosecutor's office to this fact, as the balcony is located on an elevated ground floor and in the past they have witnessed several escapes and injuries of patients. However, the necessary funds have not yet been obtained.

The psychiatric department in Bratislava stated that they would very much welcome the implementation of the CPT's measure in the form of the proposed establishment of a safe outdoor exercise yard, which would be equipped with resting places and shelter from inclement weather for patients.

Unfortunately, the Ministry of Health of the Slovak Republic does not currently see a request for funds for the construction of secured balconies by the Hospital Bratislava in the investment plan. However, it is possible that in the past the Psychiatric Department in Bratislava sent the request in question as a solution to the disrepair of the balconies. However, when awarding funding to address emergency conditions, priority is given in particular to emergency conditions that could cause the cessation of healthcare provision, such as essential instrumentation or inadequate facilities, particularly for patients. The Ministry of Health of the Slovak Republic further verified that the Bratislava Hospital has not been allocated funds for the last three years because it does not register such requests for psychiatry at the Bratislava Hospital in the framework of the submission of requests for capital expenditure.

The Ministry of Health of the Slovak Republic will direct the Bratislava Hospital in the exact procedure for submitting applications for capital expenditure allocations and will try to find funds for the implementation of the measures imposed by the CPT.

On item 254 - Concerning training in the two establishments visited, a continuous education of healthcare staff was assured through mandatory online courses. While some trainings courses involved de-escalation techniques, there was no specific training provided to staff regarding the use of means of restraint. This must be remedied. Staff should attend in-person training sessions in relation to both. The Committee recommends that the Slovak authorities ensure that all staff be provided with the appropriate initial and ongoing training on the use of means of restraint, and more generally on the prevention and management of aggressive behaviour in patients with psychiatric disorders.

The psychiatric department in Rožňava stated that they are currently conducting training in deescalation techniques, which is attended by all psychiatric staff.

The psychiatric department in Bratislava stated that they plan to organise further ongoing training for ward staff on the use of restraints and on the management of aggressive behaviour in psychiatric patients in general in the near future.

The Ministry of Health of the Slovak Republic accredited two study programmes of continuing education for mental health professionals - "Management of aggression and behavioural disorders in psychiatry for doctors, nurses, medical assistants - practical nurses, psychologists and paramedics" and "Management of aggression and behavioural disorders in psychiatry for paramedics, emergency support of vital functions", which represent education in de-escalation techniques for mental health professionals. The training in these study programmes will be delivered as simulation-based training, which represents an innovative approach in the education of future doctors, psychiatrists and other health professionals working in the field of mental health. It is a method that allows self-experience, gaining practical experience and skills, training them in a safe environment and a calm atmosphere. It will not only allow them to try out what clinical practice entails, but more importantly to make mistakes that can then be avoided in clinical practice. In order to implement this training, a simulation centre has been built at the psychiatric clinic of the Faculty of Medicine of Comenius University, University Hospital Bratislava in the Old Town Hospital.

Within the framework of the draft Act No. 578/2004 Coll., the Ministry of Health of the Slovak Republic stipulated that "The use of restraint may only be carried out by a health care worker regularly trained in the use of restraint and gentler ways of coping with the situation. A health care worker using restraints shall, if necessary, be assisted and protected by a person designated for this purpose by the institutional care provider, who is regularly trained in assisting in the use of restraints and gentler ways of coping with the situation." and also imposed an obligation on health care providers to "provide education and periodic retraining of health care workers and persons designated by the inpatient health care provider in the use of restraints and less restrictive means of coping with the situation." In connection with the draft Act No 578/2004 Coll., there will also be an amendment to Decree No 358/2023 Coll. of the Ministry of Health of the Slovak Republic, which will define the requirements for training on the use of restraints and gentler ways of coping with the situation. (Note: de-escalation is a gentler way of coping with the situation).

On item 259 - The CPT would like to receive updated information on the recruitment of the therapeutic educator and on the activities offered to patients admitted to ward A of Bratislava psychiatric department.

The psychiatric department in Bratislava stated that they had taken a responsible approach to the CPT's reservation about the need to expand the ward's therapeutic activities and had already been allowed by the hospital's directorate to implement Canis therapy as of February 2024. An accredited Canis therapist, contracted by the hospital, comes to the ward once a week with their client. In a

special room, under hygiene and safety precautions, he visits patients who are interested in this activity. In addition to their workplace, Canis therapy is also carried out in two psychiatric clinics (note: the psychiatric department in Bratislava belongs to the University Hospital Bratislava (UNB), which has psychiatric departments in hospitals in the Old Town and Ružinov within Bratislava) and is a welcome diversification of the treatment programme for the patients. Together with the directorate, they are working on the selecting a suitable therapeutic educator to strengthen their therapeutic team. In addition, in the last six months they have set up a rehabilitation room in one of the unused rooms of the treatment ward for patients, with stationary bicycles, an elliptical, and other fitness equipment that the patients use on a daily basis. In spring and summer, a mini garden with herbs and colourful flowers was set up on the balcony of the ward, which was tended daily by the patients with the assistance of an occupational therapist.

