



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

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Summary record of the 1989th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 27 April 2023, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 1988th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fourth periodic report of Slovakia (CAT/C/SVK/4; CAT/C/SVK/QPR/4)

1. *At the invitation of the Chair, the delegation of Slovakia joined the meeting.*
2. **Mr. Matulay** (Slovakia), introducing his country's fourth periodic report (CAT/C/SVK/4), said that his Government had signed the Optional Protocol in December 2018, and the parliament was scheduled to consider its ratification in May 2023. The tasks and powers of the national preventive mechanism would be assigned to three existing entities, namely the Public Defender of Rights, the Commissioner for Children and the Commissioner for Persons with Disabilities. The Public Defender of Rights, as coordinator for the work of the national preventive mechanism, would have the authority to conduct systematic visits to all places of deprivation of liberty, including police detention cells and asylum detention centres, and to issue reports and recommendations following such visits. The Public Defender would also have an obligation to notify the appropriate authorities if he or she learned that any person with disabilities or child was being held in such facilities.
3. Slovakia took pains to implement the judgments of the European Court of Human Rights. In *R.R. and R.D. v. Slovakia*, the Court had concluded that, during a raid of a Roma settlement in Moldava nad Bodvou in 2013, police officers had committed racially motivated acts constituting inhuman and degrading treatment. In compliance with the Court's decision, the Government had paid €20,000 in non-pecuniary damages to each of the victims and had issued a resolution apologizing for the officers' behaviour as a demonstration of its commitment to preventing similar failures in future. In *M.B. and others v. Slovakia*, the Court had found that police officers had violated the rights of six Roma boys in Košice in 2009, but the claim that racial discrimination had been the reason for the boys' treatment had not been substantiated. The victims had been awarded compensation. In response to those two cases, a zero-tolerance policy on ill-treatment and excessive use of force had been instituted within the police force, and a pilot project on the use of police body cameras had been launched.
4. In a third case, the Court had found that the forced sterilization of a number of Roma women, while a breach of the law, had not been conducted in a targeted or systematic manner. The Government had apologized and had established a working group to examine the circumstances in which the sterilizations had been allowed to take place. A bill on the topic had been presented in March 2023, which, if adopted, would allow women from marginalized and vulnerable communities who had been forcibly sterilized between 1966 and 2004 to apply for financial compensation. The bill was open for comment from State institutions and the public.
5. In 2021, the Government had extended the period during which perpetrators of domestic violence could be expelled from a shared dwelling and had increased the physical distance established by injunctions on approaching the victim. Intervention centres for victims of domestic violence had been operating in all regions of the country since 2021 and provided professional crisis intervention services and psychological and legal assistance. Once a perpetrator had been expelled from the home, the police force had a duty to refer the victim to an intervention centre.
6. The Government had adopted a national action plan for the prevention and elimination of violence against women for 2022–2027 and a national programme to combat trafficking in human beings for 2019–2023. In response to recommendations from national and international institutions, it had also taken steps to improve conditions of custody and detention. In addition, it had adopted a policy for bringing the prison system into line with European standards by 2030. Along those same lines, it had recently amended the relevant laws to increase the legal minimum surface area allocated to each inmate and create more opportunities for family interaction and for participation in education, leisure and sports.
7. In closing, he wished to reiterate his country's respect for the opinions of the Committee and to note that his Government had recently submitted its response to the Committee's decision in *Lucia Černáková v. Slovakia* (communication No. 890/2018).

8. **Mr. Tuzmukhamedov** (Country Rapporteur) said that it would be interesting to know whether any domestic courts had ever applied the definition of torture contained in the Convention, thereby broadening the definition as set out in Slovak law. In the light of the outcomes of the cases heard by the European Court of Human Rights, he wished to know what lessons had been learned from the implementation of the Roma Integration Strategy 2020 and what the status of the Strategy for the Equality, Inclusion and Participation of Roma 2030 was. He wondered why the State party had not acceded to the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and whether it expected to be able to ratify the Optional Protocol to the Convention against Torture before the upcoming national elections.

