



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Second periodic reports of States parties due in 1998**

**Addendum**

**SLOVAK REPUBLIC\***

[1 February 2007]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## I. INTRODUCTION

1. The second periodic report by the Slovak Republic on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is submitted under article 19, paragraph 1 of the Convention. It builds on the initial report (CAT/C/24/Add.6), that was considered at the 464th, 467th and 475th meetings of the Committee on 4, 7 and 11 May 2001 (CAT/C/SR.464, 467 and 475). The present report draws on:

(a) General guidelines regarding the form and contents of periodic reports concerning the compliance with commitments resulting from the Convention to be submitted by States parties (CAT/C/14);

(b) Final observations by the Committee (CAT/C/XXVI/Concl.4/Rev.1);

(c) Relevant facts and new measures adopted by the Slovak Republic in the reported period.

2. The present report covers the period from 1 January 2001 to 31 December 2006, in which the Slovak Republic adopted several important legislative provisions and practical measures with the aim of improving the situation in compliance with the commitments in the areas of the Convention. The report takes into account, in particular, the recently completed new codification of penal law, which resulted in the adoption of new criminal codes - the Criminal Code No. 300/2005 Coll. (Criminal Code) and the Criminal Procedure Code No. 301/2005 Z. z. “(criminal Procedure Code). Both codes came into effect on 1 January 2006.

## II. INFORMATION ON NEW MEASURES AND NEW DEVELOPMENTS CONCERNING THE APPLICATION OF INDIVIDUAL ARTICLES OF THE CONVENTION

### Article 1

#### Definition of torture

3. The legal framework of the prohibition of torture is composed of the Constitution of the Slovak Republic, which in its article 16 paragraph 2 stipulates that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. Amendment to the Constitution of the Slovak Republic effective from 1 January 2002 repealed article 11 of the Constitution, which included the principle of direct applicability of international human rights treaties. Its content has been reformulated in the wording of article 154c of the Constitution as follows: “International treaties on human rights and fundamental freedoms which the Slovak Republic has ratified and which were promulgated in the manner laid down by a law before taking effect of this constitutional act, shall be a part of its legal order and shall have precedence over laws if they provide a greater scope of constitutional rights and freedoms.” At the same time, the Constitution of the Slovak Republic stipulates in its article 7, paragraph 5 that international treaties on human rights and fundamental freedoms and international treaties for whose exercise a law is not necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in the way laid down by a law shall have precedence over laws.

4. The definition of torture is contained in the Criminal Code in its Title 12 (“Crimes against Peace, Humanity and War Crimes”). Torture means any act by which severe pain or suffering, whether physical or mental, is inflicted on a person. The perpetrator of this crime can only be a person that was vested the powers of a public authority and the crime must be committed in relation to the exercise of this official capacity. Thus, the definition laid down in the Criminal Code is broader than the one of the Convention as it is not limited only to the purpose of obtaining information from suspect persons or of punishing them. Article 123, paragraph 3, subparagraph h) of the Criminal Code defines agonizing suffering as grievous bodily harm. Failure to inform of and to prevent crime under Section 420, paragraph 2, 3 or 4 is a crime under Sections 340 and 341 of the Criminal Code.

5. The Criminal Code adds ill-treatment characterized as negative effects on the physical and mental health of a person to constituent elements of this criminal act. It constitutes ill-treatment that amounts to the second degree of insensitiveness and harshness.

6. In case of the crime of torture, the Criminal Code provides for stricter sentences of imprisonment. The minimum statutory imprisonment sentence of six months to three years or the ban from professional activity of two years to six years and the maximum statutory imprisonment sentence of eight years to fifteen years are increased to twelve years to twenty years.<sup>1</sup>

## **Article 2**

### **Measures to prevent torture**

7. In the reported period, several pieces of legislation forming the legislative framework for the implementation of the Convention were adopted:

(a) Act No. 4/2001 Coll. on the Corps of Prison and Court Guard of the Slovak Republic;

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<sup>1</sup> Section 420 of the Criminal Code “Torture and other inhuman or cruel treatment: (1) Any person, who in relation with the exercise of public authority causes bodily or mental harm to another person by ill-treatment, torture or inhuman treatment, shall be liable to a term of imprisonment of two to six years. (2) An offender shall be liable to a term of imprisonment of three to ten years when committing an act referred to in paragraph 1 (a) with at least two other persons (b) a more serious manner, (c) against a protected person, (d) out of a special motif or (e) against a person whose freedom was restricted in compliance with the law. (3) An offender shall be liable to a term of imprisonment of seven to twelve years when committing a crime referred to in paragraph 1(a) and causes the person serious bodily harm or death, (b) to frustrate or make difficult the exercise of fundamental human rights and freedoms of this persons harder or as a member of a dangerous group. (4) An offender shall be liable to a term of imprisonment of twelve to twenty years when committing a crime referred to in paragraph 1(a) and causes several persons serious bodily harm or death, (b) in a crisis situation”.

- (b) Act No. 153/2001 Coll. on the Prosecution Authority;
- (c) Act No. 564/2001 Coll. on the Public Defender of Rights;
- (d) Act No. 48/2002 Coll. on stay of aliens;
- (e) Statute No. 227/2002 Coll. on State security in the time of war, state of war, state of emergency, and state of crisis;
- (f) Act No. 319/2002 Coll. on the defence of the Slovak Republic;
- (g) Act No. 321/2002 Coll. on the Armed Forces of the Slovak Republic;
- (h) Act No. 480/2002 Coll. on asylum;
- (i) Act No. 458/2003 Coll. on the establishment of a Special Court and Special Prosecution Authority;
- (j) Act No. 514/2003 Coll. on liability for damage caused by discharge of public authority;
- (k) Act No. 199/2004 Coll. Customs Code;
- (l) Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination (the Anti-discrimination Act);
- (m) Act No. 403/2004 on the European Arrest Warrant;
- (n) Act No. 576/2004 Coll. on health care;
- (o) Act No. 757/2004 Coll. on courts;
- (p) Act No. 36/2005 Coll. on family;
- (q) Act No. 346/2005 Coll. on the civil service of professional soldiers in the Armed Forces of the Slovak Republic;
- (r) Act No. 475/2005 Coll. on serving the imprisonment sentence;
- (s) Act No. 528/2005 Coll. on serving the sentence of compulsory work;
- (t) Act No. 569/2005 Coll. on alternative service at the time of war and state of war;
- (u) Act No. 570/2005 Coll. on conscription;
- (v) Act No. 215/2006 Coll. on compensation of victims of violent crime;
- (w) Act No. 221/2006 Coll. on serving remand detention.

8. The legal basis for the institute of Public Defender of Rights in the Slovak legal system is article 151(a) of Statute No. 90/2001 Coll. Under Act No. 564/2001 Coll., paragraph 11 any person who believes that his/her fundamental rights and freedoms were infringed contrary to the legal order or the principles of a democratic State and the rule of law in relation to activities, decision-making or inactivity of a public administration body may seek help from the public defender of rights. The first Public Defender of Rights was elected by the National Council of the Slovak Republic on 19 March 2002 and his term of office started on 27 March 2002.

