



**Interim and follow-up reports of the
Government of the Slovak Republic in response
to the report of the European Committee
for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
on its visit to Slovakia
from 25 June to 7 July 1995**

The Government of the Slovak Republic has agreed to the publication of these reports. The CPT's report on its visit to Slovakia is set out in document CPT/Inf (97) 2.

Strasbourg, 3 April 1997

**INTERIM REPORT OF THE
GOVERNMENT OF THE SLOVAK REPUBLIC IN RESPONSE
TO THE REPORT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE AND INHUMAN
OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO SLOVAKIA**

from 25 June to 7 July 1995

PRELIMINARY REPORT OF GOVERNMENT OF THE SLOVAK REPUBLIC

on Measures Adopted within the Ministries of the Interior, Justice and Education

in connection with the Report to the Government
of the Slovak Republic on the Visit to Slovakia
Carried out by the European Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment
from 25 June to 7 July 1995

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Based on the text of the Report to the Government of the Slovak Republic on the Visit to Slovakia Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 25 June to 7 July 1995 and positions presented by the Ministries of the Interior, Justice and Education, the Government of the Slovak Republic submits the following preliminary report on the adopted measures.

The Government of the Slovak Republic and the competent authorities of the ministries concerned have received with understanding the Report to the Government of the Slovak Republic on the Visit to Slovakia Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("CPT") from 25 June to 7 July 1995.

The Government of the Slovak Republic noted with satisfaction the conclusion of the CPT delegation that it did not encounter any torture or inhuman treatment in the visited establishments. They, however, also acknowledged the finding of the CPT delegation that in establishments falling under the authority of the Ministry of the Interior many allegations were heard about ill-treatment by the police of persons suspected of criminal offence.

The acceptance of evaluations, recommendations or comments has been reflected in the adoption of practical measures by the verified establishments (not only the visited ones) immediately after the CPT delegation's visit. Moreover, they were subjected to

an independent and profound review immediately after the CPT delegation's Report was delivered to the Government of the Slovak Republic.

The Government of the Slovak Republic and the competent authorities of the ministries concerned consider the Report of the CPT Delegation to be a valuable initial document which, after its review and the drawing of the pertinent conclusions, will contribute to the further development, modernisation and humanisation of the treatment of persons deprived of their liberty and persons placed in establishments falling under the authority of the Ministry of Education.

The Slovak Government and the competent authorities of the ministries concerned will gradually deal with the issues identified in the CPT Report in harmony with the technical and time requirements of individual solutions by allocating the necessary financial resources within the process of qualified drafting of budgets for the ministries concerned and the respective calendar years, referring to the recommendations given in the CPT Report.

The implementation of some of the CPT delegation's recommendations will call for legislative amendments and revision of internal rules.

A. Establishments under the Authority of the Ministry of the Interior

Part 1

Torture and other forms of physical ill-treatment

» **RECOMMENDATIONS:**

1. *To give a very high priority to human rights education and professional training for police officers at all levels (paragraph 19)*

The Police Corps authorities fully agree both with the wording and the subject of the recommendation. They announce that the area of human rights and their observation will be given a much greater attention in the vocational training provided at the Police Corps' secondary vocational schools, at the Police Academy and in the more general framework of Police Corps activities.

2. *To recognise that an aptitude for interpersonal communication is a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed upon acquiring and developing such skills (paragraph 19)*
3. *Senior police officers should make it clear that the ill-treatment of detained persons is not acceptable and will be dealt with severely (paragraph 20)*
4. *To remind police officers that when effecting an arrest, no more force than is reasonably necessary should be used and, once apprehended persons have been brought under control, there can never be any justification for them being struck (paragraph 21)*

Recommendations given in paragraphs 19 to 21 have also received a favourable response and, as a result, the subjects they refer to have already been incorporated into the vocational training and education of police officers. This is why the senior officers as well as inspection bodies will, in overseeing the activities of subordinated levels of management and the performance of police officers, more frequently verify the level of knowledge of police officers

concerning individual provisions of the Act on the Police Corps, including the knowledge of the conditions of and the use of the means of force.

5. *To encourage public prosecutors to give high priority to visits to police premises (paragraph 23)*

No objections have been raised to the recommendation to give high priority to public prosecutors' visits to police premises.

Draft principles of the law on public prosecution have been currently at the stage of legislative processing and the respective law is expected to enter into effect in the second half of 1996.

Within 30 days after the amended law on public prosecution has entered into effect, amended Orders of the Prosecutor General concerning the supervision over remand imprisonment, sentences of the deprivation of liberty, protective and institutional education, protective and institutional medical treatment will be issued and, in conformity with the public prosecution act, the Prosecutor General will issue a new order on the supervision over police custody cells.

• **REQUESTS FOR INFORMATION:**

6. *On the action taken by the relevant authorities - Police Presidium, public prosecutor, other bodies involved in criminal proceedings - with regard to the cases reported in 1995 by the Director General of the Central Prison Administration concerning persons admitted to remand prisons who alleged that they had been ill-treated by the police, with an indication of the steps taken in each case - criminal proceedings, disciplinary action, etc. (paragraph 22)*
7. *On the administrative procedures applied in cases involving allegations of ill-treatment by the police, including the safeguards incorporated to ensure their objectivity (paragraph 22)*

It could be said that, as regard the cases presented in the Report involving physical violence by police officers against apprehended persons, these involve mainly persons presented by the police for the purpose of serving imprisonment sentences or for remand imprisonment. Reports on all such incidents are sent by the General Directorate of Corps of Prison and Court Guard to the Inspection Department, Division for Organisational and Economic Support, at the Police Corps Presidium.

The reports are registered at the Division and immediately referred to the competent Inspection Service Office of the Police Corps for a review or action. The Inspection Service Office represents a special - specific Police Corps service - whose role is to also conduct police verification or operational investigation of suspected criminal activities on the part of police officers.

The CPT Report speaks about the apprehension of persons according to the provisions of the Code of Criminal Procedure and the Act on the Police Corps, about bodily harm caused by the use of the means of force, conditions of detention and the rights of detained persons. Three or, as the text suggests, even four different legal provisions apply to the above cases. They involve apprehension of a person suspected of a criminal offence under section 76 para. 1 of the Code of Criminal Procedure, restriction of personal freedom of a person caught in the act of committing crime under section 76 para. 2 of the Code of Criminal Procedure, detention of a person and detention of a foreigner under sections 19 and 20 of the Act on the Police Corps and, in some cases, also presenting a person under section 17 para 2. of the Act on the Police Corps. Without a more detailed information about which specific provision was applied in the given case, it is impossible to draw a qualified conclusion as to the degree of the possible breach of the applicable law.

The Act on the Police Corps also envisages a possibility of bodily harm caused by the use of the means of force. Section 68, para. 2 thus sets out procedures to be taken by a police officer when the use of the means of force (truncheon, self-defence bar, police dog, menacing with a weapon and fixing a person to a suitable object) results in bodily injury, property damage or death. The decisive consideration in judging the above cases is whether the means of force have been used in strict compliance with the statutory provisions and whether the degree of their use was adequate to the circumstances.

It needs to be noted that in the illustration examples given in paragraph 16 (cases I to VIII), personal data of injured persons are not specified even though members of the CPT delegation had direct communications with them. It was therefore very difficult to verify the facts reported by the allegedly injured persons to the members of the delegation. Only the cases marked as Case IV and Case VII could be identified without any doubt.

Case IV was set aside by the resolution of the police body within the Inspection Department of Inspection Service Office of March 11, 1996 under No. UIS-18/03-PO-95/Vn according to section 159 para. 4 of the Code of Criminal Procedure, because it was not possible to establish the facts that would authorise the initiation of criminal prosecution.

Case VII is still at the stage of verification carried out by the police body of the above Department under No. UIS-684/01-95.

Injured persons in the remaining cases could not be clearly identified and is thus impossible to take a position on these cases.

Although the objectiveness of all medical findings is not questioned, we regret that the CPT delegation did not examine primary official records produced by police officers who apprehended or presented persons suspected of criminal activities. Police Corps authorities believe that the sequence of individual steps taken in the performance of police duties, the chosen tactics, use (or absence) of verbal summons with warning uttered immediately prior to using the means of force, need to overcome possible resistance posed by the suspect persons in the effort to avoid apprehension, and other indicators can be very important for identifying the mechanism involved in the occurrence of any injuries.

In connection with the statement that suspected criminal offenders face considerable risk of police ill-treatment at the moment of apprehension, it should be assumed that the apprehension of these persons is the result of their having breached the laws of the Slovak Republic and that, consequently, these persons must be aware of the consequences of their acts and of the possibility that in a law enforcement operation they may be subjected to the use of a certain degree of violence which is in compliance with the law.

8. *An account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police, for the years 1993-95 (paragraph 22)*

In 1993, 12 persons in 7 cases were accused of the above practice. All the criminal cases were closed with a motion to impose a final measure.

3 cases involving 3 persons were referred for disciplinary proceedings.

In 1994, 15 persons in 11 cases were accused of the above practice. All the criminal cases were closed with a motion to impose a final measure and/or a motion to file an indictment.

2 cases involving 2 persons were referred for disciplinary proceedings.

In 1995, 37 persons in 11 cases were accused of the above practice. All the criminal cases were closed with a motion to file an indictment.

3 cases involving 2 persons were referred for disciplinary proceedings.

9. *Progress on the legislation currently being drafted for strengthening the rights of public prosecutors to visit police premises (paragraph 23)*

Principles related to the strengthening of the powers of public prosecutors have been incorporated into the draft amendment of the act on public prosecutors that has been passed by the Government of the Slovak Republic. In accordance with the legislative procedure, the draft amendment will be submitted for the debate to the National Council of the Slovak Republic.

10. *Whether the Ombudsman, if this institution is introduced, would also have the right to visit police stations (paragraph 23)*

In principle, the Ombudsman may not be denied the right to visit the police premises. It is, however, necessary that this institution be first of all created in the legislation and actually set up. Because the Ombudsman institution has not been yet introduced, Police Corps authorities consider it premature to give their position concerning the possible rights of the Ombudsman in relation to the police force.

Part 2

Conditions of detention

» **RECOMMENDATIONS:**

11. *To review material conditions of detention in Bratislava Municipal Police Headquarters in the light of the remarks given in the CPT Report; in particular, a partition or other means of offering a suitable degree of privacy should be installed around the toilet facility in the cells (paragraph 29)*

Material conditions required for police detention cells are set out in the Regulation of the Minister of the Interior 29/1992 - Appendix 1. It should be noted that the criteria defined in the above Regulation are very strict and that, if they were to be fully met, practically none of the police cells would satisfy the requirements. It should also be stated that practically all the buildings in which such cells are situated started to be used before the aforesaid Regulation entered into force. Their renovation designed to make them meet the required standard would involve considerable financial investment, while there is currently a shortage of the necessary funds. Remedying the situation and attaining the required standard of police detention cells will therefore require more time and

the availability of sufficient funds. Police Corps authorities believe that, in spite of the shortcomings mentioned above, most police detention cells are equipped at a suitable level and are able to meet their purpose in conformity with the law.

Police detention cells at the Bratislava Municipal Police Headquarters at Račianska Street were built in 1953. At present, they fall short of meeting several of the conditions set out in the aforesaid internal regulations. The necessary building and technical adaptations would call for considerable or even excessive cost expenditures. Given this situation, until the construction of new police detention cells in the Police Corps building at Špitálska Street in Bratislava, it will be necessary to continue using the existing cells at Račianska Street whose building and technical parameters do not fully comply with the regulations.

As to the specific recommendation of the CPT delegation, not even the aforesaid Regulation requires partitioning off the toilet facility from the rest of the cell and the reconstruction work it would involve is not considered to be economical in view of the envisaged construction of new premises. It is not possible to completely eliminate malodorous smell given off by the existing type of toilet. As an interim measure, the situation will be solved by using more efficient deodorants.

12. *To take immediate steps to ensure that persons held at the Police Headquarters under Act No. 73/1995 on the Stay of Foreigners in Slovakia (paragraph 30)*
- * *are offered outdoor exercise every day;*
 - * *receive a regular supply of appropriate reading material.*

Apart from ensuring regular supply of appropriate reading material, the above recommendation can only be fulfilled with the building of special facility for holding illegal aliens in the Slovak Republic; the conditions in this facility will give the detained persons - foreigners - a possibility of outdoor exercise every day and access to a suitably equipped communal area. This expected date of opening this facility is July 1996.

13. *To explore the possibility of offering persons detained at the Bratislava Municipal Police Headquarters under Act No. 73/1995 access to a suitably equipped communal area (paragraph 30)*
14. *To improve the natural and artificial lighting in the holding room in the Police Station in Osvetová Street (paragraph 33)*

In the case mentioned above the situation will be remedied either by installing the lighting or by ceasing to use the room concerned for temporary segregation of persons.

15. *To take steps to ensure that if, exceptionally, a person has to be held overnight in the holding room of a local police station, he/she be supplied with a mattress and clean blankets (paragraph 33)*

Concerning the specific case mentioned in this connection we note that the person concerned was brought in from a weekend home area where she was spending the nights. She had no identity document on her and was presented at the Dúbravka Local Police Station on July 3, 1995 at 22:40 h under section 18 para. 3 of the Act on the Police Corps. She either did not know or did not want to give her true name, place of residence and date of birth. After identity verification, she was brought in and detained on July 4, 1995 at 18:20 h in a police detention cell at the Bratislava Municipal Police Headquarters because of a reasonable suspicion that she was an illegal foreigner in the Slovak Republic. In this case it should be stressed that the person in question had not been held at a police detention cell at the Dúbravka Local Police Station.

16. *To ensure all persons detained in local police stations ready access to drinking water and, in the event of their detention being prolonged, be given food and appropriate times (paragraph 34)*

Persons placed in police detention cells are provided meals from the canteen situated in the Police Corps building in Račianska Street at the cost of SKK 13 for breakfast, SKK 20.60 for lunch and SKK 13 for dinner. The meals are of standard size and do not consist only of one piece of bread. The quantity of food, e.g. a lunch, is the same as that provided to the police officers and civilian staff in the canteen. This specific case might involve a subjective view of an individual. When the CPT delegation members conducted a verification, they could see for themselves that this allegation was not justified. The quantity of food provided to persons placed in the cells may be checked any day at the meal times. The supervising prosecutor from the Bratislava I District Prosecution Office did not observe any shortcomings in this respect.

The situation in police detention cells in the Police Corps establishments all over the Slovak Republic is similar. If the canteen is out of operation, meals are provided by means of purchasing foodstuffs using the funds allocated for this purpose. Detailed records are maintained concerning the purchase and the consumption of foodstuffs, and an appropriate financial amount is available for this purpose at any given moment.

17. *To take appropriate steps in the light of comments given in paragraph 35 in connection with handcuffing detained persons and obliging them to stand for lengthy periods (paragraph 35)*

Provisions of section 52 para. 2 of the Act on the Police Corps stipulate

The problem is represented by foreigners whose stay in the territory of the Slovak Republic is illegal and, in accordance with the applicable legislation, it is necessary to secure their administrative expulsion. In the Slovak Republic, this is a new phenomenon brought about by an increase in the number of illegal migrations. The Police Corps did not have at their disposal any special-purpose facility for persons to be lawfully expelled, material conditions and the regime of which would correspond to the legal status of such persons.

In this connection, the Government of the Slovak Republic adopted Resolution of April 11, 1995 assigning the Ministry of the Interior the task to set up a special facility for this purpose. The preparation of projects for the reconstruction of a building with standard equipment and a capacity of 120 persons has currently reached the stage of finalisation. The layout of the premises will make it possible to separately place single and married persons, men and women, possibly also individual age brackets and nationalities. Hygienic conditions, medical care, full pension, outdoor exercise, access to communal room, etc. will be guaranteed in compliance with the relevant regulations and norms. The staff of the facilities will be persons with adequate qualifications. The expected date of putting this facility into use is July 1, 1996.

Part 3

Safeguards against the ill-treatment of persons deprived of their liberty

RECOMMENDATIONS:

21. *That the Slovak authorities take the necessary steps to ensure that:*
 - * *the provision contained in Section 19, para. 5, of the Act on the Police is strictly complied with in practice,*
 - * *any notification of apprehension requested by a detained person is carried out without delay,*
 - * *any possibility exceptionally to delay the exercise of the right of notification of apprehension is clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a court or a public prosecutor) and strictly limited in time (paragraph 39)*

22. *That the steps be taken to ensure that persons deprived of their liberty by the police have the right of access to a lawyer as from the very outset of their deprivation of liberty (paragraph 41);*

23. *That persons deprived of their liberty by the police be expressly guaranteed the right to have access to a doctor (including, if they so wish, one of their choice) (paragraph 44)*
24. *That all medical examinations be conducted out of the hearing and - unless the doctor requests otherwise - out of the sight of police officers (paragraph 44)*
25. *That the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, be formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 44)*

The above recommendations are related to the legal provisions for and the practices applied in the exercise of the detained persons' right to inform a close relative or a third person about their situation as from the very outset of their deprivation of liberty. In this respect it is necessary to distinguish between the forms and reasons for which the person concerned must be held at the police.

If a person is presented by police officers (Section 17, Act on the Police Corps) there is no justification to grant such person the right to notify any other person. Persons are presented to the police by police officers in order to give an explanation in those cases that such persons did not come to the police station when they had been asked to do so for the purpose of giving an explanation. In some cases, the notification could take more time than giving the explanation itself.

The persons who are detained (Section 19 of the Act on the Police Corps), have the right to notify a relative or a lawyer about the detention under paragraph 5 of the above provision. The text of the law does not, however, imply the obligation of the police authorities to give information about the detention; The law only lays down their obligation to give the detained person a possibility to notify any of his relatives or a lawyer about the detention. Neither is there a reason for the apprehended person to notify both the relative and the lawyer. The apprehended person may notify a relative and the latter may then notify a lawyer. If the detained person notifies a lawyer, it is up to the two of them to agree whether the lawyer will also notify the detained person's relatives.

The police officers' obligation to instruct the apprehended persons of their rights, including the right of notification about the detention, is laid down in section 8 para. 2 of the Act on the Police. If the CPT delegation established any breach of this obligation, it should be specified where this occurred so that the circumstances of the breach could be properly and objectively reviewed.

It is not true that Section 19 para. 5 of the Act on the Police Corps lays

down an obligation for the investigator to enable the apprehended person, under Section 19 para. 1 of the Act, to notify one of his close relatives or a lawyer of his apprehension on his request. As stated above, this obligation is imposed only on the police officer who effected the apprehension. The investigators are never covered by Section 19 of the Act on the Police Corps. Investigators are bound by procedures laid down in the Code of Criminal Procedure and not by the Act on the Police Corps.

Also other questions such access to a physician, instruction about one's rights, conduct of the interrogation, maintaining detention records (of the citizens of the Slovak Republic and foreigners) are regulated by laws and internal regulations, in particular the aforesaid Act of National Council of the Slovak Republic No. 171/1993 Coll. on the Police Corps, Code of Criminal Procedure, Act of National Council of the Slovak Republic No. 73/1995 Coll. on the stay of foreigners in the Slovak Republic, Order of the Minister of the Interior No. 29/1992 on Police Custody Cells and the Constitution of the Slovak Republic.

We believe that the above legal instruments ensure an effective and adequate regulation of the procedures effected by the Police Corps when depriving a suspect or an indicted person of liberty. However, in the future it will be necessary to develop practical guidelines to prevent diverging interpretations of individual provisions of the above legal standards.

26. *To take the necessary steps to ensure that whenever a person in custody is or becomes highly agitated, the police should immediately contact a doctor and act in accordance with his opinion (paragraph 45)*
27. *To record every instance of resort to means of restraint in a special register established for this purpose. The entry to include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by the detainee or staff (paragraph 45)*

Through his Order No. 41/1995 of December 12, 1995 the Chief of the Police Corps Headquarters of the Capital City of Bratislava issued the Guidelines on ensuring the performance of the duties and activities of the Police Custody Cell and Escort Department at the Police Corps Headquarters. Part II Article 1 para. 5 of the Guidelines lays down the reasons for restraining a person; Article 2 para. 3 describes the method of overseeing a person temporarily restrained because of the condition of high agitation.

Based on the CPT recommendation, duty officers have been instructed that whenever they apply the means of restraint against an apprehended or detained person they immediately contact a doctor and act in accordance with

his opinion. At the same time, a special register has been established for recording any use of the means of restraint.

