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SPEECH

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Further to the re-codification of the penal codes finalized in 2005 it was necessary to amend the law regulating the conditions applicable to the sanction of imprisonment, which was adopted in 1965 and despite of numerous amendments did not comply with the recommendations following from the United Nations Standard Minimum Rules for the Treatment of Prisoners, nor with the European Prison Rules of the Council of Europe.

Specific example of this situation was the regulation of the detention only through the secondary legislation – Instruction of the Minister of Justice Issuing the Order of Detention. That is why this important institute of penal procedural law was regulated by the Law only in 1993.

Currently applicable legal provisions regulating the detention and the sanction of imprisonment adopted in 2005 comply with the European standards and although the European Anti Torture Committee (CPT Committee) during its periodical visits always finds existing individual shortcomings in relation to the functioning of the prison system and concrete detention facilities or prisons, they are mainly practical problems following from the application of existing legislation rather than the problems of the legislation itself.

The new Law on Detention has introduced mainly the differentiated enforcement of the detention – in standard and in less strict regime, and also the treatment with offenders enabling their participation to different educative and relaxation activities, or enabling the detainees to work subject to the possibilities of the concrete detention facility, respectively.

The Law on Sanction of Imprisonment has introduced more elaborated system of differentiation of the sanction of deprivation of liberty itself, it has established the conditions for applying the principle of progressive character of the sanction of imprisonment, enabling under strictly stipulated conditions the alteration of the way of serving the imprisonment sanction for the sentenced persons. The law has elaborated in detail the treatment with offenders and it has also set forth the specific measures of the treatment. The law also specifically determines the rights and obligations of the offenders, with particular focus given on ensuring their fundamental social rights.

Specific attention is also given to the education of offenders, to its specific forms and also to their employment.

Within the framework of educational activities the offender has the access to training consisting of general educative activities, cultural and sport activities, social training and also the free access to the library.

The offender is also enabled subject to his/her individual possibilities and abilities to:

- a) accomplish the studies at the elementary school,
- b) take part in re-qualification course, or the course aimed at increasing or extending his/her qualification
- c) education as an apprentice in the chosen fields,
- d) study in the secondary school,

- e) offender serving his sentence in the minimal degree of protection and placed in the differentiation group A can also be allowed to study at the university.

Associations, churches and other institutions can also take part in the organizational, financial and material ensuring of training activities in accordance with the applicable legal regulations.

In 2008 the obligatory school attendance for juveniles in detention and young offenders was solved in a complex way with allowing for the establishment of class in elementary school for students placed in detention or prison determined specifically for young offenders.

In cooperation with non-governmental organizations several detention facilities and prisons were given the computers or computer classrooms complying with European criteria ECDL and some training activities within the framework of projects of European Social Fund were organized and more than 700 final certificates were issued.

Detention facilities and prisons organize from their own sources the courses for analphabets and courses to accomplish the elementary education. In cooperation with civic associations various educative and cultural activities are organized with the aim to interpose offenders the acceptable examples of behaviour, inter human relations and the respect for life, society, etc.

Another example of involving civic associations is the qualified legal training for offenders financed from their side.

Special attention and efforts are devoted to the employment of detainees and offenders. It is desired to create conditions for employment of as many persons as possible. It is important to stress that the activities of the Corp of Justice and Prison Guards are not of business character, but are aimed at creating the new jobs within the framework of the detention or prison facility itself or at attached facilities. The level of employment of detainees and offenders reached 74% in the year 2008 and at present it is 63,5%. We perceive the employment as the important reintegration measure with the significant economic contribution for detainees and offenders.

The current problems in the Slovak prison system result from the over crowded facilities, mainly prisons. There is a capacity available of 10.615 places with the legally stipulated area of 3,5m² per person (in case of women and juveniles it is 4m²) and currently (as to the 1st of October 2010) this capacity is used to 94%, i.e. the number of offenders in prisons is higher than 10.000. The capacities of prison facilities with minimum level of protection are used to 116%. There are 185 detainees and offenders per 100.000 inhabitants in the Slovak Republic.

The possible solutions of this complex situation connected with the over crowded prison facilities with minimum and medium degree of protection can be found in the more effective use of capacities in open divisions and mainly in more significant use of alternative sentences, in particular imposing the sanction of house arrest and the sanction of compulsory service.

The preventive activities within the framework of crime prevention are not given the sufficient attention, which is why we face relatively high increase of crime and subsequently the high number of prosecuted persons.

Only through the common efforts of involved state authorities, civic and other associations it possible to reach the positive tendency in crime prevention. One could expect from the side of prison system the gradual increase of effectiveness in serving the sanction of imprisonment and therefore the more effective prevention of crime in the society in general.

Contribution of the Council of Europe in these efforts is of utmost importance for national prison systems. Work that has been carried out both on the legislative and practical level with the assistance of CPT Committee serves the Member States to path their way to ensure that the sanction of deprivation of liberty is executed while respecting the personal dignity and integrity and the need to assist in reintegration of offenders.