9. When the Public Defender of Rights establishes facts indicating that a person is held unlawfully in places where remand custody, the sentence of deprivation of liberty, military disciplinary sentences, court-ordered treatment, court-ordered education, institutional treatment or institutional education are served/administered or in police cells he/she shall immediately inform the competent prosecutor of this in the form of a petition and he/she shall inform the administration of such place and the person concerned. The Public Defender of Rights can submit the petition to a competent prosecutor when the petition concerns reviewing final decision of a public administration body or when the Public Defender concludes that the decision reached by a public administration body is in contradiction to the law or another generally binding regulation or when the petition includes a proposal of measures which are within the remit of the prosecution authority. The prosecutor has the obligation to inform the Public Defender of Rights of measures taken to remedy the unlawful situation within the time limits laid down in Act No. 153/2001 Coll. on the prosecution authority.

10. Protection against the abuse of means of restraint by Police Corps officers is provided for in Section 326 of the Criminal Code, which defines the criminal offence of abuse of authority. Injuries ascertained as a consequence of use of means of restraint are assessed not only by the superiors according to the provisions of Section 64 of the Police Force Act but also by the prosecution authority when exercising oversight of remand custody, the sentence of deprivation of liberty and compliance with the law in police cells. The use of means of restraint by military police officers is regulated in Act No. 24/1992 Coll. on Military Police Force. Act No. 321/2002 Coll. on the Armed Forces of the Slovak Republic lays down the types of means of restraint; it regulates their use and the obligations of armed forces officers after their use.

11. The railway police force is an armed security corps, which ensures security of railway transport, persons and property in the railway district and the security of selected buildings connected to railway transport. Act No. 571/1998 Coll. on the Railway Police Force as amended regulates the types and use of means of restraint by the railway police force. Order of the Director General of the Railway Police Force No. 77/2005 the Code of Ethics of Railway Police Force Officers laying down the conduct of an officer during and out of duty was issued in compliance with the European Code of Police Ethics adopted by the Council of Europe in 2001. Article 8 of the Order explicitly orders Railway Police Force officers to use means of restraint only under conditions laid down by law and it bans the use of any violence against citizens.

12. Transformation of armed forces into a fully professional force has terminated the national service obligation, alternative service and enhancement service. Act No. 346/2005 Coll. on State service of professional soldiers in the Armed Forces defines service discipline as an obligation to comply with the Constitution of the Slovak Republic, statutes and other generally binding

regulations, the military oath, the Code of Professional Military Ethics, service regulations, military orders, ordinances, commands and instructions, by heads of civil service offices and commanders. The criminal law also gives detailed definition of military commander's liability for crimes committed by armed forces under his/her actual command and management.

13. The Armed Forces Chaplain Service Development Policy was adopted by Minister's decision in November 2005. Its objective is to provide spiritual and pastoral care through military chaplains of the Catholic Church or other participating registered churches and religious society to their members in the armed forces.

14. In its Section 11, Act No. 576/2004 Coll. stipulates the right of each person to health care which is equally ensured to everyone according to the principle of equal treatment in health care as provided for in Act 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain other acts (the Anti-discrimination Act).

15. The Ministry of Health issued a "Methodological measure concerning the use of means of restraint in patients at health care facilities providing psychiatric care", which has been sent to relevant health care facilities. The document includes the following main criteria:

(a) The term means of restraint is understood to mean placement in net-beds or placement of the patient in a seclusion room;

(b) Means of restraint can only be used under exceptional circumstances and only in case when patient's behaviour poses a threat to him or his surrounding;

(c) In no case, means of restraint can be used on educational collective grounds;

(d) In exceptional cases of acute risk for the patient or his/her surrounding, a medical doctor decides on the use of means of restraint;

(e) A patient placed under these means of restraint must be checked regularly and the medical staff has the obligation to inform the medical doctor of any change in his/her patient's condition;

(f) Means of restraint must be used only for the necessary short period of time, a medical doctor shall decide on their use and he/she has the obligation to make an entry into patient's documentation;

(g) After pacifying the patient, it is required that the attending physician consults the issue with the patient (as far as he/she is capable to understand the reasons for restraint).

16. The Ministry of Health in cooperation with the Ministry of Labour, Social Affairs and Family drafted a proposal of a systemic solution for long-term provision of institutional care to clients with mental and behavioural disorders in specialised establishments under the competence of the Ministry of Health (Resolution of the Government No. 162 of 20 February 2002).

17. Act No. 453/2003 Coll. on State administration authorities responsible for social affairs, family and employment services amended the existing legal provisions with a provision (Section 18a) under which it is not possible to use means of bodily and non-bodily restraint in social services establishments providing care to person with mental and behavioural disorder. This rule shall also apply to a situation of acute manifestation of the disease.

18. A seclusion room or means of restraint shall exceptionally be used when the acute stage of the disease constitutes serious threat to the life or the health of the person suffering from a mental or behavioural disorder and/or to the life or health of other persons. They can only be applied until the necessary care is provided in a specialised health care facility.

19. Every case of bodily restraint of a person must be entered in a special register and it must include means of evidence supporting the necessity of restraint. The reasons for bodily restraint of the person, the time, when the measure started and ended, description of the circumstances of the case together with the specification of reasons why the bodily restraint was necessary, the name, signature and relevant specialisation of the medical doctor who ordered or approved the measure and the description of injuries suffered by involved persons confirmed by the attending physician.

### **Article 3**

#### **Non-refoulement**

20. Under the provisions of Section 58, paragraph 1 of Act No. 48/2002 Coll. on the stay of aliens, no alien can be administratively expelled to a country where his/her life would be jeopardised on grounds of race, ethnic origin, religion, belonging to a certain social group or political conviction. The prohibition of expulsion also applies in case when the alien would be in danger of torture and cruel, inhuman or degrading treatment or punishment. An alien cannot be administratively expelled to a country, in which a death penalty was imposed on him/her, or where it is expected that such penalty could be imposed on him/her in pending proceedings. These provisions shall not apply when alien's conduct is a threat to the security of the State or when he/she was sentenced for a particularly serious crime (Section 11, paragraph 3, of the Criminal Code) and when he/she is a threat to the Slovak Republic.

21. Prohibition of expulsion or refoulement is also laid down in Section 47, paragraph 2 of Act No. 480/2002 Coll. on asylum under which no asylum seeker, person granted asylum, alien applying for temporary shelter or de facto refugee can be expelled in any way or returned to the borders of the territory of the country where he/she would be tortured or exposed to cruel, inhuman or degrading treatment or punishment.

22. The courts are bound by legal or contractual grounds for inadmissibility of person's extradition in their decision-making concerning the admissibility of extradition. At the same time, courts must also take into account the protection of fundamental human rights guaranteed by the Constitution of the Slovak Republic and relevant international treaties. These grounds also constitute special grounds for the Minister of Justice to decide that the extradition will be not permitted (Section 510 of the Criminal Procedure Code).