28. *To systematically give persons in police custody a form setting out their rights at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 47)*

We must deduce that none of the provisions laying down the obligation of police officers to inform persons of their rights between the moment they are apprehended and the moment they are presented before an investigator has been brought to the attention of the CPT delegation. It is difficult to take a position on the above conclusion. However, we do not assume that such conclusion was drawn because of the reluctance of the Police Corps officials and officers with whom the CPT delegation entered into contact.

For explanation we state the following: persons are placed under custody by Police Corps investigators (Section 76 of the Code of Criminal Procedure) who have the obligation to instruct the person being detained of his rights. In addition, Section 8 para. 2 of the Act on the Police Corps lays down the obligation of police officers to instruct the person of his right in any case that the persons's rights and freedoms are interfered with.

If a person is placed under custody by an investigator and also if a person is subjected to an interrogation before an investigator, the investigator has the obligation give the person an instruction about his rights and obligations in accordance with the provisions of the Code of Criminal Procedure. If the person does not speak the language in which the criminal proceedings are held, he must be provided an interpreter. After having received an instruction, the person confirms it with his signature and, at the same time, says whether he understood the instruction. If necessary, he will receive a new detailed instruction.

In addition to the provisions of the Code of Criminal Procedure, interrogation of indicted foreign nationals is also governed by the guidelines issued by the Director of Investigation, Criminology and Expert Activity Section of the Police Corps and concerning the conduct of Police Corps investigators when prosecuting the foreigners and when dealing with cases containing a foreign element. They lay down, e.g., investigator's obligation to inform the foreigner of his right to use his mother tongue, his right to ask that the diplomatic mission of his country be informed of his detention (imprisonment), his right to request the visit by a consular officer so as to be able to ask for legal representation through the diplomatic mission.

Moreover, in similar cases, police corps investigators are also bound by the provisions of the Vienna Convention on Consular Relations (Article 36 para. 1 letters a,b,c).

29. *That the Slovak authorities draw up a code of practice for interrogations (paragraph 49)*

Besides the Code of Criminal Procedure, conduct of interrogations by investigators is also provided for in the Instruction for the Investigators, amended in 1995. This problem area is discussed in detail also in the criminology textbooks which are commonly available in the bookstores. The criminological principles for conducting interrogations defined in the aforesaid textbooks are fully applies in practice.

We, nevertheless, agree with the recommendation that a binding procedure should be developed for conducting interrogations of special categories of persons and under special conditions. The recommendation will be incorporated into the amendment of the Instruction for Investigators in 1996.

» **COMMENTS:**

30. *The Slovak authorities are invited to consider the possibility of introducing a system for the electronic recording of police interrogations. The system should offer all appropriate safeguards (for example, the consent of the detainee and the use of two tapes, one of which be sealed in the presence of the detainee and the other used as a working copy) (paragraph 50)*

With regard to the introduction of a system for the electronic recording of police interrogations, such a system has been gradually introduced at individual investigation authorities. However, its introduction is conditional on the financial possibilities of the Police Corps and the Ministry of the Interior.

31. *The fundamental safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his custody and all the action taken in connection with it (time of and reason(s) for the apprehension; time of arrival on police premises; when informed of rights; signs of injury, health problems, mental disorder, etc.; contact with and/or visits by next of kin, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a magistrate; when transferred; when released, etc.)(paragraph 52)*

32. *The recommendations contained in the section concerning fundamental safeguards against ill-treatment also apply to persons detained under Act No. 73/1995 on the Stay of Foreigners in Slovakia (paragraph 53)*

Under the current legislation, police officers apprehending a person under Section 19 of the Act on the Police Corps or police investigators placing suspected or indicted persons under custody pursuant to the applicable provisions of the Code of Criminal Procedure have the obligation to make and register an official record stating the most important aspects of the act of apprehending or detaining a person. If any such person is placed in a police custody cell, an official entry is made about this fact in the book of the apprehended or detained persons.

The above recommendations will be taken into consideration in the process of envisaged amendments of the Code of Criminal Procedure and of the Act on the Police Corps.

» **REQUESTS FOR INFORMATION:**

33. *Whether Section 19, para. 5, of the Act on the Police is to be interpreted in such a way as to require apprehended persons to choose between notifying either a relative or a lawyer, or whether they are entitled to notify both (paragraph 39)*
34. *Whether there are any legal provisions requiring the police to inform persons of their rights in the period between the moment of apprehension and their presentation before an investigator (paragraph 46)*

Requested information has been provided in the framework of answers to points 25 and 28.

Part 4
Holding Centre for Asylum Seekers in Adamov-Gbely

» **RECOMMENDATIONS:**

35. *The principle of providing separate accommodation to women, unless they have expressed a wish to be placed with persons with whom they share an emotional or cultural affinity, to be strictly observed in practice (paragraph 59)*
36. *asylum seekers in quarantine always to be accommodated separately from the rest of the asylum seekers/refugees (paragraph 61)*

Subsequent to the adoption of a new act on the refugees and of internal implementing regulation (Ordinance of the Minister of the Interior of the Slovak Republic No. 4/1996 governing the procedures effected by Police authorities and by the Migration Office of the Ministry of the Interior in the implementation of the Act of National Council of the Slovak Republic No. 283/1995 Coll. on the refugees), the holding centre for refugees in Gbely-Adamov only holds persons who have applied for being granted a refugee status in the Slovak Republic while being subjected to the quarantine measures. Only exceptionally and when absolutely necessary are the foreigners who have been granted the refugee status allowed to stay in the centre; this only happens when there is a shortage of room in the residential refugee camp or in the integration centre.

In practice, the principle of accommodating women separately from men is strictly applied with the exception of families and/or on the basis of a well-founded request. If there has been any breach of this principle in the past, it was connected with the necessity to deal for a limited period with accommodation needs at the time when reconstruction work was underway in the Refugee Holding Centre at Gbely-Adamov or it concerned families from the countries in which accommodation of a large group of family members is a norm and the persons concerned requested it.

37. *The Centre's internal rules to be translated into an appropriate range of languages and supplied to the asylum seekers at the very outset of their stay, together with information on the centre's daily routine and on how the asylum seekers can exercise their rights (paragraph 65)*

Information on daily routine and internal rules of the centre are translated for the seekers of the refugee status right upon their arrival to the Holding Centre by the Director of the camp. The Migration Office of the Ministry of the Interior secured the translation of internal rules of the centre into English, Russian and Persian languages, and provides them to the seekers right at the moment of their arrival in the centre.

» **COMMENTS:**

38. *the Slovak authorities are invited to consider the possibility of developing further the activities available for asylum seekers in quarantine (paragraph 62)*

Concerning the comment of the CPT delegation about expanding the range of activities available for persons in quarantine seeking the refugee status we note that such activities are greatly restricted by the fact that the "protection" only lasts a limited time and is applied for a maximum of 30 days for persons who might transmit contagious diseases from one to another or to the staff of the centre. We believe that because of these reasons (the Migration Office of the Ministry of the Interior has recently recorded one case of active tuberculosis, scrapie, salmonellosis and in one case also a HIV-positive case) it is not desirable to create the possibility for persons in quarantine to assemble in communal premises beyond the scope possible in present.

39. *The Slovak authorities are invited to examine the possibility of offering psychiatric/psychological care to the asylum seekers at the Holding Centre in Adamov-Gbely (paragraph 63)*

The comment of the CPT delegation concerning the possibility of offering psychiatric/psychological care to persons who have applied for refugee status in the Holding Centre is in harmony with the long term concept of activities of the Migration Office of the Ministry of the Interior. This question will be dealt with during the first half of 1996.

» **REQUESTS FOR INFORMATION:**

40. *Confirmation that the refurbishing of the Centre has been completed as planned (paragraph 58)*
41. *Whether the plans to create common rooms for the asylum seekers have now been implemented (paragraph 62)*

The reconstruction work in the Centre of Adamov-Gbely was completed in

December 1995. The accommodation section of the Holding Centre has today a capacity of 114 persons. The Holding Centre has its own kitchen and refectory which, if needed, may be also used as a communal room.

42. *Information on the steps which would be taken in the event of an asylum seeker being found to be HIV-positive (paragraph 64)*

If the Migration Office obtains information that an applicant for refugee status is HIV-positive, it will secure for the person concerned permanent psychological and health counselling and, if necessary, hospitalisation in a suitable health establishment.

43. *A detailed account of the precise practical steps taken by the Slovak authorities to ensure that persons are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (paragraph 66)*

The Ministry of the Interior has sponsored the drafting of a new refugee act (Act of National Council of the Slovak Republic No. 283/P11995 Coll., effective as from January 1, 1996) into which it has fully incorporated the provisions of the Geneva Convention of 1951 on the legal status of refugees. More specifically, Article 33 of the Convention banning the expulsion and return has been transposed into the provisions of Section 4 para. 8 and Section 8 letter c/.

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In conclusion, noting the statement made in part I/D (paragraphs 6-9: co-operation encountered during the visit) that, with two exceptions, the CPT's delegation received an excellent reception, the Police Corps authorities thoroughly reviewed presented facts and conclude that the Police Corps officers did not breach any generally binding or internal regulations.

In the two cases mentioned above, the steps taken by the competent Police Corps authorities before the arrival of the CPT delegation did not meet with an adequate response on the part of the officers concerned. Police Corps authorities therefore express their regret with the events described in the Report.

B. Establishments under the Authority of the Ministry of Justice

Part 1

Torture and Other Forms of Ill-treatment

» **COMMENTS:**

44. *Slapping prisoners is not an appropriate response (paragraph 72)*

The prison system officers accept without reservation this comment of the CPT delegation insofar as the slapping is the result of the failure of a staff member to carry on communication or to handle an oral argument with indicted or accused persons. This means that the means of force in question should not be used if the prisoners simply talk back or refuse to abide by a disciplinary order and in no case should it be used without a previous verbal warning. In such a situation the use of slapping as the means of force is inappropriate and, if no previous verbal warning is made, unacceptable.

However, under the law (Section 15, Act 79/1992 Coll. in the wording of Act 33/1994 Coll.), striking with a hand - slapping - is permissible as a means of force.

Because the CPT Report gives no details about the use of force in the specific case we hold the position that "the means of force was used in conformity with the law" and we note that this means of force is used only in isolated cases when no other means of force are available to the officer trying to maintain order.

However, striking a person with a hand as a lawful means of force - referred to as slapping in the CPT Report - is an isolated phenomenon in the Slovak prison system and does not constitute a serious problem.

» **REQUESTS FOR INFORMATION:**

45. *Detailed information on the authorised means of force and the circumstances in which they may be applied (paragraph 72)*

The Slovak National Council Act 79/1992 on the Corps of Prison and Court Guard (CPCG), in the wording of later regulations, lists the following types of authorised means of force:

- a/ grips, holds, self-defence blows and kicks,
- b/ wrist chains,
- c/ handcuffs,
- d/ restraining belts,
- e/ tear-causing devices,
- f/ jet of water,
- g/ truncheons,
- h/ police dog,
- i) detonators,
- j/ striking with firearms,
- k/ menacing with firearms,
- l/ warning shot in the air,
- m/ use of firearm.

The aforesaid act as well as National Council of the Slovak Republic (NC SR) Act 33/1993 modifying and amending Slovak National Council (SNC) Act 79/1992 lay down detailed conditions and circumstances under which a CPCG officer is authorised to use the means of force set out in Sections 14 to 20 of the Act:

Section 14

/1/ Prior to resorting to using a means of force a CPCG officer shall be obliged to request that the person against whom he intervenes refrains from his illegal activity and warn the person that he is about to use one of the above means of force.

/1/ He may forgo the obligation to make a request and give a warning only if he has been attacked or if his or another person's life or health is in danger, or if other circumstances make it impossible.

/3/ CPCG officers have the discretion about which specific means of force they will use depending on the specific situation, always aiming at minimising the injury to the person against whom they intervene.

/4/ If CPCG officers act together under uniform command, the decision on the use of the means of force shall be taken by the commanding officer of the intervening unit in conformity with the present Act. At the place of intervention, decision about the means of force may also be taken by the superior of the commanding officer. The decision of the commanding officer of the intervening unit and his superior

concerning the use of the means of force shall be preserved in the form of an audio recording or of a written record.

/5/ The obligations that are otherwise imposed on the CPCG officer in connection with the use of force shall be assumed by the commanding officer of the intervening unit who made the decision about the use of the means of force under paragraph 4 above.

Section 15

/1/ CPCG officers are authorised to use grasps, holds, self-defence blows and kicks, tear devices, truncheons and shock-causing gas and electric paralysing devices against any person whose conduct interferes with the performance of their duties with the aim to

- a/ protect other persons or themselves from unlawful attacks if the attacker, after being requested, does not refrain from the attack, if an attack is impending, continues or if there are indications that it will be repeated,
- b/ prevent disorderly conduct, brawls, intentional damage of property or other rowdy conduct breaching the established rules,
- c/ present an indicted or sentenced person who poses active resistance,
- d/ prevent forceful entry of unauthorised persons to protected or guarded premises or to places with forbidden entry.

/2/ CPCG Officers may use the grips and holds also when presenting indicted or sentenced persons who are posing passive resistance.

Section 16

/1/ CPCG officers may use the wrist chains if indicted or sentenced persons being presented

- a/ pose active or passive resistance,
- b/ behave in a violent way and threaten their surroundings,
- c/ threaten with suicide, bodily harm or escape.

/2/ CPCG officers may use the wrist chains only during the time necessary for successfully completing the intervention.

Section 16a

- /1/ CPCG officers may use the handcuffs
- a/ to handcuff indicted or sentenced persons posing active resistance or causing

property damage after they failed to abide by the request to refrain from such action,

- b/ to handcuff two or more indicted or sentenced persons to one another under conditions set out in a/,
- c/ if there are reasonable grounds to believe that the indicted or sentenced person will attempt to escape during the performance of official or procedural acts.

Section 17

/1/ Restraining belts may be used whenever accused or sentenced persons lose control over their conduct or are seized with an attack of rage.

/2/ A CPCG officer shall have to keep watch over the indicted or sentenced person restrained by means of restraining belts. When tightening the restraining belts, care shall be taken not to impair blood circulation.

Section 17a

CPCG officers may use a jet of water to disperse assembled indicted or sentenced persons who refuse to abide by the instructions, breach the rules or refuse to break up.

Section 17b

/1/ Unless the present Act provides otherwise, CPCG officers may use police dogs against any person who interferes with the performance of their duties

- a/ to protect other persons or themselves from unlawful attacks if the attacker, after being requested, does not refrain from the attack, if an attack is impending, continues or if there are indications that it will be repeated,
- b/ to prevent disorderly conduct, brawls, intentional damage of property or other rowdy conduct breaching the established rules,
- c/ to prevent forceful entry of unauthorised persons to protected or guarded premises or to places with forbidden entry to such persons,
- d/ to pursue indicted or sentenced persons who are fleeing,
- e/ to force the hiding accused or sentenced persons to come out of the hiding place,
- f/ in guarding and escorting accused or sentenced persons.

Section 17c

CPCG officers may use detonators in closed premises against accused or sentenced persons who either refuse to give up or to come out of the hiding when requested to do so.

Section 17d

/1/ CPCG officers may use the strike with a firearm in necessary self-defence, normally when fighting with attackers whose resistance they are not able to overcome by any other means.

- /2/ A CPCG officer may use the threat of using a firearm-
- a/ to protect himself or another person, when carrying out an official or a procedural act, from unlawful attacks, in particular if the attacker does not refrain from the attack when so requested, if the attack is impending, continues or if there are indications it will be repeated,
 - b/ to present an indicted or sentenced person posing active resistance,
 - c/ to prevent disorderly conduct, brawl or other rowdy behaviour which breaches the established rules,
 - d/ to prevent forceful entry of unauthorised persons to the protected or guarded premises or to places where such entry is forbidden,
 - e/ to prevent escape of indicted or sentenced persons and in their pursuit,
 - f/ when directly threatened by the accused or sentenced person, he should be ready to use a firearm in the necessary self-defence.

/3/ A CPCG officer may use warning shot in the air only in those cases in which he is authorised to use a firearm.

Section 18

The use of a firearm

/1/ CPCG officers may use firearms in carrying out their official duties only in exceptional cases, namely:

- a/ to avert, in a situation of the necessary self-defence, directly impending or ongoing attack against his person or an attack against life and health of another person,
- b/ if, after unsuccessful request, it is impossible to overcome the resistance aimed at obstructing the officer's execution of his duties by other means,
- c/ if the accused or sentenced person refuses to give or to come out of the hiding when requested to do so,
- d/ in accordance with the relevant rules, in particular when performing guard or escort service, to prevent the escape of the accused or sentenced person who cannot be restrained by other means or to avert an attack against a guarded building or premises after an unsuccessful request to stop the attack.

/2/ CPCG officers using the firearm have the obligation to exercise the necessary care, in particular to minimise injury to the person against whom the firearm is being used, and to take precautions not to put the lives of other people in danger.

/3/ If the circumstances of the intervention allow it, CPCG officers will have the obligation to apply one of the other available means of force set out in Section 13 para. 1 letters a/ to m/ before resorting to the use of a firearm.

/4/ After the use of a firearm which resulted in an injury to a person, a CPCG officer has the obligation to immediately - as soon as the circumstances permit it - provide the first aid to the injured person and to secure medical help. Moreover, he has the obligation to perform all the procedures necessary to properly clarify the justification for the use of the firearm.

Section 19 Special Restrictions

When intervening against pregnant women, elderly persons, persons with evident physical handicap or disease and persons under 15 years of age, CPCG officers shall not use self-defence blows and kicks, tear-making devices, truncheon, police dog, strike with a firearm and a firearm except for the cases in which an attack by such person presents a direct threat to the lives and health of other persons or if there is a danger of considerable property damage which cannot be averted in any other way.

Section 20

Obligations of CPCG officers after the use of the means of force

/1/ If a CPCG officer finds out that an injury has been caused as a result of the use of the means of force he has the obligation, if the circumstances permit it, to provide the first aid and to secure medical help for the injured person. Indicted or sentenced persons against whom tear-making devices, truncheon, police dog, detonators, self-defence blows and kicks, strike with a firearm have been used shall be subjected to medical examination even if no visible injury has been inflicted. The doctor prepares a report on such examination which is filed in the medical record of the person concerned.

/2/ CPCG officers have the obligation to immediately report any use of the means of force to their superior officer who then has the obligation to verify whether the means of force have been used in conformity with the law. A report is compiled about the result of such verification.

46. *information for 1995 (paragraph 73)** *the number of complaints of ill-treatment lodged against prison staff*

A total of 336 complaints were lodged in 1995 in the framework of the entire prison system by the prisoners, prison staff and other citizens. 33 of them were found justified.

16 out of the total number of 336 complaints alleged ill-treatment by prison staff. A thorough examination of the grounds and of the circumstances of individual cases by the inspection service of the CPCG General Director revealed that none of them was justified.

* *an account of the sanctions imposed following complaints of ill-treatment by prison staff*

None of the 16 complaints filed in 1995 by the prisoners alleging ill-treatment by prison officers was found to be justified. Consequently, senior officers of prison establishments did not have to impose any sanctions in this regard.

Part 2

Material Conditions

a/ Bratislava Prison for the Execution of Custody

It needs to be noted and stressed that the Bratislava prison is not a "closed establishment" as stated in the opening section of paragraph 68 but it is a custody prison. The above view of the character of the Bratislava establishment is also reflected in certain inaccuracies in the text and in the proposals made in the CPT report.

The organisational structure of the Custody Prison in Bratislava indicates that it is a prison for remand prisoners for the following court jurisdictions:

- > for first-instance district courts of the City of Bratislava,
- > for the Bratislava Municipal Court acting as appellate court for the Bratislava City district courts,
- > for the Regional Court acting as appellate court for the courts situated in

> the Western Slovakia region,
 > for the Supreme Court of the Slovak Republic,

and, consequently, this places increased demands on the prison management and it is a factor causing the overcrowding noted by the CPT delegation.

» **RECOMMENDATIONS:**

47. *Steps be taken immediately to bring the cell occupancy levels at Bratislava Prison into line with their official capacities (paragraph 85)*

Overcrowding of the cells is independent on the quality of the managerial performance of prison management because of the necessity to fulfil the requirements of individual courts for escorting indicted persons. The custody institution in Bratislava has no reserve accommodation possibilities for the contingencies and it admits prisoners for remand detention round-the-clock without interruption.

