



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

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Committee against Torture

List of issues in relation to the third periodic report of Slovakia*

Articles 1 and 4

1. With reference to the amendment to the Criminal Code adopted in 2009 to bring the definition of torture into line with article 1 of the Convention, please provide additional information on the measures taken to include the element of discrimination in the definition.¹

Article 2

2. Regarding paragraphs 41 to 48 of the State party's report (CAT/C/SVK/3),² please provide information on:

(a) The concrete measures taken to ensure that the right of access to a lawyer is formally guaranteed to all persons who are under a legal obligation to attend, and stay in, a police station, irrespective of their precise legal status and that this right is fully effective in practice from the very outset of the deprivation of liberty;

(b) The steps taken to ensure that the right of all persons deprived of their liberty by the police to notify a third party of their choice as from the outset of the deprivation of liberty is recognized in law and applied in practice;

(c) The measures taken to include in the criminal procedure the right to access an independent doctor free of charge, if possible of their own choice, for all persons placed in police custody from the outset of the detention;

(d) The measures taken to reduce the length of trial proceedings, in particular in discrimination cases.

3. Please provide information on the steps taken to ensure the independence of the judiciary and the Judiciary Council. In particular, please provide information on the steps taken to reform the procedure for their appointment. Please also provide information on the

* Adopted by the Committee at its fifty-third session (3–28 November 2014).

¹ See CAT/C/SVK/CO/2; CAT/C/SVK/3.

² See A/HRC/WG.6/18/SVK/3, paras. 20–22.



efforts undertaken to fight corruption. Please include information on the implementation of the Concept for Stabilisation and Modernisation of the Judiciary adopted in 2013.³

4. Please describe the measures taken to ensure the independence of the National Centre for Human Rights and that it is provided with sufficient financial and human resources to carry out its tasks in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please include, in particular, information on the aim and implementation of the reform launched in 2012.⁴

Article 3

5. Please provide information on the measures taken to ensure that the State fulfils all its non-refoulement obligations. In particular, please provide information on the steps taken to suppress the exception by which a person who might be subject to torture or other cruel, inhuman, or degrading treatment or punishment in the returned country might still be expelled if he is considered to be a threat to national security or has committed serious crimes.⁵

6. Please indicate the steps taken to ensure that all decisions denying asylum or refugee status might be reviewed. Please also provide information on the training provided to officials dealing with the expulsion, return or extraditions of foreigners.

7. Please provide data disaggregated by age, sex and ethnicity on:

(a) The number of asylum applications, the number of which were successful and the number of which were denied;

(b) The number of cases in which expulsion, return or extradition was denied on the grounds that the person might be tortured in the requesting States;

(c) The number of cases of refoulement, extradition and expulsion. Please include information on the diplomatic assurances requested in those cases and the steps taken to guarantee effective post-return monitoring arrangements. In particular, please provide information on the specific cases of Mustapha Labsi and Anzor Chentiev.

8. Please provide information on the measures taken since the last concluding observations to ensure that legal aid is provided to all alien detainees.⁶

Articles 5–9

9. Please provide information on the legal provisions related to the right of the person alleged to have committed any offence under the article 4 of the Convention to consular assistance and the obligation of the State to notify other States that might have jurisdiction. Please provide examples in which such provisions were applied.

10. Please provide information on cases where the State granted the extradition of persons alleged to have committed any offences under the Convention. Please also provide information on cases in which mutual assistance was requested by or from the State. Please include the results of such requests.

³ See CAT/C/SVK/CO/2, para. 7; CAT/C/SVK/3, para. 12; A/HRC/26/12, para. 76; A/HRC/26/12/Add.1, para. 24.

⁴ See CCPR/C/SVK/CO/3, para. 5; CERD/C/SVK/CO/9-10, para. 15; E/C.12/SVK/CO/2, para. 7; A/HRC/WG.6/18/SVK/1, para. 76; A/HRC/26/12/Add.1, para. 13.

⁵ See CAT/C/SVK/CO/2, para. 8.

⁶ See A/HRC/WG.6/18/SVK/1, para. 41.