9. He would like to know more about the training programmes in place to ensure that all law enforcement, prison and border security personnel were fully acquainted with the provisions of the Convention and were aware that breaches of the Convention would be prosecuted. He would also welcome updated information about the incident at Moldava nad Bodvou and about any training programmes on the topics of crisis prevention, crisis management and post-crisis relief and recovery.

10. He wished to know whether training programmes on the detection and documentation of the physical and psychological effects of torture had been introduced for judges, prosecutors, forensic doctors and other medical personnel who worked with detained persons and, if so, whether such programmes included specific training on the latest edition of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In addition, if such training was indeed provided, he wondered whether any methodologies had been developed to assess its effectiveness and what lessons had been learned.

11. Given the State's participation in foreign deployments of the United Nations and European Union, it would be useful to learn what measures had been taken to educate deployed personnel about the provisions of the Convention and other international legal norms, including the provisions related to torture in the Geneva Conventions of 12 August 1949.

12. In the light of the Committee's decision in *Lucia Černáková v. Slovakia*, he would be interested to learn whether relevant training programmes had been developed for staff members of social care and psychiatric institutions.

13. With regard to the three cases mentioned in paragraph 127 of the State party's report where extradition had been permitted following acceptance of diplomatic guarantees, he would like to know whether on-site visits had been conducted in all three cases to ascertain that the extradited individuals had not been subjected to torture or inhuman treatment. He wondered whether all extradition cases underwent such elaborate judicial processes, involving both the Constitutional Court and the European Court of Human Rights, and whether any further extraditions had been carried out since the submission of the State party's report.

14. With regard to the alignment of national anti-terrorism measures with the Convention, he wished to know whether the verdict handed down in the one case cited in the report where a person had been convicted of terrorism had been enforced yet. He also wondered whether the attack outside a bar frequented by lesbian, gay, bisexual, transgender and intersex persons in Bratislava had been investigated as an offence motivated by hatred based on sexual orientation. He would also welcome an update on the arrest of an individual suspected of multiple terrorist and extremist offences in June 2022.

15. **Mr. Rouwane** (Country Rapporteur) said that, while the State party's continued efforts to fulfil its obligations under the Convention were commendable, improvement was required in a number of areas. The Committee would appreciate an update on the status of proposed legislative amendments and reforms to strengthen the judicial system, such as those that would introduce the offence of abuse of law, under which judges could be prosecuted for handing down unlawful decisions; the partial removal of judges' immunity; improvements to the structure and appointment process of the Judicial Council; the abolition of the requirement for the consent of the Constitutional Court before a judge or the Prosecutor

General could be arrested; and compulsory retirement ages for judges. Information about other measures to strengthen the efficiency of the judicial system would also be welcome.

16. While the State party had made several improvements in the area of pretrial detention, he wished to know what measures it had adopted to reduce the duration of such detention and increase the use of non-custodial measures, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). It would also be interesting to learn how many times the Constitutional Court had ruled that an excessive period of pretrial detention had violated article 5 (3) of the Convention for the Protection of Human Rights and Fundamental Freedoms and how many victims had subsequently been released and granted compensation. He would also appreciate information on the number of cases in which the Constitutional Court had ruled that a violation had occurred because the courts had not agreed to substitute a non-custodial measure for a petitioner's detention when such a measure was provided for by law.

17. It was important to know which institutions were mandated to arrest and detain individuals and whether those persons benefited from fundamental legal safeguards from the start of their deprivation of liberty. Clarification was required as to whether detainees must explicitly request contact with a family member or other person and representation by a lawyer and what happened if detainees did not make such requests. He would be interested to hear the delegation's comments on the concerns expressed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its visit to Slovakia in 2018, as well as details on the steps taken by the State party to follow up on its findings and recommendations. Those concerns included the failure to afford all fundamental legal safeguards to persons deprived of liberty, a failure to maintain the confidentiality of the results of detainees' medical examinations and the deprivation of liberty of patients in psychiatric establishments without benefit of legal safeguards.

