



CPT/Inf (2010) 1

## **Report**

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

**from 24 March to 2 April 2009**

The Government of the Slovak Republic has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2010) 2.

Strasbourg, 11 February 2010



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**Copy of the letter transmitting the CPT's report**

Mr Emil Kuchár  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of the Slovak  
Republic to the Council of Europe  
1 rue Ehrmann  
67000 Strasbourg

Strasbourg, 27 July 2009

Dear Ambassador

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith a report to the Government of the Slovak Republic drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to the Slovak Republic from 24 March to 2 April 2009. The report was adopted by the CPT at its 69th meeting, held from 6 to 10 July 2009.

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

As regards the recommendation made in paragraph 76 and the information requested in paragraph 85, the Committee requests a response **within two months**.

It would be most helpful if a copy of the response could be provided in a computer-readable form.

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

Yours faithfully

Mauro Palma  
President of the European Committee for the  
Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment



## I. INTRODUCTION

### A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to the Slovak Republic from 24 March to 2 April 2009. The visit formed part of the Committee’s programme of periodic visits for 2009. It was the CPT’s fourth periodic visit to the Slovak Republic<sup>1</sup>.

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

- Mauro PALMA, President of the Committee and Head of delegation
- Marzena KSEL
- Ilvija PŪCE
- Anton VAN KALMTHOUT
- Arman VARDANYAN.

They were supported by the following members of the CPT’s Secretariat:

- Caterina BOLOGNESE
- Marco LEIDEKKER
- Francesca MONTAGNA

and were assisted by:

- Marianne KASTRUP, psychiatrist, Rigshospitalet, Copenhagen, Denmark (expert),
- Jurgen VAN POECKE, director of Bruges Prison, Belgium (expert).

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<sup>1</sup> The CPT’s previous periodic visits to the Slovak Republic took place in June-July 1995, October 2000 and February-March 2005.

**B. Establishments visited**

3. The delegation visited the following places:

Police establishments

Regional Police Directorate, Košice  
Regional Police Directorate, Trenčín  
Regional Police Directorate, Trnava  
District Police Directorate, Bratislava V  
District Police Directorate, Rozňava  
Sub-District Police Department, Dobšina  
Sub-District Police Department, Dunajská Streda  
Sub-District Police Department, Galanta  
Sub-District Police Department, Košice-south  
Sub-District Police Department, Košice - staré mesto  
Sub-District Police Department, Moldava nad Bodvou  
Sub-District Police Department, Piešťany  
Sub-District Police Department, Prešov-north  
Sub-District Police Department, Rozňava  
Sub-District Police Department, Sobrance  
Sub-District Police Department, Šamorín  
Sub-District Police Department, Zvolen  
Traffic Police Station, Trnava

Immigration detention facilities

Medved'ov immigration detention centre  
Sečovce immigration detention centre  
Rooms for the temporary placement of aliens at the border in Vyšné Nemecke

Prisons

Bratislava Prison (Remand Section and disciplinary cells)  
Ilava Prison  
Košice Prison (Remand Section and the Health-care Facility's Psychiatric Unit for the treatment of sex offenders)  
Leopoldov Prison (High Security Section and Section for Life-sentenced prisoners)  
Trenčín Prison Hospital

In addition, the delegation carried out a brief visit to Prešov Prison, in order to interview newly arrived remand prisoners, including juveniles on "mitigated remand regime"<sup>2</sup>. Also, in all prisons visited, the delegation paid special attention to the detention conditions for juveniles.

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<sup>2</sup> Under this new regime, remand prisoners were allowed access, for most of the day, to a common area such as the corridor outside their cells, and possibly also to a television room (see paragraphs 91)



**C. Consultations held by the delegation**

4. In the course of the visit, the delegation held consultations with Štefan Harabin, Deputy Prime Minister and Minister of Justice, Vladimír Čechot, State Secretary for the Interior, Daniel Klačko, State Secretary for Health, Dobroslav Trnka, Prosecutor General, Dušan Kováčik, Chief Special Prosecutor, and Mária Kreslová, Director-General of the Corps of Prison and Court Guards. Discussions were also held with Pavel Kandráč, Public Defender of Rights, and members of civil society active in areas of concern to the CPT. A list of the national authorities and non-governmental organisations met by the delegation is set out in Appendix II to this report.

**D. Cooperation between the CPT and the authorities of the Slovak Republic**

5. The cooperation received by the CPT's delegation from the central authorities of the Slovak Republic was very good. The CPT wishes to thank its principal liaison officer, Mr Branislav Kadlečík, from the Section of International and European Law at the Slovak Ministry of Justice, who assisted and supported the visiting delegation in an efficient manner.

6. At local level, the delegation had rapid access to all places of deprivation of liberty it wished to visit and to persons with whom it wanted to speak. However, the cooperation received was, on a few occasions, marred by the difficulties experienced by the delegation in consulting official documentation.

The Committee would also recall that, under the Convention, visiting delegations must receive complete information about all places of deprivation of liberty, including facilities where persons are held even for short periods of time and may not be formally placed in a cell. By way of example, the delegation visited a facility for the temporary placement of aliens at the border at Vyšne Nemecke, which was not indicated on the list of establishments provided by the Slovak authorities (see also paragraph 35).

**The CPT trusts that, in future, the lists of establishments provided to its visiting delegations will include all places where persons may be deprived of their liberty by a public authority.**

7. The principle of cooperation set out in the Convention also requires action to be taken by the Slovak authorities in response to the CPT's key recommendations. In this respect, the Committee is, on the one hand, pleased to note certain efforts made, since the previous visit, in the field of prisons. However, there are areas in which much remains to be done. The CPT urges the Slovak authorities to step up efforts to improve the situation in the light of its recommendations, in accordance with the principle of co-operation which lies at the heart of the Convention.

**E. Immediate observations under Article 8, paragraph 5, of the Convention**

8. At the meeting with the Slovak authorities which took place at the end of the visit on 2 April 2009, the delegation made several immediate observations under Article 8, paragraph 5, of the Convention<sup>3</sup>:

- that the Slovak authorities draw up a plan for the alteration of all security cells which have the same layout as those in the remand section of Košice Prison;
- that the Slovak authorities immediately stop carrying out full body searches of life-sentenced prisoners as a routine practice;
- that the Slovak authorities carry out a thorough review of the situation of prisoners currently placed in the High Security Unit at Leopoldov Prison, in terms of the suitability of their placement and of the regime applied to them.

According to information provided by the Slovak authorities during the meeting, and later also in writing, a fourth immediate observation concerning the replacement of a bed in security cell 105 at Košice Prison (see paragraph 89, subparagraph 2), was complied with immediately after the delegation's visit to Košice Prison.

9. By letter addressed to the Slovak Ministry of Justice on 29 April 2009, the Slovak authorities were requested to provide, within two months, an account of the action taken in response to the three remaining immediate observations.

The Slovak authorities informed the CPT, by letter of 29 June 2009, of measures taken in response to the afore-mentioned immediate observations, and to other issues raised by the delegation at the end-of-visit talks. This information has been taken into account in the relevant sections of the present report.

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<sup>3</sup> Article 8, paragraph 5, reads as follows: "If necessary, the Committee may immediately communicate observations to the competent authorities of the Party concerned."

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Police

#### 1. Preliminary remarks

10. The legal framework governing deprivation of liberty by law enforcement agencies has not fundamentally changed since the CPT's visit to Slovakia in 2005. The maximum amount of time a detained person may spend in police custody remains five days. It is recalled that pursuant to article 85 (4) of the Code of Criminal Procedure ("CCP") and to article 17 of the Slovak Constitution, a person who is deprived of his/her liberty on suspicion of having committed a criminal offence must be immediately informed of the grounds of the apprehension. At the latest within 48 hours from the time of apprehension, the prosecutor must file a motion to take the person into custody and thereby bring the case to the attention of the judge, otherwise the apprehended person must be released. However, if the person is apprehended on the basis of a written order issued by a judge or if the apprehension is based on Article 19 of the Police Act<sup>4</sup>, the prosecutor must file the motion for taking into custody within 24 hours.

A court must hear a detained person and decide upon his/her release and remand into custody within 48 hours (or 72 hours for particularly serious offences) from the moment in which the court receives the motion from the prosecutor.

11. Under article 18 of the Police Act, a police officer may bring a person into a police station for identification purposes if he/she refuses or is unable to provide his/her identity. If the police officer fails to establish the identity of the person within 24 hours from the time of apprehension, and if there are no grounds for referring the person to the investigating bodies, the person must be released.

12. Article 59 of the Police Act as recently amended, authorises police officers to use electro-shock weapons in cases of mass violation of public order and disturbances at sport events, as well as in a confined space against dangerous criminals who continue to pose a threat.

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<sup>4</sup> Under Article 19 of the Police Act, a time limitation to a maximum of 24 hours before a person should be brought before a court applies when:

- a person poses an immediate threat to their own, or another person's life or health, or to property;
- a person is caught in the act of committing a minor offence and there is the suspicion that he/she will continue his/her conduct or detention is necessary in order to carry out the investigation;
- a person attempts to escape when detained for purposes of identification or request of an explanation;
- a person slanders a police officer or has aggressive behaviour;
- a person is subject to an international police investigation;
- a person is at the scene of the crime immediately after the commission of a crime and it is necessary to establish his/her relation with the same;
- for the purpose of establishing the identity of a person who is found on premises that are subject to action under united command against dangerous criminals,
- when a request to prove the person's identity may endanger the life or health of the police officer or of other people.

The CPT recognises that police forces need to be properly equipped to carry out their tasks. However, it goes without saying that the use made of any particular weapon must always be proportionate to the risk encountered. The CPT considers that the criteria for any use of electro-shock weapons by police officers should at least closely correspond to those governing the use of firearms; their use must therefore be thoroughly regulated by guidelines based on this principle and monitored. Furthermore, only specially selected and trained<sup>5</sup> police officers should be allowed to use such electro-shock weapons and all necessary precautions should be taken when such weapons are used.

**The CPT recommends that the Slovak authorities take due account of the above remarks in their guidance on the use of electro-shock weapons. Further, the Committee would like to receive detailed information on the policy and regulations concerned, the selection and training of police officers involved, and the reporting and monitoring procedures put in place, as well as statistics on the use of such weapons since their introduction.**

## **2. Ill-treatment**

13. The findings of the 2009 visit indicate that, in general, there has been an improvement in the treatment of persons deprived of their liberty by law enforcement officials, as compared to previous visits to Slovakia by the CPT. In particular, the CPT's delegation received fewer allegations of ill-treatment and observed what appeared to be an increased awareness amongst law enforcement officials that ill-treatment of detained persons is unacceptable.

However, in addition to a number of complaints concerning remarks of a racist nature, the delegation did receive several allegations of physical ill-treatment of detained persons by police officers, which concerned mainly the excessive use of force during apprehension, and the infliction of slaps and kicks immediately after the person had been brought under control. In most of these cases, the allegations were supported by medical findings.

14. By way of illustration, the CPT wishes to refer to the following two cases:

- The CPT's delegation met a young man at Trnava Regional Police Station on 30 March 2009, who stated that he had been beaten and kicked by police officers and that he fell down at the moment of his apprehension a few hours beforehand. This man displayed a laceration (3 cm) to the temporal parietal part of the head and, on the right side of his face, there was a linear incision (2 cm). In addition, above his right eye, there were two fresh bruises of approximately one centimetre in diameter each. All injuries were clearly visible and the wound to the temporal parietal part of the head was partially covered with blood.

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<sup>5</sup> Such training should include instruction in first aid.

- Another young man met by the delegation, alleged that in the late evening of 30 January 2009 he had been beaten and kicked by the Bratislava Traffic police after a car chase. The same night, he was examined by a doctor in a hospital, who recorded that the man displayed facial bruising and abrasions and a haematoma on the right cheek. In addition, a haematoma and bruising on the shoulder and back were observed<sup>6</sup>. One day later, another doctor made a similar diagnosis. This man's identification photo, taken upon admission to prison, showed a large haematoma around his right eye.

15. In its report on the 2005 visit, the CPT had already highlighted the problem of the use of excessive force at the time of apprehension. In their response to that report, the Slovak authorities provided detailed information about the training that police officers receive, including on the use of means of restraint. However, the CPT's findings during the 2009 visit suggest that such training should be reviewed and, if necessary, better adapted to the daily reality of police officers.

As regards allegations of ill-treatment by police officers of persons after they have been brought under control, any such behaviour would demonstrate a lack of professionalism on the part of the police officers concerned and call into question their suitability to carry out law enforcement duties involving the apprehension of an individual. A clear message should be sent out to police officers that no more force than is reasonably necessary should be used when effecting an apprehension, and that once apprehended persons have been brought under control there can be no justification for them being struck by police officers.

**The CPT recommends that the Slovak authorities review police training in respect of apprehension techniques. Further, the Committee recommends, once again, that senior police officers regularly instruct their subordinates that to strike persons after they have been brought under control amounts to a serious form of ill-treatment, that all allegations of such behaviour will be thoroughly investigated, and that those found to have committed ill-treatment will be subject to severe sanctions.**

16. In contrast to previous visits to Slovakia, the CPT received only a few allegations of ill-treatment during police questioning and/or custody. However, **the well-publicised incident of 21 March 2009, concerning the ill-treatment of six Roma juveniles in a police station in Košice, highlights the necessity for the Slovak authorities to remain vigilant in promoting and enforcing a message of zero tolerance of ill-treatment by police officers.**

The incident, which was broadcast on Slovak television on 7 April 2009, showed that the juveniles were, under threat of physical assault by police officers, forced to strip naked and to slap each other. Furthermore, they were subjected to intimidation by dogs which were kept at a distance of just a few metres. Subsequently, by letters of 28 April and 6 July 2009, the CPT was informed by the Slovak authorities that an investigation by the Control and Inspection Service of the Ministry of Interior has inter alia led to the dismissal of seven police officers directly involved in the incident. The letter also stated that criminal charges have been brought against these police officers, as well as against a seventh officer and that four senior police officers have been dismissed.

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<sup>6</sup> "Contusio et excoriatio faciei, Haematoma reg. zygomatici l.dx., Contusio et excoriatio reg. omae l.dx., Haematoma et contusio reg. dorsi."

17. Additionally, the letters from the Slovak authorities, announced a number of measures which would be taken by the Slovak authorities to reduce incidents of police ill-treatment, notably:

- \* the psychological selection tests for aspiring police officers will be reviewed;
- \* serving police officers will undergo a psychological assessment every fifth year;
- \* police officers will receive special training in order to enhance their skills in dealing with minorities;
- \* the human rights training at the Slovak Police Academy will be improved and extended, including issues related to rule of law, minorities and police ethics;
- \* internal police regulations will be assessed and adapted, if necessary;
- \* behaviour of police officers during interventions will be assessed, with shortcomings addressed and strict measures adopted.

The CPT welcomes these measures, which demonstrate the commitment of the Slovak authorities to eliminating physical ill-treatment and verbal abuse of detained persons by police officers. **The CPT would like to receive a regular update on the implementation of the various measures outlined above.**

18. The effective investigation of allegations of ill-treatment by police officers is an integral part of a credible strategy to prevent ill-treatment. To be effective, an investigation must be entrusted to an independent authority and carried out in a thorough, prompt and comprehensive manner.

In general, allegations of ill-treatment by members of the police force continue to be investigated by the Control and Inspection Service of the Ministry of Interior and supervised by the Public Prosecutor's Office. However, allegations of ill-treatment concerning officers of the municipal police appear to be exempted from investigations by this Service and are dealt with by the municipality instead. For instance, the CPT was informed about allegations of ill-treatment from 2 November 2008, involving officers from the Piešťany municipal police, which were being investigated by the Piešťany municipality. **The CPT would like to receive information about the manner in which a municipality carries out investigations into allegations of ill-treatment by officers from the municipal police force. Further, the Committee would like to be informed about the outcome of the investigation in respect of the allegations of ill-treatment concerning the complaint of 2 November 2008 against officers of the Piešťany municipal police.**

19. The information gathered during the 2005 visit indicated that investigations into allegations of ill-treatment could be lacking in thoroughness. The findings from the 2009 visit suggest that there have been improvements in this respect. The CPT's delegation examined the quality of the investigations into four cases of alleged ill-treatment which had been lodged in February and March 2009, all of which were supported by medical evidence collected by prison staff upon admission to prison. Contrary to the CPT's 2005 visit, the investigation files were well kept, making it possible for the investigations to be scrutinised by external bodies, such as the Public Prosecutor's Office.

However, the CPT continues to have some concerns about the manner in which investigations into allegations of ill-treatment are carried out. Firstly, in only one case was the complainant interviewed by members of the Control and Inspection Service. In the other three cases, the complainants apparently refused to be interviewed; however, in one of these cases, the file did not contain evidence that an attempt had been made to interview the complainant and none of the case-files contained indications that efforts had been made to persuade the complainants to cooperate with the investigation. In none of the cases examined was other relevant information, such as eyewitness reports or CCTV recordings, collected<sup>7</sup>. Further, in all cases the assessment concerning the appropriateness and proportionality of the police intervention was drawn up by the hierarchical superior of the police officers against whom the allegations of ill-treatment were lodged and was not subjected to external supervision.