On item 262 - the Committee recommends that the Slovak authorities take measures to ensure that the aforementioned precepts regarding individual written treatment plans and patients' involvement in their treatment and the establishment of those plans are effectively followed in practice as regards patients in all psychiatric hospitals in the Slovak Republic where this is not yet the case. Further, individual treatment plans for psychiatric patients should be multidisciplinary.

The Ministry of Health of the Slovak Republic will instruct all psychiatric facilities on this measure, and emphasis will be placed on patient participation in the development of individual treatment plans and on multidisciplinary.

The psychiatric department in Rožňava stated that psychiatric treatment is based on an individual approach, upon admission, each patient is set to appropriate pharmacotherapy, is assigned to psychotherapy or occupational therapy according to clinical condition, and additional occupational therapy programmes are applied. An individual approach, a regimen is developed and recorded in the medical record.

An individual treatment plan can be established mainly for clients in social service homes where they are stabilised, in the case of the Ministry of Health of the Slovak Republic it is acute and sub-acute conditions where the clinical image changes from day to day and the treatment is adapted to the current clinical image, so it is not realistic to set a plan for a whole week upon admission.

The psychiatric department in Bratislava said that they are currently working on more intensive incorporation of patients into the creation of individual treatment plans, in which, in addition to doctors, psychologists of the department and a rehabilitation nurse are also involved on a daily basis. They review the treatment plans twice a day in regular working meetings, with the participation of the ward staff, including the paramedical staff.

On item 265 - The Committee recommends that the Slovak authorities ensure that ECT is used in strict conformity with the national guidelines on ECT in Rožňava psychiatric department as well as in all psychiatric hospitals in the country.

The Ministry of Health of the Slovak Republic will carry out clinical audits in psychiatric facilities in order to check compliance with the Standard Diagnostic and Therapeutic Procedure for Comprehensive Management of Patients Undergoing Electroconvulsive Therapy.

ECT is used in the psychiatric department in Rožňava seemingly often because they have primarily treatment-resistant conditions, if a patient breaks through on drug therapy, there is no reason to use ECT. The day after admission, ECT is not applied.

In connection with the information given in the CPT Report, the Psychiatric Department in Rožňava stated that the day after admission one patient was administered ECT, but before that the patient had been hospitalised in an acute department in another hospital for 24 days and it turned out that

the pharmacotherapy did not break his clinical picture, i.e. his disorganised behaviour and inability to participate in even basic daily functioning persisted. They pointed out that they have in their hospital (100 beds) by transfer from another institution patients who prove resistant and they apply ECT to them. However, if these patients' breakthrough in the clinical image on pharmacotherapy, there is no reason for ECT. In addition, the Psychiatric Department in Rožňava considers it essential to differentiate what diagnoses are predominant in individual departments; there are departments where acute psychoses, acute organic psycho-syndromes are almost non-existent, so that the number of ECTs can be recalculated according to the spectrum of the department's diagnostic staffing.

On item 268 - Regarding ECT, the Committee considers that the conditions and procedures for administering treatment without the patient's consent should be clearly and strictly defined by law and thoroughly detailed in the applicable national guidelines in light of the abovementioned precepts. Therefore, the Committee recommends that the legislation is amended accordingly, and that the national guidelines are reviewed to include more precise information on cases where ECT may be administered without consent.

In 2025, the Ministry of Health of the Slovak Republic will revise the standard diagnostic and therapeutic procedure governing ECT treatment, entitled "Comprehensive management of the patient undergoing electroconvulsive therapy". This revision will clearly specify the cases in which it will be possible to administer treatment to a patient without their informed consent.

On item 270 - The CPT recommends that the Slovak authorities take the necessary steps, including at the legislative level, to ensure that, whenever a patient dies suddenly and unexpectedly in a psychiatric hospital, an autopsy is carried out, unless a clear diagnosis of a fatal disease has been established prior to death by a doctor and that disease led to their death. In order to prevent any potential conflict of interest, this assessment should be performed by a medical authority independent of the hospital.