18. The Committee would welcome information on policies and measures adopted to address the alleged continued use of excessive force by law enforcement officers that might, in some cases, amount to ill-treatment or torture. In particular, he would like to know what measures were in place to ensure that allegations of the excessive use of force, ill-treatment and misconduct by law enforcement officers were impartially investigated; what measures were in place to combat racism and xenophobia; whether Roma victims of the excessive use of force and ill-treatment were afforded equal access to the courts and to effective judicial remedies; and what steps had been taken to implement the relevant judgments of the European Court of Human Rights. He also wished to know how alleged victims and witnesses were effectively protected against reprisals and what measures – including capacity-building and training on human rights and non-discrimination – were in place to prevent ill-treatment at the hands of law enforcement authorities. It would be useful to have an update on the case of the police officers accused of physical abuse and degrading treatment of Roma juveniles in 2009 which was being heard by the Košice II District Court after their original convictions had been overturned.

19. With regard to detention conditions, the Committee would like to know what the status was of proposed amendments to the Act on the Police Corps that would prevent the placement of arrested persons in small, inadequately equipped cells for prolonged periods. It would also like to hear the delegation's comments on reports of poor prison conditions, including cramped cells with insufficient ventilation and lighting, the harsh treatment of prisoners serving life sentences, strip searches and the use of handcuffs during medical procedures. It had been reported that there were not enough prison doctors and that medical personnel were required to treat prison staff, thereby reducing their ability to treat inmates, and that child detainees were housed in wings of adult prisons rather than separate facilities and suffered from hunger and degrading treatment. Furthermore, inmates reportedly continued to be placed in solitary confinement and to have contact with their family restricted as punishments, and no specific mechanism had apparently yet been established for regular visits to all places of deprivation of liberty. He wished to know what steps were being taken to bring detention conditions into line with international standards.

20. Given that the State party had recognized that the human rights of Roma women who had suffered involuntary sterilization in the past had been violated, he wondered how victims could obtain effective redress, how the State party ensured that medical professionals abided

by the laws prohibiting such practices and what outreach activities or information campaigns targeting potential victims were planned. He would also like to know whether the State party intended to establish an independent body to investigate the practice, to provide fair and adequate redress to victims, including financial and other forms of reparation, and to propose reforms to ensure non-repetition. Such steps should be implemented with the involvement and consultation of Roma women and their organizations.

21. Progress did not appear to have been made towards instituting a ban on the corporal punishment of children. Information would be welcome on efforts to establish such a prohibition and to encourage the use of non-violent disciplinary methods as alternatives to corporal punishment.

22. It had been reported that, because of a lack of coordination and poorly designed procedures, sexually abused children were often obliged to recount their experience repeatedly to different officials and that, as a consequence, many of them withdrew their testimony in legal cases. Information on any efforts to rectify that situation would be welcome.

23. The Committee was concerned by reports of a growing number of violent verbal and physical attacks directed at Roma children by State actors and private individuals and of a failure to effectively investigate such incidents. The delegation's comments on those reports would be appreciated.

24. He would like to receive updated information about any concrete results achieved under the National Action Plan for the Prevention and Elimination of Violence Against Women 2014–2019 and to learn whether the plan had been extended beyond that period. He would also appreciate updated information on investigations into allegations of domestic violence, including those involving sexual violence, marital rape and violence against children, and on the resulting prosecutions and the sentences handed down to persons convicted of those offences. Given the specific nature of domestic violence and the importance placed on it in international human rights norms owing to the vulnerability of the victims of such crimes, he would like to know of any steps taken to establish an independent complaints mechanism for victims of domestic violence.

25. The State party's response to the Ukraine refugee crisis was commendable. He would, however, like to know how many Ukrainians and third-country nationals coming from Ukraine had been refused entry to Slovakia. Given that third-country nationals who did not meet certain requirements of the Schengen Borders Code could effectively be refused entry to the country at the discretion of a border guard, he would like to know how feasible it was for a person to appeal against such a refusal. He would welcome information about any measures taken to end the detention of families with children and about alternatives to detention that promoted the best interests of children. He also wished to know more about the practice of detaining asylum-seekers awaiting a transfer under the Dublin III Regulation and how the State party ensured that detention was used only when necessary, was of a reasonable duration and was proportional. He wondered what steps the State party had taken to align conditions in detention and reception centres with international standards. He would like to know what steps were being taken to improve the procedure for determining statelessness and to strengthen the relevant safeguards in line with international standards and to lift the reservation to article 27 of the 1954 Convention relating to the Status of Stateless Persons. He would be grateful for an update on the State party's integration policy, including detailed information on its implementation and impact, especially in relation to discrimination-free access by non-citizens to education, employment, housing and social protection.