The day-long internment of *indicted* persons in the cells, noted in the Report, is intended to fulfil the purpose of the detention on remand - in particular, to prevent obstructing the clarification of the facts relevant for criminal prosecution.

As suggested above, the overcrowding of the institution is an extremely complicated issue which is difficult to be resolved at present. The first step that the Slovak prison authorities have taken in this respect is a more efficient transfer of certain sentenced persons to other establishments in the Slovak Republic, carried out since April 1996.

Certain operating premises of the establishment have been converted into cells and, consequently, the accommodation capacity was increased by 58 persons. No further increases in the capacity by means of building additions are possible because of the restricted conditions and the location of the establishment in the centre of the city.

The overcrowding of custody institutions in the Slovak Republic will be partly reduced also by the reconstruction of the former sedrial prison in Levoča that will be initiated in the course of 1996. The financial amount allocated for this purpose in 1996 is 30 million SKK.

48. *Efforts be made to reduce those official capacities. In this context, it should be emphasised that the cells measuring 9 m² should ideally be limited to individual occupancy (paragraph 85);*

The implementation of the recommendation to reduce the official capacities and the use of the cells measuring 9 m² for individual occupancy would reduce the capacity of the establishment to 477 persons.

Moreover, the applicable legal standard provides that the minimum floor area per one person placed in a prison establishment is 3.5 m² which means that the cells with floor area of 9 m² are intended for at least two occupants.

49. *To explore the possibility of improving the partitioning of the cell sanitary units (paragraph 85);*

The partitioning of the cell sanitary units is feasible. The work on the relevant reconstruction project is underway and it is envisaged that the recommendation will be fulfilled by the end of 1996.

50. *Efforts be made to give adult prisoners who do not work more frequent access to showers (paragraph 85);*

Indicted males detained on remand in the Bratislava prison have been secured access to showers at least once a week. If the physician in charge recommends a more frequent showering, his recommendation is complied with.

As a follow-up to the CPT delegation's recommendation, the General Directorate of the CPCG issued an order to enable remand prisoners to take at least two weekly showers, i.e. more than provided for in the applicable legal standard.

51. *To take immediate steps to ensure that all prisoners have at least one hour of outdoor exercise every day including during weekends and holiday periods (paragraph 85);*

The relevant legislation provides for one hour of voluntary outdoor exercise for remand prisoners. In reality, however, it often happens that remand prisoners ask for reducing the duration of outdoor exercise, especially in adverse weather.

The prison authorities have taken the measures to ensure that the duration of outdoor exercise is not less than one hour. However, as regards outdoor exercise during weekends and holidays, it can only be secured after the necessary increase in prison staff has been made. Prison staff quota for the given

calendar year are approved by the Government of the Slovak Republic which also allocates appropriate funds for the wages of prison officers. In spite of the intensive efforts to fill the planned staffing quota, the Bratislava prison suffers from a longterm understaffing problem. There are currently 9 vacancies.

The fulfilment of the recommendation of the CPT delegation already at the present time would result in increasing the number of overtime hours, exceeding the working time fund, and in the corresponding increase in financial costs. The CPCG is not capable of covering the necessary costs for introducing the measure concerned in the whole of Slovakia and, given its all-Slovak competence, it cannot implement the recommendation only in the Bratislava custody prison being only one of the seven custody prisons in Slovakia.

52. *The exercise areas to be modified to ensure that prisoners receive proper outdoor exercise. Consideration should also be given to providing a covered area for use during periods of bad weather (paragraph 85);*

Because of the location of the Bratislava prison in a heavily built-up area, it is not possible to expand outdoor exercise areas. It should be noted that the building was erected 60 years ago when the requirements were totally different from the existing ones. At that time, the population of the city was 200,000 and the crime rate was much lower than it is today when the population is over 500,000; it may therefore be assumed that instances of overcrowding will necessarily occur unless the problem is resolved by the construction of a new custody establishment.

Outdoor exercise areas are situated in the yard between relatively tall buildings and, consequently, air circulation is relatively slower. Covering these areas to provide protection in bad weather would make the situation even worse, especially in the summertime. Notwithstanding, prison authorities give this problem the necessary attention and a plan has been made to cover a part of the outdoor exercise areas in 1996.

53. *A thorough examination of the means of improving the activities offered to prisoners at Bratislava Prison be conducted. The aim should be to ensure that all prisoners, including those on remand, spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities - work, preferably with vocational value; education; sport; recreation/association. Juvenile prisoners should be offered a full programme of educational, recreational and other purposeful activities; physical education should constitute an important part of that programme (paragraph 85)*

The recommendation as a whole cannot be accepted for all the remand prisoners, in particular if the custody has been ordered on the grounds of

collusion. The performance of activities specified in the recommendation would obstruct the purpose of remand imprisonment and would be in conflict with the reasons for ordering the custody.

Among the requirements formulated in the recommendation it is possible to accept the education of remand prisoners, but only in the form of *self-study* of professional literature, reading of daily papers, journals, and listening to the radio. They may be assigned work only if there are work opportunities available in the given establishment, provided that the custody was not ordered for collusion reasons, and with the consent of the authorities involved in criminal proceedings.

The recommendation is fully accepted with respect to those persons who, because of organisational reasons, serve their imprisonment sentence in a custody establishment.

Remand prisoners who may be assigned work are selected e.g. from among persons having to pay alimony, provided that the authorities involved in criminal proceedings and indicted persons themselves agree with being assigned work.

Remand prisoners have the right to buy daily press and journals, to borrow fiction books and professional literature, texts of criminal law regulations, religious literature - such literature may also be brought by a lawyer or a family member; in the cells, they may play various table games using borrowed or own sets; they also have a possibility of self-education through the study of professional literature.

All of the above fully applies also to juvenile remand prisoners.

b/ Leopoldov Prison for the Execution of Sentence and the Execution of Custody

The establishment for the execution of sentence and for the execution of custody (remand prison) serves for the execution of imprisonment sentences by persons placed in NVS (grade of correction) groups II and III, and sentenced foreigners placed in NVS II and III.

One part of the establishment is used as a remand prison for the jurisdiction of 5 district courts and the Higher Military Court in Trenčín.

» **RECOMMENDATIONS:**

54. *That the official occupancy rates in Leopoldov Prison be not exceeded and steps be taken to reduce those rates;*

The Slovak prison authorities and the management of the Leopoldov institution take great care to comply with the statutory requirement for the minimum floor area of 3.5 m² per person, even though under the law it is possible to temporarily reduce this area in case of need.

There is, however, no tendency to take advantage of the above lawful possibility. When the CPT delegation visited the Leopoldov prison, reconstruction work was being carried out in the entire section VI and at least 45 sentenced prisoners had to be temporarily placed in other sections.

The only solution to prevent overcrowding in the establishment is to strictly apply external as well as internal differentiation; the superior body - General Directorate of the CPCG - has been applying this recommendation since December 1995.

55. *A high priority be given to the completion of the current renovation programme (paragraph 90)*

Prison authorities at all levels of management devote systematic attention to the renovation of the Leopoldov prison. Renovation work and other improvements of the establishment proceed satisfactorily, but they are connected with very high costs. Completion of the renovation project depends on the amount of appropriations from the state budget. The costs needed to successfully complete the renovation are estimated at approx. SKK 230 million.

56. *The possibility of improving the partitioning of the sanitary units in certain cells be explored (paragraph 90);*

Sanitary units in individual sections of the prison comply with the applicable standards. Because of the security reasons, only four cells in section VI, used for the execution of disciplinary punishments, are not fully partitioned.

57. *Cells in section 7B of building VII be properly cleaned and maintained (paragraph 90);*

This recommendation of the CPT delegation was fully accepted already at the time of the delegation's visit to the establishment. There is a constant commitment on the part of the prison staff to achieve and maintain a consistently high hygienic standard of the premises concerned; the fulfillment of

recommendations made by a professional physician-hygienist from the Health and Social Care Section of the General CPCG Directorate of the CPCG in February 1996 will certainly also contribute to the above objective.

After the completion of the Health and Educational Centre in November 1995 and transfer of some of the sentenced prisoners into the Centre the situation considerably improved.

58. *That steps be taken to allow prisoners more frequent access to showers (paragraph 90);*

Prisoners are provided access to showers in conformity with Section 37 of the Decree of the Ministry of Justice 125/1994, i.e. at least once in 7 days; the working prisoners may take showers as needed.

59. *That a high priority be given to developing programmes of activities (work, vocational training and educational, sporting, cultural and leisure activities) capable of giving real meaning to the objectives of individualised treatment and social rehabilitation (paragraph 101);*

Prison authorities are fully capable of developing suitable programmes of activities for persons serving their imprisonment sentences. Professional staff of the Leopoldov prison conducts anonymous yearly surveys of the interests and orientations of cultural and educational activities and correspondingly directs the self-governing bodies of sentenced prisoners.

The issue of improving the quality of the use of free time of sentenced prisoners, both the prisoners assigned work and other prisoners, was also subject to an independent examination by the Advisory Body of the Governor of the Leopoldov establishment, comprising also professionals from the civilian sector. Free-time activities are oriented to meeting those interests of the prisoners which are socially valuable and feasible and can be pursued also after the release from the prison and which contribute towards the attainment of individual educational goals. It should, however, be noted that participation of sentenced prisoners in the offered cultural and educational events is voluntary and that they often fail to show sufficient interest. Somewhat more favourable is the involvement of sentenced prisoners into the work in special-interest circles; 110 sentenced prisoners take part in a total of 20 such circles.

The Advisory Body to the Governor of the Leopoldov Prison will reconsider this specific area in the second half of 1996 in the light of their own experience as well as the recommendation of the CPT delegation.

A number of obstacles are, however, encountered in the practical implementation of such programmes, in particular as regards assignment of work to sentenced prisoners. Business companies are not interested in using the "prison labour" which they consider to be less reliable, underqualified, and expensive. The shortage of in-prison jobs, characteristic of the prison system in the whole of Slovakia, also makes employment of sentenced persons more difficult, although in 1995 the situation improved both as regards the number of working sentenced prisoners and economic indicators.

60. *That urgent steps be taken to provide prisoners in sub-group D2 with purposeful activities capable of enabling them to demonstrate the progress required for reintegration into an ordinary detention unit (paragraph 101);*

Sentenced prisoners assigned to subgroup D2 are subject to a special regime. They include persons who are difficult to handle, displaying distinctly aggressive behaviour, who were placed in subgroup D2 because of permanently provoking conflicts between inmates, threatening their safety, inciting riots, refusing to obey institutional rules or organising escapes and because of their aggressive behaviour towards the prison staff.

The recommendations of the CPT delegation concerning the offer of purposeful activities for the prisoners in subgroup D2 have been implemented as follows: experts (psychologist, psychiatrist, educational pedagogue) transferred prisoners displaying the symptoms of mental disorder to differential subgroup D1 and, after the Medical and Educational Centre was opened on November 1, 1995, these prisoners were transferred to the Centre. In the Centre they receive professional supervision and carry out activities oriented to psychotherapy, ergotherapy, relaxation techniques, sports, etc.

Prisoners in this group use a different outdoor exercise area than the prisoners placed in the section with strict supervision.

However, the group of prisoners who fall under the provisions of Section 106 of Ordinance 125/1994 and, consequently, were placed in subgroup D2 and situated in a section with strict supervision, have stayed in the original premises. Prisoners in this category are subjected to a very close supervision and, if any improvement in their behaviour is observed, the prison governor - on a recommendation by a specialist - cancels the assignment of the prisoner concerned to the special supervision section and transfers him to a group with a less strict supervision. The prison governor reviews the reasons for placing a prisoner to subgroup D2 at least once in three months.

61. *That steps be taken immediately to improve the exercise areas in section 7B of building VII so that the prisoners accommodated there can enjoy proper outdoor*

exercise. Consideration should also be given to modifying the other areas designated for outdoor exercise and to providing covered areas for use in bad weather (paragraph 101)

Outdoor areas designated for section 7B of building VII will be extended in the near future and the situation should further improve also by means of renovations carried out in the prison sections of the establishment.

» **REQUESTS FOR INFORMATION:**

62. *Information on the progress made on the project of the reconstruction of one of the buildings destroyed in 1990 and its equipment as a sports hall (paragraph 94)*

The building referred to above is building 9B which was to be completed already in May 1993. The implementation of the project has currently been suspended because of the lack of funds and its continuation is conditional on the allocation of financial resources.

Part 3

Health-care services

» **RECOMMENDATIONS:**

63. *To immediately take steps to fill the vacant doctor's post at Bratislava Prison (paragraph 106)*

The vacant post of the Bratislava Prison doctor was filled as from May 15, 1996 thanks to discussions with the directors of health-care facilities and the municipal medical specialist and on the basis of interviewing selected candidates. Recruitment efforts were made rather difficult because the work of a prison physician is not sufficiently attractive, is conceived as rather odious and the low compensation can attract mostly the doctors who are just launching their medical career but as such are not suitable for the prison health-care service.

64. *To ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on prison premises, including at night and weekends.*

In conformity with Health-Care Act No. 277/1994 of National Council of the Slovak Republic, medical assistance in acute cases, worsening of the health condition or danger to life is provided by the first-aid medical service. Medical help is also provided by the emergency service if rapid provision of medical care is critical for saving the patient's life. Such services are fully available also to imprisoned persons.

In the opinion of the specialists who are in charge of the provision of health care in the Slovak prison system, the current situation in health-care services for imprisoned persons outside of the doctor's office hours and during weekends complies with the requirements.

Permanent presence of health-care personnel at the Bratislava Prison and in other prison facilities of the Slovak Republic could only be secured by increasing the number of health-care personnel in medical wards.

65. *The Slovak authorities should take all necessary steps to ensure that the prison health-care service should be so organised as to enable requests to consult a doctor to be met without undue delay and that prisoners should be able to communicate with the health service confidentially, for example by means of a message in a sealed envelope (paragraph 107)*

Slovak prison authorities believe that the standard of health care provided to prisoners is fully comparable with health care provided to other citizens of the Slovak Republic and, in some respects, it even exceeds that standard. The average number of prisoners' visits to the doctor's office is 26.1 and to the dentist's office 3.2 times - a total of 230,449 medical examinations and treatments were provided.

The prisoners may speak confidentially with the physician and there is no obstacle to communicating with the doctor directly by means of a message in a sealed envelope.

Because prisoners in the visited prison establishments do not have the freedom of movement, they must be presented to the doctor's office or to the treatment facilities. The prisoners are escorted to the doctor on a daily basis (Monday to Friday); acute conditions receive priority attention without any exception. One doctor examines approx. 32 patients a day.

As regards the allegations of certain prisoners that prison officers "screen" applications for medical examination, it is possible to firmly state that this was a rare occurrence. If such a case was recorded on the basis of a notification submitted to the public prosecutor or a complaint filed by a prisoner, after the public prosecutor's review similar cases have not been repeated. However, the

allegations that the only possibility to get to see a doctor is to go on a hunger strike or the self-mutilation are untrue. Although there may be isolated cases of the above, their motivation is totally different - such as the disagreement with the imposition of custody, with the imprisonment sentence, with the dismissal of application for a conditional release, desire to avoid the obligation to work, etc.

It can be noted that further increase in the number of health care personnel would not markedly improve the quality of the provided health care. It could, however, partly reduce the waiting time for a medical examination. This measure will, therefore, be taken as soon as the budget allocated for the prison system makes it possible.

66. *That the psychiatric/psychological services at Bratislava Prison be reinforced (paragraph 110)*

One medical specialist-psychiatrist works part-time - 20 hours a month - at Bratislava Custody Prison. In addition, this prison is also visited by another psychiatrist based in the Leopoldov Prison once a week for 4 to 5 hours, mainly to deal with drug-addicted remand prisoners. A prison psychologist is also available to remand prisoners on a daily basis.

In the future, the prison would welcome a reinforcement of psychological/psychiatric services in view of the expected increase in the number of indicted persons with psychotic symptoms, mainly the drug addicts. The competent authorities take the recommendation into account and, as soon as the budget allows it, this area of the Slovak prison system will also be reinforced.

67. *That appropriate steps be taken to ensure that all newly admitted prisoners should be seen without delay (i.e. within 24 hours) by a member of the prison health-care service and, if necessary, given a medical examination (paragraph 114)*

Medical examination upon admission, which also includes the setting up of the medical record, is conducted at the latest on the day immediately following the day of admission for remand imprisonment. If the person is admitted for imprisonment during a weekend, the admission examination takes place without delay on the next Monday. A thorough medical examination is also conducted at the same time.

If the person conducting the examination detects any sign of physical violence, injury or receives information about a possible disease, he shall forthwith announce such facts to the doctor of the establishment. If the examination takes place outside of the regular office hours of the medical facility,

the prisoner concerned will be examined by the public medical emergency service.

We consider the allegations of prisoners reported in the CPT Report untrue.

68. *That the Slovak authorities ensure that the precepts stated in second subparagraph of paragraph 117 related to HIV be fully respected in practice (paragraph 117)*

Because of the low incidence of HIV-positive persons and persons with AIDS in the Slovak population, we do not consider it necessary at this point to screen all the prisoners for HIV-positivity; we only administer screening tests to prisoners with established risk behavioral patterns (intravenous drug users, persons with venereal diseases, persons with deviant sexual behaviour, etc.).

The tests are performed with the consent of the person concerned and the test results are confidentially included into the medical files of the prisoner.

Moreover, prison authorities will arrange psychological assistance and advice to HIV-positive prisoners.

69. *That there should be a policy of combatting transmissible diseases in general (e.g. hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon the regular supply to both prison staff and inmates of detailed information about methods of transmission and means of protection, as well as the application of adequate preventive measures (paragraph 119)*

Protection against transmissible diseases is provided for in detail by a number of internal rules.

Health education, mainly in relation to transmissible diseases, had been secured also prior to the CPT delegation visit, separately for the prison staff and for the prisoners. A number of lectures with discussions, practical demonstrations, instructive films and video recordings had been organised and various educational and informative printed materials had been distributed.

Moreover, prison health-care service closely co-operates in this respect with the regional health-care, hygienic and epidemiological institutions and with the public education institutions.

Based on the recommendation of the CPT delegation, activities in this area will be further intensified.

70. *That all medical examinations (whether on arrival or at a later stage) be conducted out of the hearing and - unless the doctor concerned requests otherwise - out of the sight of prison officers (paragraph 120)*

In principle, it is possible to fulfil the recommendation of the CPT delegation that all medical examinations be conducted out of the hearing and out of the sight of prison officers. However, the doctors generally request to be granted personal protection. The escorting prison officer needs not hear the conversation between the physician and the patient, but he should be able to visually control the prisoner, as laid down in the internal regulation on the guard and escort service, valid until recently.

Concerning the confidentiality of medical information, the position was given in the reply to paragraph 107.

» **OBSERVATIONS:**

71. *There is no medical justification for the segregation of an HIV-positive prisoner who is well (paragraph 118)*

In the Slovak prison system, the HIV/AIDS issue is dealt with in the internal legal standard (Order 31/1988) under which a HIV-positive prisoner should be segregated from other prisoners.

In the light of more recent knowledge about the HIV/AIDS, the Health and Social Care Department of the General CPCG Directorate is drafting an amendment of the aforesaid Order: the amended order will clearly stipulate that HIV-positive prisoners will not be segregated. This internal legal standard is expected to enter into effect as of July 1, 1996.

It should be mentioned that in the history of the Slovak prison system there have so far been 3 HIV-positive prisoners, none of whom was segregated from other prisoners.

Upon establishing the HIV-positivity, the prisoner shall be transferred to the Hospital for Remand Prisoners in Trenčín where he undergoes complete medical examination which serves as a basis for proposing the treatment.

» **REQUESTS FOR INFORMATION:**

72. *Detailed information on the approach adopted to the treatment of prisoners on hunger strike (paragraph 108)*

If a prisoner declares a hunger strike, the prison staff must proceed in accordance with internal regulations (Instruction of the Director of Health and Social Care Department of the General CPCG Directorate 3/1992 on Procedures to Be Taken by the CPCG Physicians in Case of Prisoners Going on Hunger Strike and Order about the CPCG Notification Service); these regulations include, in particular, the drawing of an official record on the hunger strike case, advice to the prisoner concerned by a pedagogue, psychologist and/or other specialist, possibly also by a priest, concerning the risk that the hunger strike entails for his health condition. An Accompanying Medical Record is drawn up, stating that the prisoner refuses to take food, and a written notification is sent to the General CPCG Directorate, the supervising prosecuting authority and the authority involved in criminal proceedings.