Under current legislation, an autopsy is ordered by the Health Care Supervisory Authority or the examining physician based on an examination of the dead body if it is necessary to determine whether medical care was provided properly or for other reasons. An autopsy may also be ordered at the request of a person close to the deceased.

An autopsy shall be ordered when a person dies in a health care facility to verify a disease or medical procedure, in connection with surgery and anaesthesia, when iatrogenic damage is suspected, when communicable disease is suspected, contamination with radioactive substances, sudden and unexpected death, after organ harvesting or before tissue or cell harvesting, suspected malpractice in the provision of health care, industrial or other poisoning, occupational accident, road traffic accident, violent death, including suicide, death in a custody, penal or detention institution, and after the commencement of health care by a doctor of emergency medical services.

The Ministry of Health of the Slovak Republic will take steps to bring the practice into line with current legislation.

On item 273 - The amended law requires that each establishment report semi-annual statistical data on the use of means of restraint to the Ministry of Health. The first data should have been received by the Ministry around 30 January 2024. The Committee would like to receive from the Slovak authorities the two reports submitted since the amended legislation on the application of means of restraint entered into force.

The data collected on restraint use is currently being compiled into presentable outputs. Upon completion, the Ministry of Health of the Slovak Republic will send the outputs for 2023 and 2024 to the CPT.

On item 275 - 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 the latest 1 January 2025. In addition, the CPT would like to receive information about the measures taken to enhance less restrictive means of safe care of patients posing a threat to themselves and/or others.

During the months of December 2023 and January 2024, the Ministry of Health of the Slovak Republic asked all psychiatric facilities to develop and deliver a plan for the abolition of the use of protective beds (net beds), or the so-called "strategy for the reduction of the number of protective beds (net beds)" (hereinafter only as "strategy"), the purpose of which was to set a timetable for the removal of protective beds and their replacement with other alternatives to restraints. The original intention of the Ministry of Health of the Slovak Republic was to develop a single strategy for all psychiatric facilities in Slovakia, but after consulting this idea with members of the Minister of Health's working group on restraints and their alternatives in the fields of psychiatry and child psychiatry, who pointed out that each psychiatric facility has different conditions and different types of patients, which implies that it is not possible to create a single model strategy that can be successfully applied in all psychiatric facilities, we have concluded that we will address the matter to the statutory representatives of the individual psychiatric facilities that are best placed to assess the capacities of a particular inpatient health facility.

All psychiatric facilities have developed and also delivered to the Ministry of Health of the Slovak Republic a strategy for reducing the number of protective beds/network beds (hereinafter only as "strategy"), or a timetable for the abolition of the use of protective beds (network beds), which includes the following information:

- the time periods within 2024 in which they plan to abolish the protection beds (by month);
- the number of protection beds they plan to close in a given time period;
 - alternative restraints they plan to replace the abolished protective beds with (e.g. construction of a seclusion room, restraint straps, etc.);
- if they proceed to build seclusion rooms or security units, the number of seclusion rooms and the time period when they plan to build them.

The strategies received indicate that all psychiatric facilities have discontinued the use of protective beds (net beds) by December 31, 2024.

In addition to the above, the Ministry of Health of the Slovak Republic, in the framework of draft Act No. 578/2004 Coll., introduces "a ban on the use of protective beds as of 1 January 2025", "an obligation to ensure that there are no protective beds in an inpatient care facility" and "a fine of EUR 22,000 for an inpatient care provider who fails to ensure the removal of a protective bed or who uses a protective bed after 1 January 2025".

A description of more modern and more appropriate alternatives to restraint beds is contained in the publication entitled "The Use of Restraints in Psychiatry", which was developed and approved on 03.06.2024 by the Working Group on Restraints and Alternatives to Restraints in the Specialty of Psychiatry and Child Psychiatry.

On item 286 - The CPT recommends that the Slovak authorities ensure that Rožňava psychiatric hospital as well as other psychiatric hospitals in the Slovak Republic, develop written guidelines on the use of movement-restricting measures. Such guidelines should make clear which movement-restricting measures may be used, under which circumstances they may be applied, the need for a preventive risk assessment and the exploration of less restrictive alternatives. They should also contain sections on the involvement and

consultation of different categories of staff prior to their application, medical prescription and nursing intervention.

Chair restraints are used to prevent falls in patients who are positioned and need to be lifted. In these patients the use of a leather belt is used as a preventive measure, for a maximum of 30 min per day, this fact is recorded in the progress note. A preventive measure of this nature does not qualify as measures restricting movement, means of restraint.