In sum, the CPT considers that investigations carried out by the Control and Inspection Service could be significantly improved. At present, the investigation has a routine character and based upon limited documentary information. In the view of the CPT, a far more in-depth investigation would have been appropriate in the above-mentioned cases, in particular given the seriousness of the injuries sustained. **The CPT recommends that the Slovak authorities take the necessary steps to improve the effectiveness and independence of investigations into allegations of police ill-treatment, in the light of the above remarks.**

20. The quality of the investigations in a fifth case of alleged ill-treatment could not be examined by the CPT's delegation as the allegations had not been investigated by the Control and Inspection Service. Apparently, the report on the allegations of ill-treatment drawn up by staff of Bratislava Prison on 12 February 2009, which clearly mentions that it had been forwarded to the Control and Inspection Service and, in addition, lists the injuries sustained, had not been received by this Service. **The CPT would like to receive the comments of the Slovak authorities on this matter. Further, the Committee recommends that an investigation be carried out into the above-mentioned allegations of ill-treatment.**

21. As was the case in 2005, many persons interviewed in the course of the 2009 visit complained that they had been handcuffed to a fixed object inside a police station (e.g. metal rings and radiators), at times in uncomfortable positions or whilst seated on the floor. These statements were confirmed by certain police officers and the delegation observed for itself fixtures such as metal rings and floor to ceiling bars clearly designed for this purpose. One person claimed to have been handcuffed to a radiator, while naked, which, if true, would be totally unacceptable and in the CPT's view would amount to degrading treatment.

<sup>7</sup>

In one file, the CPT did find a signed declaration from a person apprehended together with the complainant stating that police officers had not beaten the complainant. However, the reliability of that statement is questionable as the person concerned was intoxicated at the time of the incident.

22. The practice of handcuffing detained persons to wall fixtures or like objects is a matter of longstanding concern for the CPT. It was commented upon in the report on the 2005 visit, when the CPT called upon the Slovak authorities to take immediate steps to ensure that all metal rings be removed from police establishments in Slovakia. From the response to the report on the 2005 visit, the Committee had understood that it was the intention of the Slovak authorities to gradually eradicate the practice of handcuffing detained persons to a fixed object through the construction of holding cells in police stations. However, most police stations visited were still equipped with fixtures to attach persons, and the CPT's delegation was particularly surprised to find these fixtures located inside a secure holding room in several police stations that it visited, such as the Piešťany regional police headquarters, the Trnava Traffic police premises, the Šamorin police station and even the newly established police station in Zvolen. Regrettably, the CPT once again has to **call upon the Slovak authorities to remove without delay such fixtures from all police stations and, more generally, to take effective measures to stamp out the practice of having persons held by the police attached to fixed objects.**

23. The CPT's delegation was informed that since 2005, and in conformity with Article 18 of the Public Prosecutor's Act, the Public Prosecutors Office had appointed specially designated prosecutors to monitor conditions in police stations. In 2008, these designated prosecutors carried out a total of 807 monitoring visits to police stations. Such active supervision by the prosecutors has no doubt made an important contribution to the improved treatment of persons detained by the police.

**The CPT trusts that active supervision of police stations by designated prosecutors will continue and that, in the course of their visits, the prosecutors will examine all issues related to the treatment of persons in custody: the recording of detention; information provided to detained persons on their rights and the actual exercise of those rights; compliance with rules governing the questioning of criminal suspects and the material conditions of detention. Further, the Committee trusts that, in the case of an allegation of ill-treatment of a detained person by police officers, prosecutors will either report the allegation to the Control and Inspection Service or carry out an investigation themselves. The Committee would like to receive, in due course, a copy of the annual report on the visits which took place in 2009.**



### 3. Conditions of detention

24. Most of the police establishments that were designated for accommodating detained persons overnight were in a good state of repair, with cells of sufficient size, and well-equipped, with a bed, toilet and table, and access to sufficient natural light and artificial lighting. However, in some police stations the ventilation was inadequate. In particular, the cells at the Regional Police Directorate in Košice were, as in 2005, poorly ventilated. Further, the windows of certain cells (e.g. in Prešov north) were covered with a film, blocking out all natural light. Also, toilet facilities in double occupancy cells, such as in Rozňava Police Station, were not partitioned.

Not all police stations visited were equipped for overnight stay. Yet, the CPT's delegation was informed by various interlocutors including police officers that detained persons would, on occasion, be held overnight in these police stations (e.g. in Šamorin and Moldava nad Bodvou Police Stations).

**The CPT recommends that all persons detained overnight be held in appropriate conditions (i.e. in a cell equipped with a bed and provided with a mattress and a blanket). Further, the cell ventilation at the Regional Police Directorate in Košice should be improved and the film covering the windows of both cells in Prešov north Police Station should be removed. The Committee also recommends the partitioning of the toilet facilities in multi-occupancy cells.**

25. A form describing the daily regime for persons placed in a detention cell was available in various languages, including English, German and Russian, in those police stations visited, which were equipped for overnight stay. The form indicated that persons placed in a detention cell have the right to, inter alia, take a shower if detained longer than 24 hours, be provided with a meal and to be offered one hour of outdoor exercise every day. However, with the exception of Trnava Regional Police Station and the Prešov north Station, none of the police stations visited was equipped with an outdoor exercise yard. Instead, detained persons were either allowed to stroll around in a corridor or were taken outdoors handcuffed to two police officers.

**The CPT recommends that the Slovak authorities take the necessary steps to ensure that all persons detained longer than 24 hours are offered outdoor exercise every day under suitable conditions;** for this purpose, police stations should be equipped with a secure yard.

26. The CPT's delegation noted that in certain police stations visited, such as in Trnava, Rozňava and Zvolen, the cells were monitored by CCTV. The CPT acknowledges that persons are only detained in police stations for short periods and that many of them may require ongoing observation due to their physical or mental state at the time of detention. Therefore, the Committee has no objection to the use of a closed-circuit video surveillance system for keeping detention areas under surveillance, provided that persons deprived of their liberty are assured of reasonable privacy when using the toilets, wash basins and showers. However, systems of this kind cannot be a substitute for direct contact with custodial staff and may, moreover, breed a deceptive sense of security; **they should not replace the regular inspection of cells by custodial staff in order to ensure the safety of detained persons.**

#### 4. Safeguards against ill-treatment

27. The CPT attaches particular importance to three fundamental safeguards against the ill-treatment of persons detained by law enforcement agencies. These are: the right of access to a lawyer, the right of access to a doctor, including to right to request a medical examination by a doctor of his/her choice and the right to have his/her detention notified to a third party of his/her choice (family member, friend). In the CPT's opinion, these rights should apply as from the very outset of deprivation of liberty.

During previous visits to Slovakia, the CPT has repeatedly observed that apprehended persons are not legally entitled to all these fundamental safeguards and, even when entitled to them, do not always enjoy them in practice. Despite the recommendations by the CPT aimed at remedying this situation, there has to date been little improvement.

##### a. access to a lawyer

28. Persons deprived of their liberty by the police have a right to appoint a lawyer, to consult with the lawyer in private and to request that he/she be present during interrogations as from the outset of the deprivation of liberty<sup>8</sup>. In case of lack of financial means, a lawyer is appointed ex officio. However, the majority of persons interviewed by the CPT's delegation claimed to have been informed of their right to a lawyer only at the time of the first court hearing, when an ex officio counsel was appointed. In very few cases did detained persons have an opportunity to consult a lawyer from the outset of their police detention, let alone request that the lawyer be present during the interrogation or initial questioning. Police officers questioned by members of the delegation as to the reasons why lawyers were not present from the outset of the deprivation of liberty as prescribed by Slovak law, were unable to provide a satisfactory explanation.

**The CPT once again calls upon Slovak authorities to ensure that the right of access to a lawyer is fully effective in practice as from the very outset of the deprivation of liberty. The Committee recommends that further efforts be made to ensure that the system of legal aid for persons in police custody operates effectively; this should be done in co-operation with the relevant bar associations.**

##### b. access to a doctor

29. The Police Act lays down an obligation for the relevant police officer to arrange a medical examination before placing the apprehended person in a cell when he/she is obviously affected by alcohol, narcotic or psychotropic substances or medication, is injured or claims to be injured or seriously ill. And the CPT's delegation observed that most persons detained by the police who bore injuries were brought to a hospital in order to be seen by a doctor.

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<sup>8</sup> See Articles 34, 85 (6), and 122 (2) CCP.

However, detained persons still do not have a *right* of access to a doctor, let alone a doctor of his/her own choice, from the outset of deprivation of liberty, despite previous CPT recommendations to this end. **The CPT calls upon the Slovak authorities to introduce without further delay a fully-fledged right of access to a doctor, including to one of the detained person's own choice, from the outset of the deprivation of liberty; the exercise of this right should not be subject to any filtering by a police officer.**

c. notification of custody

30. It appears that not all persons deprived of their liberty are recognised under Slovak law as having a right to notify a third party of one's choice, but rather only persons detained in conformity with Article 19 (1) of the Police Act. In consequence, as verified through interviews with both detained persons and police officers, in most cases notification of a third party was left to the discretion of the investigating police officer and, in practice, it was often denied.

**The CPT recommends that the Slovak authorities take the necessary steps to ensure that the right of all detained persons to notify a third party of their choice as from the outset of the deprivation of liberty is recognised in law and applied in practice. Any exceptions to this right should be clearly defined and strictly limited in time and be accompanied by appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons and to require the approval of a senior police officer unconnected with the case or a prosecutor).**

d. information on rights

31. Under Article 8 (2) of the Police Act, persons deprived of their liberty by the police must be informed of their rights as soon as possible. Further, pursuant to Articles 121, 122 and 34 of the Code of Penal Procedure as amended, prior to the first interrogation, the investigative authorities must read and explain to the apprehended person his/her rights, and the latter must confirm in writing that he/she has understood them. As mentioned above, the rights included under these general provisions encompass the right of access to a lawyer, but exclude two other fundamental safeguards: the right to notify a third party of one's choice (except for cases of detention under Article 19(6) of the Police Act) and the right of access to a doctor.

During the final meeting with the Slovak authorities on 2 April 2009, the CPT's delegation was given a booklet describing, in several languages, the position of persons deprived of their liberty by the police. However, in none of the police stations visited was this booklet in evidence or referred to by a detained person. In any event, this booklet does not mention the right of access to a lawyer, and the same is true for the form that detained persons are required to sign at the outset of police custody. Nor, in line with the existing Slovak legislation, is any reference made to the right to notify a third party of one's choice (with exception of apprehensions under Article 19 of the Police Act) or the right of access to a doctor.

**The CPT recommends that the Slovak authorities ensure that persons detained by the police are informed about their rights promptly. Further, the information booklet and the form attesting that a detained person has been informed about his/her rights should be amended to include the right of access to a lawyer and, once the necessary legislation has been amended, the right to notify a third party of one's choice and the right of access to a doctor.**

e. custody records

32. The accurate recording of all aspects of a person's custody and of the action taken regarding him/her is another important safeguard against ill treatment and will also serve as a safeguard against unfounded allegations made against police officers. More specifically, such documentation will facilitate the task of a public prosecutor or other competent authority when seeking to ascertain whether a detained person's rights have been respected or, alternatively, when and where any violation or ill-treatment could have occurred.

33. In the police stations visited, the CPT's delegation encountered several examples of custody records with relevant data missing, such as the date and hour on which the deprivation of liberty ended<sup>9</sup>. For instance, the whereabouts of three persons apprehended on 30 January 2009 and brought to the Šamorin police station at 20h30 were not indicated in the registers between the hours of 22h00 and 6h00 the following morning. According to the registers, the apprehended persons had left Šamorin station at 22h00. However, the information gathered from the apprehended persons and other police records would suggest that all three of them had spent the night at Šamorin Police Station. The fact that the police station is not equipped for overnight custody may explain the reason why the information was not recorded in the registers.

Further, in several instances, the CPT's delegation found that police custody records made no reference to injuries that were observed by the delegation or, subsequently, recorded by prison staff upon a detained person's admission to prison. For instance, in the case of the alleged ill-treatment of a man met at the Trnava Regional Police Directorate, referred to above (see paragraph 14), the injuries observed by a medical member of the CPT's delegation were not recorded in the detention records. Indeed, the relevant sections of the records were left blank.

Also, in the second case reported in paragraph 14, concerning allegations of ill treatment against the Bratislava Traffic Police, the police detention record in the main Bratislava Police Station indicated that no physical force or violence had been used against the person concerned.

**The CPT recommends that the Slovak authorities take the necessary steps to ensure that police officers accurately record all relevant information in the custody records, including any signs of injuries borne by persons apprehended and detained.**

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<sup>9</sup> On one occasion, when confronted with missing information in the detention register, a police officer in charge immediately filled in the blank sections of the file, although the case in question was more than a month old.

## 5. Foreign nationals detained under aliens legislation

### a. introduction

34. Pursuant to Article 62 of the Aliens law<sup>10</sup>, the police may deprive of liberty a foreign national for unauthorised entry or stay in the territory of the Slovak Republic or when it is necessary to execute his or her administrative expulsion. The person may be held for up to 48 hours on police premises and, on the basis of a detention order issued by the Aliens and Border Police Department, may be detained for a maximum of 180 days in a detention facility for aliens.

35. In the course of the visit, the CPT's delegation visited both detention centres for aliens operating in Slovakia, as well as the *facility for the temporary holding of aliens at the Vyšne Nemecke border post*. The latter facility could accommodate, for several days, 8 persons in 4 holding rooms, which were much like police detention cells, were in good condition, and do not call for particular comment.

### b. detention centres for foreigners

36. With a capacity of 152 persons (112 men and 40 women), the *detention centre in Medved'ov*<sup>11</sup> (previously visited by the Committee in 2000<sup>12</sup>) accommodated 40 men and 3 women at the time of the visit.

In addition to adults, families with children could be accommodated in the *detention centre in Sečovce*<sup>13</sup>; its capacity was for 104 men and 72 women and children (176 persons in total). At the time of the visit, the Centre held 39 persons, including 3 accompanied minors.

37. No allegations were received of ill-treatment of persons held at either of the centres by staff, nor was any other evidence of such treatment gathered. Indeed, relations between detained persons and the custodial staff were adequate at the facility in Medved'ov, and even positive at the Centre in Sečovce, which benefitted from mixed-gender staffing and a greater emphasis on support to detained persons.

38. Material conditions of detention at the *Medved'ov* Centre were found to be broadly acceptable. The accommodation rooms were clean and adequately furnished, offered sufficient living space for the numbers of persons detained, and good access to natural light and artificial lighting. However, certain common areas were in need of maintenance: the television room in the first floor of the accommodation block for men was dirty, and the sanitary facilities in the same section were in a poor state of repair. **The CPT recommends that these deficiencies be remedied.**

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<sup>10</sup> Act No.48/2002 on the Stay of Aliens.

<sup>11</sup> Medved'ov is located south-east of Bratislava, near the border with Hungary.

<sup>12</sup> See CPT/Inf (2001) 29, paragraphs 40 to 45.

<sup>13</sup> Sečovce is located east of Košice.

The more recently constructed Centre at *Sečovce* was found to be in a very good state of repair; efforts had clearly been made, in the design and layout of the premises, to avoid the impression of a carceral environment. The CPT welcomes this state of affairs.

39. At both establishments a “corridor” regime was in place, allowing detained persons free movement during the day between accommodation rooms, sanitary facilities and other common areas within each unit. At *Sečovce*, a small outdoor playground was in place, and a selection of toys was available for the children. It was also planned to introduce educational activities for children, with the assistance of an NGO.

That said, virtually no activities, apart from table-tennis and watching television, were on offer at either establishment. Further, all the detained persons interviewed at *Medved’ov* alleged that they had infrequent access (e.g. twice in four weeks) to outdoor exercise.

In the report on its visit to Slovakia in 2000<sup>14</sup>, the CPT stressed the need to ensure that regime activities in detention centres for foreigners include outdoor exercise, access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). **The Committee therefore recommends that the Slovak authorities substantially develop the programme of activities at detention centres for foreigners. Immediate steps should also be taken to ensure that persons detained at Medved’ov Detention Centre for Foreigners have access to at least one hour of daily outdoor exercise.**

40. As regards food, arrangements were in place to respect the dietary requirements of Muslims. Further, the menu provided to detained persons at *Sečovce* was the same as that provided to staff at that Centre. The CPT welcomes this approach.

41. Medical care arrangements were of a good standard. The health-care team at *Medved’ov* consisted of a doctor who attended 2 to 3 days per week, as well as two full-time nurses, whereas at *Sečovce* a doctor and a nurse both worked full-time. Both services had well-equipped facilities at their disposal, as well as ready access to emergency and specialist medical services.

The medical confidentiality of consultations was ensured at *Sečovce*: a police officer would stand outside the room during consultations, behind a closed door. However, the situation was different at *Medved’ov*, where police officers remained present during medical consultations. **The CPT recommends that the necessary steps be taken to ensure that the confidentiality of medical consultations at Medved’ov Detention Centre for Foreigners is respected.**

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<sup>14</sup> See CPT/Inf (2001) 29, paragraph 42.

42. At both establishments, a “separation regime” operated for the seclusion of detained persons who could endanger the purpose of the detention (i.e. expulsion), are aggressive, breach the house rules or pose a threat to health<sup>15</sup>. This separation unit had 2 cells at *Medved’ov* and 4 cells at *Sečovce*. The windows in the unit at *Medved’ov* were covered with an opaque film, preventing most daylight from entering the cells. Apart from this deficiency, the cells at both establishments offered adequate material conditions, as well as an outdoor exercise yard.