23. When impediments to administrative expulsion according to Section 58 of Act No. 48/2002 Coll. on the stay of aliens exist, the alien shall be granted tolerated stay of maximum 180 days. This stay may also be repeatedly extended and after lapse of three years such an alien may apply for a permission of temporary residence for the purpose of employment.

#### **Article 4**

##### **Penalization of all acts of torture**

24. Title 12 of the Criminal Code (“Crimes against Peace, Humanity and War Crimes”) includes definitions of individual actions related to torture:

- (a) Section 418, Genocide;
- (b) Section 420, Torture and other inhuman or cruel treatment;
- (c) Section 425, Crimes against humanity (with reference to article 7 of the Rome Statute of the International Criminal Court);
- (d) Section 431, War cruelty;
- (e) Section 433, War lawlessness.

25. Acts of torture also include the crime of ill-treatment of significant other and of person entrusted into one’s care that is regulated in Section 208 of Title 3 of the Criminal Code. Ill-treatment means cruel treatment of significant other and of person entrusted into one’s care, which shows higher degree of brutality and cruelty, and certain duration, which this person perceives as heavy humiliation. It does not have to be systematic or longer lasting action and it is also not required that the significant other or the entrusted person suffer impairment of health. This crime can also be committed by neglecting the mandatory care for the person entrusted into one’s care.

#### **Article 5**

##### **Establishment of jurisdiction**

26. The jurisdiction of courts of the Slovak Republic concerning the hearing of all the above crimes is legislated in the Criminal Procedure Code, Act No. 757/2004 Coll. on courts and Act No. 458/2003 Coll. on the establishment of Special Court and the Office of Special Prosecution Authority.

27. Under Section 3, paragraphs 1 to 3 of the Criminal Code, culpability of an offence committed in the territory of the Slovak Republic has to be determined. This also applies to cases when the perpetrator committed the offence at least partially in the territory of the Slovak Republic if the violation or the threat to an interest protected by this law was committed or was to take place wholly or partially outside its territory; and/or when the perpetrator committed the offence outside its territory if it were to result in the violation or threat to the interest protected by this law or if at least part of such result was to occur here. Likewise, the

culpability of an offence committed outside the territory of the Slovak Republic on board of a vessel under its State flag or on board of an aircraft entered in the register of aircrafts of the Slovak Republic is determined in the same way (*the territoriality principle*).

28. The culpability of a criminal offence committed by a national of the Slovak Republic or an alien, with permanent residence in the Slovak Republic, outside Slovakia's territory is determined according to Sections 4 and 5 of the Criminal Code. The culpability of an exceptionally serious crime is also determined when the crime was committed against a national of the Slovak Republic outside Slovakia's territory and the offence is considered a crime in the place where the crime was committed or when the place of crime is not subject to any criminal jurisdiction (*the personality principle*). A final sentence by a court of a foreign country of a Slovak national for the same crime is not an impediment for Slovak authorities in prosecuting this person (it is not a *res iudicatae impediment* unless an international treaty ratified and promulgated in the manner laid down by law and binding for the Slovak Republic in the meaning of Section 7, paragraph 2 of the Criminal Code requires a contrary procedure).

29. The culpability of an offence committed by an alien without permanent residence in the Slovak Republic outside Slovakia's territory is also determined when the offence is a crime under the effective law in the territory where it was committed, the perpetrator was apprehended or arrested in the territory of the Slovak Republic and he/she was not extradited for prosecution to a foreign county - Section 6 of the Criminal Code (*the subsidiarity principle of universality*). However, the perpetrator cannot be imposed a stricter sentence than the one laid down by law of the country in the territory of which the crime was committed. The culpability of the offence is also determined according to the Criminal Code when it is stipulated in an international treaty ratified and promulgated in the manner laid down by law and binding for the Slovak Republic (Section 7 of the Criminal Code).

30. Under Section 2, paragraph 7 of the Criminal Code everyone has the right to have his/her case tried by an independent and impartial court in a just manner and reasonable time in his/her presence so that he/she may give his/her opinion on all evidence taken. Anyone against whom criminal proceedings are taken is presumed to be innocent until declared guilty by a court in a final sentencing judgement (*the principle of presumption of innocence*) and he/she has the right of defence applicable to the whole criminal proceeding. No person can be prosecuted for a crime, for which he/she has been finally convicted or acquitted. This principle is without prejudice to the application of extraordinary remedies in compliance with the law.

## **Article 6**

### **Measures to ensure the presence of perpetrators**

31. Upon a request by the authorities of a foreign State, the prosecutor competent to perform preliminary investigation may issue a warrant to police bodies to apprehend the person to be extradited in which case he/she is not bound by grounds for detention stipulated in Section 71 of the Criminal Procedure Code of the Slovak Republic. If the prosecutor does not release the apprehended person within 48 hours from apprehension, he/she will file a motion for provisional or extradition detention of this person.

32. The court shall decide about prosecutor's motion of provisional detention of the apprehended person within 48 hours from the delivery into provisional detention, otherwise the person must be released. The purpose of provisional detention is to ensure the presence of the apprehended person in the territory of the Slovak Republic till the State interested in this person's extradition submits an extradition request. Provisional detention must not exceed 40 days from the apprehension of the person. This legislation is inspired by article 16 of the European Convention on Extradition. Releasing a person from provisional detention does not preclude repeated provisional detention or extradition detention.

33. If the presence of the requested person must be ensured in the extradition proceedings in the territory of the Slovak Republic the presiding judge of the regional court panel shall take the person into extradition custody. The judge shall do so upon a motion by the prosecutor performing preliminary investigation. The presiding judge of the regional court panel shall issue a warrant ordering the release of the person from extradition detention on the day when this person will be extradited to foreign authorities, however, not later than on the sixtieth day after the decision of the Minister of Justice concerning the permission of extradition abroad. In addition, the presiding judge of the panel shall order release from extradition detention in cases when the requesting State repealed its request, when the Supreme Court or the Minister of Justice does not allow extradition and/or the reasons for extradition detention, extradition or its enforcement extinguished otherwise.

34. An alien can be apprehended only in case of unauthorised entry or stay in the territory of the Slovak Republic and when necessary for this person's administrative or judicial extradition. Immediately after apprehension, the police unit shall instruct the alien on grounds of apprehension and the possibilities of having the lawfulness of such decision reviewed, in a language the alien understands. The period of detention cannot exceed 180 days. During detention, the alien has access to health care. The meals are provided with respect to the age, health and religion of the person concerned. The alien has the right to inform a significant other or his/her lawyer of his/her detention. In order to exercise his/her rights he/she may file applications and complaints that will be immediately forwarded to the addressee by the police unit.

35. Under Order of Minister for the Interior of the Slovak Republic No. 40/2003 on police cells, the alien placed in the cell must be instructed of his/her right to request that the relevant diplomatic mission of his/her country to the Slovak Republic be notified of his/her detention prior to being interrogated. He/she must also be informed of the possibility to send documents or letters to his/her diplomatic mission, to request a visit by a consular officer, and/or to request lawyer through the diplomatic mission. He/she may waive these rights. The content of the instruction is noted down in the interrogation protocol.