The Working Group on Restraints and Alternatives in the specialty of Psychiatry and Child Psychiatry, established under the Minister of Health, shall incorporate the use of restraints into the professional guidance on the use of restraints described in paragraphs 271, 274 and 285.

On item 291 - the Committee recommends once again that the Slovak authorities ensure that the relevant legal provisions concerning involuntary hospitalisation be fully applied in practice.

The Ministry of Health of the Slovak Republic considers the legal regulation of involuntary hospitalisation to be sufficient. At present, education on patients' human rights, including on the subject of involuntary hospitalisation, is being provided at professional events for mental health professionals as well as in individual psychiatric institutions. This education is carried out by the Slovak National Centre for Human Rights on the basis of the Memorandum of Cooperation concluded on 1 July 2024 with the Ministry of Health of the Slovak Republic, the subject of which is the joint creation and implementation of educational activities for professionals and experts in the field of health care provision, focused on the observance of fundamental human rights and freedoms of patients in the process of health care provision and of professionals and experts in the provision of health care.

The legality of the procedure of facilities in involuntary hospitalisation of a person in an institutional health care facility in the specialty of psychiatry and child psychiatry falls within the scope of supervision of the public prosecutor pursuant to Section 18(2) of Act No. 153/2001 Coll. on the Public Prosecutor's Office (hereinafter only as "Act on the Public Prosecutor's Office"). Pursuant to Section 18(2) of the Act on the Public Prosecutor's Office, the public prosecutor supervises inpatient health care facilities where persons are in inpatient care from whom informed consent is not required. The prosecutor supervises the facilities pursuant to Section 18(2) of the Public Prosecutor's Office Act by means of legality inspections. In the event of a finding of unlawfulness, the public prosecutor is obliged to use their powers under Section 18(3)(b), (c) of the Public Prosecutor's Office Act.

Pursuant to Section 18(3)(b), (c) of the Public Prosecutor's Office Act, the public prosecutor is obliged by written order to immediately release a person held in a place referred to in paragraph 1 or paragraph 2 unlawfully without a decision or in infringement of a decision of a court or other authorised state authority, or by written order to revoke a decision or suspend the implementation of a decision, order or measure of the authorities administering the places referred to in paragraph 1 or paragraph 2 or of a superior authority thereof, if they are in contravention of the law or other generally binding legal regulation.

In 2023, a compliance review with the law was carried out at the psychiatric department in Rožňava by the supervising prosecutor in cooperation with the Commissioner for Persons with Disabilities, JUDr. Zuzana Stavrovská, during which illegal detention of a person in this health care facility was detected. The public prosecutor immediately issued an order pursuant to Article 18(3)(b) of Act No. 153/2001 Coll. on the Public Prosecutor's Office to immediately release this person who was unlawfully, without a court decision, restrained in their personal liberty.

In December 2023, the General Prosecutor's Office of the Slovak Republic also provided methodological guidance to prosecutors when supervising compliance with the law and conducting inspections in inpatient health care facilities where persons from whom informed consent is not

required are in inpatient care (Section 18(1)(a), (2) of Act No. 153/2001 Coll. on the Prosecutor's Office), according to which the prosecutor is to examine, among other things, the following during each inspection:

- compliance with the law in cases of admission of a person to an institutional care facility without informed consent and compliance with the law in cases of withdrawal of informed consent and restriction of the person's freedom of movement,
- the use of restraints and compliance with the procedure pursuant to Section 9b of Act No. 576/2004 Coll. on Health Care,
- compliance with the patient's rights arising from the provisions of Section 11a of Act No. 576/2004 Coll. on Health Care ,
- the premises of the residential care facility, to see the persons in residential care and, if possible, to conduct an informal interview with them.

In addition to the above, the General Prosecutor's Office of the Slovak Republic also refers to the Assessment on the state of legality in facilities carrying out protective treatment and detention, which was drafted in December 2024. Moreover, on 24.01.2025, it organized a multilateral working meeting following the serious findings of this assessment, which included a proposal for legislative measures.

On item 293 - the Committee recommends that the Slovak authorities take the necessary steps to ensure that patients admitted to psychiatric hospitals have access to written information about their rights as parties to proceedings. They must also ensure that all indigent patients or their representatives are informed of this possibility and benefit from free legal representation. Further, the CPT reiterates its recommendation to take steps to ensure that guardians *ad litem* carry out their role effectively.

The Ministry of Health of the Slovak Republic has competence over the legislation of the regulation of the provision of health care, and therefore, in this context, over the content of the internal regulations. In connection with the draft Act No. 578/2004 Coll., there will also be an amendment to Decree No. 143/2023 Coll. of the Ministry of Health of the Slovak Republic, the content of which will be the obligation to provide patients with information on the process of involuntary hospitalisation.