The prison health service staff carry out all the procedures prescribed in the above Instruction, i.e. they simultaneously measure the body mass, make laboratory analysis of the blood sample, urine, Na, K, Cl and urea levels, hepatic tests if needed, ELFO, total protein, creatinine, urea and glycaemia. The doctor verifies in the course of this examination whether the prisoner drinks the liquids and examines cutaneous turgor and condition of buccal mucosa (plica gingivocubilis). Results of this medical examination are recorded in the Accompanying Medical Record and the entry is visibly marked with words "Beginning of the Hunger Strike".

On the proposal of the doctor, the prisoner is placed in the hospital section of the prison health centre. If he continues the hunger strike, the attending physician keeps close watch over him and checks the hydration of his organism, body mass, blood pressure, mental condition and the results of any special tests, which he enters in detail into the Accompanying Medical Record. Depending on the prisoner's medical condition, the doctor takes care that the above laboratory tests be carried out at least once.

In case of the loss of body mass by 10 or more percent due to the hunger strike, the doctor in charge must consult the prisoner's condition with the Internal Medicine Department of the Hospital for Remand Prisoners in Trenčín and, on the basis of the result of such consultation, refers the person on hunger strike for hospitalisation.

If the prisoner on hunger strike suffers from mental disorder, the doctor ensures his hospitalisation at the psychiatric ward of the hospital.

If the prisoner continues the hunger strike and, in spite of having been informed of the possible health consequences, refuses to undergo examination and treatment procedures, the physician asks the prisoner for making a written statement. A similar procedure is used if the prisoner refuses hospitalisation. Two

prisoners confirm the content of the written declaration with their signatures as witnesses and the physician gives his signature certifying that he has received the statement. If the prisoner on hunger strike refuses to issue such a written statement, the physician makes an official record of this fact, the content of which is confirmed by two prisoners as witnesses.

The prisoner may be placed in a hospital or under a different type of institutional care if his condition presents an imminent danger to his vital functions and if it is necessary to perform life-saving procedures and to secure continuous monitoring of his vital functions.

If a person is hospitalised for the above-stated reasons, the hospital must notify of this fact the competent court, investigator, public prosecutor and, possibly, also the defence counsel within 24 hours. The court issues a decision concerning the lawfulness of hospitalisation or other institutional care within seven days.

The physician enters the day on which the hunger strike has been terminated into the Accompanying Medical Record and visibly marks the entry with words "Termination of the Hunger Strike". The doctor ensures that the prisoner receives the necessary medical care corresponding to objective medical findings.

73. *Comments of the Slovak authorities on the possibility of reviewing the working time of the two psychiatrists and the clinical psychologist at Leopoldov Prison (paragraph 110)*

The working time allocation of the two psychiatrists and the clinical psychologist at Leopoldov Prison fully meets the needs for providing the care concerned.

The reallocation of working time is not currently considered to be necessary.

74. *Confirmation that the Medical-Educational Division that was to be established on 1 November 1995 at Leopoldov Prison has been set up as planned (paragraph 112)*

The Medical-Educational Division was set up at Leopoldov Prison on 1 November 1995; the personnel structure and the character of its activities were described in the notification of 11 October 1995 sent to the CPT under Ref. No. GR ZVJS-121/01/1995.

75. *Clarification whether the HIV test is made subject to the prisoner's consent (paragraph 117)*

It can be confirmed that the HIV-positivity tests are made with the consent of the prisoner concerned.

76. *Clarification whether the HIV-positive prisoner is segregated from other prisoners (paragraph 118)*

It needs to be mentioned that until now there were 3 HIV-positive prisoners in the Slovak prison system, none of whom was segregated from other prisoners.

If the HIV-positivity is established, the prisoner concerned is transferred to the Hospital for Remand Prisoners in Trenčín where he is subjected to complete medical examination and, based on objective findings, is administered the necessary medical treatment.

Part 4

Other issues of relevance to the CPT's mandate

» RECOMMENDATIONS:

77. *To give high priority to the intensification of prison staff training, both initial and in-service. In the course of such training, considerable emphasis should be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation (paragraph 124)*

In this respect, the Slovak prison authorities are in full agreement with the position of the CPT delegation and are aware of the importance of professional training of the prison staff, mainly as regards their attitude to the prisoners.

Consequently, in order to improve professional skills of prison staff, the General CPCG Directorate:

- > has issued an instruction for the governors of Bratislava and Leopoldov Prisons to exert positive influence on improving interactions between the staff and the prisoners. In this connection:
 - to stress, at every suitable occasion, mainly during work meetings and instruction sessions, the necessity to improve these interactions,
 - to attach an increased attention in disciplinary proceedings to causes of and conditions underlying disciplinary offences of prisoners,
 - to direct the sentenced prisoners' self-governing bodies towards devoting systematic attention to the issues of interpersonal communication, in particular with focus on the attitudes of prisoners,
 - to give maximum attention to the review of the complaints or information concerning the attitudes and conduct of prison staff:
- > has assigned the director of the CPCG Secondary School at Nitra with the task to review the existing system of instruction and to make proposals for the extension and improvement of professional training in the area of interpersonal communication;
- > has issued an order to incorporate the area of the observation of human rights into the cyclical professional training of prison staff, spread over a two-year period, in the light of the resolutions and recommendations of the Council of Europe, devoting special attention to the resolutions and recommendations which are of relevance to the prison system;
- > has taken the necessary measures also in relation to other prison establishments in Slovakia.

78. *The Slovak authorities should review the practice, observed particularly in Bratislava Prison, of requiring prisoners to turn their faces to the wall when someone passes them (paragraph 125)*

Making the remand prisoners turn their faces to the wall is used as a precaution preventing them from contacting with persons who were indicted together with them. Such unwanted contacts can, however, also be prevented by an appropriate allocation of these persons.

The above practice has been abandoned in the remand establishments in conformity with the CPT delegation's recommendation. It is, however, also necessary to introduce the corresponding amendments into internal regulations of individual establishments which authorise the use of such practice.

An instruction in this respect will be issued for governors of all other custody prisons in the Slovak Republic.

79. *To substantially increase the visit entitlement of both adult and juvenile remand prisoners in Bratislava Prison and, if necessary, in other Slovak prisons (paragraph 128)*

Under the Act on the Execution of Custody, prison governors have the competence to authorise, in justified cases, a higher than once-a-month or twice-a-month frequency of visits for juvenile remand prisoners. If, however, an indicted person is placed in custody on collusion grounds, an advance written consent of the competent authority involved in criminal proceedings is always required for effecting the visit. In such case, the exercise of the right of remand prison's governor is always conditional on the consent of another body. The Bratislava Prison governor has been instructed to grant more frequent visiting rights, when appropriate, mainly to juvenile remand prisoners. We believe that this measure shall result in substantially expanding the visit entitlement of remand prisoners without, for the time being, introducing complex amendments into the law in force.

There are no objections to the extension of the visit entitlement of prisoners in NVS groups II and III. This area will, however, call for a detailed analysis because the visiting rights of these prisoners will have to be made proportional to those of NVS I prisoners. It is necessary to preserve the necessary differentiation also as regards the visiting entitlement of sentenced prisoners.

It is assumed that the extension of visit entitlement of sentenced prisoners and, in this connection, also of remand prisoners may be dealt with in the framework of the currently drafted amended act on the execution of imprisonment sentences.

80. *To take steps to ensure that prisoners in Bratislava Prison, Leopoldov Prison and any other establishments where a similar situation prevails, have access to a telephone, where necessary subject to appropriate supervision (paragraph 130)*

The above recommendations can only be considered in relation to certain categories of prisoners.

Access of remand prisoners to a telephone is not desirable because the possibility of influencing witness thus created could obstruct the purpose of the remand imprisonment, etc. It is not feasible to supervise telephone conversations of indicted persons because the person carrying out such supervision would have to be the investigator dealing with the case who is familiar with all the facts.

The possibility of giving sentenced prisoners access to a telephone is currently examined, on an experimental basis and with the necessary supervision, at Nitra-Chrenová prison for sentenced female prisoners.

81. *To immediately take steps to supply prisoners held in punishment cells with mattresses at night (paragraph 132)*

In the context of execution of sentence of imprisonment in the Slovak Republic, mattresses are supplied at night in punishment cells to the sentenced juvenile and the sentenced female prisoners and indicted persons in remand prisons. In conformity with the CPT delegation's recommendation, the above practice will be introduced in respect of all the categories of prisoners and in all the Slovak prison institutions.

In this respect, a proposal will be made to carry out changes in the respective implementation regulations in the framework of amending the legislation in force.

82. *To expressly grant the remand and sentenced prisoners placed in a punishment cell the right to reading matter (paragraph 133)*

In the imprisonment sentence execution context, no legal regulation in the Slovak Republic prohibits persons held in punishment cells from being supplied books, daily papers or periodicals.

Under the instruction issued by the General CPCG Directorate, interpretation differences have been eliminated and the prisoners (both remand and sentenced) held in punishment cells have a possibility to obtain reading matter (newspapers, periodicals and books) of their own choice.

In the recodification of criminal legislation, a recommendation will be made to introduce the necessary changes into the act on the execution of imprisonment sentences, the act on the execution of custody, and into the relevant implementing regulations.

83. *To take the necessary steps to provide the prisoners held at Bratislava Prison and kept separately from other prisoners because they are considered to be "dangerous" with purposeful activities and guarantee them appropriate human contact (paragraph 137)*

Slovak prison authorities fully understand the humanistic content of the recommendation; it is, however, impossible to change the daily regime of this category of remand prisoners in accordance with the CPT ideas without jeopardising objectives of remand imprisonment and without threatening the

health or safety of other remand prisoners and prison staff. It should also be noted that these dangerous remand prisoners are held in the prison in question only for the limited duration of appeals proceedings before a higher court.

Because of the openly hostile attitudes of such persons and of the exceptionally dangerous character of their crimes for the society it is impossible to authorise this category of prisoners to take part in collective activities such as work, social and sports games, free movement within the prison section, social gathering. They are only allowed to perform individual activities such as reading the materials of their own choice, self-study, artistic activities, listening to the radio or taking advantage of spiritual services.

Their contact with the outside world is ensured through the parcels they may receive, letters they may send and receive, citizens' interest associations they may contact, their counsel and/or lawyer they may talk to.

84. *The Slovak authorities should take the appropriate steps to ensure that prisoners segregated from other inmates on account of their unacceptable standards of behaviour shall be provided procedural safeguards set out in paragraph 145 (paragraph 145)*

The above recommendation will be reflected in the envisaged recodification of criminal law, namely through the proposed amendment to include provisions on the internal differentiation into the act on the execution of imprisonment sentences and in the related implementing regulations.

In this connection, sentenced prisoners should have the right:

- to present their attitude on the intended transfer to the section with special detention regime,
- to obtain a written decision about the transfer to a section with special detention regime,
- to appeal against the decision about the transfer to a section with special detention regime - the second-instance authority for reviewing the appeal will be the General CPCG Directorate,
- to request, after two months, the transfer to the original section.

In the framework of the recodification, a proposal will be formulated to refine the provisions of the existing law setting out the regime of special detention sections with a view to ease the existing restrictions. Moreover, it will include the governor's obligation to examine, at least once quarterly, the grounds for keeping the prisoner in the section with special detention regime and his right to reduce the stay in such section to two months.

Issues connected with the special detention regime are also dealt with in the reply to paragraph 101.

85. *To give a high priority to the translation of internal regulations into a range of languages (paragraph 147)*

In addition to the documents already translated into English, translations into German and Russian languages will be arranged in conformity with the recommendation of the CPT delegation.

It should also be noted that many foreign prisoners have stayed a longer time in the Slovak Republic and are able to communicate in Slovak. They include, in particular, Vietnamese, nationals of the former Yugoslavia and of the former Soviet Union. No communication problem whatsoever exists in relation to prisoners who are Czech nationals.

» **COMMENTS:**

86. *The Slovak authorities are encouraged to take steps to ensure that remand prisoners be offered more open visiting arrangements (paragraph 129)*

The specialists of the Slovak prison authorities will carefully consider the possibility to allow remand prisoners more open visiting arrangements.

Slovak prison authorities, however, believe that there are good reasons for contactless communication with the visitors of remand prisoners. We believe that, in the opposite case, the purpose of remand imprisonment, mainly to ensure the objectiveness of pre-trial proceedings, might be endangered. Conditions under which remand prisoners receive visitors cannot be identical with those of sentenced prisoners. This difference is also clearly set out in the existing legal regulations.

87. *The Slovak authorities are invited to add the president of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 140)*

Slovak prison authorities accept the above recommendation and have ensured the possibility of communication with the President of the CPT; this possibility will also be reflected in the respective internal regulations.

88. *It would be desirable that the expressions most commonly used in everyday activities be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities (paragraph 147)*

Slovak authorities take a positive view of this recommendation. Every prison for remand and sentenced prisoners to which sentenced foreigners are placed will receive a complete list of consular authorities.

» **REQUESTS FOR INFORMATION:**

89. *The Slovak authorities' comments on the appropriateness of the decision to grant certain NVS II and III prisoners more frequent visits in order to encourage their contacts with the outside world (paragraph 128)*

The reply concerning visiting entitlements of sentenced NVS II and III prisoners was given in paragraph 79.

90. *Clarification of the procedure of hearing appeals against sanctions imposed by a prison governor (paragraph 131)*

Section 65 para. 3 of the Regulation of the Ministry of Justice 125/1994 stipulates that "appeals against any disciplinary sanction shall be heard by the immediate superior of the prison staff member who imposed the disciplinary sanction".

Under section 55 of the aforesaid Regulation of the Ministry of Justice, prison governors also have the right to impose disciplinary sanctions on prisoners. This means that appeals against disciplinary sanctions imposed by a prison governor shall be heard by the General Director of CPCG. No such case has, however, been recorded in practice because prison governors do not exercise this disciplinary right and act as appeals authorities in relation to appeals involving disciplinary proceedings.

91. *Detailed information on the regimes applied to prisoners in sub-groups D3 and D4 (paragraph 138)*

At this stage, it is not possible to provide detailed information about the regime applied to prisoners placed in differential sub-groups D3 and D4, because this regime is currently at the stage of being created.

- It is envisaged that sub-group D3 will include the sentenced persons:
- who have been imposed a long term (5 to 15 years) imprisonment sentence and placed by the court to NVS II or III,
 - who had not been previously imposed an unconditional prison sentence for a premeditated criminal offence or whose imprisonment sentence for such offence has been erased either as a result of an amnesty or pardon granted by the President of the Republic.

Longitudinal observations have indicated that prisoners in the above categories have different attitudes than other sentenced repeat offenders or specially dangerous repeat offenders, and that most of them are open to resocialisation efforts. Their regime will therefore be adapted to these positive elements and appropriate therapeutical programmes will be chosen. They will be provided increased psychological and psychiatric care, especially in the early stages of the execution of sentence.

Until now, these sentenced prisoners are subjected to the standard regime of NVS II and III groups referred to as subgroup C.

Subgroup D4 includes sentenced prisoners whom the court placed to NVS III and for whom imposed exceptional imprisonment sentences (15 to 25 years) or life imprisonment. As of December 31, 1995, 33 prisoners in the Slovak Republic served their imprisonment sentences of 15 to 25 years and 6 their life imprisonment sentences. All sentenced persons in this category are held at Ilava Prison.

Prisoners serving exceptional sentences (15 to 25 years) are held under a special regime. They are placed in groups within which they, as a rule, work together and are accommodated together. Very good care in assigning these prisoners into groups is taken to separate seriously disturbed individuals displaying violent tendencies and personality disorders from other prisoners.

Single-bed cells for solitary confinement have no free access to the window, heating body and lighting. The cells are entered through double barred doors and the inner door is fitted with a serving window. Cell furnishings are securely fixed and they comprise a bed, cabinet for personal belongings, table, chair, toilet and washing basin. Every single-bed cell and communal room is equipped with a line broadcasting system and/or a television and radio receiver. Prison governors may authorise the use of the prisoner's own TV and radio receivers - watching and listening is regulated by the daily routine.

Units for 4 persons consist of two cells and a communal room. The entrance is secured as above and furnishings of the room are also identical. The room is fitted with a table and chairs.

All the cells are locked in both daytime and nighttime. Meals are served in cells in accordance with the daily routine.

Outdoor exercise takes place in the exercise areas - they are compulsory and last one hour a day. In the justified cases, prisoners during the outdoor exercise may be handcuffed.

Prisoners in this section take a shower once in 7 days. Their clothes and underwear are also changed once in 7 days.

Prisoners in this category are entitled to one two-hour visit in six weeks. The visits take place in the room designated for this purpose, allowing direct contact with the visitors. They communicate by phone. Prisoners are subjected to a personal examination both before and after the visit. No parcels or gifts may be received or given during the visits. The visits take place under direct supervision of the prison staff.

Sentenced prisoners are entitled to receive one 5-kg package in 6 weeks. Parcels may only be sent by mail. Before the parcel is handed over to the prisoner, its content is checked in the prisoner's presence.

There is no restriction on letter-writing for sentenced prisoners; before a letter is posted, it is submitted to a pedagogue in a sealed envelope. Pedagogues have the right to check the correspondence.

All applications, motions and complaints are entered into a book run by the public prosecutor who carries out supervision over sentenced prisoners at Ilava Prison. This book is maintained by the head of the division for the execution of sentence.

Sentenced prisoners have the right to purchase goods from the prison's commissary. The actual purchase is effected by prisoners taking turns according to a schedule, and the prisoners select the goods from a list of available products.

Sentenced prisoners are given medical examinations and treatment in their section, in a room specifically designated for this purpose.

Those sentenced prisoners who refuse to fulfil their obligations set out in the prison rules may be forced to compliance using the means of force in conformity with the law and implementing regulations.

They may borrow books of their own choice from the prison library. They may purchase daily press commonly available in the newsstands. Printed materials with pornographic content are not permitted.

Unless they have been assigned work in the workshops, they work in the cells or in the room designated for this purpose.

The public prosecution office pays a special attention to the issues connected with exceptional and life sentences. The territorially competent

regional supervising prosecutor examines, in carrying out his overseeing duties, all the cells designated for the execution of imprisonment sentences of the above category of prisoners and conducts interviews with them. In addition, one member of the Prosecutor General's Office has the obligation to do the same once a year.

92. *Progress made in respect of the introduction of the institution of Ombudsman (paragraph 143)*

No official legislative activities are currently taking place in the Slovak Republic to introduce the institution of Ombudsman. However, non-governmental organisations have manifested certain initiatives to this effect.

Prison authorities are not opposed to the Ombudsman's institution.

93. *The Slovak authorities's comments on the provision of work and educational and training activities to foreign prisoners (paragraph 148)*

Foreign prisoners enjoy the same legal protection as imprisoned nationals of the Slovak Republic. No discrimination has been recorded in this respect.

Certain problems are, however, linked to the language barrier which may have an impact on their employment, training and education. This statement does not, however, apply to the Czech nationals because of great similarities between the Slovak and the Czech languages and partly to the nationals of the ex-Yugoslav republics and the republics of the former Soviet Union. As to 31 December 1995, the latter language group accounted for a total of 81.8 % of the foreign prisoner population.

Thus, on the date at which the position on the CPT Report was presented, 21 sentenced foreigners were serving their sentences at Leopoldov Prison, 6 of whom were assigned gainful employment and another 6 were supplied regular work without pay.

Considering the current possibilities and conditions of employment of imprisoned persons in the Slovak prison system, the above percentage is roughly comparable to that of the prisoners with Slovak nationality.

Moreover, in the school year 1995/1996, the Slovak language course was offered to foreign prisoners at Leopoldov Prison; 10 foreign prisoners registered for the course. The course is held once a week for 2 hours; it is given by a teacher with required qualification. Foreign prisoners who speak Slovak have also a possibility of professional upgrading in a three-year vocational study of electromechanics at the Secondary Apprentice Training Centre based at

Hlohovec. The prison also creates conditions for the participation of sentenced prisoners in other courses organised by the training centre of the prison.