36. Currently, there are two establishments for the detention of aliens in the Slovak Republic. The Medveďov police detention centre with a capacity of 152 places (112 men and 40 women) and the Sečovce police detention centre with a capacity of 142 places (100 men and 42 women with children).

37. Due to the fact that military unit prisons have been abolished, an Implementation Protocol to the Agreement of Mutual Cooperation between the Military Police Force and the Police Force was signed in June 2006. This document regulates the cooperation concerning the use of police cells by the Military Police Force units. These cells may be used for placing detained persons or persons whose personal liberty has been restricted on grounds laid down by law.

### Article 7

#### Criminal prosecution of perpetrators

38. Since 1 January 2006, which is the day of effect of the new Criminal Code, the Slovak courts have delivered no final judgement in cases concerning crimes against peace, humanity or war crimes.

#### An overview of numbers of persons convicted of crimes against humanity under Title 10 of a special part of Act No. 140/1961 Coll. the Criminal Code as amended (from 2001 to 2005)<sup>2</sup>

Section	2005		2004		2003		2002		2001	
	Number of convicts	Number of offences	Number of convicts	Number of offences	Number of convicts	Number of offences	Number of convicts	Number of offences	Number of convicts	Number of offences
259	0	0	0	0	0	0	0	0	0	0
259a	0	0	0	0	0	0	0	0	0	0
259b	0	0	0	0	0	0	0	0	0	0
260	8	8	7	7	5	5	1	1	1	1
261	13	18	7	10	28	33	10	16	1	3
262	1	1	0	0	0	0	0	0	0	0
263	0	0	0	0	0	0	0	0	0	0
263a	0	0	0	0	0	0	0	0	0	0
264	0	0	0	0	0	0	0	0	0	0
265	0	0	0	0	0	0	0	0	1	1

39. In the sector of the Ministry of Defence, authorised officers of the Military Police Force prosecute in proceedings concerning crimes committed by armed forces officers, as provided for under Section 10, paragraph 8, subparagraph (c) of the Criminal Procedure Code.

#### <sup>2</sup> Remarks

Section 259 Genocide

Section 259a Torture and other inhuman or cruel treatment

Sections 260 and 261 Support to and promotion of groups advocating suppression of fundamental human rights and freedoms

Section 262 Use of prohibited means of combat and not permitted conduct of combat

Section 263 War cruelty

Section 263a Persecution of the population

Section 264 Looting in the area of military operations

Section 265 Abuse of internationally recognized signs and State symbols

## Article 8

### Extradition

40. Title 5 of the Criminal Procedure Code (Sections 489 to 514) regulates mutual legal assistance with other countries. Section 478 stipulates the principle of subsidiarity of legislation with respect to international treaties while national legislation shall be only used in support of the provisions in the negotiated international treaty.

41. Extradition is legislated in Part 2 of Title 5 of the Criminal Procedure Code. Its provisions apply to proceedings based on an international arrest warrant in the applicable scope also in the application of international treaties regulating extradition. Upon a request by the court that issued the International Arrest Warrant the Ministry of Justice may request an accused from abroad. In the territory of the Slovak Republic the international arrest warrant has the same effects as an arrest warrant.

42. The Ministry of Justice is the competent authority to receive requests for extradition of a person from the Slovak Republic to a foreign country from foreign authorities while the provisions of an international treaty have supremacy also in this case. Extradition of a person abroad is admissible when the offence constituting grounds for the extradition request is a crime according to the legal system of the Slovak Republic and the maximum sentence of deprivation of liberty that can be imposed for this crime according to the laws of the Slovak Republic is at least one year.

43. Under Section 501 of the Criminal Procedure Code, extradition of a person abroad is inadmissible when this person is a Slovak national except when the obligation to surrender one's own national is laid down in a law, international treaty or a decision of an international organisation, which is binding for the Slovak Republic. Extradition of a person abroad is also inadmissible when it concerns a person that has applied for refugee status or when this person has been granted such a status. Likewise, a sentencing judgement of a foreign country cannot be enforced in the territory of the Slovak Republic and it cannot have other effects here, either, unless an international treaty binding for the Slovak Republic provides otherwise.

44. Minister of Justice permits extradition of the perpetrator of a crime abroad. If the Minister of Justice does not permit extradition, the Ministry of Justice shall submit the Prosecution General the case for criminal prosecution according to the legal order of the Slovak Republic. The enforcement of Minister's of Justice decisions concerning extradition of a person abroad and/or to foreign authorities that permitted the extradition of the person to the Slovak Republic is arranged by the Interpol National Central Bureau. In the reported period, the following numbers of persons were extradited abroad: 28 (year 2001), 21 (2002), 24 (2003), 23 (2004), and 32 (2005). The numbers of persons extradited to the Slovak Republic from abroad were 36 (year 2001), 51 (2002), 41 (2003), 57 (2004), and 53 (2005).

45. Under Act No. 403/2004 Coll. on the European Arrest Warrant it is admissible to also extradite a Slovak national to a foreign country, in which case the regional court has the jurisdiction. This procedure can also be applied in proceedings involving any State to which the European Union extended the application of the European Arrest Warrant based on an international treaty.

## **Article 9**

### **Mutual legal aid in criminal proceedings**

46. Slovak authorities provide legal assistance requested by foreign authorities in the manner laid down in the Criminal Procedure Code or an international treaty. If legal assistance is granted according to an international treaty in a manner not legislated in the Criminal Procedure Code the competent prosecutor shall decide in which manner legal assistance should be provided. Upon a request by a foreign authority legal assistance can be performed according to the legal provisions of the requesting State if the required procedure is not in conflict with the interests protected under the provisions of Section 481 of the Criminal Procedure Code. Dual culpability is only required in cases when a court order is requested for the enforcement of an act of mutual legal assistance according to the Criminal Procedure Code.

47. Foreign authorities may not perform acts of legal assistance in the territory of the Slovak Republic alone. A foreign consular office with jurisdiction for the territory of the Slovak Republic may perform an act for the purpose of criminal proceedings for the authorities of the sending State on the basis of an authorisation by these bodies and only with the consent of the Ministry of Justice. No consent of the Ministry of Justice is needed for serving documents on or the interrogation of the national of the sending State when this person appears voluntarily. The presence of representatives of foreign bodies and of other persons at the act of legal assistance performed by a Slovak authority is possible only with the consent of the prosecutor. The court gives such consent in case when the court shall take the act itself.

## **Article 10**

### **Education and training**

48. Secondary vocational schools of the Police Force include prohibition of torture, inter alia, in the subjects of "Police work ethics and psychology" and "Law". One of the themes is "Police and human rights" with emphasis on the performance of police work. Technical subjects give police officers information concerning the forms and methods of work at the units of the Police Force so that they are capable to carry out service powers, use means of restraint and take service interventions independently while respecting human rights and observing the principles defined for the performance of duties.

49. Course programmes of the Police Services Department of the Police Force Academy are designed in such a way that it is impossible for their graduates to engage in unlawful and discriminatory actions that undermine trust in the police. Students learn how to avoid excessive use of force, how to avoid conduct that could result in torture, inhuman or degrading treatment or punishment. The Public Law Disciplines Department of the Police Force Academy gives instructions in the subject "The police force and human rights" (European concept). In April 2006, the Department organised a seminar on "The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment" with international participation for the officials of the Presidium of the Police Force, regional and district headquarters of the Police Force.