It should be noted that the separation regime was not subject, by law<sup>16</sup>, to any time limitation or procedure including safeguards. The delegation found records of the regime being used for a period of up to 14 days at *Medved’ov*, and 27 days at *Sečovce*.

The CPT is concerned about the unregulated nature of the separation regime and the lack of safeguards surrounding it, such as a complaints procedure. **It recommends that use of the separation regime for reasons other than medical quarantine be made subject to a detailed procedure, providing the persons concerned with the right to be heard and to appeal to a higher authority against any measure of separation imposed.**

Further, **the Committee recommends that the opaque film covering the window-panes at Medved’ov be removed, so that access to natural light is no longer obstructed.**

43. As regards contacts with the outside world, detained persons could receive a 30-minute visit every three weeks at *Medved’ov*, and every two weeks at *Sečovce*; payphones were readily accessible at both centres. However, apart from the initial phone-calls to notify a close friend or relative or the relevant consular authorities of one’s detention, the cost for postage stamps or telephone cards had to be borne by the inmates concerned; those without resources were not assisted. Further, whereas detained persons were allowed to receive phone calls at *Medved’ov*, this was not possible at the Centre in *Sečovce*. **The CPT invites the Slovak authorities to ensure that all detained foreign nationals, including persons with little or no financial means, are able to maintain adequate contact with the outside world.**

c. safeguards

44. The fundamental safeguards advocated by the CPT as regards police custody (and discussed at paragraphs 27 to 33 above) should apply not only to persons detained under the criminal legislation, but also to persons deprived of their liberty under aliens and immigration law.

The Committee notes that the Slovak legislation does not provide for the systematic judicial review of detention orders. However, persons may appeal against their detention to a court.

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<sup>15</sup> See Aliens Act, Article 65.

<sup>16</sup> See Article 65 of Act 48/2002.

Foreigners deprived of their liberty should be expressly informed without delay and in a language which they understand, of all their rights and of the procedures applicable to them. Although the services of a qualified interpreter were in theory available, in practice it was rare that an interpreter would be called upon to assist. At both of the detention centres, or at the temporary holding facility visited, the delegation met several detained persons who had clearly not been able to communicate, due to a language barrier, with the authorities and/or the staff of the establishments.

Legal aid is provided by non-governmental organisations to asylum applicants – most of whom are not generally held in closed detention facilities in Slovakia – as well as to persons who have not lodged a request for asylum. However, the CPT's delegation observed that access to legal aid, as well as to the assistance of an interpreter, is, in practice, not effective for this latter category of detained person.

**The CPT invites the Slovak authorities to take the necessary steps to remedy the above-mentioned shortcomings.**

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45. The prohibition of torture, as enshrined in Article 3 of the European Convention on Human Rights, entails the obligation not to send a person to a country in which there are substantial grounds for believing he/she would run a real risk of being subjected to torture or other forms of ill-treatment. The decision-making process relating to asylum and immigration should, therefore, offer suitable guarantees against persons being sent to such a country.

**The CPT would like to receive information about the procedures applicable in this regard, in particular as regards the opportunities available to persons subject to an expulsion order to contest the measure, and the training provided to officials entrusted with handling such cases, as well as the information available to them about the human rights situation in the countries concerned.**



## **B. Prisons**

### **1. Preliminary remarks**

46. The delegation carried out follow-up visits to the remand sections of Bratislava and Košice Prisons and to Ilava Prison. It also visited the psychiatric section for the treatment of sexual offenders in Košice Prison and carried out targeted visits to Leopoldov and Prešov Prisons.

47. With an official capacity<sup>17</sup> for 455 remand prisoners and 149 sentenced inmates, at the time of the visit Bratislava Prison<sup>18</sup> accommodated approximately 300 pre-trial detainees - including two male juveniles and 30 women. In addition, around 100 persons were accommodated in an open section for sentenced inmates established in November 2008.

Košice Prison<sup>19</sup> held 227 remand prisoners and 354 sentenced prisoners at the time of the visit, for an official capacity of respectively 368 and 347.

With an official capacity of 512 persons, Ilava Prison<sup>20</sup> accommodated 310 sentenced inmates<sup>21</sup> at the time of the visit: 137 at medium and 171 at maximum “guarding level”, and two persons sentenced to life. Two remand prisoners were also being accommodated, for security reasons, in the recently refurbished unit for life-sentenced inmates.

48. Leopoldov Prison, set in a fortification<sup>22</sup>, had a capacity for 1,394 inmates (341 remand and 1,053 sentenced). At the time of the visit, the establishment accommodated 273 remand prisoners (including 5 juveniles) and 729 sentenced inmates, of whom 404 were classified at medium and 290 at maximum guarding level<sup>23</sup>. There were 26 life-sentenced prisoners. A focused visit was carried out to the unit for life-sentenced prisoners as well as to the 11 prisoners housed in the High security unit, both units located in the so-called “Castle” section of the Prison. The Castle, consisting of a trapezium-shaped structure enclosing the exercise yards, underwent extensive reconstruction which was completed in 2004.

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<sup>17</sup> In Slovak prisons, official capacity is calculated at 3,5m<sup>2</sup> per inmate in multi-occupancy cells, except as regards women and juveniles, for whom a minimum of 4m<sup>2</sup> applies.

<sup>18</sup> The CPT visited Bratislava Prison on all three of its previous visits to the Slovak Republic, in 1995, 2000 and 2005. For a general description of the establishment, see the report on the visit in 1995 (CPT/Inf (97) 2), at paragraph 68.

<sup>19</sup> Košice Prison was visited in 2000 and 2005. See paragraph 48 of the report on the visit in 2000 (CPT/Inf (2001) 29).

<sup>20</sup> The CPT visited Ilava Prison in 2005. See CPT/Inf (2006) 5, at paragraph 38.

<sup>21</sup> Part of the Prison was under reconstruction. For this reason, the Prison was not operating at full capacity.

<sup>22</sup> The prison was visited by the CPT in 1995 (see CPT/Inf (97) 2).

<sup>23</sup> 35 prisoners had been re-classified and were awaiting transfer to a prison in which they could benefit from a minimum guarding level.

49. Prešov Prison, located in the centre of the town of Prešov, north of Košice, was visited for the first time. With a capacity for 180 pre-trial and 18 sentenced inmates, the establishment was accommodating 108 remand prisoners, including 14 juveniles (all male) and two women. The delegation's brief visit was focused on the mitigated regime offered to juveniles on remand as well as on interviewing persons who had recently been in police custody.

50. For the first time, the delegation visited Trenčín Prison Hospital, the only general health care penitentiary institution in Slovakia. With a capacity to accommodate 144 inmates for treatment in wards for internal medicine (40 beds), tuberculosis and pneumonia (20 beds), neurology (24 beds) and psychiatry (60 beds), the establishment also administered 12 beds for surgery at the civil hospital in Trenčín. In addition, it had a section for 35 working prisoners and another for 50 elderly or disabled inmates. The delegation focused on the treatment and detention conditions afforded to patients on the psychiatric ward (see paragraphs 109 to 114).

51. The CPT welcomes the considerable reduction of occupancy levels in remand prisons since the visit in 2005. According to the Slovak authorities, this is in large part due to the introduction of plea-bargaining in the new Code of Criminal Procedure. Nevertheless, some overcrowding remained, according to official statistics<sup>24</sup>, as regards sentenced prisoners at Košice and Nitra-Chrenová Prisons.

With the adoption of new legislation on the enforcement of remand and prison sentences, the official standard minimum living space per prisoner (whether pre-trial or sentenced) in multi-occupancy cells was raised to 4m<sup>2</sup> for women and juveniles; however, it still stood at 3.5m<sup>2</sup> per adult male inmate, falling short of the CPT's minimum standard. **The CPT reiterates its recommendation that minimum living space be raised to 4m<sup>2</sup> for each inmate accommodated in a multi-occupancy cell, and that official capacities be recalculated on that basis.**

52. Another important development concerns the planned Psychiatric Detention Centre, to be established, under the authority of the Ministry of Health, in Hronovce, adjacent to a civil psychiatric hospital. The Centre is to accommodate a maximum of 50 to 70 mentally ill convicted persons; its perimeter and internal security would be entrusted to the Ministry of Justice. Clearly, such an establishment could, potentially, provide an adequate therapeutic environment for certain persons who are currently accommodated in high security regimes in the Slovak prison system (see paragraphs 83 and 84). However, it was not clear to the delegation, to what extent the new Centre would accommodate persons subject to court-ordered protective psychiatric treatment or provide treatment for prisoners suffering from an acute psychiatric condition.

The Slovak authorities have also announced plans to establish a prison for mothers with children in Nitra, where the only establishment for sentenced women is located.

**The CPT would like to be informed of the detailed plans as regards both the new prison for mothers with children and the new psychiatric detention institution, including the establishments' projected capacities, staffing and other resources.**

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<sup>24</sup> As at 1 February 2009.

## 2. Legal framework

53. Important legislative changes have occurred since the CPT's previous visit to Slovakia, with the entry into force in 2006 of new Criminal and Criminal Procedure Codes<sup>25</sup>, and of revised Acts on the Enforcement of Pre-trial detention<sup>26</sup> and of Prison Sentences<sup>27</sup>.

Positive developments in the new legislation – as regards matters falling within the Committee's mandate – concern the differentiated regimes available for remand prisoners, the integration of prisoners serving long sentences<sup>28</sup> in the general prison population, the development of individualised custody ("treatment") plans, the new system of rewards for both sentenced and remand prisoners, and a more effective role attributed to prosecutors for the supervision of prisons.

54. Nevertheless, the CPT does have certain concerns about the recent legislative developments. The Committee would mention two essential issues at this juncture:

(i) During the CPT's visit to Slovakia, the maximum period of pre-trial detention was extended from 4 to 5 years (for persons charged with certain very serious offences). Apart from placing Slovakia among the countries with the longest maximum periods of remand detention in Europe, such an extension is disturbing, given the persistent problems identified by the CPT as regards the regime offered to remand prisoners<sup>29</sup>. **The Committee would welcome the comments of the Slovak authorities on this matter.**

(ii) The second issue concerns the role accorded by the legislation to the courts in determining the manner in which a prison sentence will be executed, i.e. the so-called external classification, at the sentencing stage, into minimum, medium and maximum guarding levels. Re-classification by the court to a lower or higher guarding level is possible (as regards persons sentenced to life imprisonment, the possibility is limited; see paragraph 63). A further, internal, classification by the prison authorities is also possible, within the court-imposed classification.

Nevertheless, according to this classification model, the severity and circumstances of the crime committed – as opposed to other factors, such as a prisoner's behaviour – are the key elements for determining a prisoner's detention regime. Prison directors themselves confirmed that the scope of adaptation left to the prison authorities is minor.

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<sup>25</sup> Act 300/2005, adopted on 20 May 2005.

<sup>26</sup> Act 221/2006, adopted on 15 March 2006, entered into force on 1 July 2006, with the exception of paragraphs 12 (subparagraphs 3 (partitioning of toilets) and 4 (individual lockboxes)) and 21 (use of telephone), which entered into force in July 2007.

<sup>27</sup> Act 475/2005 was adopted on 22 September 2005 and entered into force on 1 January 2006. It included transitional instructions about detention on remand. The Decree (368/2008) on the implementation of Act 475/2005 was adopted in 2008.

<sup>28</sup> Previously so-called "extraordinary sentences".

<sup>29</sup> See paragraphs 91 and 92 *infra*, as well as the CPT's past reports on Slovakia: CPT/Inf (97) 2, paragraphs 80-85, 100-101; CPT/Inf (2001) 29, paragraphs 58-61, 63; CPT/Inf (2006) 5, paragraph 46.

The CPT considers that allocation and classification of prisoners, enabling each person to be assessed in terms of security risk, skills, and needs, should occur on admission to prison and not at the sentencing stage. A well-designed allocation/classification procedure will provide the authorities with the necessary information to treat prisoners as individuals and to deal with their special needs; such a procedure will make it possible to distinguish the small number of prisoners who are likely to present a threat to security or control from the majority who will be suitable for inclusion in a normal, developed programme of regime activities.

**The CPT recommends that the Slovak authorities review the current prisoner classification model, and develop and implement a proper system of allocation and classification of prisoners by the prison authorities, in the light of the foregoing remarks.**

### 3. Ill-treatment

55. In all but one of the establishments visited, the inmates interviewed by the CPT's delegation made no allegations of physical ill-treatment by staff. Indeed, several prisoners who had served a number of years in Slovak prisons remarked favourably that physical ill-treatment by staff was a thing of the past.

However, the delegation heard some allegations of slaps, kicks and other rough treatment by staff at Leopoldov Prison, in particular in respect of inmates in the establishment's High Security Unit. Both the Prison Director and staff working in the Unit underlined the difficulties encountered in managing that Unit's inmates. The information gathered by the CPT's delegation would indicate that certain staff members occasionally resorted to excessive use of force when faced with inmates whose behaviour was difficult to manage.

**The CPT recommends that custodial staff at Leopoldov Prison be reminded that all forms of physical assault of prisoners are unprofessional and that any evidence of such acts will lead to disciplinary and, if appropriate, criminal proceedings.**

56. It is self-evident that one of the most effective means of preventing ill-treatment by prison officers lies in the diligent examination of complaints of ill-treatment and the imposition of suitable penalties.

Reference should be made, in this context, to a case examined during the CPT's previous visit to Slovakia in 2005. In June 2004, a prison officer at Bratislava Prison kicked a remand prisoner in the thorax when the person was already under control, lying on the floor, and restrained<sup>30</sup>. Criminal proceedings were instituted and the act was proven, yet on 30 October 2005, the judge referred the case, as a disciplinary matter, back to the prison governor, who closed it by holding an interview with the prison officer concerned<sup>31</sup>. In the CPT's view, such an outcome is not proportionate to the gravity of the acts and it sends the wrong message to prison staff, in terms of preventing the ill-treatment of prisoners. **The Committee requests the comments of the Slovak authorities on this issue.**

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<sup>30</sup> See report on the 2005 visit, at paragraph 40.

<sup>31</sup> As stated in information received in March 2009 from the Slovak authorities.

57. The CPT also has a number of concerns relating to the use of dogs and strip searches. The law provides for broad use of dogs in prisons, as one of a range of legally permitted means of coercion<sup>32</sup>. At Ilava Prison, service dogs were employed – at times even unmuzzled – during routine prison duties, such as the twice daily head-counts in certain sections of the Prison.

Dogs were also used for the frequent cell searches carried out at Ilava and Leopoldov Prisons. On a less frequent, but also regular basis, however, such cell searches at Ilava Prison were combined with collective strip searches, during which a whole section's inmates were required to assemble in the adjoining corridor, strip naked, face the wall and perform several squats, all the while with prison staff and dogs passing nearby.

A further objectionable practice was the systematic strip searching of life-sentenced prisoners<sup>33</sup>. These individual strip searches were carried out almost daily and before as well as after the inmates in question received a visit. It should be recalled, at this point, that with the exception of so-called D2-category prisoners (see paragraph 70), life-sentenced inmates did not have access to contact visits.

58. As the Committee has stressed in the past<sup>34</sup>, the use of dogs within detention facilities can only be justified under very exceptional circumstances.

The CPT also has serious misgivings about the practice of obliging prisoners to undergo routine strip-searches<sup>35</sup>. Further, prisoners should never be required to strip naked in front of other inmates, or of a large group of persons; and it is totally unacceptable to have dogs – a fortiori when they are unmuzzled – in close proximity of prisoners who are in the process of being strip-searched. The above-mentioned practices are all the more objectionable when used in combination and could well be described as degrading.

59. During the end of visit talks with the Slovak authorities, the CPT's delegation requested that the prison authorities immediately stop carrying out full body searches of life-sentenced prisoners as a routine practice.

By letter of 29 June 2009, the Slovak authorities referred to the internal regulations governing “full personal searches”<sup>36</sup> and explained that the manner in which full personal searches should be carried out differed depending on the category of inmate and the circumstances. Thus, for example, during full personal searches of inmates placed in a life sentences unit the inmate concerned would be allowed to retain his underwear. **The CPT recommends that steps be taken to ensure that the afore-mentioned requirement is complied with in practice.**

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<sup>32</sup> See the Law on the Corps of Prison and Court Guard Act 4/2001, permitting the use of explosive stun devices, electric shock devices, tear gas, dogs, action detonators, and striking with, and making use of, firearms.

<sup>33</sup> A remand prisoner placed in the section for life sentenced inmates at Ilava Prison (see paragraph 64) was also subjected to systematic strip searches.

<sup>34</sup> 2000 Report, paragraph 78 and 2005 Report, paragraph 66.

<sup>35</sup> See also *Lorsé v The Netherlands*, *Van der Ven v The Netherlands*, 4 May 2003.

<sup>36</sup> Article 44 of the Minister of Justice Order N.2/2006 on Guard and Escort Service, Court Guard, Special Intervention Units in the Corps of Prison and Court Guard

The Slovak authorities further stated that a revision of the relevant regulations was under way and would be completed in the course of 2009, such that inmates sentenced to life imprisonment would only be subject to full personal searches when they come into contact with other persons outside of their cell. The CPT takes note of this improvement **and requests confirmation, in due course, that this measure has been taken, together with a copy of the revised regulations.**

**Further, the CPT recommends that the Slovak authorities put an immediate stop to the practice of collective strip searches described above and ensure that any resort to strip searching of prisoners is based on an individual assessment and is carried out in such a way as to respect, as far as possible, the dignity of the prisoners concerned. Moreover, dogs should no longer be used for routine prison duties involving inmates, nor should they be employed when prisoners are strip-searched.**

60. Reference should also be made to the recent ban on receiving cigarettes in parcels, purportedly imposed as a measure against contraband and to reduce smoking. It should be noted, however, that cigarettes remain available to prisoners, from the official outlet (snack bar) at the official price.