Less favourable is the situation in the second prison in which foreign prisoners serve their imprisonment sentence - Hrnčiarovce nad Parnou. Out of the total of 25 foreign prisoners, two have been assigned permanent employment. The prisoners, including sentenced foreigners, are regularly assigned publicly beneficial work for the benefit of the prison which, under the Regulation of the Ministry of Justice No. 125/1994, may be performed for a maximum of 4 hours a day. If such activity is performed for the benefit of the municipality within which the prison is located, for the budgetary organisations (organisations financed from the state budget), the prisoners assigned to this publicly beneficial work receive a wage. The upper wage limit is not set and depends on the agreement between prison management and the customer; however, it cannot be less than SKK 5/hour.

Prison authorities believe that it is necessary to continue this trend and in the creation of conditions for the employment, training and education of prisoners, including sentenced foreigners.

* * *

The basic premises and tasks that follow for the Slovak prison authorities from the draft Reply of the Government of the Slovak Republic to the CPT Report shall be subject to a special item on the agenda of the meeting of governors of all prison establishments of the Slovak Republic in the second half of June 1996.

The above tasks, worked out into conclusions approved by the General Director of the Corps of Prison and Court Guard, will become binding for prison governors and, together with tasks in the legislative area, will be regularly reviewed by the gremium of the General Director of Prison and Court Guard and at the meetings of prison governors held twice a year.

The Prosecutor General's Office has also adopted a similar attitude at the all-Slovak meeting of public prosecutors in May 1996 at which information was given about the CPT delegation's visit.

After the above draft conclusions have been approved by the General Director of the Corps of Prison and Court Guard and by the Prosecutor General, the liaison officer at the Ministry of Justice shall secure their handing over to the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe.

C. Establishments under the authority of the Ministry of Education

The Ministry of Education has already since 1990 been gradually implementing a new concept of working with problem children and juveniles displaying behavioral disorders, based on the following principles:

- * the resocialisation programme must be designed to address the causes that have provoked the existing condition;
- * the predominant method of working with children and/or juveniles is based on the psycho-therapeutical approach;
- * in the re-education process, the children and/or juveniles must be approached as partners rather than objects;
- * the conditions of and the setting in which the resocialisation takes place must be in full compliance with the criteria of psycho-hygiene;
- * the re-socialisation aims at actively involving the children and juveniles into the work process and the social life, at an adequate level of independence and self-assertion.

The present system of residential educational institutions for children and juveniles has for decades served as a "collection point" for children and young persons displaying a broad range of various disorders and educational problems. Their population ranged from children avoiding school attendance and children with behavioral disorders caused by light cerebral dysfunctions, thieves, rowdies, drug addicts to juveniles with a history of violent criminal offences and murders. This structure inevitably entailed a situation in which the only benefit of such establishments was that they restricted the possibility of committing more criminal offences through isolation.

The objective of the Ministry of Education is to gradually establish a system consisting of smaller facilities, specialised according to the type of disorders of psychosomatic development, and to create conditions that would make it possible to better target the therapy and resocialisation programme, to prevent the transmission of antisocial attitudes and patterns of behaviour and other negative social phenomena, especially hazing.

The general framework of the new concept is laid down in Act No. 279/1993 on

educational establishments, and is worked out in detail in the draft regulation of the Ministry of Education concerning special educational establishments; the regulation is currently at the stage of legislative proceedings and is expected to enter into effect as of October 1, 1996.

It can be noted that most comments and proposals made by the CPT delegation have been incorporated into the draft of the aforesaid regulation. Because the main problem continues to be the need for considerable funds necessary for its implementation, it can be put into practice only on a gradual basis as a function on the availability of financial resources.

• **RECOMMENDATIONS:**

94. *To remove the practice of giving young persons displaying aggressive or affected behaviour a "Scottish shower" (i.e. 3 to 10 minutes of spraying with water) from the list of authorised means of coercion (paragraph 153)*

In general, the method of "Scottish shower" has not been used since 1990 and neither has it been used in the Re-education Home in Hlohovec. The house rules of the aforesaid facility laying down this specific means of coercion were outdated, and new internal rules have been adopted in the Re-education Home in Hlohovec.

95. *To fully record every resort to means of coercion in a special register established for this purpose (paragraph 154)*

Special register for recording the use of the means of coercion has been provided for in the draft regulation of the Ministry of Education.

By way of illustration, we quote Section 31 of the above mentioned draft regulation on special educational establishments which is of direct relevance to paragraph 160 of the CPT Report:

Section 31

Special Educational Measures

/1/ In cases involving aggressive, rowdy and other disorderly conduct threatening other children, the pedagogue may apply special educational measures designed to protect the menaced children and to pacify the problem child. If the child concerned is not pacified in two hours, medical assistance shall be sought.

/2/ The re-education homes shall have a possibility to apply, in particular for children below 15 years of age, a special educational, psycho-hygienic and protective measure which consists in placing the child in a relaxation room for a predetermined period, but for no more than 24 hours, with at least one hour of outdoor exercise a day. During the stay in the relaxation room, the child shall be provided intensive professional care. The child staying in the relaxation room shall be under pedagogical and psychological supervision. The application of and the reasons for resorting to such educational measure shall be specified in writing in the record, filed in a special register and in the child's personal file. All children shall have to right to be placed in the relaxation room upon request.

/3/ Basic furnishings of the relaxation room include:

- a/ special furniture preventing any injury of the child, and evoking a relaxation mood;
- b/ visual, audio and sports equipment conducive to relieving the tension and pacifying the child,
- c/ one wall fitted as a green-board,
- d/ illumination of the room, out of reach of the child, controlled from the outside,
- e/ warm floor covering,
- f/ heating that will ensure room temperature of 21°C,
- g/ barred window allowing ventilation.

/4/ Moreover, re-education homes for children aged 15 years and over shall have a possibility to set up a protective room. It shall only be possible to temporarily remove, for educational purposes, a child older than 15 years from the collective of other children and order him to stay in the protective room only upon the decision of the director or his substitute. The child's stay in the protective room may not exceed 72 hours without interruption. During the stay in the protective room, the child shall have at least one hour of outdoor exercise a day and shall be supplied reading material or allowed an appropriate activity. Children placed in the protective room shall be provided supervision and increased pedagogical and psychological care. A physician shall oversee the health condition of children whose stay in the protective room exceeds uninterrupted 24 hours. The reasons for and the description of the actual implementation of this educational measure shall be entered in a record, made out in three copies; one copy shall be filed in the child's personal file, the second shall be filed in a special register and the third shall be sent as notification to the competent prosecutor's office within 24 hours after placing the child in the protective room.

/5/ Basic furnishings of the protective room consist of:

- a/ simple bed, table and chair fixed to the floor,
- b/ built-in toilet with tank situated outside of the room,
- c/ a simple source of drinking water,

- d/ one wall fitted as a green-board,
- e/ illumination of the room, out of the reach of the child, controlled from the outside,
- f/ barred window allowing ventilation,
- g/ punch ball,
- h/ washable, warm floor covering fixed to the floor,
- i/ heating that will ensure room temperature of 21°C,
- j/ acoustic device for calling the pedagogue.

/6/ In especially serious cases, mainly when self-aggression, physical violence and disorderly conduct with serious consequences are involved, educational staff may use adequate direct measures to pacify the juvenile (paragraph 9).

/7/ For the purposes of the present regulation, adequate measures mean the use of adequate physical force to suppress the attack, immobilisation - for the necessary time - of the child displaying an aggressive fit by using special clothing, and sprinkling the face of the child seized with an attack of hysteria with water. If such intervention does not produce the desired effect, staff members of the institution shall ask for medical assistance. A written record shall be produced on the use of the above mentioned measures in three copies; one copy shall be sent to the competent prosecutor within three days, the second shall be filed in the child's personal file, and the third shall be filed in a special register.

96. *To enlarge the isolation rooms at the Diagnostic Centre in Záhorská Bystrica or, if this is not feasible, to find other (larger) isolation facilities (paragraph 160)*

The enlargement of the isolation rooms at the Diagnostic Centre in Záhorská Bystrica has been discussed with the director of the institution and it will be practically implemented by means of partly removing the partition wall and building a vaulted connecting wall.

97. *To guarantee all young people placed in isolation at least one hour of exercise in the open air every day (paragraph 160)*

Outdoor exercise has been provided for in the draft regulation of the Ministry of Education - quoted in the reply to paragraph 154.

98. *Reading matter to be made available to young people placed in isolation (paragraph 160)*

Already at the present time young persons placed in isolation rooms have a possibility to request appropriate reading material and this issue has also been provided for in the draft regulation of the Ministry of Education - quoted in the reply to paragraph 154.

99. *To review basic safety measures in the workshops at the Re-education Home in Hlohovec (paragraph 165)*

The problems related to work safety requirements during vocational training provided at the Re-education Home in Hlohovec have been discussed with the director of the institution.

A mobile metal sheet wall will be used to protect the pupils from the glow generated during welding. In addition, the Ministry of Education issued an instruction for directors of such institutions to verify compliance with the work safety requirements.

100. *To take the necessary steps to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises of the Diagnostic Centre in Záhorská Bystrica and the Re-education Home in Hlohovec, including at nights and weekends (paragraph 171)*

Securing the round-the-clock presence of a qualified person to provide continuous medical care is very costly. Nevertheless, the issue of medical supervision also in other re-education institutions will have to be addressed because of a large increase in the number of young persons with drug addictions and psychiatric diagnoses.

The Ministry of Education will, in all probability, be able to address this problem only on the basis of 1997 budget allocations.

» **COMMENTS:**

103. *The Slovak authorities are invited to explore the possibility of employing female educators at the Re-education Home in Hlohovec (paragraph 152)*

In employee recruitment, the former management of the Re-education Home in Hlohovec preferred male educators. The personnel structure of the Hlohovec institution is quite unusual in Slovakia. The comment has been discussed with the director of the institution who will resolve the problem in accordance with the comment.

102. *It would be desirable for isolation rooms to be equipped with a table and a chair, if necessary fixed to the floor (paragraph 160)*

The furnishing of isolation rooms is set out in the draft Regulation of the Ministry of Education - quoted in reply to paragraph 154.

103. *The Slovak authorities are invited to ensure that all living and sleeping areas for the young people are decorated in such a way as to create an individualised and stimulating atmosphere (paragraph 163)*

The problem related to the decoration and the creation of stimulating atmosphere is caused partly by the staffing and partly to the financial reasons.

The new concept foresees the creation of a more home-like setting and a more stimulating and homey atmosphere.

104. *The Slovak authorities are invited to explore the possibilities for offering to the young people at the Diagnostic Centre in Záhorská Bystrica and the Re-education Home in Hlohovec a wider range of cultural activities, as well as more educational opportunities (e.g. computer training, etc.) (paragraph 167)*

The range of offered cultural and educational activities is closely interdependent with the financial possibilities. The Diagnostic Centre in Záhorská Bystrica has a computer classroom with 4 computers and the Re-education Home in Hlohovec has a classroom with 6 computers - they, however, are rather obsolete.

The Ministry of Education takes systematic steps to gradually improve the situation in this area.

105. *The observations made in paragraphs 117 and 118 concerning HIV apply equally to young persons (paragraph 169)*

No HIV-positive case has been recorded as yet in re-education homes. Plans are, however, made to secure segregated sleeping arrangements if any such case occurs, so as to prevent possible endangering of other youngsters as a result of rarely occurring sexual stimulations between them which are difficult to prevent, especially during the night rest.

106. *The Slovak authorities are invited to consider ways of reinforcing the provision of psychological/psychiatric care to the young persons at the Re-education Home in Hlohovec (paragraph 172)*

The reinforcement of psychological and psychiatric care has been partly provided for in the draft regulation of the Ministry of Education.

Considering the current stage of restructuring of the health care system as a whole, it is practically impossible to offer a broader scope of this type of care. The directors of individual establishments must resolve this question by means of individual contracts with doctors who, however, are not interested in

working in such establishments. At present, the compensation for this type of services is much too low and acts as a disincentive.

For illustration, we quote Section 19 of the draft aforesaid regulation on special educational establishments which is of direct relevance for the reply to paragraph 172 of the CPT Report:

Section 19

Children's Re-education Home and Youth Re-education Home

/1/ Children's re-education homes and youth re-education homes ("re-education homes" hereinafter) shall secure a substitute education for socially and morally disturbed children, in particular serious cases of socially maladjusted children, children displaying disharmonic personality development and other disorders requiring a professional approach or the application of protective measures. In order to provide the necessary professional care, these establishments shall have on their teaching staff also a pedagogue and a psychologist. Children's re-education homes shall secure the education of children at the age of compulsory school attendance and youth re-education homes also provide vocational training. One educational group shall consist of eight, in exceptional cases a maximum of ten children. Re-education homes shall serve also as catchment facilities for children who are on the run from other establishments.

/2/ Re-education homes shall be differentiated according to the purpose they are to fulfill and their internal organisational structure shall be determined accordingly; as a rule, they shall be differentiated by sex. Re-education homes of residential type shall be set up for a minimum of three and a maximum of six educational groups. Family-type re-education homes shall be set up under section 18 para. 4. Professional staff of re-education homes of family type may include a pedagogue-therapist and a psychologist only if there are at least three cells.

/3/ Re-education homes with reinforced health care shall provide care to children (paragraph 1) who, because of a chronic ailment, require a more intensive medical supervision, long-term administration of medications, special diet or to the handicapped children whose condition requires such type of care. Two educators and the required supporting staff, plus the round-the-clock health service and a pedagogue-therapist shall be assigned to each group of children.

/4/ Re-education homes with reinforced educational care shall secure closer educational supervision, more closely controlled educational regime and restrained freedom of movement of the children (paragraph 1) when they are not under direct pedagogical supervision. They shall provide care to the children with serious disorders of psychosocial development requiring long term professional care and to the children

who have been transferred from the re-education homes because re-education has failed. The number of children in one group or cell shall be six, maximum eight. Two educators with the necessary supporting staff shall be assigned to each group of children. The pedagogical staff in such establishments shall be reinforced with a pedagogue-therapist and a psychologist. They shall be set up for at least three groups.

/5/ Re-education homes with therapeutical and educational regime shall offer educational and professional care to children with psychiatric problems who, because of educational reasons, cannot be educated in a collective of other children and who require exceptional pedagogical, psychological and psychiatric care. In the establishments of this type, maximum number of children per group is six. Two pedagogues-therapists shall take care of the education of one group. Assistant educators shall be assigned to groups with more children. The number of children per group may not, however, exceed ten.

/6/ Re-education homes with protective regime offer care to children who have been ordered institutional protective education, to socially and morally disturbed children with a history of criminal offences, to children coming from re-education homes when re-education failed, and to children who are highly aggressive and difficult to control. This type of education shall also include the use of the means of social isolation, restriction of free movement of children, and special educational regime. Educational groups shall have six, maximum eight children. Education shall be provided by two pairs of educational workers; one member of the pair may be an assistant educator. Children shall be placed in this type of institution for the time that is really necessary. Facilities of this type may also be set up as sections attached to re-education homes in accordance with paragraphs 3 to 5 above.

/7/ Re-education homes for mothers with children shall secure combined educational, social and health care to minor and juvenile mothers who have been ordered institutional education because of their criminal or serious behavioral disorder history, and to their minor children. The children of these mothers shall, while their mothers are at school, be taken care within the establishment. If this is in the interest of the mother or her child, the stay in this establishment may be prolonged upon judicial order by one more year even after the mother has attained 18 years of age. Basic organisational units of such homes shall be educational groups composed of five mothers and their children. Educational care shall be secured by two educators with the necessary staff. While the mothers are at school, the care of the children shall be taken by nannies. The educational process provided within the establishment shall comply with special requirements connected with the need of mothers's taking care of their children.

» **REQUESTS FOR INFORMATION:**

107. *Information on the training in both non-physical and manual control techniques*

received by staff in establishments falling under the authority of the Ministry of Education (paragraph 155)

In the 1991-1992 period, several series of psychosocial training courses were conducted for the staff of re-education establishments that fall under the authority of the Ministry of Education; several staff members took part in training courses organised under the competence of the Ministry of the Interior. At present, however, there is a shortage of funds for this kind of training activities.

108. *Information on the existing provisions for enabling the young people to have access to a telephone (paragraph 175)*

Young people placed in these homes are enabled access to a telephone upon request and several establishments have coin-operated pay phones.

In some establishments, the possibility of using the telephone has been made part of the reward system.

109. *The comments of the Slovak authorities concerning the possibility of increasing the categories of people allowed to visit the young people at the Re-education Home in Hlohovec (e.g. cousins, girlfriends, etc.) (paragraph 176)*

In principle, there are no limitations to visits of young people placed in re-education establishments. Directors and/or pedagogical boards of these establishments may take a decision about restricting certain types of visits if they come to the conclusion that such contacts would have an adverse influence on the young persons.

As regards the Re-education Home in Hlohovec, the management simplified the situation for themselves by having adopted an across-the-board restriction on visits. After the problem has been discussed with the director of the home, visits of other persons than the close relatives have been allowed and became a routine part of the reward system.

**FOLLOW-UP REPORT OF THE
GOVERNMENT OF THE SLOVAK REPUBLIC IN RESPONSE
TO THE REPORT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE AND INHUMAN
OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO SLOVAKIA**

from 25 June to 7 July 1995

FOLLOW-UP REPORT OF GOVERNMENT OF THE SLOVAK REPUBLIC

to the Reply of the Government of the Slovak Republic
to the Report to the Government
of the Slovak Republic on the Visit to Slovakia
Carried out by the European Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment
from 25 June to 7 July 1995

* * *

At its 2 July 1996 session devoted to questions concerning the fulfilment of tasks resulting from the Report to the Government of the Slovak Republic on the Visit to Slovakia Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Government of the Slovak Republic approved the proposal of the Government's Reply to the CPT Report by adopting a Resolution on this issue.

In view of the fact that the implementation of several tasks, especially those based on the recommendations of the CPT delegation, has been and will be calling for increased budget allocations, the cabinet ministers responsible for the sectors of justice, interior and education have been assigned the task to provide in the proposed 1997 budgets of their ministries for the means necessary to implement the proposed measures.

The Government of the Slovak Republic has thus clearly taken a positive attitude to the recommendations, comments and requests for information of the CPT delegation. In parallel, legislative efforts have started at different levels.

The Government of the Slovak Republic sees the main role of the Follow-up Report in completing and updating information given in the Reply of the Government to the CPT Report. The commentary reflects chronological succession and continuity of previous documents of the CPT and of the Government of the Slovak Republic.

A. Establishments under the Authority of the Ministry of the Interior

Part 1

Torture and other forms of physical ill-treatment

» **RECOMMENDATIONS:**

1. *To give a very high priority to human rights education and professional training for police officers at all levels (paragraph 19)*

Police Corps authorities fully agree with both the wording and the subject of the recommendation. They note that the area of human rights and their observation will be given a much greater attention in the vocational training provided at the Police Corps' secondary vocational schools, at the Police Academy and in the more general framework of Police Corps activities.

2. *To recognise that an aptitude for interpersonal communication is a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed upon acquiring and developing such skills (paragraph 19)*
3. *Senior police officers should make it clear that the ill-treatment of detained persons is not acceptable and will be dealt with severely (paragraph 20)*
4. *To remind police officers that when effecting an arrest, no more force than is reasonably necessary should be used and, once apprehended persons have been brought under control, there can never be any justification for them being struck (paragraph 21)*

Recommendations given in paragraphs 19 to 21 have also received a favourable response and, as a result, the subjects they refer to have already been incorporated into the vocational training and education of police officers. This is why senior officers as well as inspection bodies will, in overseeing the activities of subordinated levels of management and the performance of police officers, more

frequently verify the level of knowledge of police officers concerning individual provisions of the Act on the Police Corps, including the knowledge of the conditions of and the use of the means of force.

5. *To encourage public prosecutors to give high priority to visits to police premises (paragraph 23)*

No objections have been raised to the recommendation to give high priority to public prosecutors' visits to police premises. Supervision carried out by public prosecutors over these establishments is governed by the new Public Prosecution Act of National Council of the Slovak Republic No. 314/1996 Coll. which entered into force on 12 November 1996.

Amended Orders of the Prosecutor General concerning supervision over remand imprisonment, sentences of the deprivation of liberty, protective and institutional education, protective and institutional medical treatment were issued in January 1997 and a new Prosecutor General's order on supervision in the police custody cells will be issued in February 1997.