50. According to an order by the President of the Police Force, regular training and testing of all police officers in their knowledge of generally binding regulations and internal regulations where they must prove, inter alia, their knowledge of the rights and responsibilities of police officers, in particular as regards the appropriate use of weapons and means of restraint with an emphasis on the proportionality of the intervention and the treatment with persons brought in, apprehended, arrested and detained by the police, since 2001.

51. The education and training of officers of the Corps of Prison and Court Guard include the issue of prevention of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in the curricula of the 2004-2015 education plan.

52. Several training courses of the Corps of Prison and Court Guard on the application of relevant techniques in practice were organised in cooperation with the Občan a demokracia civil association and the Open Society Foundation and the Polish Stefan Batory Foundation.

53. Provisions of the Convention are also included in the curricula of the Military Police Force Training Centre. The topic of international humanitarian law and the law of armed conflict is a part of the training and education of professional soldiers at all levels of education from the lowest to the highest, including training of officers sent to the United Nations, NATO and EU led crisis management operations. It is a part of the curricula of the Armed Forces Academy and National Defence Academy.

## **Article 11**

### **Conditions of interrogation, detention and imprisonment**

54. Order of Minister for the Interior No. 3/2002 issued Code of Ethics of Police Officer, which is mandatory for each police officer on duty. Interrogation of the witness and the accused is carried out in strict compliance with the relevant provisions of the Criminal Procedure Code, the Police Force Act and/or the Infringement Act. Criminal justice authorities act according to the relevant provisions of the Criminal Procedure Code and the investigators of the Judicial and Criminal Police Office of the Police Force Presidium also give methodological guidance to the investigators of executive units in matters concerning the manner in which interrogation is conducted.

55. Police officers of the Border and Alien Police follow the principles of the Police Code of Ethics when interrogating; they must know and use communication techniques and follow the methodology for asking questions. Prior to an interrogation every person must be instructed on his/her rights and duties as well as consequences resulting from the interrogation. Every person must be interrogated in his/her mother tongue or a language he/she understands (alien), at the presence of an interpreter and an uninvolved person. Upon request, the person must be given legal assistance (legal representative or defence lawyer). Unaccompanied aliens younger than 18 years of age must have a custodian appointed by court who is entrusted with the legal representation of the minor.

56. The Corps of Prison and Court Guard has the authorisation to interrogate convicts and the accused on crimes of persons serving their imprisonment sentence or in remand custody and on disciplinary violations and infringements under Act No. 475/2005 Coll. on serving the

imprisonment sentence and Act No. 221/2006 Coll. on remand custody. The interrogation is carried out in compliance with the relevant provisions of the Criminal Procedure Code. The procedure by the authorised officers is regulated in an internal regulation on the procedure by authorised bodies of the Corps in criminal proceedings published in the Collection of Instructions, Guidelines and Directives of the Director General of the Corps.

57. Convicts and accused must be satisfied in their request for seeing the governor of the establishment, the officer of the Corps of Prison and Court Guard appointed by the governor and/or the representative of the competent State authority. Persons in remand custody and convicts have the right to protection against violence and expressions of humiliation of human dignity. National and international control mechanisms are applied in the Corps of Prison and Court Guard.

58. Act No. 221/2006 Coll. on remand custody stipulates that an accused has the obligation to undergo medical examination after reception into remand custody. The purpose is to establish, *inter alia*, whether ill-treatment did not occur earlier. Similarly, provisions of Act No. 475/2005 Coll. on serving the imprisonment sentence impose the same duty on the convict.

## **Article 12**

### **Prompt and impartial investigation**

59. A prosecutor or police officer is competent to verify the information of facts indicating that a crime has been committed while a decision on it must be taken within 30 days from the receipt of the information. Police officers conduct investigation as to acquire the documentation necessary for the clarification of the act in the extent necessary to assess the case and determine the perpetrator as quickly as possible. Oversight of compliance with the law during criminal proceedings is carried out by the prosecutor.

60. Only police officers who have the required education and passed a specialisation exam can be investigators. In their activity, the investigators enjoy procedural independence and they have the obligation to follow valid regulations also with a view to international human rights and freedoms agreements.

## **Article 13**

### **The right to complain**

61. Every resolution of a police officer except the commencement of criminal prosecution may be challenged with a complaint. Court ruling or prosecutor's ruling can be challenged only in those cases where there is an explicit provision in the law and when they decide in the case at the first instance. A complaint against the ruling by an appeal court concerning the remand detention of the accused is admissible and it shall be decided by another panel of this court that shall have the status of a superior body in the process.

62. The protection of rights of convicts and the accused is regulated in Act No. 475/2005 Coll. on serving the imprisonment sentence and Act No. 221/2006 Coll. on remand detention. These

persons have the right to lodge applications, complaints and petitions concerning the protection of human rights with State authorities while the establishment has the obligation to immediately arrange their dispatch without attempting to identify the sender.

63. A person placed in a police cell may file motions, petitions and complaints in compliance with Act No. 171/1993 on Police Force and Instruction of the Minister for the Interior No. 41/2003. In case they are made in writing, they are handed over to the commander of the police unit for further handling. Oral motions, petitions and complaints are written down by a police officer and transferred for further handling. A prosecutor oversees the lawfulness during placing and staying of persons in cells.

64. Complaints of ill-treatment by police officers are reviewed pursuant to the provisions of the Criminal Procedure Code, Police Force Act and Act No. 152/1998 Coll. on complaints. In case an investigator or other police officer receives a complaint of ill-treatment during the performance of acts of criminal proceedings, he/she always transfers it to the Police Force Inspection Service Office that has the competence of review. This competence includes the power to invite a medical expert to assess injuries of the person.

65. With a view to eliminating ill-treatment of persons brought in, apprehended, arrested and detained the Police Force Inspection Service Office submits an annual report of the criminal activity of police officers in the previous period to the Ministry for the Interior. The report includes statistical indicators, an analysis of causes of crimes committed by police officers as well as proposals of measures for improvement of the situation. Since 2002, the Minister for the Interior informs the government of this issue annually.

66. The Inspection Service Office registers individual motions on the basis of information presented by the Corps of Prison and Court Guard, Prosecution Authority, citizens or on the basis of other motions (for instance motions transferred by other Police Force services). The comparison of statistical data for the period 2002 to 2005 makes it possible to conclude that the number of motions recorded by the Inspection Service Office is dropping. In 2002, the number of registered motions was 320, in 2003 it was 301 motions while in 2004 the number was only 204. In 2005 the number of registered motions was 155, which is by 49 less than in 2004. It can be expected that the number of motions filed will also continue to have a declining tendency in the coming period due to measures oriented on direct performance of the duty adopted in 2005.

