



CPT/Inf (97) 2

**Report to the Government of the Slovak Republic
on the visit to Slovakia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
from 25 June to 7 July 1995**

The Government of the Slovak Republic has agreed to the publication of this report and of its interim and follow-up reports in response. The latter are set out in document CPT/Inf (97) 3.

Strasbourg, 3 April 1997

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Copy of the letter transmitting the CPT's report

Strasbourg, 21 December 1995

Dear Minister,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I have the honour to enclose herewith the report to the Government of the Slovak Republic drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Slovakia from 25 June to 7 July 1995. The report was adopted by the CPT at its twenty-seventh meeting, held from 4 to 8 December 1995.

I would draw your attention in particular to paragraph 199 of the report, in which the CPT requests the Slovak authorities to provide an interim and a follow-up report on action taken upon its report. The CPT would be grateful if it were possible, in the event of the reports forwarded being in Slovak, for them to be accompanied by an English or French translation.

More generally, the CPT is keen to establish an ongoing dialogue with the Slovak authorities on matters of mutual interest, in the spirit of the principle of co-operation set out in Article 3 of the Convention. Consequently, any other communication that the Slovak authorities might wish to make would also be most welcome.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Claude NICOLAY
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

Mr Jozef LIŠČÁK
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Preface

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a relatively new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims *ex post facto*).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Commission's and Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately prejudicial to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal ascertaining whether breaches of the European Convention on Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Commission and Court have substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of their functions, the Commission and the Court consist of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Commission and Court only intervene after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Commission and Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereafter referred to as "the Convention"), a delegation of the CPT visited Slovakia from 25 June to 7 July 1995. The visit formed part of the Committee's programme of periodic visits for 1995.

2. The delegation consisted of the following members of the CPT:

- Mr Love KELLBERG, Head of the delegation
- Mrs Nadia GEVERS LEUVEN-LACHINSKY
- Mr Günther KAISER
- Mrs Pirkko LAHTI
- Mr Petros MICHAELIDES.

It was assisted by:

- Mr Gordon LAKES, former Deputy Director General of the Prison Service of England and Wales (expert)
- Mrs Pirkko TURPEINEN, Head of the City of Helsinki Adolescent Psychiatric Unit (expert)
- Mr František KOLEČIÁNI (interpreter)
- Mrs Judita KRAMEROVÁ (interpreter)
- Mr František MICHALIČKA (interpreter)
- Mrs Jaroslava PERLAKIOVÁ (interpreter)
- Mrs Marta TERENOVÁ-GASPARIKOVÁ (interpreter).

The delegation was also accompanied by the following members of the CPT's Secretariat:

- Mrs Geneviève MAYER
- Ms Petya NESTOROVA.

B. Establishments visited

3. The delegation visited the following places of detention:

Establishments under the authority of the Ministry of the Interior

Police establishments:

- Bratislava Municipal Headquarters of the Police Corps, Račianska Street, Bratislava
- Local Division of the Police Corps (Staré mesto-východ), Sasinkova Street, Bratislava I
- Local Division of the Police Corps (Ružinov-východ), Osvetova Street, Bratislava II
- Local Division of the Police Corps (Dúbravka), Saratovská Street, Bratislava IV

Other establishments:

- Holding Centre for Asylum Seekers, Adamov-Gbely

Establishments under the authority of the Ministry of Justice

- Bratislava Prison
- Leopoldov Prison

Establishments under the authority of the Ministry of Education

- Diagnostic Centre for Young Persons, Záhorská Bystrica
- Youth Re-education Home, Hlohovec.

C. Consultations held by the delegation

4. In addition to meeting local officials at the establishments visited, the delegation held talks with the competent national authorities, as well as with representatives of non-governmental organisations and members of the Bar Association.

A list of the national authorities and non-governmental organisations with which the CPT's delegation held talks and other persons consulted during the visit is set out in Appendix II to this report.

D. Co-operation encountered during the visit

5. The delegation's meetings with the national authorities, both at the beginning and the end of the visit, took place in a spirit of close co-operation. Fruitful discussions were held with the Minister for the Interior, the Minister for Justice, members of the National Council of Slovakia, the President of the Constitutional Court, the Prosecutor General, the Director General of the General Directorate of the Corps of Prison and Court Guard and senior officials at the Ministries of the Interior, Justice and Health.

The CPT wishes to express its appreciation for the efficient assistance provided throughout the visit by Mr Vladislav Lišťák, liaison officer to the Committee at the Ministry of Justice, as well as the valuable support received from Mr Peter Fifka, liaison officer on behalf of the Ministry of the Interior and Mr Dušan Daniš, contact person at the Ministry of the Interior.

6. With two notable exceptions (see paragraphs 7 and 8), the CPT's delegation received an excellent reception from management and staff at the establishments visited. It noted that staff members at all levels were aware of the Committee's mandate and were prepared to provide the delegation with all the information and facilities necessary for its work. This positive attitude can be attributed at least partly to the two-day seminar organised by the Ministry of Justice in February 1995, at which members of the CPT acquainted officials from a wide range of relevant institutions with the procedures under the Convention, the extent of the CPT's mandate and its working methods.

The exceptions referred to above concerned two of the police establishments visited, where the delegation was confronted with an uncooperative, hostile and, in one of the cases, even aggressive attitude on the part of police staff.