» REQUESTS FOR INFORMATION:

6. *On the action taken by the relevant authorities - Police Presidium, public prosecutor, other bodies involved in criminal proceedings - with regard to the cases reported in 1995 by the Director General of the Central Prison Administration concerning persons admitted to remand prisons who alleged that they had been ill-treated by the police, with an indication of the steps taken in each case - criminal proceedings, disciplinary action, etc. (paragraph 22)*
7. *On the administrative procedures applied in cases involving allegations of ill-treatment by the police, including the safeguards incorporated to ensure their objectivity (paragraph 22)*

It could be said that cases involving physical violence of police officers against apprehended persons, described in the Report, mainly concern persons who are presented by the police for the purposes of serving imprisonment sentences or remand imprisonment. Previously, all reports on such incidents were sent by the General Directorate of the Corps of Prison and Court Guard to the Inspection Department, Division for Organisational and Economic Support, at the Police Corps Presidium. As a result of changes in the organisational structure of the Ministry of the Interior of the SR and of the Police Corps, the jurisdiction to deal with these cases has been vested with the Office of Inspection Service of the Police Corps or the Control Department of the Ministry of the Interior to which these

reports will be sent directly and filed.

The Control Department of the Ministry of the Interior is submitted, as a rule, those complaints in which the citizens allege the unlawfulness of their presentation to the police department and, in this connection, inappropriate use by police officers of the means of force. These complaints are most often related to the presentation of persons who are suspect of the commission of minor offences or criminal offences. The complaints are often lodged by persons who attacked a public officer and against whom means of force have been used. The complaints of this kind are qualified as the protection of the accused and the matter is dealt with by the respective investigator in the framework of criminal prosecution. Complaints alleging unlawful procedure in placing apprehended persons into police custody cells are rare and occur at a rate of one to two cases a year. In the recent period, the Control Department of the Interior Ministry has received no substantiated complaints of this kind.

The CPT Report speaks about the apprehension of persons under the Code of Criminal Procedure and under the Police Corps Act, bodily harm caused by the use of the means of force, terms of custody and the rights of apprehended persons. These are three different legal institutes and, as the text suggests, in some cases even four. They include the apprehension of a person suspect of the commission of a criminal offence under section 76 para. 1 of the Code of Criminal Procedure, restriction of personal freedom of a person caught in the act under section 76 para. 2 of the Code of Criminal Procedure, arrest of a person and arrest of an alien under section 19 and section 20 of the Police Corps Act and, in some cases, presentation of a person under section 17 para. 2 of the Police corps Act. Without a more detailed knowledge of the legal institute applied in each given case it is not possible to draw a qualified conclusion as to the extent to which the applicable law has or has not been breached.

The Police Corps Act also envisages a possibility of bodily harm caused by the use of the means of force. Section 68, para. 2 thus sets out the acts of procedure to be taken by a police officer when the use of a means of force (truncheon, self-defence bar, police dog, menacing with a weapon and attaching the person to a suitable object) results in bodily injury, property damage or death. The key fact to consider when judging such cases is whether the means of force has been used in strict compliance with statutory provisions and whether the degree of their use was adequate to the circumstances.

It needs to be noted that illustration examples given in paragraph 16 (cases I to VIII) do not give the particulars of the injured persons although the members of the CPT delegation had direct communication with them. This fact made it very difficult to verify the data that the allegedly injured persons reported to delegation

members. Only cases marked as Case IV and Case VII could be identified beyond any doubt.

Case IV was tabled by the resolution of March 1996, No. UIS-18/03-PO-95/Vn of the police authority within Inspection Department of Inspection Service Office according to section 159 para. 4 of the Code of Criminal Procedure, because it was not possible to establish the facts that would justify opening of criminal prosecution.

Case VII is still at the stage of verification conducted by the police authority of the above Department under No. UIS-684/01-95.

Because it was not possible to clearly identify the injured persons in the remaining cases, it is impossible to take a position on them.

Although the objectiveness of medical findings is not questioned, we regret that the CPT delegation did not also examine primary official records made out by police officers who apprehended or presented persons suspected of criminal activities. Police Corps authorities believe that the succession of individual consecutive steps taken in the performance of police duties, the tactics employed, the use (or absence) of verbal summons with warning uttered immediately prior to using the means of force, the need to overcome possible resistance posed by the suspected persons in the effort to avoid apprehension, and other indicators can be very important for identifying mechanisms leading to possible injuries.

In connection with the statement that suspected criminal offenders face a considerable risk of police ill-treatment at the moment of apprehension, the Police Corps will place a particular emphasis on respecting the law, mainly as regards the adequacy of the means used after overcoming active resistance of the offender.

8. *An account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police, for the years 1993-95 (paragraph 22)*

In 1993, 12 persons in 7 cases were accused of the above practice. All the criminal cases were closed with a motion to issue a final measure.

3 cases involving 3 persons were referred for disciplinary proceedings.

In 1994, 15 persons in 11 cases were accused of the above practice. All the criminal cases were closed with a motion to issue a final measure and/or a motion to file an indictment.

2 cases involving 2 persons were referred for disciplinary proceedings.

In 1995, 37 persons in 11 cases were accused of the above practice. All the criminal cases were closed with a motion to file an indictment.

3 cases involving 3 persons were referred for disciplinary proceedings.

9. *Progress on the legislation currently being drafted for strengthening the rights of public prosecutors to visit police premises (paragraph 23)*

Principles related to the strengthening of powers of public prosecutors have been incorporated into the new act on public prosecution which, after having been discussed by the Government of the Slovak Republic and passed by the National Council of the Slovak Republic, entered into force on November 12, 1996 as Public Prosecution Act No. 314/1996 Coll.

10. *Whether the Ombudsman, if this institution is introduced, would also have the right to visit police stations (paragraph 23)*

In principle, the Ombudsman may not be denied the right to visit police premises. It is, however, first of all necessary to provide for such an institution in the legislation and set it up. Because the Ombudsman institution has not been yet introduced, Police Corps authorities consider it premature to give their position concerning the possible rights of the Ombudsman in relation to the police force.

Part 2

Conditions of detention

» **RECOMMENDATIONS:**

11. *To review material conditions of detention in Bratislava Municipal Police Headquarters in the light of the remarks given in the CPT Report; in particular, a partition or other means of offering a suitable degree of privacy should be installed around the toilet facility in the cells (paragraph 29)*

Conditions required for police detention cells are set out in the Regulation of the Minister of the Interior 29/1992 - Annex 1. It should be noted that the criteria defined in the above Regulation are very strict and that, if they were to be fully met, virtually none of the police cells would satisfy the requirements. It should also be stated that practically all the buildings in which such cells are situated started to

be used before the aforesaid Regulation entered into force. Their renovation to make them meet the required standard would involve considerable financial investment in the context of a shortage of necessary funds. Remedying the situation and attaining the required standard of police detention cells will therefore require more time and availability of adequate funding. Police Corps authorities believe that, in spite of the deficiencies mentioned above, most police detention cells are equipped at a suitable level and are able to meet their purpose in conformity with the law.

Police detention cells at the Bratislava Municipal Police Headquarters at Račianska Street were built in 1953. At present, they fall short of satisfying some of the conditions set out in the aforesaid internal Regulation. The necessary construction and technical adaptations would require considerable or even ineffective cost expenditures. Given this situation, before the new police detention cells are built in the Police Corps building at Špitálska Street in Bratislava, it will be necessary to continue using the existing cells at Račianska Street whose construction and technical parameters do not fully comply with the Regulation.

As to the specific recommendation of the CPT delegation, partitioning of the toilets in the cells would involve considerable expenditures which, in view of the planned construction of new premises, are not cost-effective. The state of the sewage system reflects the age of the building but, for the time being, it is in a working condition. It is not possible to completely eliminate malodorous smell given off by the existing type of toilet. As an interim measure, the situation will be dealt with by a more intensive use of disinfectants.

12. *To take immediate steps to ensure that persons held at the Police Headquarters under Act No. 73/1995 on the Stay of Foreigners in Slovakia (paragraph 30)*
- * *are offered outdoor exercise every day;*
 - * *receive a regular supply of appropriate reading material.*
13. *To explore the possibility of offering persons detained at the Bratislava Municipal Police Headquarters under Act No. 73/1995 access to a suitably equipped communal area (paragraph 30)*

The implementation of these recommendations will be possible only after a special facility designed for holding aliens illegally staying on the territory of the Slovak Republic has been finished. Starting on April 1, 1997, the Ministry of the Interior will put into operation a refugee centre for foreigners staying illegally on the territory of the Slovak Republic that will meet the criteria demanded by the CPT.

14. *To improve the natural and artificial lighting in the holding room in the Police*

Station in Osvetová Street (paragraph 33)

In the case mentioned above the situation will be remedied either by installing the lighting or by ceasing to use the room for a temporary segregation of persons.

15. *To take steps to ensure that if, exceptionally, a person has to be held overnight in the holding room of a local police station, he/she be supplied with a mattress and clean blankets (paragraph 33)*

As regards the specific case mentioned in this connection we note that the person concerned was brought in from a weekend home area where she was spending the nights. She had no identity document on her and was presented at the Dúbravka Local Police Station on July 3, 1995 at 22:40 h pursuant to section 18 para. 3 of the Act on the Police Corps. She either did not know or did not want to give her true name, place of residence and date of birth. After her identity had been verified, she was brought in and detained on July 4, 1995 at 18:20 h in a police detention cell at the Bratislava Municipal Police Headquarters because of a reasonable suspicion that she was an illegal alien in the Slovak Republic. We should stress again that the person in question had not been held at a police detention cell at the Dúbravka Local Police Station.

16. *To ensure all persons detained in local police stations ready access to drinking water and, in the event of their detention being prolonged, be given food and appropriate times (paragraph 34)*

Persons placed in police detention cells are provided meals from the canteen situated in the Police Corps building in Račianska Street at the cost of SKK 13 for breakfast, SKK 20.60 for lunch and SKK 13 for dinner. The meals are of standard quality and size. The quantity of food, e.g. a lunch, is the same as that provided to police officers and civilian staff in the canteen. This specific case probably reflects the subjective view of an individual. When the CPT delegation members conducted a verification, they could see for themselves that this allegation was not justified. The supervising prosecutor from the Bratislava I District Prosecution Office did not observe any shortcomings in this respect.

A similar situation exists in police detention cells within the Police Corps establishments all over the Slovak Republic. If the works canteen is out of operation, meals are provided by means of purchasing foodstuffs using the funds allocated for this purpose. Detailed records are maintained concerning the purchase and consumption of foodstuffs, and an appropriate financial amount is available for this purpose at any given moment.

17. *To take appropriate steps in the light of comments given in paragraph 35 in connection with handcuffing detained persons and obliging them to stand for lengthy periods (paragraph 35)*

Provisions of section 52 para. 2 of the Act on the Police Corps stipulate that a person, in respect of which the law allows using the handcuffs, may be attached to a suitable object if the circumstances warrant it. The law sets out detailed preconditions for performing such attachment. During instruction and methods training courses, the Police Corps will guide the officers to being more considerate when choosing sites and objects suitable for attachment. There is currently no detailed instruction as to which object is considered as suitable for the attachment and the Ministry of the Interior will therefore place an emphasis on resolving this problem through issuing relevant sectoral regulations.

» **COMMENTS:**

18. *The Slovak authorities are invited to review the provision of food to foreign nationals detained at Bratislava Municipal Police Headquarters (paragraph 34)*

The position on this comment has been taken in relation to paragraph 16 and it also applies to foreign nationals. The situation will improve after the completion of the refugee centre for aliens staying illegally on the territory of the Slovak Republic at Medved'ov which is scheduled to be made operational on 1 April 1997.

» **REQUESTS FOR INFORMATION:**

19. *The number of police cells in Slovakia which currently meet the criteria set out in Appendix 1 of Order No. 29/1992 on Police Custody Cells (paragraph 25)*

In the present period, 198 police custody cells exist within the Police Corps establishments, 165 of which meet the criteria set out in Annex 2 of Order of the Minister of the Interior No. 29/1992 on Police Custody Cells. We repeat again that, as a result of organisational changes within the sector of the Ministry of the Interior and the Police Corps, new regional and district directorates of the Police Corps have been set up at which new police custody cells will be built in compliance with the currently valid standards for the sector.

20. *The comments of the Slovak authorities on the possibility of creating special centres for persons detained under Act No. 73/1995 on the Stay of Foreigners in Slovakia, offering material conditions and a regime appropriate to the legal status of such persons and staffed by suitably qualified personnel (paragraph 31)*

For the sake of objectiveness it needs to be admitted that the existing police custody cells of the Police Corps are not, considering their purpose, suitable for detaining foreigners pending expulsion under Act No. 73/1995 on the stay of foreigners in the Slovak Republic.

The problem are the foreigners whose stay on the territory of the Slovak Republic is illegal and who should be expelled in administrative proceedings in accordance with the applicable legislation. In the Slovak Republic, this is a new phenomenon brought about by an increase in the number of illegal migrations. Therefore, the Police Corps did not have at their disposal any special-purpose facility for persons to be lawfully expelled, whose material conditions and regime would correspond to the legal status of such persons.

In this connection, the Government of the Slovak Republic assigned, by its resolution of 11 April 1995, the Ministry of the Interior with the task of setting up a special facility for this purpose. The reconstruction of a building is presently underway with a capacity of 120 persons and with standard material equipment. The accommodation should allow to separately place single and married persons, men and women, possibly also individual age brackets and nationalities. Hygienic conditions, medical care, full pension, outdoor exercise, access to communal room, etc. will be guaranteed in compliance with the relevant regulations and norms. The staff of the facilities will be persons with adequate qualifications. The expected date of the start of operation of this establishment is 1 April 1997 - it is the refugee centre for illegal aliens in the Slovak Republic at Medved'ov.

Part 3

Safeguards against the ill-treatment of persons deprived of their liberty

«RECOMMENDATIONS:

21. *That the Slovak authorities take the necessary steps to ensure that:*
- * *the provision contained in Section 19, para. 5, of the Act on the Police is strictly complied with in practice,*
 - * *any notification of apprehension requested by a detained person is carried out without delay,*
 - * *any possibility exceptionally to delay the exercise of the right of notification of apprehension is clearly circumscribed in law, made subject to*

appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a court or a public prosecutor) and strictly limited in time (paragraph 39)

22. *That the steps be taken to ensure that persons deprived of their liberty by the police have the right of access to a lawyer as from the very outset of their deprivation of liberty (paragraph 41);*
23. *That persons deprived of their liberty by the police be expressly guaranteed the right to have access to a doctor (including, if they so wish, one of their choice) (paragraph 44)*
24. *That all medical examinations be conducted out of the hearing and - unless the doctor requests otherwise - out of the sight of police officers (paragraph 44)*
25. *That the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, be formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 44)*

We refer to the legislation on and the practical application of the right to inform a person's close relative or a third person about his situation from the moment of apprehension. In this respect, it is necessary to identify the forms of and the reasons for holding the person concerned at the police facility.

If a person is presented by police officers (Section 17, Act on the Police Corps) there is no justification to grant such person the right to notify any other person. Persons are presented to the police by police officers in order to give an explanation when these persons did not show up at the police station when they had been asked to do so for the purpose of giving an explanation. In some cases, the notification could take more time than the explanation itself.

The persons who are detained (Section 19 of the Act on the Police Corps), have the right to notify a relative or a lawyer about the detention under paragraph 5 of the above provision. The text of the law does not, however, imply the obligation of police authorities to give information about the detention; the law only lays down their obligation to give the detained person a possibility to notify any of his relatives or a lawyer about the detention. Neither is there a reason for the apprehended person to notify both a relative and a lawyer. The apprehended person may notify a relative and the latter may then notify a lawyer. If the detained person notifies a lawyer, it is up to the two of them to agree whether the lawyer will also notify the detained person's relatives.

The police officer's obligation to instruct the apprehended persons of their

rights, including the right of notification about the detention, is laid down in section 8 para. 2 of the Police Corps Act. If the CPT delegation established any breach of this obligation, it should be specified where this occurred so that the circumstances of the breach could be properly and objectively examined.

Section 10 para. 5 of the Police Corps Act under which police officers have an obligation to enable, under Section 10 para. 1 of the same Act, apprehended persons upon their request to notify their relative or lawyer about the detention does not govern the acts procedure performed by the investigators.

Other questions such as access to a physician, instruction about one's rights, conduct of the interrogation, keeping records on the detention (of the citizens of the Slovak Republic and foreigners) are also regulated by laws and internal regulations, in particular by the aforesaid Police Corps Act of National Council of the Slovak Republic No. 171/1993 Coll., Code of Criminal Procedure, Act of National Council of the Slovak Republic No. 73/1995 Coll. on the stay of foreigners in the Slovak Republic, Order of the Minister of the Interior No. 29/1992 on Police Custody Cells and the Constitution of the Slovak Republic.

We believe that the above legal instruments sufficiently and adequately provide for procedures taken by Police Corps officers when depriving suspect or indicted persons of their liberty. Nevertheless, in the future it will be necessary to develop practical guidelines to prevent diverging interpretations of individual provisions of the above legal standards.

26. *To take the necessary steps to ensure that whenever a person in custody is or becomes highly agitated, the police should immediately contact a doctor and act in accordance with his opinion (paragraph 45)*
27. *To record every instance of resort to means of restraint in a special register established for this purpose. The entry to include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by the detainee or staff (paragraph 45)*

By Order No. 41/1995 of December 12, 1995 the Chief of the Police Corps Headquarters of the Capital City of Bratislava issued the Guidelines on ensuring the operation and the activities of the Police Custody Cell and Escort Department at the Police Corps Headquarters. Part II Article 1 para. 5 of the Guidelines lays down the reasons for restraining a person; Article 2 para. 3 describes the ways of overseeing a person who has been temporarily restrained because of the condition of high agitation.

Based on the CPT recommendation, duty officers have been instructed that whenever they apply the means of restraint against apprehended or detained persons they immediately contact a doctor and act in accordance with his opinion. At the same time, a special register has been established for recording any use of the means of restraint.

28. *To systematically give persons in police custody a form setting out their rights at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 47)*

For explanation we state the following: persons are placed under custody by Police Corps investigators (Section 76 of the Code of Criminal Procedure) who have the obligation to instruct the person being detained of his rights. In addition, Section 8 para. 2 of the Act on the Police Corps lays down the obligation of police officers to instruct persons of their rights always when their rights and freedoms are infringed.

If a person is placed under custody by an investigator and also if a person is interrogated by an investigator, the investigator has the obligation give the person an instruction about his rights and obligations in accordance with the provisions of the Code of Criminal Procedure. If the person does not speak the language in which the criminal proceedings are held, he must be provided an interpreter. After having received an instruction, the person confirms it with his signature and, at the same time, says whether he understood the instruction. If necessary, he will receive a new detailed instruction.

In addition to the provisions of the Code of Criminal Procedure, interrogation of indicted foreign nationals is also governed by the guidelines issued by the Director of Investigation, Criminology and Expert Activity Section of the Police Corps that govern the conduct of the Police Corps investigators when prosecuting foreigners and when dealing with cases involving a foreign element. Thus, they lay down the investigator's obligation to inform the foreigner of his right to use his mother tongue, his right to ask that the diplomatic mission of his country be informed of his detention (imprisonment), his right to request the visit by a consular officer so as to be able to ask for legal representation through the diplomatic mission.

Moreover, Police Corps investigators are also bound in similar cases by the provisions of the Vienna Convention on Consular Relations (Article 36 para. 1 letters a, b, c).

29. *That the Slovak authorities draw up a code of practice for interrogations (paragraph 49)*

The conduct of interrogation by investigators is governed, besides the Code of Criminal Procedure, also by the Instruction for Investigators, amended in 1995. This problem area is discussed in detail also in the criminology textbooks that are commonly available in the bookstores. Criminological principles of conducting interrogations, presented in the aforesaid textbooks, are fully applied in the practice.

Nevertheless, we agree with the recommendation that a binding procedure be developed for conducting interrogations of special categories of persons and under special conditions. This recommendation has, however, not yet been implemented. This is due to the fact that the amendment of the Code of Criminal Procedure has not yet been implemented. Only after the implementation of this legislative change will it be possible to proceed with amending the Instruction for Investigators of the Police Corps into which the recommendation will be transposed.