67. In the period from 1 January 2005 to 31 December 2005, the number of received motions was 155, out of them 139 were rejected with a ruling, six motions became subject of further investigation, in five cases a motion to stop criminal prosecution was filed, in one case a ruling of opening criminal prosecution was issued, in one case the file was transferred to the prosecutor with a motion to lay charges, in one case the matter was transferred to another body for disciplinary proceedings and one motion was transferred to a competent authority, which has substantive jurisdiction, as it was established that injuries of the detained person were caused by civilians.

68. Crimes committed by military police officers are followed by the Division of Detection and Documentation of Criminal Activity, Crime Analysis and Prevention of Military Police Force Headquarters. Since 2001, six military police officers were prosecuted for the crime of abuse of power while all cases involved inappropriate conduct during interrogation (forcing the

interrogated person to confess). In three cases, Military Police officers were imposed pecuniary sentences and other three persons were imposed conditional sentences with a probation period. In other three cases of information of a crime, the facts presented by the reporting persons were not confirmed.

69. Cases of information, motions, complaints and criminal information of use of means of restraint filed against Railway Police officers are investigated by executive units of control and inspection service of the Railway Police Force.

70. A petition filed with the Public Defender of Rights is a special type of complaint. In more than four and half years of his function, he received more than 10,500 petitions. Out of them, 17 cases concerned the conviction on the side of the applicant that acts constituting violations of article 1 or article 16 of the Convention occurred. Sixteen petitions were filed by persons placed in remand custody or serving their imprisonment sentence. In one case, the petition was filed by a person other than the person concerned. In this case, and the applicant objected he use of inappropriate punishment and physical punishment of children by the director of a children's home.

71. The most frequent complaints by the accused or convicts concerned inappropriate conduct or pressure by the officers of the Corps of Prison and Court Guard, refusal of medical care, threat of disciplinary punishment, unsatisfactory sanitary and dietary conditions, physical violence during arrest and also touching of private parts of the body or use of mental violence after the applicant filed his/her petition with the Public Defender of Rights.

72. No violations of fundamental rights or freedoms were established by the Public Defender of Rights after reviewing the petitions. In spite of the above findings, the ombudsman transferred 7 cases, where the review produced grounds to believe that a crime was committed or where the petition included proposals of such measures that are within the remit of the prosecution authority, to the competent prosecutor.

## **Article 14**

### **The right to redress and compensation**

73. The Criminal Procedure Code defines the term the "injured party", his/her rights and legal status. It also defines the possibilities of claiming compensation as well as the possibility of securing victim's claim. The Criminal Procedure Code also defines the status of victim's proxy.

74. The victim has the right to say whether he/she agrees with criminal prosecution of certain crimes, to exercise the right to damages, to file motions for evidence taking or taking additional evidence, to present evidence, to look into files and to study them, to participate in the main trial and public hearing on an appeal or plea-bargaining, to comment on evidence taken, to give concluding words and to lodge remedies.

75. Act of the National Council of the Slovak Republic No. 215/2006 Coll. on compensation of victims of violent crime, which transposes Council Directive 2004/80/EC came into effect on 1 May 2006. Granting compensation and payment of compensation upon victim's written request is decided and paid out by the decision-making body, which is the Ministry of Justice.

76. Act No. 514/2003 Coll. on liability for damage caused by discharge of public authority stipulates that the right to compensation for damage suffered by a ruling of arrest, apprehension or other deprivation of personal liberty belongs to the person against who it was enforced if the ruling was cancelled as unlawful or if it resulted in a wrong official procedure. The right to compensation of damage caused by the ruling of sentence is with the person which served fully or partially the sentence that was cancelled as unlawful in next proceedings or, when in next proceedings, the person was acquitted of the accusation or the criminal prosecution was ceased due to newly discovered facts or evidence that were unknown to the court before or when the case was transferred to another body. The person who was imposed a more moderate sentence in later proceedings than the one enforced against him/her on the bases of a cancelled ruling has the right to damages. The right to compensation of damage caused by the ruling of remand custody is with the person taken into custody when criminal prosecution of this person was ceased or the case was transferred to another body. The law regulates exceptions where the rights to damages described herein do not arise.

77. The Centre for Legal Aid was established by the Ministry of Justice under Act No. 327/2005 Coll. on legal aid to persons in material need on 1 January 2006. The Centre arranges legal aid to natural persons who cannot make use of legal services to have their rights duly exercised and protected because of material need. In cross-border disputes, assistance is granted in civil, labour, family and commercial matters.

78. Act No. 553/2002 Coll. on disclosure of files of State security services from 1939 to 1989 allows to clarify the clandestine activities of repression bodies in the communist period and to compensate the victims. The task of the newly established Nation's Memory Institute is to make documents available to persecuted persons, to file motions for criminal prosecution of criminals and to give necessary information to public authorities.

79. In the reported period, other pieces of legislation that allow moral satisfaction and financial compensation of victims of the former communist regime in Slovakia were adopted.<sup>3</sup> In 2002, the government signed the Agreement on Partial Financial Compensation to the Victims of the Holocaust with the Central Union of Jewish Religious Communities and allocated SKK 850 million for it.

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<sup>3</sup> The Act on Anti-Communist Resistance (No. 219/2006 Coll.), Act on a Single Financial Benefit to Political Prisoners (No. 462/2002 Coll.), Act on a Single Financial Benefit to Persons Sent to Military Forced Labour Camps in the Period 1948 - 1954 and Their Widows (No. 726/2004 Coll.) and/or the Act on Compensations to Victims of the Occupation of Czechoslovakia by the Armed Forces of the Union of Soviet Socialist Republics, the German Democratic Republic, People's Republic of Poland, People's Republic of Hungary and People's Republic of Bulgaria (No. 547/2005 Coll.).

## Article 15

### Prevention of torture in evidence taking

80. The criminal justice authorities and the court assess evidence acquired in a lawful way according to their inner conviction based on a prudent consideration of all circumstances of the case. Evidence acquired by unlawful coercion or under the threat of such coercion must not be used in proceedings except the case when it is used as evidence against the person who made use of such coercion or threat of coercion.

81. Military courts of the Slovak Republic do not register any case of unlawful restriction of personal liberty. The places where personal liberty is restricted on grounds of apprehension, detention, imprisonment sentence or court ordered treatment are subject to control by prosecution authorities including the military prosecution authority.

## Article 16

### Measures to prevent other acts

82. The Criminal Code covers, inter alia, the crime of use of prohibited means of warfare and unauthorised conduct of warfare (Section 426), looting in military operations area (Section 427) and the crime of persecution of the population (Section 432). The legislation regulating these crimes mainly builds on international conventions in the field of international humanitarian law and law of armed conflict that regulate the means and manner of warfare.

### III. RESPONSE TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE

83. The following are answers to the individual recommendations of the Committee (CAT/C/XXVI/Concl.4/Rev.1) adopted after the consideration of the initial report of the Slovak Republic (CAT/C/24/Add.6) as a part of the 464th, 467th and 475th meeting of the Committee on 4, 7 and 11 May 2001 (CAT/C/SR.464, 467 and 475).

