

Distr.
GENERAL

CAT/C/SVK/Q/2
13 May 2009

Original: ENGLISH

COMMITTEE AGAINST TORTURE
Forty-third session
2 – 20 November 2009

ADVANCED UNEDITED VERSION

List of issues to be considered during the examination of the second periodic report of SLOVAKIA (CAT/C/SVK/2)

Articles 1 and 4

1. Have there been any cases of direct application by Slovak courts of the provisions of the Convention, in particular the definition of torture contained in its article 1, since the consideration of the State Party's initial report in 2001?

Article 2

2. Please provide detailed information on the steps taken by the State Party to further guarantee the rights of persons in police custody from the very outset of detention, including prompt access to a lawyer, the right of detainees to have access to an independent doctor, if possible of their own choice, as well as the right to notify family members or any persons of their choice about their detention, and any restrictions that may be imposed on these rights. How is this implemented in practice?

3. Please indicate which specific data is systematically recorded upon registration of a detainee by the police, and at what moment.

4. Please provide information on the measures taken to ensure that juvenile justice standards are fully implemented, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). What is the situation at present with regard to the separation of minors from adults in prisons? Please also provide statistical information on the number of juveniles in detention, including the length of sentences being served, and for which crimes.

5. Does the State Party's domestic law specifically provide that no exceptional circumstances whatsoever may be invoked as justification of torture?

Article 3

6. Please provide detailed statistical data since the State Party's initial report with respect to cases of expulsion or return (refoulement) of foreigners, disaggregated by age, gender and country of origin. In particular, please indicate the number of persons seeking asylum and the number of returnees, including the countries of return.

7. Please describe how the risk of torture is assessed in the determination of cases. Has expulsion, return or extradition been denied on these grounds?

8. Please indicate what judicial remedies are available against an expulsion or refoulement order.

9. Please indicate whether the State Party has any plans to amend the exceptions to the guarantees of article 3 with regards to persons who are considered being a threat to the security of the Slovak Republic and persons who have been sentenced for a particularly serious crime (State Party report para. 20).

10. Have diplomatic assurances or the equivalent thereof been offered to or accepted by the State Party? How is the procedure for verifying and following up on such assurances? Please indicate which countries.

Articles 6, 7, 8 and 9

11. Please provide information on cases, if any, where the State Party rejected a request for extradition by another State for an individual suspected of having committed a crime of torture, and thus has engaged its own prosecution as a result.

Article 10

12. Please provide updated information on the instruction and training provided for law-enforcement officials and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, in particular the Roma, and on the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. How and by who are these training and instruction programmes monitored and their effectiveness evaluated?

13. Please explain the type and content of education and training programmes that are in place to train the medical personnel and psychologists who are assigned to identify signs of physical and psychological torture or ill-treatment and assist in the rehabilitation of victims. Please clarify who conducts, undergoes, monitors and evaluates such programmes. Has there been any specific training

with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol?

14. Please explain whether any efforts have been made to inform and re-educate the medical community on the issue of coerced sterilization with a view to ensuring that no sterilization takes place without fully informed consent of the patient.

15. Please describe the measures taken by the State Party to disseminate information on the provisions of the Convention.

Article 11

16. Please provide updated statistical information about the current number of pre-trial and convicted prisoners, disaggregated by crime, gender and ethnicity.

17. Please provide information on the delivery of timely and adequate health care (including mental health care) for detained persons; including persons with HIV.

18. During its visit to Slovakia in 2005, the CPT found the situation of long-term prisoners at Ilava Prison who were being held in a highly restrictive solitary confinement regime for years to be unacceptable¹. Please provide information on any steps to improve this situation.

19. Please provide information on any emergency or anti-terrorist laws that might restrict a detainee's rights, in particular the right to a prompt hearing by a judge, the right to contact family members, and the right to have access to a lawyer and an independent doctor, if possible of their own choice, from the moment of arrest.

20. Please describe the procedures planned or in place to keep under systematic review interrogation rules, instructions, methods, practices and custody arrangements with a view to preventing instances of torture in accordance with article 11 of the Convention. Please also indicate the frequency with which these are reviewed.

Article 12 and 13

21. Please provide disaggregated data with respect to persons accused, tried and convicted, including the sanctions imposed, for the crimes of torture, attempts to commit torture, and complicity or participation in torture for the years 2002-2008.

22. During its visit to Slovakia in 2005, the CPT was concerned that the existing systems of redress are not functioning properly, and it was not convinced that the approach of the Control and Inspection Service meets the criteria of independence and thoroughness, and recommended that the

¹ CPT/Inf (2006) 5, para 47

existing arrangements be reviewed². Please provide information on any follow-up given to this recommendation.

23. Please describe measures taken to combat racism and discrimination, in particular racially motivated violence against Roma, including Roma women, including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention.

24. Please indicate the measures taken by the State Party to ensure that complainants and witnesses are protected against all ill-treatment or intimidation and to ensure impartial proceedings in cases of alleged torture.

25. Please describe the measures taken by the State Party to disseminate information on the availability of an individual complaints procedure under article 22 of the Convention.

Article 14

26. Please provide information about the number of cases where victims of torture or cruel, inhuman or degrading treatment or punishment by law enforcement personnel obtained redress, including compensation and the means for as full rehabilitation as possible. Please also provide some illustrative examples of such cases, including cases concerning women subjected to involuntary sterilizations.

27. What services exist for psychiatric and physical treatment as well as other forms of rehabilitation for victims of torture? What financial allocations have been made for this purpose?

Article 16

28. Please inform the Committee whether legislation prohibiting torture and cruel, inhuman or degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual and domestic violence. Please describe any effective measures taken to monitor the occurrence of and to prevent such acts, and provide detailed information on investigation, prosecution and punishment of the perpetrators. Please also provide information on any measures taken to protect women who have been victims of violence, such as the existence of safe houses and witness protection programmes.

29. Please provide information, disaggregated by sex, age, ethnicity or origin of victims, on the number of complaints, investigations, convictions and type of sanctions that have been applied in cases of human trafficking and commercial sexual exploitation. Please inform the Committee of the number of Witness Protection Visas issued to victims of trafficking and how many victims of trafficking have benefited from recovery assistance.

² CPT/Inf (2006) 5, paras 27-28

30. Please provide more detailed information on the State Party's anti-discrimination legislation. Please provide information about the number of members of minority groups, especially the Roma, that are recruited into the law enforcement agencies, including the police.
31. During its visit to Slovakia in 2005, the CPT noted that the amount of information indicative of ill-treatment of persons deprived of their liberty by law enforcement agencies, such as slaps, punches and kicks, remained significant.³ Please provide information on any steps taken to prevent ill-treatment of persons deprived of their liberty by law enforcement agencies.
32. Please provide information on any investigations undertaken concerning the allegations of instances of police participation in attacks on the Roma and the inaction by the police and law-enforcement officials who fail to provide adequate protection against racially motivated attacks, the failure to carry out prompt, impartial and thorough investigations into allegations of such acts or to prosecute and punish those responsible.
33. Please comment on the allegations that law-enforcement officials have ill-treated detainees during detention and in police custody (the Committee's concluding observations to the State Party's initial report paras 104 c, d and e).
34. Please describe the measures taken to disseminate information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.

Other issues

35. Does Slovakia envisage the ratification of the Optional Protocol to the Convention against Torture?
36. Please indicate whether there is legislation in the State Party aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.
37. Please indicate whether human rights NGOs were consulted in the preparation of the report.

³ CPT/Inf (2006) 5, para 14