» **COMMENTS:**

30. *The Slovak authorities are invited to consider the possibility of introducing a system for the electronic recording of police interrogations. The system should offer all appropriate safeguards (for example, the consent of the detainee and the use of two tapes, one of which be sealed in the presence of the detainee and the other used as a working copy) (paragraph 59)*

As regards the introduction of a system for the electronic recording of police interrogations, such a system has been gradually introduced in individual investigation authorities. The introduction of the system depends, however, on financial possibilities of the Police Corps and the Ministry of the Interior.

31. *The fundamental safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his custody and all the action taken in connection with it (time of and reason(s) for the apprehension; time of arrival on police premises; when informed of rights; signs of injury, health problems, mental disorder, etc.; contact with and/or visits by next of kin, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a magistrate; when transferred; when released, etc.)(paragraph 52)*

32. *The recommendations contained in the section concerning fundamental safeguards against ill-treatment also apply to persons detained under Act No. 73/1995 on the Stay of Foreigners in Slovakia (paragraph 53)*

Under the current legislation police officers apprehending a person pursuant to Section 19 of the Act on the Police Corps or police investigators placing suspected or indicted persons under custody pursuant to the applicable provisions of the Code of Criminal Procedure have an obligation to produce and file an official record which notes the most important aspects of the act of apprehending or detaining a person. If such a person is placed in a police custody cell, an official entry is made about this fact in the book of apprehended or detained persons.

The above recommendations will be taken into consideration in the envisaged amendments of the Code of Criminal Procedure and of the Act on the Police Corps.

Persons (aliens) held under Act No. 73/1995 on the stay of foreigners in the Slovak Republic who are staying illegally on the territory of the Slovak Republic will be placed in the Medved'ov refugee centre after it has been made operational on 1 April 1997.

» **REQUESTS FOR INFORMATION:**

33. *Whether Section 19, para. 5, of the Act on the Police is to be interpreted in such a way as to require apprehended persons to choose between notifying either a relative or a lawyer, or whether they are entitled to notify both (paragraph 39)*
34. *Whether there are any legal provisions requiring the police to inform persons of their rights in the period between the moment of apprehension and their presentation before an investigator (paragraph 46)*

Requested information has been provided in the framework of answers to points 21 and 23.

Part 4
Holding Centre for Asylum Seekers in Adamov-Gbely

» **RECOMMENDATIONS:**

35. *The principle of providing separate accommodation to women, unless they have expressed a wish to be placed with persons with whom they share an emotional or cultural affinity, to be strictly observed in practice (paragraph 59)*
36. *Asylum seekers in quarantine always to be accommodated separately from the rest of the asylum seekers/refugees (paragraph 61)*

Subsequent to the adoption of a new act on refugees and of the internal implementing regulation (Decree of the Minister of the Interior of the Slovak Republic No. 4/1996 governing the procedure of Police Corps departments and Migration Office of the Ministry of the Interior in the implementation of the Act of National Council of the Slovak Republic No. 283/1995 Coll. on refugees), the refugee holding centre in Adamov-Gbely only holds asylum seekers in the Slovak Republic who have been placed in quarantine. Only exceptionally and for an absolutely necessary time are the foreigners who have been granted asylum allowed to stay in the centre; this only happens if there is a temporary shortage of accommodation in the Refugee Centre or in the interment centre.

In practice, the principle of accommodating women separately from men is strictly applied with the exception of families and/or on the basis of a well-founded request. Any breach of this principle in the past was connected with the necessity to secure, for a limited period of time, accommodation needs at the time of reconstruction in the Refugee Holding Centre at Adamov-Gbely or it concerned families from the countries in which accommodation of a large group of family members is a norm and the persons concerned requested it.

With the completion of the reconstruction of the Refugee Holding Centre at Adamov-Gbely at the end of 1995 and certain renovations carried out in 1996, all the necessary prerequisites have been put in place to secure standard accommodation of aliens - asylum seekers in the Slovak Republic, including observation of the principle of separate accommodation of men and women, except for families.

Within the meaning of Act No. 283/1995 Coll. the Refugee Holding Centre of Adamov-Gbely holds exclusively asylum seekers placed in quarantine; this means that, for all practical purposes, the above CPT recommendation is strictly observed.

37. *The Centre's internal rules to be translated into an appropriate range of languages and supplied to the asylum seekers at the very outset of their stay, together with information on the centre's daily routine and on how the asylum seekers can exercise their rights (paragraph 65)*

Information on daily routine and internal rules of the centre is given to asylum seekers right upon their arrival to the Holding Centre by its Director.

In June 1996, Migration Office of the Ministry of the Interior arranged the publication of a "Handbook for Recognised Refugees" in Slovak and English. The Handbook contains basic information of legal, administrative and organisation character and its objective is to facilitate integration of the refugees to the society. The publication of the Handbook was positively evaluated by the head of the UNHCR regional office in Vienna Mr. Blatter during his personal October 1996 visit to the Ministry of the Interior and to the Migration Office of the Ministry of the Interior.

>>**COMMENTS:**

38. *the Slovak authorities are invited to consider the possibility of developing further the activities available for asylum seekers in quarantine (paragraph 62)*

Concerning the comment of the CPT delegation about expanding the range of activities available to asylum seekers in quarantine we note that this possibility is greatly restricted due the fact that the "protection period" is very short and lasts a maximum of 30 days for persons who might transmit contagious diseases from one to another or to the staff of the Centre. We believe that because of these reasons (Migration Office of the Ministry of the Interior has recently recorded one case of active tuberculosis, scrapie, salmonellosis and, in one case, a HIV-positive person) it would not be desirable to enable the persons placed in quarantine to assemble in communal premises beyond the scope possible at present.

While ensuring the fulfilment of quarantine-related regulations, Migration Office will continue to enforce the requirement for the shortest possible stay of persons placed under quarantine. It needs to be recognised that this involves the protection of not only the aliens - asylum seekers who are often coming from various exotic countries - but also the protection of our nationals who come into

direct contacts with them.

39. *The Slovak authorities are invited to examine the possibility of offering psychiatric/psychological care to the asylum seekers at the Holding Centre in Adamov-Gbely (paragraph 63)*

The comment of the CPT delegation concerning the possibility of offering psychiatric/psychological care to asylum seekers in the Holding Centre is in harmony with the long-term concept of activities developed by the Migration Office of the Ministry of the Interior. If needed, and upon request, psychological and psychiatric care is provided to asylum seekers in the Refugee Holding Centre at Adamov-Gbely.

The system of social care of asylum seekers and refugees placed in the Refugee Centre at Brezová pod Bradlom also includes the provision of psychological and social counselling on a permanent basis.

» **REQUESTS FOR INFORMATION:**

40. *Confirmation that the refurbishing of the Centre has been completed as planned (paragraph 58)*
41. *Whether the plans to create common rooms for the asylum seekers have now been implemented (paragraph 62)*

Reconstruction work in the Adamov-Gbely Centre was completed in December 1995. The accommodation section of the Holding Centre has today a capacity of 114 persons. The Holding Centre has its own kitchen and refectory which, if needed, may be also used as a communal room.

42. *Information on the steps which would be taken in the event of an asylum seeker being found to be HIV-positive (paragraph 64)*

If the Migration Office is informed that an asylum applicant is HIV-positive, the person concerned will be granted permanent psychological and health counselling and, if necessary, hospitalisation in a suitable health establishment.

43. *A detailed account of the precise practical steps taken by the Slovak authorities to ensure that persons are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (paragraph 66)*

The Ministry of the Interior was in charge of drafting the new refugee act (Act of National Council of the Slovak Republic No. 283/P11995 Coll., effective as from January 1, 1996) into which it fully transposed the provisions of the 1951 Geneva Convention relating to the Status of Refugees. More specifically, Article 33 of the Convention on the prohibition of expulsion or return has been transposed into the provisions of Section 4 para. 8 and Section 8 letter c/.

* * *

As a result of the Resolution by which the Government of the Slovak Republic entrusted the Interior Minister with allocating financial resources for the implementation of the CPT delegation's recommendations and comments in the proposed 1997 budget, the proposed 1997 budget of the Ministry of the Interior gives a priority emphasis on the need to set up Regional and District Police Corps directorates in conformity with the new concept of territorial and administrative division of the Slovak Republic.

Reconstruction of premises designed to house the new Regional and District Police Corps Directorates also envisages the construction of police custody cells. At the same time, the existing police custody cells will be renovated, as the need may be, using the funds allocated for maintenance.

Moreover, in keeping with the capital construction plan, the first stage of the construction of the Holding Centre for Illegal Aliens on the Territory of the Slovak Republic is to be completed by 1 April 1997. Budget allocations have been foreseen for 1997 with a view to carrying out the second stage of the construction resulting in the completion and enlargement of the holding camp.

We kindly ask the CPT to make available to us the legal regulations that govern the procedure taken by police authorities and authorities performing the so-called asylum-granting process in the European Union countries in those areas where the CPT has identified certain deficiencies and is recommending that relevant legal standards be adopted.

B. Establishments under the Authority of the Ministry of Justice

In view of the character of establishments visited by the delegation that fall under the competence of the Ministry of Justice, the Report bears directly on the prison system of the Slovak Republic.

At the level of the Bratislava-based General Directorate of the Corps of Prison and Court Guard, the tasks concerned have been fulfilled in conjunction with members of managerial staff responsible for the treatment of prisoners, for the provision of medical care and those staff members whose competence includes the securing of material conditions for remand imprisonment and execution of imprisonment sentences. These joint efforts led to the drafting of the document "The Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate of the Corps of Prison and Court Guard and for the Governors of Establishments for Remand Imprisonment and for the Execution of Sentences". The document was approved by the General Director of the Corps of Prison and Court Guard. The tasks that follow from the CPT Report to the Government of the Slovak Republic for the aforesaid officials have been discussed in detail at the June 1996 national meeting of governors of establishments concerned as a result of which the necessary information was conveyed also to the heads of institutions that the delegation had not visited. This document has been submitted to the CPT Secretariat in Strasbourg in an English version.

Part 1

Torture and Other Forms of Ill-treatment

» **COMMENTS:**

44. *Slapping prisoners is not an appropriate response (paragraph 72)*

The conclusion that striking a prisoner with a hand, used as a means of coercion allowed by the law, is a rare occurrence in the Slovak prison system can be proved by the fact that since the stay of the CPT delegation in Leopoldov (i.e. in one and a half years) the means of coercion have legitimately been used against

convicts only 11 times and in none of those cases has slapping (striking with a hand) been used.

» **REQUESTS FOR INFORMATION:**

45. *Concerning 1996 (paragraph 73)*

- * *the number of complaints of ill-treatment lodged against prison staff*

By 12 December, the total number of complaints lodged in 1996 by the prisoners, prison staff, and citizens was 315.

Out of them, 297 complaints have already been examined - 7 were found to be substantiated and 11 partly substantiated.

Of the 297 processed complaints, 21 alleged ill-treatment by prison staff. None of the latter complaints was found to be substantiated after the reasons for and the circumstances of their filing had been examined by the inspection of the General Director of the Corps of Prison and Court Guard.

- * *an account of the sanctions imposed following complaints of ill-treatment by prison staff*

As of 12 December 1996, none of the 21 complaints lodged by prisoners alleging ill-treatment by prison staff was found to be substantiated. Consequently, senior officers of prison establishments did not have to impose any special sanctions in this respect.

Part 2

Material Conditions

a/ Bratislava Prison for the Execution of Custody

» **RECOMMENDATIONS:**

46. *that steps be taken immediately to bring the cell occupancy levels at Bratislava Prison into line with their official capacities (paragraph 85)*

47. *that efforts be made to reduce those official capacities. In this context, it should be emphasised that the cells measuring 9 m² should ideally be limited to individual occupancy (paragraph 85)*

The conversion of some operational premises of the institution resulted in increasing its current capacity from 570 to 628 persons.

It needs to be added that the new territorial and administrative division of the Slovak Republic will contribute to further reducing the number of indicted persons held in the Bratislava Prison for the Execution of Custody. Because of material and economic reasons, it is presently impossible to set the floor area per occupant at more than 3.5 m².

By way of illustration we could note that as of 11 December 1996, the number of indicted persons placed in custody prisons was 1,672 while the capacities of institutions for custody pending trial are 2,532 persons; this represents a 66.03 % occupancy rate.

Moreover, overcrowding of custody institutions in the Slovak Republic will be partly reduced by the reconstruction of the former sedrial prison in Levoča which started in 1996. The custody prison at Levoča is to be completed, if the reconstruction is on schedule, in February 1997 and its capacity is to be 150 persons. Investment costs amount to 48 million SKK.

48. *To explore the possibility of improving the partitioning of the cell sanitary units (paragraph 85);*

The analysis of the situation regarding sanitary units in the cells revealed two possibilities of improvement. The layout of 94 cells out of the total of 224 of those requiring such improvement allowed building 150 cm-high partition walls separating sanitary units from the rest of the cells. The layout of the remaining cells made it possible to attach a device holding a washable artificial leather screen at a height of 170 cm.

49. *To take immediate steps to ensure that all prisoners have at least one hour of outdoor exercise every day including during weekends and holiday periods (paragraph 85);*

Remand prisoners take, in conformity with the law, an outdoor exercise of at least one hour a day in the area reserved for this purpose.

The recommendation of the CPT delegation has been implemented in spite of the shortage of manpower in the Bratislava Custody Prison which is 19 staff members - 9 of them in the guard service - short of the prescribed quota.

50. *The exercise areas to be modified to ensure that prisoners receive proper outdoor exercise. Consideration should also be given to providing a covered area for use during periods of bad weather (paragraph 85);*

By the end of 1996, the institution will carry out a partial roofing over of all ten exercise areas with laminated material of a 4-m length in the widest part of the outdoor exercise area.

- b/ Leopoldov Prison for the Execution of Sentence and the Execution of Custody

» **RECOMMENDATIONS:**

51. *That the official occupancy rates in Leopoldov Prison be not exceeded and steps be taken to reduce those rates (paragraph 90)*

The only solution to prevent overcrowding in the establishment is to strictly apply external as well as internal differentiation; this recommendation of the institution was approved in December 1995 by the superior body - the General Directorate of the Corps of Prison and Court Guard.

As of 11 December 1996, the capacity of the segment of the institution used for remand prisoners (246) was used at 67.89 %, i.e. it held 167 accused prisoners. Because this trend seems to have a long-term character, the adopted measures may be characterised as effective

52. *A high priority be given to the completion of the current renovation programme (paragraph 90)*

The proposed repairs of buildings damaged during the 1990 riots were to include repairs and further use of buildings Nos. 6 and 9 (printing shop), accommodation premises of sentenced prisoners, ecumenical service premises, gym, visitors' rooms, building No. 20 (accommodation premises of sentenced prisoners), building No. 12 - demolition and building of a rest area.

As of the date of the preparation of the follow-up report, the following parts of the proposal were carried out:

- construction of the printing shop and reconstruction of printing shop furnishing

- in building No. 6; accommodation premises for sentenced prisoners, with a capacity of approx. 100 sentenced prisoners; ecumenical service premises as section 9a of building No. 9 - total costs of 19,033,000.- SKK,
- preparations for the reconstruction of building No. 20 for accommodation of sentenced prisoners is underway.

53. *The possibility of improving the partitioning of the sanitary units in certain cells be explored (paragraph 90);*

Because of security reasons, only four cells in section VI, used for the execution of disciplinary punishments, are not fully partitioned. Hygienic, building and technical conditions concerning the use of disciplinary punishment cells in prisons are specified in a legal standard for the sector. The existing situation in the Leopoldov prison is not contrary to the aforesaid standard.

In the custody segment of the prison, the cells of remand prisoners are separated from sanitary units with a partial rather than a full partition, although they are not designed for the execution of disciplinary punishment. The solution suggested by the CPT calls for substantial financial resources.

54. *Cells in section 7B of building VII be properly cleaned and maintained (paragraph 90);*

Overall conditions, tidiness and hygiene of the cells have considerably improved after the establishment of a Medical and Educational Care Section in November 1996. The cells are regularly ventilated, cleaned and painted. Increased attention is paid to the inspection of cleanliness and tidiness in the cells and to personal hygiene of the convicts.

The Section is used to accommodate the convicts who are placed under special supervision in accordance with applicable regulations. The capacity of the Section is 35 places and it currently houses 12 convicts. The CPT recommendation is fulfilled on a permanent basis.

55. *That steps be taken to allow prisoners more frequent access to showers (paragraph 90);*

On the basis of the CPT delegation's recommendation, convicts can take showers at shorter intervals. Convicts take shower twice a week, on Tuesdays and Saturdays, those who have an employment take shower as needed. Because of increased costs, it has not been yet possible to fully implement the recommendation that the convicts who practice sports activities take shower after each such activity. Access to showers in the institution will be further extended in keeping with financial possibilities.

Giving the possibility to take shower twice a week and following sports activities amounts to an annual increase in expenditures by approx. 100,000.- SKK. Remand and sentenced prisoners, accommodated in the premises allocated for the execution of custody, may take shower twice a week, always on Mondays and Thursdays. A new schedule of activities for remand prisoners that has been drawn up also includes the taking of a bath by remand and sentenced prisoners.

56. *That a high priority be given to developing programmes of activities (work, vocational training and educational, sporting, cultural and leisure activities) capable of giving real meaning to the objectives of individualised treatment and social rehabilitation (paragraph 101);*

The preparation of the programme of activities has been given systematic attention. Thus, in 1995, 101 sentenced prisoners were involved in various hobby activities. The existing hobby groups include those devoted to fine arts, sports, radio, book council, Biblical education and a film fan group.

In the course of three years, sentenced prisoners produced 164 works of art - the best of them are on exhibit in the permanent art gallery located in the premises of the cinema. Cultural events included performances in the institution of music groups, and the situation is expected to further improve with the launching of cooperation with the Regional Cultural Centre at Trnava in such areas as the drug prevention, marital education and education to parenthood, and in the area of educational activities, etc. Most sentenced prisoners take up various sports. This makes it necessary to complete the construction of a sports area for summer activities and a gymnasium for winter activities, as already stated in reply to the CPT Report, and/or to create a temporary sports area in the premises of the former dining room for sentenced prisoners in section V - the preliminary deadline for the completion of the provisional premises is end of September 1997.

Educational activities include a course for the illiterates and a Slovak language course for the foreigners. Sentenced prisoners may enhance their skills by taking up the 1st and 2nd years of apprentice-training as mechanics for electrical machinery and equipment. A retraining course for cooks which is currently underway will be completed in February 1997. In the area of vocational training and education, the attention will focus on opening the first year of study for electrical machinery and equipment technicians and for metal machining jobs. Vocational training of sentenced prisoners will thus be geared to the prevailing industrial character of available employment opportunities

57. *That urgent steps be taken to provide prisoners in sub-group D2 with purposeful activities capable of enabling them to demonstrate the progress required for reintegration into an ordinary detention unit (paragraph 101);*

The recommendations of the CPT delegation concerning the need to secure purposeful activities for prisoners assigned to subgroup D2 have been fulfilled by the transferring, based on a proposal of a team of experts (psychologist, psychiatrist, educational therapist), of prisoners with signs of mental disorders to the differential D1 sub-group after the Medical and Educational Care Section had been established in this section.

The original premises of section 7/B are used only for the execution of sentence by those convicts who meet the conditions of being placed in a special supervision section pursuant to section 106 of Decree No. 125/94 Coll.

Also in this section attention is given to employment activities, in addition to brigade activities performed in regular daily intervals. More employment opportunities are offered also by the seasonal workplace VEGETABLES established within this section.

As regards cultural and social activities, individual educational methods such as bibliotherapy have been successfully applied even in spite of considerable interpersonal communication problems of the convicts in this category. Among individual leisure activities, selected convicts have a possibility to upgrade their skills in a painting group and in a music group. Compared with the previous period, leisure-time activities in this section have been greatly expanded.

In agreement with the recommendations of the CPT delegation, interactions between the convicts and professional staff members, pedagogues, psychologists, psychiatrists are reviewed on a regular basis and as needed .