The ban was generating serious tension in the prisons visited. In combination with many inmates' dire finances and strong nicotine addictions, the ban had led to cigarette smuggling, conflicts between prisoners, and widespread exploitative bartering in goods, such as food, and services, including laundry. The delegation also came across vulnerable inmates who had been exploited for sexual favours. As one prison director put it, the inmates "are simply desperate".

**The Committee recommends that the Slovak authorities review the ban on receiving cigarettes in parcels, with a view to attenuating its negative effects.**

#### 4. Life-sentenced prisoners

##### a. introduction

61. Life-sentenced prisoners were mostly accommodated in Leopoldov Prison; at the time of the visit, the prison was holding 26 life-sentenced inmates. Three life-sentenced prisoners were also being held at Ilava Prison; two of them had been involved in the deaths of five prison officers during an uprising at Leopoldov Prison in 1991<sup>37</sup> and, in the opinion of the prison administration, could not be transferred back to this prison, while the third prisoner remained at Ilava Prison in order to be closer to Trenčín Prison Hospital due to a poor state of health.

62. The CPT has repeatedly criticised the treatment and material conditions of prisoners with “extraordinary custodial sentences” (i.e. prisoners with life-sentences and long-term sentences over 15 years)<sup>38</sup>. Consequently, the Committee is pleased to note that the category of “extraordinary custodial sentences” has been abolished and that, with the exception of life-sentenced prisoners, all prisoners with long sentences have been integrated into the general prison population. This development is to be welcomed. Further, there has been progress in the conditions of detention for life-sentenced prisoners, notably the modification of the cage-like cells described in the report on the 2005 visit<sup>39</sup>. In addition, following a 2006 revision of the “Law on enforcing imprisonment sentences”, certain adaptations have been made to the regime for life-sentenced prisoners. The steps taken so far are commendable; that said, more needs to be done to create acceptable detention conditions for life-sentenced prisoners.

63. According to Article 79 of the “Law on enforcing imprisonment sentences”, the main objective of life imprisonment remains “the protection of society against future crimes”. As a result, regardless of behaviour and personal development, a life-sentenced prisoner is not entitled to prison leave and may not interrupt his sentence. Reclassification to a lower security level<sup>40</sup> is legally possible only after 25 years and the progressive reclassification to the lowest security level may eventually entitle the prisoner to conditional release. Moreover, the general principle remains that a life-sentenced prisoner shall be held in isolation.

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<sup>37</sup> At the time of the visit, one life sentenced prisoner was placed at Trenčín Prison Hospital.

<sup>38</sup> CPT/Inf (2006) 5; paragraphs 44, 47 – 53, 62; CPT/Inf (97) 2; paragraph 98.

<sup>39</sup> See CPT/Inf (2006) 5; paragraph 44.

<sup>40</sup> In Slovakia, prisoners may be classified at maximum, medium or low security level.

64. As already stated in previous visiting reports, the CPT believes that the Slovak authorities should review their approach towards life-sentenced prisoners in the light of the principles of the Council of Europe's Committee of Ministers' Recommendation (2003) 23 on the "management by prison administrations of life-sentence and other long-term prisoners" of 9 October 2003. One of the general principles underpinning such management is the *non-segregation principle*, which states that consideration should be given to not segregating life-sentence prisoners on the sole ground of their sentence. This principle should be read in conjunction with the *security and safety principle*, which calls for a careful assessment of whether prisoners pose a risk of harm to themselves, to other prisoners, to those working in the prison or to the external community. It recalls that the assumption is often wrongly made that the fact of a life-sentence implies a prisoner is dangerous. The explanatory report to this recommendation notes that "as a general rule, the experience of many prison administrations is that many such prisoners present no risk to themselves or to others" and that "they exhibit stable and reliable behaviour".

The recommendations and comments made by the CPT in the following paragraphs should be read in the light of these principles.

65. At Ilava Prison, the CPT's delegation also came across the questionable practice of placing remand prisoners requiring protection in the lifers' section. Their conditions of detention were similar to those imposed on life-sentenced inmates, with the exception that the inmates concerned were not systematically handcuffed. These prisoners were subject to a regime amounting to long-term isolation. **The CPT recommends that the placement of these remand prisoners be reviewed, in order to ensure that they are provided, as far as possible, with an appropriate regime, with only those restrictions strictly necessary to adequately protect them.**

66. Under Slovak law, it remains possible for children to be sentenced to life imprisonment. Moreover, following Article 30 (2) of the Institutional Rules for Convicts (Instruction nr 12), the conditions of detention for life sentenced children are the same as for life sentenced adults. The CPT doubts whether Slovak law is in full conformity with the UN Convention on the Rights of the Child (CRC). Although Article 37 of the Convention does not prohibit the sentencing of children to life imprisonment when there is the possibility of release or parole, according to the Committee on the Rights of the Child the implementation of such a sentence "must fully comply with and strive for the realization of the aims of juvenile justice enshrined in article 40 (1) of CRC. This means inter alia that the child sentenced to this imprisonment should receive education, treatment, and care aiming at his/her release, reintegration and ability to assume a constructive role in society. This also requires a regular review of the child's development and progress in order to decide on his/her possible release. Given the likelihood that a life imprisonment of a child will make it very difficult, if not impossible, to achieve the aims of juvenile justice despite the possibility of release, the Committee [on the Rights of the Child] strongly recommends the States parties [to the Convention] to abolish all forms of life imprisonment for offences committed by persons under the age of 18."<sup>41</sup> **The CPT recommends the Slovak authorities to take due note of the above and consider abolishing the imposition of life sentences on children.**

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<sup>41</sup> See Committee on the Rights of the Child, General Comment 10 (2007) "Children's rights in juvenile justice"



b. material conditions

67. As already indicated, the cage-like cells previously used to accommodate life sentenced prisoners have been modified.

At Leopoldov Prison, life-sentenced prisoners were concentrated in one, recently refurbished department, with both single (for prisoners at D1 level<sup>42</sup>) and double-occupancy cells (for prisoners at D2 level<sup>43</sup>) that were all suitably equipped with beds, a table and stool (all attached to the floor), storage space and in-cell toilet and shower facilities. The cells were sufficient in size, well-ventilated and luminous, with adequate access to natural light and sufficient artificial lighting.

Most, but not all, of the single-occupancy cells were paired together to form “suites”; i.e. two single cells faced each other with only a two-meter wide corridor separating the entrances, thus enabling prisoners to visually and orally communicate with one another.

At Ilava Prison, the three life-sentenced prisoners were accommodated in single cells in the high-security department, which was undergoing refurbishment at the time of the visit. The renovation works in the cells had not been completed; for instance, call bells had not yet been installed.

68. Both prisons had extensive yards available for outdoor exercise. However, these facilities were not accessible for life-sentenced prisoners, who instead took exercise in corridor-like yards measuring between 13 and 20 m<sup>2</sup>. In addition to their oppressive design, these facilities did not permit inmates to exert themselves and limited any exercise to pacing back and forth.

**The CPT recommends that outdoor exercise facilities for life-sentenced prisoners at Ilava and Leopoldov Prisons be improved significantly.**

c. regime

69. In the past, the CPT has repeatedly criticized the regime afforded to life-sentenced prisoners, noting for example in the report on the 1995 visit, that the regime was very restrictive, based exclusively on control and deprived of meaningful activities<sup>44</sup>. In the report on its 2005 visit, the CPT expressed its concerns about the regime of solitary confinement imposed on life-sentenced prisoners and asked for “urgent steps to increase the possibilities for human contact” for long-term prisoners<sup>45</sup>.

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<sup>42</sup> See paragraph 69.

<sup>43</sup> See paragraph 69.

<sup>44</sup> See CPT/Inf (97) 2; paragraph 98.

<sup>45</sup> See CPT/Inf (2006) 5; paragraph 9.

70. The Slovak authorities amended the “Law on enforcing imprisonment sentences” on 1 January 2006, introducing changes to the regime afforded to life-sentenced prisoners by making it possible to mitigate the standard regime (“D1 regime”) by means of an internal differentiation (“D2 regime”)<sup>46</sup>. Article 78 (4) of Decree 368/2008 further indicates the privileges of a life-sentenced prisoner placed in the D2 regime: he is allowed movement in a restricted area outside his cell; may associate with other D2 prisoners; is allowed direct contact visits; may participate in organised group activities; and may participate in selected activities organised for prisoners not sentenced to life. Article 5 (5) f of the Institutional Rules for Convicts (Instruction nr 12) further stipulates that D2 prisoners are not handcuffed when taking a shower, visiting the hairdresser, undergoing medical treatment, taking outdoor exercise, during visits or cultural and educational activities, during the execution of disciplinary sanctions, and during body searches.

Article 78 (4) also describes the criteria for placement in a D2 regime: a life-sentenced prisoner must have served “a part” of the sentence, abide by the internal rules of the institution, display positive changes in his attitude towards criminal activity and “value orientation”, and comply with his personal treatment plan.

71. The D2 regime was only introduced at Leopoldov Prison in September 2008, more than two and a half years after the amended legal provisions entered into force and for a very limited number of prisoners. The delay was put down to the opposition of prison staff to the new D2 regime differentiation, a point which was frequently impressed upon the CPT’s delegation during its visit to the prison.

As regards Ilava Prison, the D2 regime had still not been introduced. All three life-sentenced prisoners had remained at the equivalent of a D1 level regime. Nevertheless, one of the prisoners was given liberties equivalent to the D2 regime due to his age, condition and health.

72. At the time of the visit, five life-sentenced prisoners at Leopoldov Prison (out of a total of 26) had been placed on a D2 regime. The procedure for placement in D2 is laid down in broad terms in Articles 74 (5) and 78 (5) of the Law and duly replicated in the house rules of Leopoldov Prison<sup>47</sup>. The decision for placement on a D2 regime is taken by the prison governor, upon the proposal of the educator. The governor takes his decision after discussing the proposal with a committee, which only annually discusses issues of reclassification.

The CPT’s delegation was informed that there were no formal regulations in place regulating in detail ‘promotion’ to or ‘demotion’ from a D2 regime for a life-sentenced prisoner. Not surprisingly, from interviews conducted by members of the CPT’s delegation, it transpired that many life-sentenced prisoners were uncertain about the precise criteria for both ‘promotion’ to D2 regime, as well as for possible ‘demotion’ back to a D1 regime. Some prisoners at D1 level were under the impression that disciplinary punishments imposed up to 15 years ago could still affect ‘promotion’ to the D2 regime. On the other hand, some prisoners at D2 level were convinced that a single disciplinary measure might result in their being ‘demoted’ to a D1 regime.

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<sup>46</sup> See Article 79 (6).

<sup>47</sup> See paragraph 5 (3), Directive No 12 of the “Collection of Instructions, Directives and Regulations of the Governor of the Prison for the Execution of Sentences and the Prison for the Execution of Remand Leopoldov

73. As prescribed by Decree 368/2008, the D2 regime at Leopoldov Prison allows certain opportunities for association: D2 prisoners share double-occupancy cells and are regularly allowed to associate with other D2 inmates, in addition to the one hour of outdoor exercise every day. Further, D2 prisoners only have handcuffs applied when taken outside the lifers' department. D2 prisoners may also have two hours of direct contact visits every month, participate in cultural activities and visit the tuck shop.

However, several prisoners on a D2 regime complained that, since January 2009, contact visits had not been permitted, that trips to the tuck shop had been discontinued, and that no cultural activities had yet been organised.

74. As for the regime for life-sentenced prisoners on a D1 regime, it had not been improved by the amendments made to the "Law on enforcing imprisonment sentences". This category of prisoner remains isolated from other prisoners, including from other life-sentenced prisoners (except for a possible "suite mate" (see paragraph 67). Their scarce contacts with other human beings, including the prison chaplain, always took place through bars. Further, besides stitching shoes in their cells, for most life sentenced prisoners at Leopoldov Prison there were no activities other than reading and watching television.

At the time of the visit, 21 of the 26 life-sentenced prisoners were confined to their cells for 23 hours a day. The majority of life-sentenced prisoners at D1 level were accommodated in "suites", which allowed them some visual and verbal contact with one other prisoner. However, at the time of the visit, there were still five life-sentenced prisoners accommodated in non-paired single cells in Leopoldov Prison, who spent 23 hours a day in complete isolation.

On a more positive note, the CPT welcomes the fact that at Leopoldov Prison, all life-sentenced prisoners could now take their outdoor exercise with up to three other life-sentenced prisoners.

75. Regrettably, at Ilava Prison the regime has not evolved at all since the 2005 visit. The three life-sentenced prisoners were accommodated in single-occupancy cells and took their one hour of outdoor exercise separately and alone. The only opportunity for association among them occurred when one of the prisoners was brought to the cells of the two other prisoners one afternoon a week for one hour.

76. The essential characteristics of the regime for life-sentenced prisoners are laid down in the "Law on enforcing imprisonment sentences", and leave little room for the Prison Service or an individual prison to adapt the regime. In the view of the CPT, such an approach is flawed: those responsible for the implementation of a sentence should have the means of rewarding, in a meaningful manner, positive behaviour or adapting the regime to the particular needs of a prisoner.

The negative consequences of this restrictive approach are illustrated by the case of a life-sentenced prisoner at Leopoldov Prison, who has an IQ of 61, suffers from a learning disability and has a psychiatric disorder (schizophrenia). Nevertheless, he was accommodated alone in a cell deprived of any contact with other prisoners and subjected to the standard D1 regime for life-sentenced prisoners. According to his medical files, this man suffered regularly from a mental relapse, resulting in a transfer to Trenčín Prison Hospital for a short period before being returned to Leopoldov Prison until the next relapse.

When the delegation raised the case of this prisoner, the management of Leopoldov Prison acknowledged that the standard D1 regime had a detrimental effect on his health, but argued that the legislation did not provide the possibility either to offer a more suitable regime or to transfer him elsewhere on a permanent basis. In the CPT's view, the treatment of this person could be described as degrading; **it calls upon the Slovak authorities to take the necessary steps to provide a suitable solution whereby the prisoner in question can be afforded the conditions of detention and care he requires. The CPT would like to receive within two months an account of the measures taken in respect of the detention conditions of this man.**

77. In sum, certain measures have been taken to improve the detention regime afforded to life-sentenced prisoners since 2005, most notably by the introduction of the D2 regime differentiation. However, it would appear that even this development has yet to be fully implemented.

Further, despite the introduction of the D2 regime differentiation, the regime afforded to the vast majority of life-sentenced prisoners remains impoverished. In this context, the CPT recalls that long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, such prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills). Such risks are all the higher in respect of prisoners who face the prospect of spending most of the rest of their adult life in prison. In the Committee's view, the programmes of activities offered to life-sentenced prisoners should seek to compensate for these effects in a positive and proactive way. The inmates concerned should have access to a wide range of purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).

78. Consequently, the CPT is obliged to reiterate many of its previous recommendations. Once again, **the CPT recommends that the Slovak authorities fundamentally rethink the regime applied to life-sentenced prisoners, with the objective to move away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells and to integrate them at some point into the mainstream prison population.**

**Further, the Committee recommends that appropriate steps be taken to lend meaning to the period of imprisonment for life-sentenced prisoners by making major investment in structured activities of a long-term nature (in particular work, with a vocational value, and education).**

**In addition, the CPT recommends that the D2 regime differentiation be fully implemented and further developed; that clear criteria for promotion to and demotion from the better regime be set; and that the committee referred to in paragraph 72 increase the frequency with which it discusses the reclassification of life-sentenced prisoners.**

d. use of handcuffs

79. All life-sentenced prisoners continued to be subjected to stringent control measures. Clearly, the introduction of treatment plans (see paragraph 53 above) has not led to individual risk assessment as regards security measures vis-à-vis such prisoners. In particular, the use of handcuffs remained a generic feature of the regime applied to life-sentenced prisoners. Except for when inside the outdoor exercise yards, life-sentenced prisoners at both Ilava and Leopoldov Prisons would always be handcuffed when outside their cells (for prisoners at D1) or outside the lifer's department (for prisoners at D2). For example, at Ilava Prison, life sentenced prisoners would be handcuffed whilst being escorted to the shower area a few meters away.

The CPT is compelled to reiterate that, in its view, there can be no justification for routinely handcuffing life-sentenced prisoners outside their cells, all the more so when the measure is applied in an already secure environment. Such a practice can only be seen as disproportionate and punitive, and is perceived as such by those prisoners with whom the CPT's delegation met.

**The CPT recommends that the Slovak authorities end the routine handcuffing of life-sentenced prisoners in Leopoldov and Ilava Prisons, in the light of the above remarks.**

## 5. Leopoldov Prison High Security Department

a. introduction

80. In general, placement in a security cell (whether or not within a high security department) may either be the consequence of the behaviour of the prisoner (within the prison establishment) or of the nature of the offence the prisoner committed or is suspected of.<sup>48</sup> The various grounds for placing sentenced prisoners in a security cell are laid down in Article 81 of the Law on enforcing imprisonment sentences. For instance, under Article 81 (1), such a placement can be made in case, "the prisoner (...) constantly violates the House Rules, refuses to fill his duties, has a negative effect on other prisoners contrary to the objective of a prison sentence, endangers the security of prison officers, prisoners and other persons, escaped from prison, tried to escape or prepared an escape". Further, under Article 81 (2) such a placement is foreseen for "prisoners charged with or convicted for a very serious offence that he committed as a member of an organized criminal or terrorist group and for preventive-security reasons".