**Adopt a definition of torture, which covers all elements of the definition contained in article 1 of the Convention, and amend domestic penal law accordingly.**

84. For details, see answer to article 1 of the present report.

**Continue efforts towards structural reforms and the implementation of those contained in the 23 February 2001 amendments to the Constitution.**

85. The 2001 amendment enlarged the institution of a constitutional complaint that was introduced in the legal system by the Constitution of the Slovak Republic as early as 1992. Natural and legal entities as well as territorial self-government authorities may lodge complaints with the Constitutional Court the competence of which was established by the adoption of the Constitution of the Slovak Republic in 1992 and its subsequent amendments have continued its enlargement. The subject of the constitutional complaint may include violations of fundamental rights and freedoms recognised by the Constitution of the Slovak Republic as well as violations of human rights and fundamental freedoms recognised by international human rights instruments.

86. Act No. 185/2002 Coll. on the Judicial Council of the Slovak Republic defining other competences of this body was adopted pursuant to article 141 (a) of Statute No. 90/2001.

87. The institute of public defender of rights was established on the basis of article 151(a) of Statute No. 90/2001 Coll. from 1 January 2002.

**Take measures to initiate an effective, reliable and independent complaint system to undertake prompt, impartial and effective investigations into allegations of ill-treatment or torture by police and other public officials and, where the findings so warrant, to prosecute and punish perpetrators.**

88. The practice is that when an investigator or other police officer finds that the person brought in is injured or complains of pain or other health problems, regardless whether these were suffered in the context of police activity or not, a medical examination is always secured. The medical examination report is attached to the investigation file. This procedure is also applied when the person should be placed in a police cell. To express the conclusion that the police officers injured or otherwise harmed the health of the person brought in, it is necessary to prove the link between the conduct of the concrete police officer and the concrete injury.

89. Likewise, the organisational units of the Corps of Prison and Court Guard responsible for handling complaints of inappropriate treatment or torture always ask for an examination of the complainant by the prison doctor and take other necessary action to ensure due investigation of the complaint. This approach is always applied regardless of the complainant showing or not showing any visible injury.

90. Officials reviewing complaints of ill-treatment also act in a similar way in case there is no allegation of ill-treatment but there are other reasons to believe that the complainant could have been a victim of ill-treatment. In case the complaint proves to be justified the persons causing it are immediately prosecuted and appropriately sanctioned (disciplinary or penal sanctions).

91. For details, see answer to article 13 of the present report.

**Adopt measures to ensure that statements or information obtained through coercion is not admissible as evidence in courts and that legal provisions permitting the use of physical force by police officials are reviewed, revised as appropriate, and implemented in accordance with the requirements of the Convention.**

92. These measures were adopted in the new Criminal Procedure Code according to which (Section 119, para. 4) evidence acquired in an unlawful coercion or under the threat of such coercion must not be used in proceedings except when used as an evidence against the person who made use of such coercion or threat of coercion.

93. Interrogation of the accused under intentionally created circumstances having an adverse effect on his/her mental status e.g. after a long escort or conducted long hours at the active presence of more of interrogators also in the night is unauthorised pressure on the accused and may be a serious error in the interrogation, which makes it an absolutely ineffective evidence.

94. For details, see answer to article 15 of the present report.

**Protect human rights defenders from harassment and threats that undermine their capacity to monitor and provide assistance to those alleging human rights violations.**

95. Act No. 34/2002 Coll. on foundations provides a legal framework for the activities and status of human rights defenders who operate in this form of NGOs.

96. In 2001, the Ministry for the Interior of the Slovak Republic established a Central Commission to Coordinate Actions for the Elimination of Racially Motivated Crime and Extremism and the members of NGOs as well as the Prosecution General actively participate in it. In 2004, such commissions were also established at all regional headquarters of the Police Force. The Presidium of the Corps issued a Methodology for Detecting, Clarifying and Documenting Criminal Offences Motivated by Racial, Ethnic and other Intolerance or Committed by Supporters of Extremist Groups, which is also used to improve the work of police officers.

97. Pursuant to Section 46, paragraph 1 of Decree of Ministry of Justice No. 664/2005 Coll. issuing the Rules for Serving Imprisonment Sentence, a lockable box for the convicts to collect their complaints and applications addressed, inter alia, to international bodies and organisations is placed at a commonly accessible place in the establishment for serving the sentence of deprivation of liberty.

**Adopt measures to prevent inter-prisoner violence, including sexual violence, in places of detention and provide all relevant information on such practices in its next report.**

98. Placement of accused persons in cells is regulated in Act No. 221/2006 Coll. on remand detention. The law regulates specifically differentiated serving of remand detention that allows separated placement of aggressive accused persons from the other accused. The court shall allocate the perpetrator for serving his/her sentence to an open, semi-open or closed establishment in the framework of external differentiation of the imprisonment sentence. The convicts are placed separately into units or groups in the framework of internal differentiation that is legislated in Act No. 475/2005 Coll. on serving the imprisonment sentence or into specialised units for serving the sentence that is also regulated in this law. More detailed conditions of allocation are regulated in Decree of the Ministry of Justice No. 664/2005 Coll. issuing the Rules for Serving the Imprisonment Sentence. Each cell is equipped with call signalling equipment connected to the station of the round-the-clock service of the Corps of Prison and Justice Guard. The Corps acts as a criminal justice agency in a limited scope, it detects crimes committed by the accused and convicts and it establishes their perpetrators.

99. Placement of persons into police cells is regulated in Act No. 171/1993 Coll. on the Police Force Corps, where persons of different gender and persons under 18 years of age and adults are always placed separately. Currently, the majority of police cells is single-bed cells. In case of double-bed cells, the common practice is to place persons separately into cells always when the capacity makes it possible.

**Provide the Committee in its next periodic report with statistical information on persons confined in State institutions, both civilian and military, for purposes of detention, correction, psychiatric health, specialized education, etc., with data disaggregated by, inter alia, by age, ethnicity, gender and geographical region.**

100. The following table presents general data concerning the accused and convicted persons in the period 2001-2005:

The development of the number of accused and convicted persons	Accused		Convicted		Total	
	Number 31 December	Ø number	Number 31 December	Ø number	Number 31 December	Ø number
2001	1 946	1 943	5 487	5 405	7 433	7 348
2002	2 301	2 123	5 457	5 550	7 758	7 673
2003	2 890	2 843	5 983	5 770	8 873	8 813
2004	3 091	3 103	6 331	6 226	9 422	9 329
2005	2 846	3 042	6 051	6 285	8 897	9 327

101. The following statistical data present the numbers of the accused and convicted aliens in the period 2001-2005:

Year	Accused	Convicted	Total
2001	111	83	194
2002	121	71	192
2003	125	84	209
2004	141	84	225
2005	164	73	237

102. The following table presents data on the composition of the convicts divided by age in the period 2001-2005:

Situation as of 31 December		Under 18 years of age	Under 21 years of age	Under 25 years of age	Under 30 years of age	Under 45 years of age	Women under 60 and men under 65	Women above 60 and men above 65
		2001	M	53	501	1 049	1 246	1 875
	W	2	10	24	50	89	23	2
2002	M	66	419	1 032	1 124	2 003	602	17
	W	0	5	27	42	96	23	1
2003	M	66	488	987	1 219	2 215	755	21
	W	2	6	28	46	115	33	2
2004	M	84	416	1 008	1 276	2 417	855	26
	W	2	8	23	47	125	43	1
2005	M	68	422	845	1 118	2 332	988	26
	W	1	8	27	42	121	49	4

103. Under the valid legislation, the Corps of Prison and Court Guard is authorised to process data on ethnic origin only in the context of activities linked with the purpose of detention and/or the purpose of the imprisonment sentence, and even this is only possible after the person concerned gave his/her consent.