26. He would welcome the delegation's comments on concerns voiced by the Group of Experts on Action against Trafficking in Human Beings about the failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions. He would also like to know how the Government had responded to the Group's findings and recommendations and what follow-up it had undertaken. Information on the changes made in 2018 to the programme run by the Ministry of the Interior to support and protect victims of trafficking would also be appreciated. He also wished to know how much funding the programme had received in 2018 to combat trafficking in persons and care for trafficking

victims. Updated information on the prosecution of traffickers on criminal charges over the most recent reporting period would be gratefully received.

27. Lastly, in relation to the issue of national preventive mechanisms, he would like the delegation to clarify why there was an apparent lack of legislative effort to strengthen the mandate and independence of the Slovak National Centre for Human Rights and bring it into full conformity with the Paris Principles by implementing the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and the Committee against Torture.

28. **Mr. Iscan** said that legislative provisions and practical measures aimed at eliminating violence against women and domestic violence needed to be supported by a policy framework for addressing gender inequality in a wider context. He would therefore like to know whether the State party had any plans to reconsider its position on giving the Convention on the Elimination of All Forms of Discrimination against Women and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence the status of peremptory norms of international law. He wished to encourage it to do so.

29. **Mr. Buchwald** said that, although the State party maintained that the wording of section 140 of the Criminal Code contained all of the elements that were required under article 1 of the Convention to cover acts of torture, the fact that there appeared to be no working definition of torture per se made it difficult to determine when such acts had been committed. That complicated the application of other provisions which were triggered in the event of torture, such as the provision under which evidence should be deemed inadmissible if obtained through torture. He would be grateful if the delegation could shed some light on those issues.

30. Section 140 also stated that, if a public official had approved an act of torture, then that official had effectively committed the crime of torture. That appeared to be inconsistent with article 1 of the Convention, under which, if a person inflicted such pain or suffering with the acquiescence of a public official, then that person, not the public official, was deemed to be the perpetrator. It was therefore not evident to him that section 140 necessarily applied to those persons to whom it was supposed to apply. He would welcome the delegation's comments on the subject.

31. **Ms. Pūce** said that, as psychiatric hospitals and social care homes often imposed strict regimes on their residents, in part due to staffing shortages as well as the greater needs of the persons in their care, she would like to know what measures the Government had taken to improve the situation and quality of care in such institutions. She would also like to know how chemical and physical restraints were used in those institutions and what protocols and supervision requirements were applied. She wished to know whether there was a system in place for processing the complaints that had been made about inhuman and degrading treatment of persons placed in the institutions in question. She wondered whether the institutions themselves or other bodies were responsible for addressing such complaints and would appreciate information about how Ministry of Health guidelines on the subject were implemented, how complaints had been resolved, what the outcomes had been and whether any disciplinary punishments or convictions had resulted.

32. In the light of concerns relating to the attitude of staff in juvenile detention centres towards the young persons in their care, in particular members of the Roma community, she would like to hear more about the situation in those institutions.

33. **Ms. Racu** said that she would be grateful for more information about the functions and composition of the national preventive mechanism. Specifically, she would like to know whether it had sufficient financial resources and staff – in particular doctors, including psychiatric specialists and forensic experts – to fulfil its core mandate of inspecting all places of detention in Slovakia. The present dialogue could be used as an opportunity to discuss the potential challenges and issues that could face the national preventive mechanism, as well as any forms of capacity-building or other support that were needed.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

34. **A representative of Slovakia** said that the Constitutional Committee of the National Council was set to consider the ratification of the Optional Protocol that very afternoon and that it would then be discussed by the Council during its May session. The Optional Protocol was thus expected to enter into force for Slovakia in the course of the current calendar year.