For remand prisoners, the legal grounds of placement in a security cell are provided by Article 7 (4) of the Act on Pre-trial detention, which indicates that remand prisoners who behave aggressively, break the House Rules, endanger security in prison or are prosecuted for criminal acts in Article 47 (2) of the Criminal Code<sup>49</sup> may be placed in security cells.

The CPT considers that the current formulation of the legal provisions in respect of placement in a high security department is insufficiently precise, leaving too much discretion to the placing authority, the prison director. **The CPT recommends that steps be taken to remedy this situation.**

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<sup>48</sup> In addition, also persons sentenced by an international court will be placed in a security cell.

<sup>49</sup> Article 47 (2) is concerned with organised crime.

81. The CPT was concerned to learn that, with the exception of a mandatory six monthly review for sentenced prisoners provided for by Article 81 (5) of the Law on enforcing imprisonment sentences, the legislation in place does not lay down any procedural requirements in respect of placement in a security cell/ high security department. This is not acceptable; placement in a security cell/ high security department should always be surrounded by appropriate safeguards.

Consequently, **the CPT recommends that:**

- **a prisoner in respect of whom a placement in a security cell/ high security department is envisaged, or who is placed in a security cell/ high security department or in respect of whom such placement is extended, be given an opportunity to express his/her views on the matter after having been informed in writing of the reasons for the measure (it being understood that there might be reasonable justification for withholding from the prisoner specific details related to security);**
- **the placement of a prisoner in a security cell/ high security department be fully reviewed at regular intervals (preferably on a quarterly basis). This review should be carried out in respect of both remand and sentenced prisoners;**
- **prisoners have the right to appeal to an independent authority against the imposition or extension of a placement in a security cell/ high security department.**

b. the High Security Department at Leopoldov Prison

82. The high security department at Leopoldov Prison was situated in a recently renovated part of the prison adjacent to the department for life sentenced prisoners, with a similar lay-out (see paragraph 67). At the time of the visit, the department was holding 11 sentenced prisoners<sup>50</sup>, eight of whom were in paired single cells.

As regards the regime, three inmates were offered in-cell work (stitching shoes) while the rest remained locked in their cells for 23 hours a day with no meaningful activities other than reading and watching television. Except visual and verbal contact with a 'suite mate', if any, inmates could only associate during their hour of daily outdoor exercise, which took place in small groups. Prisoners in unpaired single cells were in essence being held in conditions of detention akin to solitary confinement.

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<sup>50</sup> During the visit, two high security prisoners normally held in the department had been transferred to the disciplinary unit following a fight.

83. The majority of prisoners held in the high security department had repeatedly committed disciplinary offences and were considered as 'troublesome'. However, it transpired that many of these disciplinary offences related to acts of self-harm such as cutting themselves, eating glass and attempted suicide. The self-destructive behaviour of the prisoners was in fact evident from their files and from interviews. Acts of self-harm frequently reflect problems and conditions of a psychological or psychiatric nature, and should be approached from a therapeutic rather than a punitive standpoint and also staff expressed the view that a number of prisoners suffered from mental disorders. It is noteworthy that, whilst held in the high security unit, many of the prisoners continued to self-harm. In addition, according to information provided by the Slovak authorities, since 2006 there had been four suicide attempts and one successful suicide on this department. Nevertheless, as far as the CPT could ascertain, no appropriate care, in particular psychiatric care, was provided to these prisoners. As regards custodial staff attached to the high security department, they were ill-equipped to deal adequately with the challenges posed by these prisoners; this may well explain some of the incidents of ill-treatment reported to the delegation (see paragraph 55).

84. This Committee does not doubt that there may be a need to provide a more secure setting for prisoners whose particularly violent behaviour represents a threat to staff and other prisoners. However, the CPT is concerned that, at present, the Leopoldov High Security Department is limited to providing a secure setting, while the majority of prisoners it accommodates, appears to be in dire need of adequate psychiatric care. From interviews it transpired that these concerns were fully shared by staff members.

In the course of its consultations with the Slovak authorities on 2 April 2009, the CPT's delegation made an immediate observation under Article 8 (5) of the Convention requesting the Slovak authorities to carry out, within two months, a thorough review of the prisoners currently placed in the high security department at Leopoldov Prison, in terms of the suitability of their placement and of the regime applied to them. On 29 June 2009, the Slovak authorities informed the CPT that they are aware that not all prisoners currently accommodated in the high security unit are fit to be held there. However, according to the Slovak authorities, both the legislation in force and the absence of an alternative in the form of a Psychiatric Detention Centre (see paragraph 52) leaves no other option than to place 'troublesome' prisoners in the High Security Department, irrespective of their mental health conditions. The response of the Slovak authorities suggests that no steps are envisaged to improve the detention conditions for these prisoners until the opening of the Psychiatric Detention Centre in 2010.

It is not acceptable for the CPT that the conditions in which prisoners are held do not meet their basic needs. The CPT considers that adequate interim measures should be sought as a matter of urgency. At a minimum, staff working on the High Security Department should receive basic training about relevant mental health issues. Further, staff surveillance of prisoners should be increased and cells where mentally ill prisoners are accommodated should be adapted to reduce the risk of self harm. Also, it is highly desirable that the presence of the psychiatrist on the department is increased and that a psychiatric team is introduced.

**The CPT recommends that the Slovak authorities take measures to ensure adequate care for prisoners in the Leopoldov High Security Department. Those measures should include basic training about relevant mental health issues for staff working on the High Security Department; increased staff surveillance of prisoners; the adaptation of cells where mentally ill-prisoners are accommodated so as to reduce the risk of self harm; and an increased presence of the psychiatrist in the department and the introduction of a psychiatric team. Further, the Committee recommends the Slovak authorities to develop facilities suitable to accommodate mentally ill prisoners such as those currently accommodated at the Leopoldov High Security Department.**

85. The delegation also met a young inmate from the High Security Unit at Leopoldov Prison who had been accommodated in a cell in the disciplinary department for more than two months. This prisoner had an inclination to self harm and had cut himself in the past on many occasions. The detention conditions for this prisoner were particularly poor, with a dirty, dilapidated cell and a regime akin to solitary confinement. The explanation provided to the delegation, that this prisoner was awaiting the renovation of his cell, which he had set alight in January 2009, was not credible, given that there were unoccupied cells in the high security department during the period in question. The delegation understood from staff that the prisoner could not be placed with other prisoners due to his volatile character and therefore needed to be kept in a single occupancy cell. In the CPT's view, he should be accommodated in appropriate conditions and provided with a meaningful regime. **The Committee would like to receive within two months confirmation that the above-mentioned inmate has been placed back in a normal cell.**

## **6. Conditions of detention for other categories of inmates**

### **a. material conditions**

86. In general, the CPT's delegation observed reasonable occupancy levels in the establishments visited, including in the remand sections of Bratislava and Košice Prisons, where overcrowding had been widespread in 2005.

A number of other *material improvements* in conditions for remand prisoners were observed since the previous visit in 2005. At Bratislava Prison, for example, in-cell sanitary facilities in multi-occupancy cells were partitioned.

However, the in-cell sanitary facilities were still not partitioned at Košice Prison, despite assurances given by the Slovak authorities in its response to the report on the visit in 2005<sup>51</sup>. Further, certain cell windows at Košice Prison were still covered by metal screens. **These deficiencies should be remedied; in particular, the metal slats should be removed or another solution should be found to ensure adequate access to light.**

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<sup>51</sup> See CPT/Inf (2006) 6, at page 30.



87. The Committee is concerned to note that, at Bratislava Prison, minors could, on occasion, still be accommodated in cells with adults<sup>52</sup>. Further, at Bratislava, Košice and Leopoldov Prisons, juveniles in “mitigated” remand sections associated with adults during the day (including during shower time at Bratislava Prison). At Leopoldov, four juveniles were placed in a standard regime remand section for adults, but they benefited from certain adaptations. In contrast, at Prešov Prison, juveniles were accommodated in a section separated from adults.

At Košice Prison it was explained to the delegation that the policy of placing juveniles in the same section of adults (albeit in separate cells) was favoured, in order to prevent youths from forming gangs and so that they might benefit from the positive influence of certain adult inmates.

The CPT's basic position is that juveniles should not be held in institutions for adults, but instead in facilities specially designed for persons of this age. When, exceptionally, they are held in an institution for adults, juveniles should always be accommodated separately from adults, in a distinct unit – as is the case at Prešov Prison. The Committee acknowledges that there can be arguments in favour of juveniles participating in out-of-cell activities with adults (on the strict condition that there is appropriate supervision by staff). Nevertheless, even in such cases, the CPT believes that the risks inherent in juveniles sharing cells with adults - whether they are sentenced or on remand - are such that such placement should not occur. **The CPT recommends that the Slovak authorities take the necessary steps in the light of the above remarks.**

88. The Committee would further note that several juveniles at Košice Prison complained of insufficient *food*; indeed, the diet for juveniles was the same as for adults. By contrast, at Prešov Prison, juveniles received appropriate supplements to the regular prison diet. **The CPT invites the Slovak authorities to ensure that juveniles at Košice Prison are provided with an appropriate diet.**

89. The *security cells* in remand sections were used *inter alia* for the long-term detention of certain categories of prisoners and to accommodate prisoners displaying a psychiatric condition or assessed to pose a suicide risk<sup>53</sup>; at least the first-mentioned prisoners were the subject of frequent night-time checks with bright lights, which interrupted the inmates' sleep. Further, at Košice Prison the cage-like layout of these cells made them inappropriate for use for any of the above-mentioned purposes (and one of the cells was constantly illuminated at night by the Prison's external floodlights). In general, all of the security cells in Košice Prison's remand section are not only too bleak, but also unsafe; in 2008, a woman on remand with psychiatric problems had indeed committed suicide in one such cell.

In one security cell (no. 105) at Košice Remand Prison, the bed was extremely painful to sleep on, due to the raised cross-rails on the base. The CPT is pleased to learn<sup>54</sup> that, further to the delegation's observation to the Prison's Director, that bed was reportedly replaced on 30 March 2009.

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<sup>52</sup> See also the report on the visit in 2005 (CPT/Inf (2006) 5), at paragraphs 43 and 45.

<sup>53</sup> As regards the legal basis for placement in a security cell, see also paragraph 79 *infra*.

<sup>54</sup> By letter of 16 April 2009 from the Minister of Justice of Slovakia addressed to the CPT's President.

90. Security cells in remand prisons were the subject of an immediate observation during the end-of-visit talks, whereby the CPT's delegation requested that the Slovak authorities draw up a plan for the alteration of all security cells with the same layout as those in the remand section of Košice Prison. By letter of 29 June 2009, the Slovak authorities informed the CPT that the General Directorate of the Corps of Prison and Court Guards had, in response to the delegation's immediate observation, issued a directive ordering prisons to re-evaluate the use of security cells in the context of pre-trial detention. The Slovak authorities also state that, in response to the above-mentioned directive, the governor of Košice Prison had taken immediate measures resulting in the structural adjustment of the security cells, in compliance with the CPT delegation's observations during the visit to Košice Prison.

In the above-mentioned letter, the Slovak authorities further pledge to re-evaluate the quantity and layout of security cells in remand prisons and, on the basis of the resulting analysis, to submit a plan for the alteration of these cells in the course of 2010 to 2013.

The CPT welcomes this positive response to the delegation's immediate observation. **The Committee would like to receive a copy of the above-mentioned directive; in due course, it would also like to receive confirmation that security cells in remand prisons have been adapted, as well as a detailed description of their new layout. The CPT recommends that, pending their alteration, security cells in remand prisons with virtually the same layout as those seen during the visit to Košice Prison no longer be used for long-term detention or for holding persons posing a suicide risk.**

91. The delegation also visited the renovated premises for *a section for 14 women and juveniles on remand, to be newly established at Ilava Prison*. The material conditions in this unit were satisfactory; it might be noted, in particular, that each cell included a shower. The section's design allowed for access to the corridor during the day and for separation between juveniles and adult women, by a wall which could be moved in order to cope with variable occupancy needs. **The Committee would like to be informed of the plans to bring into service this new section, and of the proposed regime.**

92. Living conditions for sentenced inmates were examined only at Ilava Prison<sup>55</sup>. Material conditions at medium guarding levels were adequate in most respects. However, cells at maximum guarding level were generally in a poor state of repair (e.g. walls were mouldy), and offered poor ventilation and insufficient in-cell sanitary facilities. Further, a number of cells were quite dark, as many lights were not working and others which were working were switched off during daytime electricity-saving measures, leaving insufficient lighting by which inmates could read. **The CPT recommends that these deficiencies be remedied.**

**The Committee also invites the Slovak authorities to review the arrangements at Ilava Prison for taking showers.** At present, inmates from one dormitory are required to go to the shower room all together, in their underwear, despite there being sufficient space in the shower rooms for all the inmates concerned to change there. It should also be noted that the size of the shower groups (e.g. 20 persons or more) far exceeded the number of shower heads available (eight).

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<sup>55</sup> Material conditions in Ilava Prison's section for life-sentenced inmates are described at paragraph 66.

b. regime

93. A so-called “*mitigated regime*” for 25-30% of remand prisoners has been gradually introduced under the new Law on the Enforcement of Pre-trial Detention, allowing inmates access to the corridor and/or a TV-room for most of the day. This is a welcome improvement, compared to the remand regime applied in the past<sup>56</sup>.

The introduction of the mitigated regime does alleviate, to some extent, the monotony of the day-to-day life of the remand prisoners concerned. However, the regime in place still falls short of the standards advocated by the CPT, which have been the subject of longstanding recommendations in its reports on the Slovak Republic<sup>57</sup>. In particular, the programme of activities remains virtually nonexistent: more specifically, as is the case under the standard regime, remand prisoners on mitigated regime are not allowed to work.

Once again, the *standard regime* for remand prisoners was found to be impoverished. It is unacceptable, in the CPT's view, to hold persons for 23 hours a day locked in their cells with no activities, and this, potentially, on a long-term basis (i.e. for up to five years).

The CPT is particularly concerned to find that the situation of enforced idleness described above also applied to *juveniles*, who were not offered a regime adapted to their needs: whether they were subject to the mitigated or the standard regime, the regime offered to juveniles on remand was virtually the same as that offered to adults. Further, no educational activities whatsoever were offered to juveniles once they reached the age of 16.

**94. The CPT calls upon the Slovak authorities to take resolute action to provide all remand prisoners with a regime of purposeful activities, such as group association activities, education and sport. Adult inmates on remand should also be offered work, preferably with vocational value. Particular efforts should be made to guarantee juveniles on remand a regime adapted to their needs; this should include education and sports activities. An action plan for the implementation of this recommendation should be drawn up.**

95. The Slovak authorities pointed out during the visit that the percentage of sentenced prisoners who *worked* had increased considerably in recent years. Indeed, most of the sentenced inmates interviewed at Ilava Prison<sup>58</sup> by the delegation had some form of regular labour during the week. The CPT welcomes this situation.

Nevertheless, it should be noted that the work on offer had little or no vocational value (sewing shoes, or other assembly work) and was, at times, carried out in an unsatisfactory working environment (dim lighting, very cold temperatures). **The CPT recommends that the Slovak authorities make more efforts to provide purposeful work, and to ensure that prisoners enjoy a safe and adequate working environment.**

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<sup>56</sup> See 2005 visit report, paragraph 46.

<sup>57</sup> See the CPT reports on past visits to Slovakia, in 1995 (CPT/Inf (97) 2, paragraphs 80-85, 100-101), 2000 (CPT/Inf (2001) 29, paragraphs 58-61, 63), and 2005 (CPT/Inf (2006) 5, paragraph 46).

<sup>58</sup> As noted at paragraph 53, living conditions for sentenced prisoners were examined only at Ilava Prison.

96. The CPT has concerns about the working terms and conditions for inmates. The combination of extensive deductions and very low salaries - certain work in prison was not remunerated or compensated in any way<sup>59</sup> - meant that even prisoners employed full-time and living frugally accrued debts while in prison.

Under Slovak law, sentenced prisoners are obliged to work<sup>60</sup>. This in itself is unexceptionable. However, in the CPT's view, this does not mean that it is acceptable to exploit the prison population as a source of inexpensive - let alone free - labour, a point clearly spelt out in the European Prison Rules<sup>61</sup>. **The CPT invites the Slovak authorities to review the working terms and conditions for inmates in order to ensure that they are equitable.**

97. As regards other types of activities for sentenced inmates, they were not sufficiently developed at Ilava Prison. Inmates at medium guarding level B<sup>62</sup> were allowed, since a few weeks prior to the CPT's visit, out of their cells for two to three hours on weekends, during which time they could associate with other prisoners. This is certainly positive. However, access to purposeful activities was extremely limited. By way of example, only 15 out of 134 medium guarding level prisoners were allowed access to the gym and hobby groups concerned only a handful of maximum security inmates. Certain cultural activities were organised on occasion, but the only regular activities apart from work were watching television, ordering books from the library and daily outdoor exercise. In the CPT's view, as prisoners look forward to release into the community they need to be prepared for that step, to possess a degree of self-worth and to feel capable of embarking on a life away from crime. A regime which provides for varied activities is a vital component in the preparation for release.