58. *Steps be taken immediately to improve the exercise areas in section 7B of building VII so that the prisoners accommodated there can enjoy proper outdoor exercise. Consideration should also be given to modifying the other areas designated for outdoor exercise and to providing covered areas for use in bad weather.*

The convicts placed in 7B section may take outdoor exercise in an expanded area consisting of the sports premises of section 7A. Old outdoor exercise areas are also used by those convicts who, because of security reasons, cannot take outdoor exercise in an open area - this requires the approval of the head of the execution of sentence department upon a recommendation given by specialists (psychologist, pedagogue, psychiatrist and also preventive and security service). Only one convict currently takes his outdoor exercise in the old outdoor exercise area.

The remaining recommendations of the CPT delegation to enlarge the exercise areas in section X and to provide covered areas for use in bad weather

have been thoroughly examined and will be implemented by the end of 1996.

59. *Information on the progress made on the project of the reconstruction of one of the buildings destroyed in 1990 and its equipment as a sports hall (paragraph 94)*

Because of the shortage of funds, the renovation of building 9 was divided into renovations of sections 9a and 9b.

The available funding made it possible to complete the renovation only of the 9a section with accommodation capacity for 100 convicts.

The renovation of the 9b section has been envisaged in the plan and in the budget of the institution for the period of 1997 - 1998; the costs are estimated at approx. SKK 22,000,000.

Part 3

Health-care services

» RECOMMENDATIONS:

60. *To immediately take steps to fill the vacant doctor's post at Bratislava Prison (paragraph 106)*

It has already been stated in the preceding document that the vacant post of the Bratislava Prison doctor was filled on May 15, 1996 as a result of discussions with directors of health-care facilities and interviewing the selected candidates.

The fulfilment of this task was rather difficult because the work of prison physicians is not attractive enough and the compensation is acceptable only by doctors who are at the beginning of their medical career; these, however, are not suitable for prison health-care service. This has also been found true with the newly admitted doctor who intends to leave because he has not been able to adjust to the working conditions in the Bratislava Prison.

61. *To ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on prison premises, including at night and weekends.*

There are no substantial changes in the opinion of specialists who are in charge of health care provision in the Slovak prison system who believe that the

current situation in health care provision to prisoners after working hours and during the weekends is adequate and meets the requirements and the needs. This opinion is also supported by the statement of the director of the Leopoldov Prison who views the situation in this respect as adequate and meeting the needs of the institution.

Permanent presence of health-care personnel at the Bratislava Prison and in other prisons of the Slovak Republic can only be secured by increasing the number of health-care personnel in medical wards.

62. *The Slovak authorities should take all necessary steps to ensure that the prison health-care service should be so organised as to enable requests to consult a doctor to be met without undue delay and that prisoners should be able to communicate with the health service confidentially, for example by means of a message in a sealed envelope (paragraph 107)*

Also with respect to this paragraph of the CPT Report, the Slovak prison authorities affirm that the standard of the health care provided to prisoners is fully comparable with that provided to citizens of the Slovak Republic and, in some respects, it even exceeds that standard.

The system of health care and medical services in the context of the Slovak prison system is considered to be efficient and as one guaranteeing that prisoners may speak confidentially with the physician; there is no obstacle to communicating with the doctor directly by means of a message in a sealed envelope.

Because prisoners in the visited prison establishments do not have a freedom of movement, they must be brought to the doctor's office or to the treatment facilities. Prisoners are presented to the doctor on a daily basis (Monday to Friday); acute conditions are given priority attention and patients are always transported to a physician, also outside of working hours and days.

63. *That the psychiatric/psychological services at Bratislava Prison be reinforced (paragraph 110)*

Psychiatric services in the Bratislava Prison have been extended.

One psychiatrist from the Leopoldov Prison continues to provide drug counselling during at least 4 to 5 hours a week; another psychiatrist from the same institution provides specialised psychiatric counselling during the same time. Remand prisoners also continue to have daily access to a house psychologist.

A medical specialist - psychiatrist was recruited in August 1996 to work at the Health and Social Care Department of the General Directorate of the Corps of

Prison and Court Guard with the aim to improve managerial, methodological and control activities in individual institutions.

64. *That appropriate steps be taken to ensure that all newly admitted prisoners should be seen without delay (i.e. within 24 hours) by a member of the prison health-care service and, if necessary, given a medical examination (paragraph 114)*

Prisoners who are admitted for the execution of custody are subjected to a compulsory medical examination on admission which also includes compiling their medical record. During the weekend, if any signs of the use of physical violence have been detected on the body of the person being admitted, necessary medical emergency care is ensured in a public or, if needed, in a private health facility. This procedure has proved to work adequately for prison institutions

65. *That the Slovak authorities ensure that the precepts stated in second subparagraph of paragraph 117 related to HIV be fully respected in practice (paragraph 117)*
66. *That there should be a policy of combating transmissible diseases in general (e.g. hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon the regular supply to both prison staff and inmates of detailed information about methods of transmission and means of protection, as well as the application of adequate preventive measures (paragraph 119)*
67. *That all medical examinations (whether on arrival or at a later stage) be conducted out of the hearing and - unless the doctor concerned requests otherwise - out of the sight of prison officers (paragraph 120)*

The authorities of the Slovak prison system are fully aware of the importance of the above issues and, consequently, they strictly respect and implement the measures taken in the light of the CPT Report to the Government of the Slovak Republic.

A proposal of legislative amendment of internal regulations dealing with the HIV/AIDS issues in the context of the prison system of the Slovak Republic has been drawn up in accordance with the latest medical knowledge. A legislative amendment has also been proposed of an internal regulation dealing with voluntary treatment of alcohol abuse among sentenced prisoners - both regulations are expected to take effect in the first quarter of 1997..

Part 4

Other issues of relevance to the CPT's mandate

» **RECOMMENDATIONS:**

68. *To give high priority to the intensification of prison staff training, both initial and in-service. In the course of such training, considerable emphasis should be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation (paragraph 124)*

The measures aimed at improving relations between the prison staff and the prisoners, to be carried out by the governors of Bratislava and Leopoldov Prisons and the governors of other prison institutions are implemented on an on-going basis.

This statement can be attested by the fact that permanent attention is given to the need for constantly improving relations between the inmates and the staff at regular meetings of individual sections and, in particular, at the meetings of pedagogical staff. Staff meetings also discuss the reasons that led to disciplinary offences of the inmates. These are analysed mainly by specialists - psychologists and pedagogues, and are examined by the head of the division for the execution of custody and the execution of sentence.

Interpersonal issues are also dealt with by prisoners' self-governing bodies. The preparation of a new concept is underway within the central self-governing body, entailing cooperation between officers who are members of the commissions for leisure activities, education, sports, cultural activities, spiritual activities, social issues and the prisoners, especially in identifying the prisoners' interests and wishes. In addition, other staff members are more frequently invited to take part in community sessions and in meetings with the entire body of sentenced prisoners.

Moreover, educational and training programmes are offered at the Secondary School of the Corps of Prison and Court Guard in Nitra, in conformity with the Training Project which has been updated on the basis of comments presented by members of the board of the General Director of the Corps of Prison and Court Guard.

Besides the Secondary School staff, the training is provided also by lecturers from among experienced members of the staff of the General Directorate

and of establishments falling under the Corps of Prison and Court Guard, mainly in the training of social and communication skills. In order to improve interpersonal communication skills, basic theoretical concepts of social communication and practical training of social communication skills have been included into all types of courses.

The feedback from lecturers and, in particular, from course participants has proven the usefulness of incorporating the CPT delegation's recommendations into the vocational training of prison officers. Practical experience indicates that the graduates confirm the need for such forms of training in their everyday work.

The Secondary School management has submitted acceptable proposals aimed at expanding and improving the training - to enlarge and stabilise the team of lecturers who will provide systematic practical training in social communication in all educational activities. Another recommendation that reflects the practical needs involves the preparation for and the organisation of a special course devoted to interpersonal communication for those staff members who directly use special educational procedures in their work.

69. *The Slovak authorities should review the practice, observed particularly in Bratislava Prison, of requiring prisoners to turn their faces to the wall when someone passes them (paragraph 125)*

The above practice has been removed as a result of implementing paragraph 21 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and for the Governors of Institutions under the Authority of the Corps of Prison and Court Guard. The relevant provisions of internal regulations that allow such practice will be amended.

70. *To substantially increase the visit entitlement of both adult and juvenile remand prisoners in Bratislava Prison and, if necessary, in other Slovak prisons (paragraph 128)*

The rationale behind the recommendation of the CPT delegation has been currently examined in the light of its possible practical implications and the need to preserve the necessary differentiation between individual categories of prisoners and the criteria of internal differentiation. These issues will be subjected to a professional examination and will be practically implemented in connection with the process of re-codification of the Penal Code and of the Code of Criminal Procedure and, in particular, of the subsequent re-codification of the act and the code governing the execution of custody and the execution of sentence.

Until then, the governors of individual institutions have been recommended,

in paragraph 22 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and the Governors of Institutions under the Authority of the Corps of Prison and Court Guard, to allow more frequent visits, especially to juvenile offenders. It is our belief that this measure will, for the time being on a provisional basis, increase the visit entitlement of remand and sentenced prisoners even without making complicated amendments in the valid legislation.

71. *To take steps to ensure that prisoners in Bratislava Prison, Leopoldov Prison and any other establishments where a similar situation prevails, have access to a telephone, where necessary subject to appropriate supervision (paragraph 130)*

Considering remand prisoners, we adhere to the position that the accused's (collusion custody) access to a telephone is not desirable because of a high risk of obstructing the purpose of remand custody, for example by possible influencing of witnesses, relatives, etc. It is not feasible to supervise telephone conversations of persons placed in collusion custody because the person carrying out such supervision would have to be the investigator assigned to the case who is familiar with all the facts.

The possibility of giving sentenced prisoners access to a telephone is currently examined, on an experimental basis and with the necessary supervision, at Nitra-Chrenová prison for sentenced female prisoners. Preliminary experience clearly indicates that, from the aspect of prisoner treatment, this is a progressive element in the Slovak prison system. It is necessary to appreciate, in particular, the fact that it markedly contributes to alleviating the impact of frustrating conditions of prison environment on the person and constitutes a highly motivating element of prisoner treatment.

The methodology that has been developed in the prison for sentenced female prisoners at Nitra-Chrenová can be applied, with necessary modifications, also in other selected institutions and later on, after a one-year period, it may be applied across the board.

72. *To immediately take steps to supply prisoners held in punishment cells with mattresses at night (paragraph 132)*

The recommendation of the delegation was fulfilled by the wording of paragraph 14 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and the Governors of Institutions under the Authority of the Corps of Prison and Court Guard. The relevant provisions of internal regulations that allow such practice will be amended.

73. *To expressly grant the remand and sentenced prisoners placed in a punishment cell the right to reading matter (paragraph 133)*

The recommendation of the delegation was fulfilled by the wording of paragraph 13 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and the Governors of Institutions under the Authority of the Corps of Prison and Court Guard. The relevant provisions of internal regulations that allow such practice will be amended.

74. *To take the necessary steps to provide the prisoners held at Bratislava Prison and kept separately from other prisoners because they are considered to be "dangerous" with purposeful activities and guarantee them appropriate human contact (paragraph 137)*

The Slovak prison authorities maintain the position that they fully understand the humanistic content of the recommendation; it is, however, impossible to change the daily regime of this category of remand prisoners in accordance with the CPT ideas without jeopardising the objectives of remand imprisonment and without threatening the health or safety of other remand prisoners and prison staff. It should also be noted that these dangerous remand prisoners are held in the prison in question only for a limited time while appeals proceedings are pending before a higher court.

Their contacts with the outside world are ensured by means of parcels they may receive, letters they may send and receive, citizens' interest associations they may contact, their counsel and/or lawyer they may talk to.

75. *The Slovak authorities should take the appropriate steps to ensure that prisoners segregated from other inmates on account of their unacceptable standards of behaviour shall be provided procedural safeguards set out in paragraph 145 (paragraph 145)*

The recommendation of the delegation was fulfilled by the wording of paragraph 12 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and the Governors of Institutions under the Authority of the Corps of Prison and Court Guard. The relevant provisions of internal regulations that allow such practice will be amended.

76. *To give a high priority to the translation of internal regulations into a range of languages (paragraph 147)*

In addition to the documents already translated into English, translations into German and Russian languages will be provided in conformity with the spirit of the recommendation of the CPT delegation.

In cooperation with the International Law Section of the Ministry of Justice, a completed and updated list of embassies and consulates has been currently made available to remand prisons and to the prisons for the execution of sentences.

» **COMMENTS:**

77. *The Slovak authorities are encouraged to take steps to ensure that remand prisoners be offered more open visiting arrangements (paragraph 129)*

The position on the issue of visits was taken in point 70 - paragraph 128.

78. *The Slovak authorities are invited to add the president of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 140)*

The recommendation of the delegation was fulfilled by the wording of paragraph 12 of the Tasks Resulting from the Content of the CPT Report for the Heads of Departments of the General Directorate and the Governors of Institutions under the Authority of the Corps of Prison and Court Guard.

Imprisoned persons have the right to communicate with the President of the CPT and nothing prevents them from turning to the CPT President with a confidential letter. The precise address of the President of the CPT has been incorporated into the respective provision of internal rules of the prisons. The prison staff are informed about this fact as well, especially those officers who secure the treatment of the accused and sentenced persons.

79. *It would be desirable that the expressions most commonly used in everyday activities be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities (paragraph 147)*

Slovak authorities take a positive view of this recommendation. Every prison for remand and sentenced prisoners in which sentenced foreigners are placed will receive a complete list of consular authorities and the relevant information is being prepared, including translations of internal rules of individual institutions.

» **REQUESTS FOR INFORMATION:**

80. *The Slovak authorities' comments on the appropriateness of the decision to grant certain NVS II and III prisoners more frequent visits in order to encourage their contacts with the outside world (paragraph 128)*

The reply concerning visiting entitlements of sentenced prisoners was given in point No. 70 - paragraph 128.

The current legal situation has a motivational effect on the prisoners who, because of good conduct, may achieve a transfer from a more severe to a less severe NVS group which, under the law, offers broader rights. The total number of prisoners thus transferred in 1996 was 321, 87 of which were transferred from NVS III to NVS II and 234 prisoners from NVS II to NVS I.

81. *Clarification of the procedure of hearing appeals against sanctions imposed by a prison governor (paragraph 131)*

The position given in the Reply of the Government to the CPT Report requires no additional comments.

82. *Detailed information on the regimes applied to prisoners in sub-groups D3 and D4 (paragraph 138)*

Detailed information on the regime applied to prisoners placed in differential sub-groups D3 and D4 will be provided as soon as it is finalised, because it is still under preparation.

83. *The Slovak authorities' comments on the provision of work and educational and training activities to foreign prisoners (paragraph 148)*

It is an actual fact that foreign prisoners permanently enjoy the same legal protection as the imprisoned nationals of the Slovak Republic. No discrimination has been recorded in this respect.

Since March 1996 when the General Directorate of the Corps of Prison and Court Guard organised, in conjunction with the Directorate of Legal Affairs of the Council of Europe, a bilateral seminar on the execution of imprisonment sentence for sentenced foreigners, the knowledge obtained at this seminar as well as the relevant recommendations of the Council of Europe have been applied in the practice.

* * *

C. Establishments under the authority of the Ministry of Education

The Ministry of Education has fully accepted the comments and proposals made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment and has been gradually implementing them.

All comments and proposals that did not involve an increase in financial costs have already been implemented. The measures that require additional funding have been incorporated into the plan of the Ministry's tasks and, in parallel, to the proposed 1997 budget.

Most of the measures whose fulfilment is related to the issuing of an implementing regulation concerning special educational establishments have been implemented in spite of the fact that the regulation concerned has not yet been adopted. The draft regulation has been withdrawn from the legislative procedure because it needs to be redrafted in the light of changes in the competence of the Ministry of Education within the meaning of Act of the National Council of the Slovak Republic No. 222/1996 Coll. on the organisation of local state administration and on the modification and amendment of certain laws. It is expected to become effective during the first half of 1997.

84. Implementation of recommendations

a/ Diagnostic Centre for Youth at Záhorská Bystrica

- aa/ accurate pedagogical records are kept about any incidence of placing a young person in the isolation room, the reasons for which are given in a separate document. Each such case is reported before a community session in which all the young persons participate. Members of educational staff have the competence to decide on placing a young person in isolation only on Saturdays and Sundays, for a period not exceeding 24 hours. In all other cases the decision is made by the director;
- ab/ the boys placed in isolation can read, work - also outside of the isolation area - take a shower. They receive unlimited supply of food and, if their stay exceeds 24 hours, they are also allowed outdoor exercise;
- ac/ the boys placed in isolation are checked upon in 30-minute intervals

and they have a possibility to call an educational staff member using the bell installed for this purpose:

- ad/ the isolation room has not been enlarged yet - because of financial reasons, enlargement will be carried out in January 1997;
- ae/ the measure to extend the service of the nurse has been partly implemented - her working hours have been extended to 7 hours a day.

b/ Re-education home for Youth, Hlohovec:

- ba/ any measure involving temporary exclusion from the collective is recorded in a separate register, giving the reasons for and the dates on which the measure started and ended. The decision on the use of this measure can only be made by the director on a proposal by a member of pedagogical staff;
- bb/ open air stay or exercise has been set at one hour a day. The boys are allowed to read books and journals;
- bc/ a competent professional state authority has carried out an inspection of basic safety measures applied during vocational training. All work safety rules are currently adhered to - special screens are used in electric arch welding;
- bd/ financial considerations made it possible to implement already this year the recommendation on securing a round-the-clock medical service in the centre.

85. **Implementation of comments**

a/ Diagnostic Centre:

- aa/ a chair and a table have been added to the furnishing of the isolation room as required. In each bedroom, the boys have at a board they may use to install their own decorations.
- ab/ the entire system of education has been gradually changing into a semi-open one;
- ac/ the boys regularly attend various cultural events in Bratislava. Every year, the institution organises an exhibition of art works made by the

boys, held in the Children's International House of Art BIBIANA in Bratislava which, this year, was connected with their own musical and literary programme;

ad/ concerning the HIV-positivity tests, the young persons have a possibility to ask the house psychologist to be tested. Until now this possibility has been used by two boys. Moreover, they may ask for a voluntary and anonymous professional examination;

ae/ a coin-operated public phone is at the disposal of the boys.

b/ Re-education Home:

ba/ the educational staff includes two female teachers of general education subjects and two female educators;

bb/ a table and a chair fixed to the floor have been added to the isolation room;

bc/ material conditions have been improved and the overall humanisation of institutional education in the establishment has been enhanced after the young persons had been moved to the reconstructed premises of the former warehouses and workshops, and the capacity of the institution was reduced to 50 boys. The accommodation is dry, well-lighted and safe for health. The transfer also included equipping each day-room with a colour TV, radio tape deck and table games. The premises are decorated with live plants, boards, show-cases with prizes, diplomas and medals from the State Athletic Games and with works of art made by the boys;

bd/ among active cultural activities the boys can work in various leisure groups - dance, music and fine arts;

be/ no measures had to be implemented yet in connection with HIV-positivity;

bf/ the situation in psychological care has somewhat deteriorated with the leaving of the house psychologist, because it has not yet been possible to find an adequate replacement. In the area of psychiatric care, good cooperation has been established with the psychiatric ward of the local polyclinic and with the Mental Hospital in Pezinok;

bg/ the young persons have a possibility to use the phone upon request.

Conclusion: *All the above measures have been implemented across the board in all diagnostic centres for young people and re-education homes in harmony with specific conditions in individual facilities.*

* * *

The Government of the Slovak Republic, being aware of the importance of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has entrusted, by a Resolution, the ministers concerned with the tasks of giving permanent and targeted attention to the fulfilment of the measures resulting from the CPT Report, the Reply of the Government and the Follow-up Report of the Government of the Slovak Republic - it is conceived as a permanent endeavour involving an obligation to review the fulfilment of the tasks in individual sectors in six-month intervals. Moreover, the Government Resolution binds the Minister of Justice to submit the Government an annual informative report on the fulfilment of the measures resulting from the CPT Report, the Reply of the Government to the CPT Report, and the Follow-up Report of the Government.

The Government of the Slovak Republic share with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment their conviction that necessary legislative and material measures will be taken in the sectors of competence of the Ministries of the Interior, Justice and Education so as to give a practical expression to the statement that the CPT Report to the Government of the Slovak Republic represents a contribution to further development, modernisation and humanisation of the treatment of persons deprived of liberty and persons placed in establishments falling under the competence of the Ministry of Education.