35. The Ministry of Foreign and European Affairs and the Ministry of Justice prepared the legislative ground in advance of the ratification of international treaties by Slovakia. As a result, it had already been decided that all three of the independent institutions which would function jointly as the national mechanism for the prevention of torture would be mandated to visit places of deprivation of liberty, including psychiatric hospitals, juvenile facilities, prisons and migrant holding centres.

36. Starting on 1 May 2023, when the law under which those three institutions had been made the component parts of the national preventive mechanism was to enter into force, financial resources would be set aside and the recruitment of staff would begin. The three institutions were authorized to receive complaints, and laws had been adopted to ensure that anyone who submitted a complaint had legal protection from reprisals.

37. **A representative of Slovakia** said that in May 2022, the Government had adopted a policy as part of which it had undertaken to further humanize the country's prisons. To that end, it intended to facilitate contact between prisoners and members of their families, particularly their children. The policy document, which contained an analysis of the country's prison system, proposals for addressing systemic shortcomings and a number of specific objectives, set out the long-term vision for the system.

38. In their basic training courses, prospective prison officers learned about international human rights instruments or rules such as the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Convention against Torture and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The work of domestic and international organizations active in the field of human rights, the rights of national minorities and ethnic groups and the prevention of all forms of discrimination were also covered in the mandatory basic training modules for prison officers. Medical personnel working in prisons were given training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

39. Prisoners were informed of their rights and obligations upon their admission to prison. They also received information, available in a number of languages, on access to health care. In addition, they were entitled to credit for a free telephone call of approximately 12 minutes in duration and could send a letter to a member of their family or another person close to them at no charge. Starting in January 2024, every prison would be equipped with an electronic kiosk that would provide relevant information in around 10 languages. The development of a Slovak-language course for foreign nationals in the country's prisons was also under way.

40. Body searches of prisoners were conducted by officers of the same sex as the prisoner, and a report on the outcome of the search, in which any visible injuries to the prisoner would be noted, was dated and submitted to the prisoner for his or her signature.

41. All prisoners were provided with health care by prison medical staff. If necessary, they were transferred to a hospital for specialist care. The Slovak prison hospital offered a wide range of health-care services, including inpatient psychiatric care. The prisons, too, offered psychiatric services, although the demand for such services sometimes exceeded – as in the country in general – the supply.

42. During the pandemic, the prison system had adopted the measures recommended by the health authorities. Measures to help compensate for the suspension of in-person visits had included credit for free telephone calls and the arrangement of virtual visits. Prisoners had been given financial incentives to get vaccinated.

43. The approximately 60 people serving life sentences in Slovakia were held in prisons in Leopoldov, Ilava and Banská Bystrica. An amendment was being prepared that, if signed into law, would empower the courts to determine whether a person who had been given such

a sentence would serve it in a separate unit for prisoners subject to life sentences or in an ordinary unit. An expert commission had been set up to review the conditions in which such prisoners were held, and action was being taken in follow-up to the recommendations made in the commission's report, which covered, among other subjects, educational programmes for prisoners.

44. **A representative of Slovakia** said that, with regard to the case of *Lucia Černáková v. Slovakia*, it was impossible to obtain the original records concerning the incidents – forced placement in a cage bed in the institution in which she had been living – that had been described by the complainant in a communication that had initially been submitted to the Committee in 2018, as those incidents had taken place in 2006, and records were kept for only 10 years. None of Ms. Černáková's many complaints to the domestic authorities, which had prompted inspections, including of the women's institution in which Ms. Černáková was currently living, had uncovered any misconduct. None of her family members had applied for the financial support that was made available to families of persons with disabilities to help defray the cost of home-based care services.

45. The Social Services Act, which had not been in force in 2006, explicitly stated that beneficiaries of social services were not to be subjected to torture or inhuman treatment. The Act also laid out the limited circumstances in which institutions providing social care could lawfully restrain persons in their care. The administration of medication – sedatives, for example – could not be approved after the fact, and a note had to be entered in the relevant records kept by the social care institution whenever staff members resorted to any means of restraint, physical or otherwise. Institutions providing social services or care to children were not allowed to punish those children. Instructional measures alone were permitted. The Ministry of Labour, Social Affairs and Family acted in a supervisory capacity and headed up efforts to ensure that social care institutions complied with the law.

The meeting rose at 1 p.m.