104. The Ministry of Justice stated that a total of 39,039 patients were admitted to psychiatric hospitals in 2004; out of them 22,282 were men and 16,757 women. The 2004 Statistics of Psychiatric Hospitals Bed Pool presents the following data:

Number of beds	Bed utilisation %	Number of beds per 1 medical doctor	Number of persons admitted to hospital	Number of persons admitted to hospital per 100 inhabitants	Number of persons admitted to hospital per 1 medical doctor	Average time of treatment in days
1 884	84.5	21.1	11 455	0.2	128.1	48.3

105. The following statistical data refer to large capacity institutional facilities providing social services to adults and children:

Type of establishment	Number of establishments	Number of places
Total for the Slovak Republic	320	24 969
Old people's homes	186	13 214
Homes - boarding house for retired persons	16	1 853
Homes providing social services to adults with:		
• Physical handicap	3	241
• Combination of disabilities	57	4 787
• Sensory handicap	5	268
• Mental and behavioural disorders	53	4 606
Total for the Slovak Republic	164	7 428
Children's homes	91	3 769
Homes providing social services to children with:		
• Physical handicap	4	490
• Physical handicap and mental and behavioural disorders	41	1 966
• Behavioural and mental disorders	28	1 203

106. Seven hundred and thirty social services facilities (including homes for smaller number of persons) were open as of 31 December 2004 and they housed 35,531 inhabitants (0.7 % of the total population).<sup>4</sup>

107. Nineteen re-educational homes, all State institutions but one, for children and youth with ordered institutional or court ordered protective education were open by 31 October 2005. The Slovak National Centre for Human Rights monitors the activities of foster education facilities.

<sup>4</sup> In average 91 facilities provided their services in a region. The seventy nine establishments in the Bratislava region had 4,389 places, 80 establishments in the Trnava region had 4,035 places, 84 establishments of the Trenčín region had 4,371 places, 90 establishments of the Nitria region had 5,445 places, 77 establishments of the Žilina region had 4,231 places, 113 establishments of the Banská Bystrica region had 4,877 places, 113 establishments of the Prešov region had 4,773 places and 94 establishments of the Košice region had 4,990 places.

**Take effective steps to guarantee the independence of the judiciary so as to strengthen the rule of law and democratic governance, essential for implementation of the Convention.**

108. Act No. 371/2004 Coll. on court seats and districts made optimisation of court administration possible. The system of general courts is composed of 8 regional and 45 district courts. The law has also determined the seats and districts of specialised courts.<sup>5</sup> Slovakia has 1,310 judges today. The system of military courts is composed of the Higher Military Court and 3 military circuit courts which decide in all criminal cases concerning soldiers, officers of the Police Force, Railway Police, Corps of Prison and Court Guard, National Security Office, Slovak Intelligence Service, customs officers, prisoners of war and other persons defined in the law.

109. The Judicial Council composed of 18 members and headed by its President who is the President of the Supreme Court was established by Act No. 185/2002 Coll. The term of the members of the Council is five years and the same person can be elected or appointed in maximum two consecutive periods. Consent by a majority of all its members is required for adopting resolution.

110. Amendment to the Constitution changed the procedure for appointing judges who are not elected by the National Council of the Slovak Republic upon a proposal by the Government anymore. Judges are appointed and removed by the President while the proposals of candidates are submitted by the Judicial Council. A national of the Slovak Republic who can be elected to the National Council of the Slovak Republic, who is 30 years of age, who has university level of education can be appointed judge. He/she is appointed without any time limitation. This has removed the so-called four-year trial period for judges.

111. Upon proposal by the Judicial Council, the President of the Slovak Republic appoints the President and the Vice-President of the Supreme Court from the judges of the Supreme Court for a five-year term. The same person may be appointed President and Vice-President of the Supreme Court in maximum two consecutive periods.

112. The legal system distinguishes appointment to the office of judges by the President of the Republic from appointment of judges to the offices of presidents and vice president of regional and district courts by Minister of Justices under Act No. 335/1991 Coll. on courts and judges.

113. Establishing councils of judges as self-governmental bodies of courts at regional courts, the Higher Military Court and the Supreme Court has also strengthened the principle of independence. Under Act No. 385/2000 Coll. on Judges and Assessors, the councils of judges act to protect the rights and interests of judges. Amendment to the act that came into effect on 1 November 2003 stipulates that councils of judges are exclusively elected from judges in a secret vote by judges.

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<sup>5</sup> The Special Court, register courts, competition and settlement courts, drafts and cheques courts, industrial rights courts, competition courts, stock exchange courts and asylum courts.

114. In the exercise of their office, the judges are independent and bound solely by the Constitution and the laws, international treaty, finding of the Constitutional Court and also the legal opinion of a higher instance court under conditions defined by law. Legal provisions stipulate the principle of apolitical stance of judges, i.e. the obligation of the judge to resign from membership in a political party or political movement before swearing in.

**Make adequate provisions for compensation and rehabilitation of victims of torture and ill-treatment.**

115. For details, see answer to article 14 of the present report.

**Continue to provide human rights training for law-enforcement, military and other officials, including those operating in local communities, as well as for those at border areas and those serving at officially administered institutions, and provide clear guidelines on the prohibition against torture and ill-treatment and the prohibition on returning persons facing a probable risk of torture.**

116. The staff of border and alien police were repeatedly trained in standards of the service prepared by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union - FRONTEX. They include information on the prohibition of torture and the obligation of compliance with human rights. The officers of border and alien police were also repeatedly trained on compliance with the European Code of Police Ethics and the Code of Ethics of a Police Force Officer. In its activities, the border police builds on the “UNHCR Guidelines on Applicable Criteria and Standards relating to the Detention of Refugees and Asylum-Seekers”.

117. The Corps of Prison and Court Guard actively cooperates with civil associations and foundations and is ready to organize training courses for the officers of the Corps allocated to service in the detention and/or imprisonment sections in the future, too.

**Disseminate the Committee’s conclusions of the review of the State party’s initial report, and encourage non-governmental organizations to participate in this effort.**

118. The Government of the Slovak Republic considered the submission and the hearing of the initial report on 22 August 2001. Resolution No. 774 of the Government tasked the concerned central bodies of State administration with considering conclusions and recommendations of the Committee and with adopting measures necessary for their implementation. In the reported period, State authorities also held a dialogue with human rights NGOs in Slovakia (inter alia, Občan a demokracia, Open Society Foundation, Nadácia Charty 77, Slovak Helsinki Committee).

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