**The CPT calls upon the Slovak authorities to ensure that all sentenced prisoners benefit from a comprehensive regime of varied, purposeful activities.**

98. All inmates should have access to outdoor exercise for a minimum of one hour a day, in facilities that provide sufficient space for prisoners to exert themselves physically, and which offer a means of rest and shelter from inclement weather.

The yard for medium security guarding level prisoners at Ilava Prison<sup>63</sup> fully satisfied these requirements; however, the yard for maximum security prisoners was not equipped with seating and the shelter provided was insufficient.

Remand prisoners at Košice and Bratislava Prisons still only had access to small, oppressive yards, which did not allow inmates to exert themselves physically. Further, remand prisoners interviewed at Košice Prison only had access to outdoor exercise from 8 a.m. to 9 a.m., all year round; as a result, these inmates were often discouraged from availing themselves of the opportunity for outdoor exercise.

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<sup>59</sup> See Law on the Enforcement of Sentences, Article 46(4), and the relevant Institutional rules, Article 26(4).

<sup>60</sup> See Law on the Enforcement of Sentences, Article 39 (e).

<sup>61</sup> See Rule 26. See also paragraph 126.

<sup>62</sup> Within the court-imposed guarding level categories, inmates at Ilava Prison were internally classified in categories B and C, in order of increasing security level. The delegation examined detention conditions for prisoners at medium guarding level B and maximum guarding level C.

<sup>63</sup> For comments with regard to outdoor exercise facilities for life-sentenced inmates, see paragraph 67.

**The CPT recommends that the Slovak authorities take the necessary steps to remedy the above-mentioned shortcomings as regards arrangements for access to outdoor exercise and the facilities in which it is provided.**

## **7. Health-care services**

99. The CPT's delegation examined the health-care services at Bratislava, Ilava and Leopoldov Prisons, and at the psychiatric ward at Trenčín Prison Hospital.

### **a. somatic care**

100. As regards staffing levels, at *Bratislava Prison* one full-time and two part-time doctors provided outpatient medical services to inmates, whereas the head of the health-care service, a full-time general practitioner, treated only prison staff. The team also comprised 6 nurses. As was the case at *Ilava* and *Leopoldov Prisons*, the health-care team at *Bratislava Prison* regularly called upon outside specialists, as required.

Three general practitioners, 11 nurses and a dentist worked full-time at *Leopoldov Prison*. As regards *Ilava Prison*, one doctor and 8 nurses were employed full-time, and a dentist attended the Prison twice a week. It should be noted that one doctor's position at both *Ilava* and *Leopoldov* prisons had remained vacant over a long period. The situation at *Ilava Prison* was further complicated by the poor health condition of the sole doctor serving at that establishment.

As the Slovak authorities explained to the CPT's delegation, the recruitment of prison doctors was no simple matter, due to the shortage of doctors in the country as well as the less attractive wages and working conditions for doctors working within the prison system.

101. In the CPT's view, when operating at full capacity, *Bratislava Prison* should benefit from the services of two full-time doctors and 10 or more full-time nurses; there should be at least 4 doctors and 20 or more nurses working full-time at *Leopoldov Prison*, and two full-time doctors and some 10 nurses at *Ilava Prison*. **The Committee recommends that somatic health-care provision at Ilava, Leopoldov and Bratislava Prisons be strengthened accordingly.**

102. In addition, responsibility for providing care to prison staff (both acting and retired) remained an important factor weighing upon the health-care services throughout the Slovak prison system. The population covered by these services was, therefore, virtually double the number of inmates at the relevant establishment. In its report on the visit in 2005, the CPT already invited the Slovak authorities to review the practice of prison doctors treating both prisoners and prison staff<sup>64</sup>.

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<sup>64</sup> See the report on the visit in 2005 (CPT/Inf (2006) 5), at paragraph 57.

Under the Slovak system certain measures were in place aimed at ensuring an even-handed approach: thus, the percentage of the doctors' time to be devoted to staff was stipulated and, at establishments benefiting from the services of more than one doctor, responsibility for prison staff health care was attributed to one of them. Nevertheless, considering the above-mentioned shortage of doctors, the sharing of doctors' working time to care for both inmates and prison staff could be to the detriment of the quality of care provided; further, conflicts of interest may also arise. **The CPT therefore recommends that the Slovak authorities review the practice of prison doctors treating both prisoners and prison staff.**

103. With the exception of Trenčín Prison Hospital, the regular attendance of prison health-care staff was ensured only during office hours, the establishments relying on external emergency health services in case of need during the night or on weekends.

**The CPT reiterates its recommendation to the Slovak authorities to ensure that someone competent to provide first aid, preferably a person with a recognised nursing qualification, is always present on prison premises.**

104. The CPT's delegation was pleased to note that medical screening of newly arrived prisoners was systematic at the establishments visited. However, once again<sup>65</sup>, an examination of the files showed that the recording of injuries during such screening and/or the conclusions drawn from them, were often cursory or inaccurate: the delegation found several examples of the prison administration's initial search documenting both visible injuries and the prisoner's ill-treatment complaint relating to those injuries; yet the relevant medical record contained the stamp "no signs of violence", at times together with other medical information on injuries indicative of ill-treatment.

The CPT would recall the crucial role of prison health-care services in the prevention of ill-treatment of detained persons, through the systematic recording of injuries and, when appropriate, the provision of information to the relevant authorities.

**The CPT calls upon the Slovak authorities to ensure that the record drawn up after a medical examination contains:**

- (i) a full account of statements made by the prisoner concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;**
- (ii) a full account of objective medical findings based on a thorough examination; and**
- (iii) the doctor's conclusions in the light of (i) and (ii).**

**The full record should be made available to the prisoner and his or her lawyer. Further, whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record must systematically be brought to the attention of the relevant authorities.**

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<sup>65</sup> See the report on the visit in 2005 (CPT/Inf (2006) 5), at paragraph 59.

105. The CPT's delegation learned that medical examinations of persons sentenced to life-imprisonment at both Ilava and Leopoldov Prisons often took place in the presence of prison officers, and that prisoners on a D1 regime remained handcuffed throughout the consultation. At Leopoldov Prison, medical consultations took place in a dedicated room in the lifers department whereby the doctor was separated from the prisoner by a metal grille and carried out the examination through the bars. Further, medical interventions, such as an injection, were performed with the prisoner attached to a fixed object with handcuffs, and dental treatment took place with the prisoner hand and ankle cuffed. Compared to the situation observed during the CPT's visit in 2005<sup>66</sup>, some improvement was therefore noted as regards life-sentenced inmates on the new D2 regime, who were not handcuffed during medical examinations.

The routine presence of prison officers during medical examinations constitutes a flagrant breach of the principle of medical confidentiality. **The CPT recommends that all medical examinations of life-sentenced prisoners be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers.** In those exceptional cases when a prison officer is present during a medical consultation at the request of the doctor, he should act in a professional manner, respecting the confidential nature of the doctor–patient relationship.

Further, to apply handcuffs (not to mention ankle cuffs) to a prisoner undergoing a medical consultation/ intervention is highly questionable from the standpoint of medical ethics and human dignity; and the same can be said of an approach whereby medical consultations/interventions take place across metal bars. Practices of this kind will jeopardise the development of a proper doctor-patient relationship. **It is high time that the Slovak authorities implement the CPT's longstanding recommendation to put an end to such practices.**

106. The material infrastructure and the equipment of the medical services at each establishment were satisfactory and do not call for specific comments. The entries in medical files were, however, very difficult or even impossible to read, even for the nurses of the relevant service. **The CPT recommends that measures be taken to ensure that medical files are kept according to professional standards.**

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<sup>66</sup> See the report on the visit in 2005 (CPT/Inf (2006) 5), at paragraph 58.

b. psychiatric care

i. *in general*

107. The regular presence of a psychiatrist was ensured at the prisons visited. In particular, a psychiatrist attended *Ilava Prison* twice a month, whereas one was called upon from a civil hospital, as needed, to *Bratislava Prison*.

At *Leopoldov Prison*, a psychiatrist visited one day a week. The establishment's High Security Department and the Unit for life-sentenced prisoners were visited by this psychiatrist sporadically. Given the specific problems of inmates in those sections (see paragraphs 77 and 83), access to psychiatric care for these prisoners was clearly insufficient. **The CPT recommends that psychiatric care provision at Leopoldov Prison be strengthened as a matter of priority, in particular in order to address the needs of inmates placed in the establishment's High Security Department and Unit for life-sentenced prisoners.**

108. The Committee has a number of concerns, in the light of the delegation's observations during the visit, with respect to the psychiatric care provided to prisoners in Slovakia.

One important issue is that of continuity and coordination of psychiatric treatment: the delegation noted that, when prisoners were transferred from one establishment to another, their psychiatric medication was frequently abruptly discontinued, for no apparent medical reason. Further, it was unclear to the CPT's delegation what the criteria were for transferring a prisoner to a psychiatric ward for protective treatment and, thereafter, back to the prison of origin.

Moreover, a number of inmates interviewed by the delegation did not appear to be at all suited for detention in a penitentiary establishment<sup>67</sup>; these inmates were clearly in need of placement in a primarily therapeutic setting (see paragraph 83).

**The CPT requests the comments of the Slovak authorities as regards the above-mentioned concerns. The Committee trusts that the establishment of the new Psychiatric Detention Centre in Hronovce (see paragraph 52) will lead to a significant improvement in the situation.**

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<sup>67</sup> For example, one inmate interviewed at the High Security Department at Leopoldov Prison, suffered from a psychotic disorder, a learning disability, as well as diabetes and was regularly transferred back and forth from the psychiatric ward at Trenčín Prison Hospital.



ii. *the psychiatric ward at Trenčín Prison Hospital*

109. The psychiatric ward at Trenčín Prison Hospital, with a capacity of 60 persons, comprised three parts:

- (i) a 28-bed unit for acute conditions, accommodating 18 patients at the time of the visit;
- (ii) a unit for court-ordered protective psychiatric treatment<sup>68</sup>, with 24 beds, 22 of which were occupied;
- (iii) a unit for women<sup>69</sup> subject to court-ordered protective treatment for substance abuse. Its two rooms, situated within the acute unit, each had a capacity for four persons, and were full at the time of the visit.

The duration of stay on the unit for acute conditions usually lasted 3 to 4 weeks, and in the protective treatment units 3 to 4 months, after which inmates returned to their prison of origin.

110. As regards staffing, the psychiatric ward benefitted from the services of three psychiatrists, two clinical psychologists, an occupational therapist, and 11 nurses. No medical staff were present on the ward after 3 p.m. or on weekends. However, a doctor was always available at Trenčín Prison Hospital, including during the night and at weekends.

111. Material conditions on the ward were, in all respects, acceptable: the patients' rooms were spacious, for their occupancy, provided good access to daylight and artificial lighting and heating, and were adequately furnished.

112. Patients placed in the protective psychiatric treatment unit and those receiving protective treatment for substance abuse benefitted from a full programme of activities, based on treatment plans, including individual and group psychotherapy; patients had free access, during the day, between their rooms and common rooms for smoking, for watching television and for other activities, such as table tennis.

However, the regime offered to patients on the unit for acute psychiatric conditions was poor: apart from having access to the television room for one hour, these patients were confined to their rooms for the entire day. Further, as access to outdoor exercise for patients in this unit was limited to days when the temperature was above 18°C, they had no effective access to outdoor facilities for a large part of the year; this is not acceptable.

Patients from the protective psychiatric unit were offered one hour of daily outdoor exercise; however, access was only allowed between 8 a.m. and 9 a.m. for men and between 7 a.m. and 8 a.m. for women; not surprisingly, few patients availed themselves of the possibility for outdoor exercise. It should also be noted that a means of shelter was lacking in the outdoor exercise yard.

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<sup>68</sup> As detailed in CPCG Order No. 52 on the Placement of Inmates under Protective Treatment Programmes, the Unit may provide psychiatric treatment on its own or in combination with treatment for "alcoholism", "toxicomania" or "pathological gambling".

<sup>69</sup> Men subject to a treatment order for substance abuse received such treatment in a special unit at Leopoldov Prison.

**The CPT recommends that a range of activities be introduced at the unit for acute psychiatric conditions as a matter of priority. Moreover, all patients on the psychiatric ward, including on the unit for acute psychiatric conditions, should be provided effective access to one hour of daily outdoor exercise. The yard used for this purpose should be equipped with a means of shelter.**

113. The CPT's delegation was informed that means of restraint were resorted to twice at the unit for acute psychiatric conditions since 2008. The 2005 guidelines issued by the Ministry of Health on the use of means of restraint, which govern the use of restraints in psychiatric establishments, including at Trenčín Prison Hospital, do not fix a maximum time during which a person may be immobilised. However, they prescribe that immobilisation should not last longer than is strictly necessary; further, a record should be made of who ordered the fixation, which means of restraints were applied and in which manner, the time at which the application began and when it ended, the frequency of visual checks and of checking vital functions, descriptions of the patient's physical and mental state, and the names of staff members involved in the restraint. The guidelines also stipulate that each establishment should develop its own rules on immobilisation.

Means of restraint were applied in one of two multi-occupancy rooms, equipped with CCTV. One room was equipped for two, and the larger for four, persons. Each room contained a toilet, wash-basin, table and chairs, and enjoyed sufficient space, natural light and artificial lighting. Staff explained to the delegation that, when a person was immobilised in one of the rooms, no other patients would be present, and padded leather straps would be used to fix the wrists, and sometimes also the ankles of the patient to the sides of a standard bed; on rare occasions the patient's abdomen would also be strapped down.

The delegation interviewed the two patients to whom means of restraint had been applied. This had occurred during the weeks prior to the visit: one patient for around 15 and the other for around 22 hours. Both had committed self-harm. The experience they recounted confirmed the approach described by staff, except that one patient remembered that other inmates had been present in the room throughout the duration of her immobilisation. Further, the other patient stated that he had been immobilised both by his right arm (his left wrist was injured) and by both ankles, and that he had, at one point, been obliged to urinate in a bottle. The patient's personal medical file provided many relevant details, but the manner of fixation was not mentioned.

The unit's central register on restraints only referred to the two cases mentioned above, which occurred in March 2009. No such register was in existence regarding the period prior to 2009. Further, the institution had not established internal guidelines on the use of restraints.

114. The standards advocated by the CPT as regards the use of means of restraint in psychiatric establishments have been presented in detail in the Committee's 16th General Report<sup>70</sup>. In the light of the delegation's observations during the visit, it is worth recalling certain aspects of these standards.

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<sup>70</sup> See CPT/Inf (2006) 35, at paragraphs 36 to 54.

In the CPT's view, every psychiatric establishment should have a comprehensive, carefully developed, policy on restraint. Such a policy should make clear which means of restraint may be used, under what circumstances they may be applied, the practical means of their application, the supervision required and the action to be taken once the measure is terminated.

A restrained patient should not be exposed to other patients, unless he/she explicitly requests otherwise or when the patient is known to have a preference for company.

Further, when the limbs of a patient are held with straps or belts, a trained member of staff should be continuously present in order to maintain the therapeutic alliance and to provide assistance. Such assistance may include escorting the patient to a toilet facility. Clearly, video surveillance cannot replace such a continuous staff presence. In cases where a patient is secluded, the staff member may be outside the patient's room, provided that the patient can fully see the staff member and the latter can continuously observe and hear the patient.

A specific register should be established to record all instances of recourse to means of restraint. This would be in addition to the records contained within the patient's personal medical file and the daily logbook of events. The entries in the register should include the time at which the measure began and ended; the circumstances of the case; the reasons for resorting to the measure; the name of the doctor who ordered or approved it; and an account of any injuries sustained by patients or staff. In addition, the entry within the patient's personal medical file should indicate the grounds for the use of means of restraint. Patients should be entitled to attach comments to the register, and should be informed of this; at their request, they should receive a copy of the full entry.

**The CPT recommends that the necessary steps are taken to ensure that resort to means of restraint in a psychiatric context is in compliance with the above precepts.**

*iii. safeguards in the context of involuntary placement*

115. The measure of protective treatment, provided for under Article 72 of the Criminal Code, is pronounced by the courts; the order may be imposed independently or in combination with an imprisonment sentence, and it is usually of indefinite duration.

Protective treatment may be provided in one of several specialised treatment units located in different prison establishments<sup>71</sup>; it may also be administered in civil establishments, such as psychiatric hospitals<sup>72</sup>. The court can cancel the measure once it ascertains – on the basis of treatment progress reports from the relevant treatment Unit – that the need for such treatment has ceased. A motion to terminate treatment may be lodged by a psychiatrist and/or the head physician of the Unit in which the person is placed<sup>73</sup>.

Protective treatment orders are reviewed on an annual basis. Staff at Trenčín Prison Hospital expressed the view that a patient subject to a protective treatment order could prompt its termination. However, as far as the delegation could ascertain, a patient's request would only be forwarded to the court if the doctor supported it.

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<sup>71</sup> See CPCG Order No. 52 on the Placement of Inmates under Protective Treatment Programmes, Art. 52(4).

<sup>72</sup> See the report on the CPT's visit in 2005 CPT/Inf (2006) 5, paragraph 111.