Article 10

11. Please provide information on the measures undertaken to ensure the training of all personnel involved with detainees, including professionals involved in the investigation and documentation of cases of torture, on how to identify signs of torture and ill-treatment on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).⁷

12. Please indicate if the various programmes put in place, including those mentioned in the State party's report, are effective. In particular, please provide information on the results of the evaluation carried out by the Ministry of Justice mentioned in paragraph 36 of the State party's report.⁸

Article 11

13. Please provide information on:

(a) The measures taken to reduce overcrowding in prison and increase the minimum living space for each inmate;

(b) The steps taken to stop the practice of collective strip searches and the use of dogs during personal strip searches. Please also provide information on the measures implemented to ensure that any personal strip search is based on an individual assessment;

(c) The measures taken to put an end to the routine handcuffing of prisoners sentenced to life imprisonment;

(d) The steps taken to change the approach vis-à-vis prisoners sentenced to life imprisonment, with the objective of (i) moving away from the current policy of having those prisoners locked up for most of the time in their cells and (ii) integrating them into the mainstream prison population;

(e) Measures taken to amend the relevant legislation with a view to introducing a possibility of conditional release (parole) to all prisoners sentenced to life imprisonment, subject to a review of the threat to society posed by them on the basis of an individual risk assessment;

(f) The improvements made to the process for placing detainees in a security cell or unit. In particular, please provide information on the measures taken to give each detainee the opportunity to express his/her views on that step, provide him/her with information on the reasons for that step and give him/her the opportunity to appeal the decision, including by ensuring regular review of the decision.

14. Regarding the paragraph 41 of the State party's periodic report, please provide detailed information on the advancement of the measures described in order to implement the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). Please clarify whether steps have been taken to prevent the possibility of children being placed in solitary confinement. Please also provide information on the training of judges on juvenile justice.⁹

15. Regarding the paragraph 46 of the State party's report,¹⁰ the Committee observes that there is no mention of an independent body that can, inter alia, undertake unannounced

⁷ See CAT/C/SVK/CO/2, para. 11; CCPR/C/SVK/CO/3, para. 14.

⁸ See A/HRC/26/12, para. 102.

⁹ See CAT/C/SVK/CO/2, para. 12; A/HRC/WG.6/18/SVK/1, para. 31–33; CAT/C/SVK/3, para. 41.

¹⁰ See CAT/C/SVK/CO/2, para. 10.

visits to all places of deprivation of liberty. If such a body exists, please provide information on its specific mandate and the resources that are allocated to it. If it does not, please provide information on the steps taken to implement such an independent body.

Articles 12 and 13

16. Please provide more detailed information on the steps taken to prevent acts of torture and ill-treatment in custody and detention. Please include information on the measures taken to ensure an end to the practice of handcuffing detainees and persons in custody for extended periods.¹¹

17. Please provide information on the measures taken to improve the independence of the Control and Inspection Service Department in charge of investigating cases of crimes committed by members of the Police Corps. Please also provide more details on the steps taken to ensure that effective investigations on alleged cases of torture and ill-treatment are carried out, that the perpetrators of such acts are duly prosecuted and that appropriate sentences taking into account the gravity of such acts are handed down.¹²

18. Please provide data on the results of the claims of and investigations into alleged acts of torture and ill-treatment and give information on the penalties imposed on the perpetrators of such acts. In particular, please provide information on the criminal proceedings in the case in front of the Kosice II District Court in which 10 policemen were accused of abuse of official authority and on the progress of the investigation of the raid in Moldava nad Bodvou that took place in June 2013.¹³

Article 14

19. Please provide information on the evaluation carried by the Ministry of Justice on the legal regulation regarding the rights of victims or persons aggrieved during criminal proceedings. Please include information on concrete measures taken to ensure the effective implementation of the rights of all victims of torture and ill-treatment to redress and fair and adequate compensation, including rehabilitation.¹⁴

20. Please provide information on rehabilitation programmes, including medical and psychological assistance provided to victims of torture and other ill-treatment.

21. Please provide information on the measures ordered by courts and actually provided to victims of torture or their families since the last periodic report. Please include the number of requests for compensation made, the number of which were granted and their amounts.

Article 15

22. Please provide examples of cases in which statements made as a result of torture have not been used as evidence in the proceedings.

Article 16

23. Please provide information on:

(a) The concrete measures taken to prevent acts of violence against Roma, including reported attacks carried by police officers. In particular, please provide

¹¹ See CAT/C/SVK/CO/2, para. 13; A/HRC/WG.6/18/SVK/3, paras. 12–13.

¹² See CAT/C/SVK/CO/2, para. 9; CCPR/C/SVK/CO/3, para. 14; CERD/C/SVK/CO/9-10, para. 9.

¹³ See CAT/C/SVK/CO/2/Add.1, para. 24.

¹⁴ See CAT/C/SVK/CO/2, para. 16.

information on the implementation of the Strategy for Roma Integration up to 2020, the reviewed National Action Plan for the Decade of Roma Inclusion updated for 2011–2015 and the Strategy for the Fight against Extremism for 2011–2014;¹⁵

(b) The measures taken to ensure effective investigations into and prosecutions of acts of violence against Roma. Please also provide details on steps taken to ensure that racial motive is appropriately investigated and taken into account for the punishment of the authors of such acts. Please also provide information on the steps taken to create an independent body to monitor and prosecute violence against Roma;¹⁶

(c) The efforts carried out to recruit police officers of Roma origin.