The issue of guardianship will be addressed in a comprehensive amendment, which is approved in the legislative plan of the Government of the Slovak Republic for 2025.

On item 294 - The CPT recommends that the Slovak authorities take measures, including at the legislative level, to ensure that consent to hospitalisation is sought and, in case of refusal, that such disagreement be reported to the court. Further, the CPT recommends that a system be put in place that ensures that patients who are represented by a guardian can challenge their guardian's decision in respect of their hospitalisation.

In the psychiatric department in Rožňava in the case of involuntary admission, if the patient has a legal guardian, their stay is not reported to the court, but the admission is signed by their legal guardian. If the patient does not agree to be admitted, direct contact and discussion between the patient and their guardian is ensured.

In the psychiatric department in Bratislava if a patient who is limited in legal capacity and has a courtappointed guardian also signs an informed consent to hospitalisation. In the event of their non-consent (even despite the guardian's consent), the local court is informed of this fact.

The Ministry of Justice of the Slovak Republic plans to implement a comprehensive guardianship reform in 2025, in full cooperation with the Ministry of Health of the Slovak Republic in the modification of legislation under its responsibility. However, at present, the legislation on informed

consent is based on the guardianship regulation contained in civil law, and thus the legislation on informed consent does not contain an obligation to consent/disagree to the treatment of a person who has a legal guardian or guardian. Where such consent/disagreement is part of informed consent, it is an initiative of the specific psychiatric institutions. However, the professional community sees the need for the patient themselves, who is represented by a legal representative or guardian, to express their views as beneficial in the treatment process.

On items 302 and 305 - The CPT recommends that the Slovak authorities take the necessary steps to ensure that an information brochure be drawn up in simple and accessible language, given and explained verbally to newly admitted psychiatric patients and their families and/or legal representatives at all psychiatric establishments in the Slovak Republic, and that patients unable to understand the information brochure receive appropriate assistance. Complaint mechanisms should be accessible to patients and information about such mechanisms should be contained in the aforementioned brochure. Further, the Committee recommends that the Slovak authorities make efforts to explain issues related to placement order and procedure to patients in an understandable manner, repeatedly if necessary.

In the fourth quarter of 2023, the Ministry of Health of the Slovak Republic carried out an analysis of the internal regulations of psychiatric facilities, which showed that the internal regulations of health care facilities, according to Section 1(e) of the Decree of the Ministry of Health of the Slovak Republic No. 143/2023 Coll., contain details on correspondence, telephoning and electronic communication of the patient, which are fulfilled in 97.4% of psychiatric facilities, and 2.6% of psychiatric facilities do not have the information specified in the internal regulations. The information refers to the availability of communication services, including information on the possibilities, forms and methods of correspondence, on the possibilities of telephoning and on the possibilities of electronic communication of the patient, including Wi-Fi connection. On the basis of the findings and conclusions of the factual assessment of the adopted internal regulations of psychiatric facilities, the Ministry of Health of the Slovak Republic took measures which were assessed by 16 April 2024 as follows: the Ministry of Health of the Slovak Republic sent a total of 4 invitations to 18 psychiatric facilities with a request to update and elaborate the internal regulations by the deadline of 16 April 2024, and the Ministry of Health of the Slovak Republic delivered a total of 4 invitations to 18 psychiatric facilities with a request to update and elaborate the internal regulations by the deadline of 16 April 2024. On 16 January 2024, 13 March 2024, 02 April 2024 and 10 April 2024, and by 16 April 2024, revised internal regulations were received from all these psychiatric facilities in accordance with the applicable legislation.

The Ministry of Health of the Slovak Republic will take into account the measures imposed regarding the contact of patients with the outside world in the forthcoming amendment to the Decree of the Ministry of Health of the Slovak Republic No. 143/2023 Coll. and shall regulate the obligation for psychiatric institutions to draw up, as part of the content of the internal regulations, a policy on the use of mobile telephones in psychiatric departments with guidelines for daily access to a mobile telephone, unless there are serious safety contraindications or unless there is a lawful and reasoned order from a doctor based on an individual risk assessment or a court decision to the contrary in order to have clearly defined and uniform rules on the use of mobile telephones for patients and staff in the department.

Checks on differences in the internal regulations of psychiatric institutions and on the implementation of the Humanisation Concept will be carried out in accordance with the reply to Measure 303.

The Ministry of Health of the Slovak Republic will endeavour to find opportunities and financial means to ensure that internal regulations are also drawn up in easy-to-read language.