<sup>73</sup> See the response of the Slovak authorities to the 2006 CPT visit report (CPT/Inf (2006) 6), at page 53.

In the light of the foregoing remarks, **the CPT recommends that the right for persons subject to a protective treatment order to request, at reasonable intervals – and in addition to the yearly automatic reviews – a judicial review of the order, be formally guaranteed.**

116. Involuntary placement of a prisoner in the psychiatric unit for acute conditions, as well as any treatment provided during such placement, should also be surrounded by appropriate safeguards. **The CPT requests detailed information on the procedure to be followed, including any safeguards involved, in the context of involuntary psychiatric placement and/or treatment of a prisoner in the psychiatric unit for acute conditions.**

c. health-care related costs

117. Under the new detention legislation, prisoners are still obliged to pay for certain health-care related costs<sup>74</sup>. In response to the CPT's past recommendations<sup>75</sup> and again during the visit in 2009, the Slovak authorities have affirmed that the health-care insurance coverage for prisoners is in compliance with the principle of equivalence of care. Nevertheless, the delegation noted during the visit that medication recommended by prison doctors was often not included on the list of drugs paid by the public health insurance system; doctors themselves explained that they were often unable to provide prisoners with more effective medication which was not covered by the health insurance, as prisoners could not afford it. In the light of the foregoing remarks, **the Committee would like to receive the comments of the Slovak authorities.**

## 8. Treatment of sex offenders

a. introduction

118. A court may order in-patient or out-patient sexological protective treatment<sup>76</sup> for sexual offenders on the basis of a forensic psychiatric opinion establishing sexual deviation. If the person concerned bears criminal responsibility for the offence he has committed, the measure of protective treatment is ordered in addition to an imprisonment sentence<sup>77</sup>.

119. The CPT's delegation visited the Psychiatric Unit of the Health-Care Department of Košice Prison, the only prison establishment in Slovakia providing sexological protective treatment<sup>78</sup>. The Unit, located on the top floor of the accommodation block for sentenced inmates, had a capacity of 34 inmates, although its occupancy did not generally exceed 20 patients; at the time of the visit, 15 inmates were accommodated in the Unit.

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<sup>74</sup> See Law on the Enforcement of Sentences, Article 39 (j).

<sup>75</sup> See the report on the visit in 2005 (CPT/Inf (2006) 5), at paragraph 60.

<sup>76</sup> On protective treatment orders in general, see paragraph 113.

<sup>77</sup> This information, regarding the criteria for ordering sexological protective treatment, was provided by the sexologist at Košice Prison, based on the judicial practice in Slovakia.

<sup>78</sup> The Unit may provide sexological treatment on its own or in combination with other types of protective treatment.

Inmates are placed in the Unit at Košice Prison for a minimum of three and a maximum of 12 months. However, if the treating doctor finds that it is necessary, the person's stay may be extended by a further five-month period, or he may spend more than one treatment period in the Unit throughout the duration of his prison sentence. After the prisoner has finished serving his sentence, if the sexological protective treatment order is not terminated, he will be obliged to follow in-patient or out-patient treatment at a civil establishment.

In order to examine the treatment afforded to sex offenders, members of the CPT's delegation held interviews both with members of the Unit's treatment team and with inmates accommodated in Unit; it also consulted individual administrative and treatment files.

b. treatment

i. *in general*

120. The treatment of sex offenders in the Unit was under the responsibility of an external psychiatrist specialised in sexology, who visited the Unit once a week. The other members of the treatment team, consisting of two clinical psychologists, one therapeutic pedagogue and two nurses, were all employed full-time. No treatment staff were present on weekends or during the night, when the Prison's emergency health arrangements operated in case of need.

The CPT's delegation noted that the Unit's psychiatric evaluations and diagnoses were, at times, cursory and broadly based on the forensic evaluations requested by the court prior to sentencing. Further, the psychiatrist kept private notes from her consultations with inmates, containing important treatment and consent-related information which was not reproduced in the Unit's official records. Further, there appeared to be little continuity or coordination of overall care, as separate medical files for each inmate were kept at the general health-care department at Košice Prison.

Prisoners could attend psychotherapeutic sessions, both individually and as a group. Sessions of 90 minutes' duration were held three times a week, for groups of up to 10 inmates.

Medication was prepared and usually distributed by nurses; however, on weekends, custodial staff distributed pre-prepared individual doses of medication. The CPT's delegation also noted that the prescription and administration of medication was not duly documented, the duty nurse relying on her memory to recall the therapy followed by each inmate and not documenting the distribution of medication in writing.

121. **The CPT recommends that the Slovak authorities ensure that:**

- **all medical files include a psychiatric assessment, providing sufficient detail to substantiate the treatment suggested;**
- **relevant treatment and consent-related information on inmates receiving treatment in the Unit is made available to all members of the treatment team, in particular the psychologists and nursing staff. Appropriate treatment team communication should also include staff and medical records on somatic care;**
- **the prescription and distribution of medication is duly documented.**

*ii. anti-androgen treatment*

122. Four of the inmates placed in the Unit at the time of the visit were undergoing anti-androgen treatment<sup>79</sup>. Since 2008, such treatment was administered by injection, as opposed to the previously available administration in tablet form.

The CPT's delegation was informed that the objective of libidinal suppressant treatment was to reduce libido in the subjects, thus rendering them more receptive to psychotherapy and other non-medicinal interventions. It is not the role of the Committee to express a view on the clinical value of using libido-suppressing drugs. However, it is clear that such treatment should be surrounded by appropriate safeguards.

123. In spite of the fact that protective sexological treatment is court-ordered, Slovak law requires that *consent* be obtained for certain types of treatment, such as injections<sup>80</sup>. Nevertheless, the CPT's delegation noted that no written consent was obtained prior to the commencement of anti-androgen treatment. The inmates concerned had given oral consent to treatment, which was not systematically documented. Moreover, one of the inmates interviewed stated that he had felt pressured to consent to the treatment; several others acknowledged that they were aware of such pressure. Further, the psychiatric medical records did not always show that patients were informed of the effects, including side-effects, of this treatment.

The delegation was informed that inmates who persist in refusing any treatment are transferred back to their prison of origin, with their refusal to comply being reported by the Unit to the court; the court may then order an additional term of up to two years of imprisonment for non-compliance with a court order.

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<sup>79</sup> The medication used was Cyproterone. Anti-androgen treatment is also a form of so-called “chemical castration”.

<sup>80</sup> As the Slovak authorities explained to the CPT's delegation during the visit, this requirement corresponds to that contained in the generally applicable Law on Public Health.

124. Given the detention context in which the anti-androgen treatment is offered, the CPT considers it essential that the inmate give his free and informed consent to the treatment. This means that he should be duly apprised of the purpose of anti-androgen therapy, its possible side-effects, as well as the consequences of refusal of such treatment. The prisoner's express consent to the treatment should also be obtained in writing, and he should confirm in writing that he has been duly informed.

Further, it should be ensured that the patient's consent is not directly or indirectly given under duress. As was found during the visit, a situation can arise, whereby prisoners acquiesce rather than consent to such treatment, believing that it is the only available option to them to avoid prolonged confinement.

125. Chemical castration is not regulated by law or by a special protocol in Slovakia. Aside from free and informed consent, other important procedural safeguards with respect to the administration of anti-androgen medication remain, therefore, insufficiently regulated, such as inclusion and exclusion criteria for such an intervention or treatment; and access to outside consultation (including a second opinion) and to regular evaluation by an appropriate, external medical authority.

The CPT considers that anti-androgen treatment should always be based on a thorough individual psychiatric and medical assessment and that such treatment should be given on a purely voluntary basis. As should be the case before starting any medical treatment, the patient should be fully informed of all the potential effects and side effects and should be able to withdraw his consent and have his treatment discontinued at any time. Further, the administration of anti-androgens should be combined with psychotherapy and other forms of counselling in order to further reduce the risk of re-offending. Also, anti-androgen treatment should not be a general condition for the release of sex-offenders, but administered to selected individuals based on an individual assessment.

126. In the light of the foregoing remarks, **the CPT recommends that steps be taken to ensure that anti-androgen treatment of sex offenders is surrounded by appropriate safeguards.** In particular:

- **the free and informed written consent of inmates should be obtained prior to the commencement of anti-androgen treatment;**
- **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 prisoner should be put under pressure to accept anti-androgen treatment.**

**Further, a comprehensive and detailed procedure should be elaborated with respect to anti-androgen treatment, including proper safeguards. In addition to the above-mentioned issues related to consent, such a procedure should include provisions on:**

- **inclusion and exclusion criteria for such treatment;**
- **medical examinations before, during and after treatment;**
- **access to outside consultation, including an independent second opinion; and**
- **regular evaluation of the treatment by an independent medical authority.**

**The CPT would like to receive information on the annual number of men under protective treatment who are undergoing or have undergone anti-androgen treatment in the course of the past five years in the Slovak Republic. These figures should indicate such treatment received in prison establishments as well as in health-care institutions independent of the prison administration.**

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127. The CPT is pleased to note that surgical castration for the treatment of sex offenders is no longer practised in the Slovak Republic; the Committee is firmly opposed to such a procedure<sup>81</sup>. Nevertheless, certain inmates interviewed by the CPT's delegation claimed that such a procedure had been suggested to them, for instance, in 2002. **The Committee would like to receive the comments of the Slovak authorities on this matter.**

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<sup>81</sup> For an extensive discussion of this issue, see the CPT's reports on its visits to the Czech Republic in 2006 (CPT/Inf (2007) 32) and 2008 (CPT/Inf (2009) 8).



## 9. Other issues

### a. staff

128. In the prisons visited, the delegation observed once again that interaction between staff and inmates was limited, and officers still carried batons – of three different types – in full view of inmates. The CPT would recall the importance of prison officers building positive relations with prisoners, in terms of enhancing control and security in a prison; it will also render the work of prison staff more rewarding. As regards the question of batons, in response to past recommendations by the Committee<sup>82</sup>, the Slovak authorities stated that it was not possible for custodial staff to conceal them inside their uniforms, but that they would reconsider the need for certain prison officers to carry truncheons at all<sup>83</sup>. **The CPT would like to be informed of developments in this respect.**

Further, **the Committee recommends that the Slovak authorities continue to give high priority to the development of prison staff training, both initial and ongoing. In the course of the training, considerable emphasis should be placed on the acquisition of interpersonal communication skills, in addition to manual control and restraint techniques.** The combination of these skills and techniques will enable staff to choose the most appropriate response when confronted by difficult situations, thereby significantly reducing the risk of injuries to both prisoners and staff.

### b. discipline

129. The recent revision of the detention legislation has introduced a system of rewards for good behaviour, complementary to the schedule of disciplinary punishments; the latter has not substantially changed. Detailed provisions are in place describing the range of disciplinary punishments available. However, a disciplinary offence is merely defined as the “non-performance or violation of a duty or of a prohibition”<sup>84</sup>; it is, therefore not clear which breaches will result in which penalties; this entails a risk of arbitrary and disproportionate punishments.

Thus, the delegation encountered several instances in which insufficient work production or a failure to work (for reasons other than sickness<sup>85</sup>) had resulted in lengthy placement in a disciplinary cell; in practice, the effect of such a placement would entail not only the loss of wages for the duration of placement<sup>86</sup>, but also an additional financial penalty imposed by the prison for default in providing a service, regardless of whether the relevant outside contractor demanded any such default payment from the prison.

**In the light of the foregoing remarks, the Committee recommends that the legislation and regulations regarding discipline in prison be reviewed.**

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<sup>82</sup> See CPT/Inf (2006) 5, at paragraph 42.

<sup>83</sup> See CPT/Inf (2006) 6, at page 28.

<sup>84</sup> See the Law on the Enforcement of Sentences, Article 52.2.

<sup>85</sup> See the Law on the Enforcement of Sentences, Article 39 (e).

<sup>86</sup> See the Law on the Enforcement of Sentences, Article 45.1.

130. Further, irregular disciplinary practices were observed, with potentially very serious consequences. For example, at Bratislava Prison, one inmate's psychotropic medication was interrupted during his confinement to a disciplinary cell; further, the temporary absence (during construction works) of disciplinary cells at Ilava Prison had led – as acknowledged by the Prison's governor – to informal sanctions, e.g. placement of the inmates in question in the section for life-sentenced prisoners, as well as to instances of impunity for inter-prisoner violence. **The CPT recommends that such unacceptable practices be eradicated forthwith.**

c. contact with the outside world

131. The CPT welcomes the fact that both sentenced and, under certain restrictions, remand prisoners are now allowed to have regular access to the telephone. In practice, however, many inmates lacked the funds necessary to be able to place calls. **The Committee invites the Slovak authorities to explore ways to ensure that all prisoners, including those with little or no financial means, may maintain appropriate contact with the outside world, including by telephone.**

## **APPENDIX I**

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

#### **Cooperation between the CPT and the authorities of the Slovak Republic**

##### comments

- the CPT trusts that, in future, the lists of establishments provided to its visiting delegations will include all places where persons may be deprived of their liberty by a public authority (paragraph 6).

#### **Police**

##### **Preliminary remarks**

##### recommendations

- the Slovak authorities to take due account of the remarks in paragraph 12 in their guidance on the use of electro-shock weapons (paragraph 12).

##### requests for information

- on the policy and regulations in respect of the use of electro-shock weapons, the selection and training of police officers involved and the reporting and monitoring procedures put in place, as well as statistics on the use of such weapons since their introduction (paragraph 12).

#### **Ill-treatment**

##### recommendations

- the Slovak authorities to review police training in respect of apprehension techniques. Further, senior police officers should instruct their subordinates regularly that to strike persons after they have been brought under control amounts to a serious form of ill-treatment, that all allegations of such behaviour will be thoroughly investigated, and that those found to have committed ill-treatment will be subject to severe sanctions (paragraph 15);
- the Slovak authorities to take the necessary steps to improve the effectiveness and independence of investigations into allegations of police ill-treatment, in the light of the remarks in paragraph 19 (paragraph 19);
- an investigation to be carried out into the allegations of ill-treatment forwarded to the Control and Inspection Service on 12 February 2009 by Bratislava Prison staff (paragraph

20);

- the Slovak authorities to remove without delay fixtures for attaching persons from all police stations and, more generally, to take effective measures to stamp out the practice of having persons held by the police attached to fixed objects (paragraph 22).

#### comments

- the well-publicised incident of 21 March 2009, concerning the ill-treatment of six Roma juveniles in a police station in Košice, highlights the necessity for the Slovak authorities to remain vigilant in promoting and enforcing a message of zero tolerance of ill-treatment by police officers (paragraph 16);
- the CPT trusts that active supervision of police stations by designated prosecutors will continue and that in the course of their visits, the prosecutors will examine all issues related to the treatment of persons in custody: the recording of detention; information provided to detained persons on their rights and the actual exercise of those rights; compliance with rules governing the questioning of criminal suspects and the material conditions of detention (paragraph 23);
- the CPT trusts that in the case of an allegation of ill-treatment of a detained person by police officers, prosecutors monitoring police stations will either report the allegation to the Control and Inspection Service or carry out an investigation themselves (paragraph 23).

#### requests for information

- a regular update on the implementation of the various measures outlined in paragraph 17 (paragraph 17);
- the manner in which a municipality carries out investigations into allegations of ill-treatment by officers from the municipal police force (paragraph 18);
- the outcome of the investigation in respect of the allegations of ill-treatment concerning the complaint of 2 November 2008 against officers of the Piešťany municipal police (paragraph 18);
- the comments of the Slovak authorities on the fact that the allegations of ill-treatment as reported on 12 February 2009 by Bratislava Prison staff had not been investigated by the Control and Inspection Service (paragraph 20);
- a copy of the annual report on monitoring visits to police stations by prosecutors which took place in 2009 (paragraph 23).

## **Conditions of detention**

### recommendations

- all persons detained overnight to be held in appropriate conditions (i.e. in a cell equipped with a bed and provided with a mattress and a blanket); the cell ventilation at the Regional Police Directorate in Košice to be improved and the film covering the windows of both cells in Prešov north Police Station to be removed; the toilet facilities in multi-occupancy cells to be partitioned (paragraph 24);
- the Slovak authorities to take the necessary steps to ensure that all persons detained longer than 24 hours are offered outdoor exercise every day under suitable conditions (paragraph 25).

### comments

- CCTV should not replace the regular inspection of cells by custodial staff in order to ensure the safety of detained persons (paragraph 26).

## **Safeguards against ill-treatment**

### recommendations

- the Slovak authorities to ensure that the right of access to a lawyer is fully effective in practice as from the very outset of the deprivation of liberty (paragraph 28);
- further efforts to be made to ensure that the system of legal aid for persons in police custody operates effectively; this should be done in co-operation with the relevant bar associations (paragraph 28);
- the Slovak authorities to introduce without further delay a fully-fledged right of access to a doctor, including to one of the detained person's own choice, from the outset of the deprivation of liberty; the exercise of this right should not be subject to any filtering by a police officer (paragraph 29);
- the Slovak authorities to take the necessary steps to ensure that the right of all detained persons to notify a third party of their choice as from the outset of the deprivation of liberty is recognised in law and applied in practice. Any exceptions to this right should be clearly defined and strictly limited in time and be accompanied by appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons and to require the approval of a senior police officer unconnected with the case or a prosecutor) (paragraph 30);
- the Slovak authorities to ensure that persons detained by the police are informed about their rights promptly. Further, the information booklet and the form attesting that a detained person has been informed about his/her rights should be amended to include the right of access to a lawyer and, once the necessary legislation has been amended, the right to notify a third party of one's choice and the right of access to a doctor (paragraph 31);

- the Slovak authorities to take the necessary steps to ensure that police officers accurately record all relevant information in the custody records, including any signs of injuries borne by persons apprehended and detained (paragraph 33).