24. In the light of the paragraphs 59 to 69 of the State party's report,¹⁷ please provide information on:

(a) The steps taken to ensure that proper investigations and prosecutions are carried in cases of forced sterilization. Please include information on the steps taken to ensure adequate compensation of victims of forced sterilization. Please also provide information on the concrete measures taken to ensure the enforcement of the Health Act;

(b) The progress of the draft regulation drawn up by the Ministry of Health regarding the informed consent of patients;

(c) Whether any special training for health personnel has been introduced to raise awareness about the legal provisions on sterilization without informed consent.

25. In the light of the paragraphs 79 to 100 of the State party's report,¹⁸ please provide information on:

(a) The implementation of the National Action Plan for the Prevention and Elimination of Violence against Women for 2014–2019 and the National Strategy for the Protection of Children against Violence adopted in 2014. Please also provide an update on the establishment of the Coordination and Methodology Centre for Violence against Women and Domestic Violence;¹⁹

(b) The steps taken to ensure effective investigations into and prosecutions of cases of violence against women and children and that victims are offered sufficient assistance, including shelter and counselling. Please also provide information on the measures taken to improve the reporting of such cases to the police;²⁰

(c) The evaluation of the effect of the awareness-raising campaign carried out on domestic violence.

26. Please provide data on the number of complaints, investigations, prosecutions and convictions in cases of violence against women and girls in the context of domestic violence. Please also provide information on the steps taken to improve the research and data collection methods for gender-based violence.

27. Please provide additional information on the steps taken to explicitly ban corporal punishment in all settings and to ensure that legislation prohibiting corporal punishment is

¹⁵ See E/C.12/SVK/CO/2, para. 9; A/HRC/26/12, para. 15; A/67/328, para. 63.

¹⁶ See CAT/C/SVK/CO/2, para. 15; A/HRC/WG.6/18/SVK/3, paras. 13–14.

¹⁷ See CAT/C/SVK/CO/2, para. 14; CCPR/C/SVK/CO/3, para. 13. CERD/C/SVK/CO/9-10, para. 13; A/HRC/WG.6/18/SVK/3, paras. 41–42.

¹⁸ See CAT/C/SVK/CO/2 para. 17; A/HRC/WG.6/18/SVK/1, para. 20.

¹⁹ See A/HRC/26/12, para. 46; A/HRC/26/12/Add.1, paras. 16–17.

²⁰ See CCPR/C/SVK/CO/3, para. 11.

strictly enforced. In particular, with regard to the paragraph 96 of the State party's report, please provide information on the progress of the work to include provisions on prohibition of physical punishment carried out by parents in the exercise of their parental rights. Please also include information on the awareness-raising campaigns that have been carried on this topic.²¹

28. Please provide information on:

(a) The measures taken to ensure effective investigations into and prosecutions of cases of human trafficking. Please include information on the measures put in place to ensure that appropriate sentences are handed down to perpetrators of human trafficking, taking into consideration the gravity of such acts;²²

(b) The implementation of the National Programme of Fight against Human Trafficking for 2011–2014. Please also add information on any special programmes in place regarding groups more vulnerable to human trafficking and in particular concerning the Roma community;²³

(c) The steps taken to ensure the rehabilitation and reintegration of the victims of human trafficking;²⁴

(d) The training of law enforcement officials. In particular, please provide information on the training on identification of victims of human trafficking;

(e) Please provide data disaggregated by age, sex and ethnicity on the number of complaints of cases of human trafficking. Please also provide data on the investigations, prosecutions and convictions carried out in such cases.

29. Please provide information on the steps taken to improve the living conditions of people placed in psychiatric institutions. In particular, please provide information on whether the use of cage beds has been completely prohibited. Please also provide information on the steps taken to create an independent monitoring body that can visit psychiatric institutions regularly. If such a body has not yet been created, please explain why not. Please also provide information on the steps taken to develop alternatives to involuntary treatment for mentally ill patients.²⁵

Other issues

30. Please provide information on whether Slovakia intends to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

²¹ See CAT/C/SVK/CO/2, para. 18; CCPR/C/SVK/CO/3, para. 12; A/HRC/WG.6/18/SVK/1, paras. 25 and 28; A/HRC/WG.6/18/SVK/3, para. 15.

²² See CAT/C/SVK/CO/2, para. 19; E/C.12/SVK/CO/2, para. 19; CRC/C/OPSC/SVK/CO/1, paras. 28–33.

²³ See CAT/C/SVK/3, para. 104.

²⁴ See A/HRC/WG.6/18/SVK/3, paras. 16 and 17.

²⁵ See CAT/C/SVK/CO/2, para. 20; A/HRC/WG.6/18/SVK/3, para. 49.