### **Foreign nationals detained under aliens legislation**

#### recommendations

- the deficiencies observed as regards material conditions at the detention centre in Meved'ov and mentioned in paragraph 38 to be remedied (paragraph 38);
- the Slovak authorities to develop substantially the programme of activities at detention centres for foreigners. Immediate steps should also be taken to ensure that persons detained at the Medved'ov centre have access to at least one hour of daily outdoor exercise (paragraph 39);
- the necessary steps to be taken to ensure that the confidentiality of medical consultations at the Medved'ov centre is respected (paragraph 41);
- the use of the separation regime for reasons other than medical quarantine to be made subject to a detailed procedure, providing the persons concerned with the right to be heard and to appeal to a higher authority against any measure of separation imposed (paragraph 42);
- the opaque film covering the window-panes at the Medved'ov centre to be removed, so that access to natural light is no longer obstructed (paragraph 42).

#### comments

- the CPT invites the Slovak authorities to ensure that all detained foreign nationals, including persons with little or no financial means, are able to maintain adequate contact with the outside world (paragraph 43);
- the CPT invites the Slovak authorities to take the necessary steps to remedy the shortcomings as regards safeguards mentioned in paragraph 44 (paragraph 44).

#### requests for information

- the procedures designed to ensure that persons are not sent to a country where they run a real risk of being ill-treated, in particular as regards the opportunities available to persons subject to an expulsion order to contest the measure, and the training provided to officials entrusted with handling such cases, as well as the information available to them about the human rights situation in the countries concerned (paragraph 45).

## **Prisons**

### **Preliminary remarks**

#### recommendations

- the minimum living space to be raised to 4m<sup>2</sup> for each inmate accommodated in a multi-occupancy cell, and official capacities to be recalculated on that basis (paragraph 51).

#### requests for information

- the detailed plans as regards both the new prison for mothers with children in Nitra and the new psychiatric detention institution in Hronovce, including the establishments' projected capacities, staffing and other resources (paragraph 52).

### **Legal framework**

#### recommendations

- the Slovak authorities to review the current prisoner classification model, and to develop and implement a proper system of allocation and classification of prisoners by the prison authorities, in the light of the remarks in paragraph 54 (paragraph 54).

#### requests for information

- the comments of the Slovak authorities on the extension of the maximum period of pre-trial detention from 4 to 5 years for persons charged with certain very serious offences (paragraph 54).

### **Ill-treatment**

#### recommendations

- custodial staff at Leopoldov Prison to be reminded that all forms of physical assault of prisoners are unprofessional and that any evidence of such acts will lead to disciplinary and, if appropriate, criminal proceedings (paragraph 55);
- steps to be taken to ensure compliance, in practice, with the requirement that inmates placed in a life sentences unit be allowed to retain their underwear during full personal searches (paragraph 59);
- the Slovak authorities to put an immediate stop to the practice of collective strip searches as described in paragraph 57 and to ensure that any resort to strip searching of prisoners is based on an individual assessment and is carried out in such a way as to respect, as far as possible, the dignity of the prisoners concerned. Moreover, dogs should no longer be used for routine prison duties involving inmates, nor should they be employed when prisoners are strip-searched (paragraph 59);

- the Slovak authorities to review the ban on receiving cigarettes in parcels, with a view to attenuating its negative effects (paragraph 60).

#### requests for information

- the comments of the Slovak authorities on the issue referred to in paragraph 56 (paragraph 56);
- confirmation, in due course, that the new measure regarding full personal searches as described in paragraph 59 has been taken, together with a copy of the revised regulations (paragraph 59).

### **Life-sentenced prisoners**

#### recommendations

- the placement in a lifers' section of remand prisoners requiring protection to be reviewed, in order to ensure that these prisoners are provided, as far as possible, with an appropriate regime, with only those restrictions strictly necessary to adequately protect them (paragraph 65);
- the Slovak authorities to take due note of the position of the UN Committee on the Rights of the Child referred to in paragraph 66 and to consider abolishing the imposition of life sentences on children (paragraph 66);
- outdoor exercise facilities for life-sentenced prisoners at Ilava and Leopoldov Prisons to be improved significantly (paragraph 68);
- the Slovak authorities to take the necessary steps to provide a suitable solution whereby the life-sentenced prisoner referred to in paragraph 76 can be afforded the conditions of detention and care he requires (paragraph 76);
- the Slovak authorities to rethink fundamentally the regime applied to life-sentenced prisoners, with the objective to move away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells and to integrate them at some point into the mainstream prison population (paragraph 78);
- appropriate steps to be taken to lend meaning to the period of imprisonment for life-sentenced prisoners by making major investment in structured activities of a long-term nature (in particular work, with a vocational value, and education) (paragraph 78);
- the D2 regime differentiation to be fully implemented and further developed; clear criteria for promotion to and demotion from the better regime to be set; and the frequency with which the committee referred to in paragraph 72 discusses the reclassification of life sentenced prisoners to be increased (paragraph 78);



- the Slovak authorities to end the routine handcuffing of life-sentenced prisoners in Leopoldov and Ilava Prisons, in the light of the remarks in paragraph 79 (paragraph 79).

requests for information

- an account of the measures taken in respect of the detention conditions of the life-sentenced prisoner referred to in paragraph 76 (paragraph 76).

**Leopoldov Prison High Security Department**

recommendations

- steps to be taken to render the legal provisions in respect of placement in a high security department more precise (paragraph 80);
- a prisoner in respect of whom a placement in a security cell/ high security department is envisaged, or who is placed in a security cell/ high security department or in respect of whom such placement is extended, to be given an opportunity to express his/her views on the matter after having been informed in writing of the reasons for the measure (it being understood that there might be reasonable justification for withholding from the prisoner specific details related to security) (paragraph 81);
- the placement of a prisoner in a security cell/ high security department to be fully reviewed at regular intervals (preferably on a quarterly basis). This review should be carried out in respect of both remand and sentenced prisoners (paragraph 81);
- prisoners to have the right to appeal to an independent authority against the imposition or extension of a placement in a security cell/ high security department (paragraph 81);
- the Slovak authorities to take measures to ensure adequate care for prisoners in the Leopoldov High Security Department. These measures should include basic training about relevant mental health issues for staff working on the High Security Department; increased staff surveillance of prisoners; the adaptation of cells where mentally ill-prisoners are accommodated so as to reduce the risk of self harm; and an increased presence of the psychiatrist in the department and the introduction of a psychiatric team (paragraph 84);
- the Slovak authorities to develop facilities suitable to accommodate mentally ill prisoners such as those currently accommodated at the Leopoldov High Security Department (paragraph 84).

requests for information

- confirmation that the inmate mentioned in paragraph 85 has been placed back in a normal cell (paragraph 85).

## **Conditions of detention for other categories of inmates**

### recommendations

- in respect of minors who are exceptionally held in an institution for adults, the Slovak authorities to take the necessary steps in the light of the remarks in paragraph 87 (paragraph 87);
- pending their alteration, security cells in remand prisons with virtually the same layout as those seen during the visit to Košice Prison no longer to be used for long-term detention or for holding persons posing a suicide risk (paragraph 90);
- the deficiencies described in paragraph 92 as regards the living conditions for sentenced inmates at Ilava Prison to be remedied (paragraph 92);
- the Slovak authorities to take resolute action to provide all remand prisoners with a regime of purposeful activities, such as group association activities, education and sport. Adult inmates on remand should also be offered work, preferably with vocational value. Particular efforts should be made to guarantee juveniles on remand a regime adapted to their needs, including education and sports activities. An action plan for the implementation of this recommendation should be drawn up (paragraph 94);
- the Slovak authorities to make more efforts to provide purposeful work for sentenced prisoners, and to ensure that these prisoners enjoy a safe and adequate working environment (paragraph 95);
- the Slovak authorities to ensure that all sentenced prisoners benefit from a comprehensive regime of varied, purposeful activities (paragraph 97);
- the Slovak authorities to take the necessary steps to remedy the shortcomings described in paragraph 98 as regards arrangements for access to outdoor exercise and the facilities in which it is provided (paragraph 98).

### comments

- the deficiencies described in paragraph 86 as regards material conditions for remand prisoners at Košice Prison should be remedied; in particular, the metal slats covering certain cell windows should be removed or another solution should be found to ensure adequate access to natural light (paragraph 86);
- the CPT invites the Slovak authorities to ensure that juveniles at Košice Prison are provided with an appropriate diet (paragraph 88);
- the CPT invites the Slovak authorities to review the arrangements at Ilava Prison for taking showers (paragraph 92);
- the CPT invites the Slovak authorities to review the working terms and conditions for sentenced inmates in order to ensure that they are equitable (paragraph 96).

requests for information

- a copy of the directive regarding the use of security cells in remand prisons (paragraph 90);
- confirmation, in due course, that security cells in remand prisons have been adapted, as well as a detailed description of their new layout (paragraph 90);
- the plans to bring into service a new section for 14 women and juveniles on remand at Ilava Prison, and the proposed regime (paragraph 91).

**Health-care services**

**somatic care**

recommendations

- the somatic health-care provision at Ilava, Leopoldov and Bratislava Prisons to be strengthened as described in paragraph 101 (paragraph 101);
- the Slovak authorities to review the practice of prison doctors treating both prisoners and prison staff (paragraph 102);
- the Slovak authorities to ensure that someone competent to provide first aid, preferably a person with a recognised nursing qualification, is always present on prison premises (paragraph 103);
- the Slovak authorities to ensure that the record drawn up after a medical examination contains:
  - (i) a full account of statements made by the prisoner concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;
  - (ii) a full account of objective medical findings based on a thorough examination; and
  - (iii) the doctor's conclusions in the light of (i) and (ii).The full record should be made available to the prisoner and his or her lawyer. Further, whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record must systematically be brought to the attention of the relevant authorities (paragraph 104);
- all medical examinations of life-sentenced prisoners to be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers (paragraph 105);
- the Slovak authorities to implement the CPT's longstanding recommendation to put an end to the practice of applying handcuffs (and ankle cuffs) to a prisoner undergoing a medical consultation/ intervention (paragraph 105);
- measures to be taken to ensure that medical files are kept according to professional standards (paragraph 106).

## **psychiatric care**

### recommendations

- psychiatric care provision at Leopoldov Prison to be strengthened as a matter of priority, in particular in order to address the needs of inmates placed in the establishment's High Security Department and Unit for life-sentenced prisoners (paragraph 108);
- a range of activities to be introduced as a matter of priority at the unit for acute psychiatric conditions at Trenčín Prison Hospital. Moreover, all patients on the psychiatric ward, including on the unit for acute psychiatric conditions, should be provided effective access to one hour of daily outdoor exercise. The yard used for this purpose should be equipped with a means of shelter (paragraph 112);
- the necessary steps to be taken to ensure that resort to means of restraint in a psychiatric context is in compliance with the precepts described in paragraph 114 (paragraph 114);
- the right for persons subject to a protective treatment order to request, at reasonable intervals – and in addition to the yearly automatic reviews – a judicial review of the order, to be formally guaranteed (paragraph 115).

### comments

- the Committee trusts that the establishment of the new Psychiatric Detention Centre in Hronovce will lead to a significant improvement in the situation as regards the provision of psychiatric care to prisoners (paragraph 108).

### requests for information

- the comments of the Slovak authorities on the concerns expressed in paragraph 108 as regards the psychiatric care provided to prisoners (paragraph 108);
- the procedure to be followed, including any safeguards involved, in the context of the involuntary psychiatric placement and/or treatment of a prisoner in the psychiatric unit for acute conditions at Trenčín Prison Hospital (paragraph 116);
- the comments of the Slovak authorities on the issues mentioned in paragraph 117 regarding prisoners' health care cover (paragraph 117).

## **Treatment of sex offenders**

### recommendations

- the Slovak authorities to ensure that:
  - all medical files of sex offenders placed in the Psychiatric Unit of the Health-Care Department of Košice Prison include a psychiatric assessment, providing sufficient detail to substantiate the treatment suggested;
  - relevant treatment and consent-related information on inmates receiving treatment in the Unit is made available to all members of the treatment team, in particular the psychologists and nursing staff. Appropriate treatment team communication should also include staff and medical records on somatic care;
  - the prescription and distribution of medication is duly documented.(paragraph 121);
  
- steps to be taken to ensure that anti-androgen treatment of sex offenders is surrounded by appropriate safeguards. In particular, the free and informed written consent of inmates should be obtained prior to the commencement of anti-androgen treatment; 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 prisoner should be put under pressure to accept anti-androgen treatment (paragraph 126);
  
- a comprehensive and detailed procedure to be elaborated with respect to anti-androgen treatment, including proper safeguards. In addition to the above-mentioned issues related to consent, such a procedure should include provisions on:
  - inclusion and exclusion criteria for such treatment;
  - medical examinations before, during and after treatment;
  - access to outside consultation, including an independent second opinion; and
  - regular evaluation of the treatment by an independent medical authority.(paragraph 126).

### requests for information

- the annual number of men under protective treatment who are undergoing or have undergone anti-androgen treatment in the course of the past five years in the Slovak Republic. These figures should indicate such treatment received in prison establishments as well as in health-care institutions independent of the prison administration (paragraph 126);
  
- the comments of the Slovak authorities on the claims made by certain inmates that the procedure of surgical castration had in the past been suggested to them (paragraph 127).

## **Other issues**

### recommendations

- the Slovak authorities to continue to give high priority to the development of prison staff training, both initial and ongoing. In the course of the training, considerable emphasis should be placed on the acquisition of interpersonal communication skills, in addition to manual control and restraint techniques (paragraph 128);
- the legislation and regulations regarding discipline in prison to be reviewed, in the light of the remarks made in paragraph 129 (paragraph 129);
- the irregular disciplinary practices described in paragraph 130 to be eradicated forthwith (paragraph 130).

### comments

- the CPT invites the Slovak authorities to explore ways to ensure that all prisoners, including those with little or no financial means, may maintain appropriate contact with the outside world, including by telephone (paragraph 131).

### requests for information

- developments as concerns reconsideration by the Slovak authorities of the need for certain prison officers to carry truncheons (paragraph 128).

## **APPENDIX II**

### **LIST OF THE NATIONAL AUTHORITIES AND OTHER ORGANISATIONS WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

#### **A. National Authorities**

##### **Ministry of Justice**

Štefan HARABIN	Deputy Prime Minister and Minister of Justice
Daniel HUDÁK	Secretary of State for Justice
Libor DUĽA	Director of the Criminal Law Legislation Department
Božena KOTRBANCOVÁ	Director of the Supervision over Criminal Justice and Pardons Department
Štefan MINÁRIK	General State Counsellor of the Criminal Law Department
Peter BÁŇAS	Director General of the International and European Law Department
Jana VNUKOVÁ	Director of the Foreign Relations and Human Rights Division
Branislav KADLEČÍK	Principal State Adviser for the Foreign Relations and Human Rights Division (Liaison Officer to the CPT)

##### **Corps of Prison and Court Guards**

María KRESLOVÁ	Director General
Štefan HORVÁTH	Deputy Director General
Daniela JANÁKOVÁ	Director of Trenčín Prison Hospital
Rudolf TAKÁCS	Director of the Health Care Department
Daniel FÖLDEŠI	Director of the Department for Remand and the Execution of Sentences Department
Petra IZAKOVIČOVÁ	Senior Official III at the Division of International Cooperation

##### **Public prosecution service**

Dobroslav TRNKA	Prosecutor General
Dušan KOVÁČIK	Chief Special Prosecutor
Tibor ŠUMICHRASŤ	Director of the Penal Department

## **Ministry of the Interior**

Vladimír ČEČOT  
Jozef BUČEK  
Marián ČUNTALA

Ján PACKA  
Štefan KOČAN

Oľga ŠIMOROVÁ

State Secretary for the Interior  
State Secretary for the Interior  
General State Counsellor for International Relations  
and Protocol  
President of the Police Corps  
Director General of the Control and Inspection Service  
Section  
Deputy Director of the Border and Aliens Police

## **Ministry of Health Care**

Daniel KLAČKO  
Adam HOCHÉL  
Eva POLKOVÁ  
Adriána LIPTÁKOVÁ  
Jaroslava HURNÁ  
Iva BLANÁRIKOVÁ  
Eva LETKOVIČOVÁ  
Ľubomír OKRUHLICA

Ivan DÓCI

Pavel ČERNÁK

State Secretary for Health  
Director General of Health  
Director General of the Legislative Department  
Director of the Department of Health Care  
Director of the Department of Foreign Relations  
Department of Health Care  
Department of Foreign Relations  
Director of the Centre for the Treatment of Drug  
Addictions  
Director of the 2nd Psychiatric Clinic of the Faculty  
Hospital of Louis Pasteur in Košice,  
Director of Psychiatric Hospital of Philippe Pinel in  
Pezinok.

## **Other authorities**

Pavel KANDRÁČ

Public Defender of Rights

## **B. Other organisations**

Charter 77  
League of Human Rights Advocates  
Slovak National Centre for Human Rights  
UNHCR