7. The first case concerned the Local Division of the Police Corps in Osvetova Street, Bratislava. During a visit paid on 27 June 1995, the commanding officer misled the delegation by emphatically denying the existence of any facilities for the temporary holding of apprehended persons. Having received indications to the contrary, the delegation subsequently paid a second visit on 5 July. During this visit, members of the delegation encountered a distinctly hostile and aggressive attitude on the part of the senior police officer on duty and several other policemen.

8. In the second instance, on 6 July 1995, the CPT's delegation experienced difficulties in gaining admittance to the criminal department of the Local Division of the Police Corps in Sasinkova Street, Bratislava. After having been made to wait for some 20 minutes, the delegation was refused access to the criminal department by an officer of that department, who claimed that the officer in charge was absent, and dismissed the letters of introduction issued by the Slovak national authorities and signed, *inter alia*, by the Minister for the Interior, as insufficient authority. The delegation's attempts to explain the Committee's powers were met by the officer in question with growing vexation and hostility.

The delegation sought the assistance of the CPT's liaison officer at the Ministry of the Interior and other contact persons, and succeeded in contacting by telephone Mr Dušan Daniš of the Ministry of the Interior, who immediately gave instructions that the delegation was to be admitted. As a result of Mr Daniš's effective action, the delegation was finally allowed to enter the facilities.

9. The CPT must note that, in the two cases mentioned above, **the failure to allow rapid access to the facilities and the attitude of the officers concerned were not in accordance with the provisions of Article 8, paragraph 2, sub-paragraph c of the Convention and the principle of co-operation set out in Article 3.**

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

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

1. Introduction

10. As already mentioned, the CPT's delegation visited the holding facilities of Bratislava Municipal Police Headquarters, as well as three local police stations in Bratislava. The delegation also visited another establishment under the authority of the Ministry of the Interior, namely the Holding Centre for Asylum Seekers in Adamov-Gbely; it is dealt with separately in the report.

11. According to the Constitution of Slovakia, "anyone who is arrested must be promptly informed of the grounds thereof, and after interrogation within 24 hours, either released or brought before a court and heard by the judge who shall determine whether the individual shall be kept in pre-trial detention or released".¹

The periods for which people can be detained in police custody are also regulated by Act No 171/93 on the Police and the Code of Criminal Procedure. Section 19 of the Act on the Police authorises police officers to apprehend persons suspected of criminal offences or representing a threat to their or other people's life and health, and to detain them for a maximum of 24 hours. During this period, the police perform an initial questioning, an investigator interrogates the apprehended person and submits an interrogation report together with a "ruling on laying the charges" to a public prosecutor who, if appropriate, files a motion for taking the person in question into custody. By the end of the 24 hours from the moment of apprehension, a detained person should have been either handed over to a court or released.²

If a charge has been brought, a judge must decide whether there are sufficient reasons to issue a decision for remand in custody, and notify the accused of his decision not later than 24 hours after the accused has been brought before him.³ In other words, a person may effectively spend a maximum of 48 hours in police custody. A person remanded in custody is placed in a prison establishment. The delegation was informed that such a person can subsequently be returned to police custody for interrogation, subject to the authorisation of a public prosecutor; however, such persons never remain overnight in police custody.

12. The only exception to the above situation concerns foreigners who are illegally present in Slovakia and have been apprehended by the police for the purpose of deportation, in accordance with Act No 73/1995 on the Stay of Foreigners in Slovakia. Such persons can be detained by the police for a maximum of 30 days⁴, during which time they are held in police cells.

¹ cf. Article 17, paragraph 3, of the Constitution of Slovakia.

² cf. Section 76, paragraph 4, of the Code of Criminal Procedure.

³ cf. Section 69, paragraph 5, of the Code of Criminal Procedure.

⁴ cf. Section 20, paragraph 3, of the Act on the Police.

2. Torture and other forms of physical ill-treatment

13. During the visit, the CPT's delegation heard numerous allegations of physical ill-treatment by the police of persons suspected of criminal offences.

The majority of the allegations of ill-treatment referred to both the time of apprehension and the period immediately following it, when the police performed the initial "verifications". Most of the allegations concerned police stations in Bratislava and its surrounding area. Nevertheless, at Leopoldov Prison, allegations concerning less recent cases of ill-treatment in other towns of the country were also heard (see also paragraph 17).

However, it should be underlined that the delegation heard very few allegations of physical ill-treatment by investigators of the Ministry of the Interior.

14. Further, it should be noted that no allegations were heard of physical ill-treatment by police officers performing custodial duties at Bratislava Municipal Police Headquarters.

15. The allegations received were consistent as regards the forms of physical ill-treatment alleged to have been inflicted. In most cases, the persons concerned complained of having been beaten with truncheons or struck with wooden clubs or metal objects, kicked, punched or slapped; during this ill-treatment, their wrists had allegedly been handcuffed behind their backs. A certain number of persons alleged that they had been handcuffed to a radiator for several hours in painfully contorted positions or had been forced to remain in a particular position, such as arms outstretched, knees bent, on tiptoe or kneeling on a chair.⁵ The two most serious allegations received concerned blows struck on the soles of the feet and a handcuffed person's being bitten by a police dog that had been let loose on him. A few persons also claimed to have been threatened with a firearm.

Further, in respect of many of the above-mentioned allegations of physical ill-treatment, the delegation gathered medical evidence which was consistent with them.

⁵ It should be noted that the observations made by the CPT's delegation suggested that handcuffing persons to a radiator is a common practice. The delegation saw, in particular, a detainee in Sasinkova Street Police Station who, throughout the whole of the delegation's visit of more than two hours, was kept standing with his face towards the wall, handcuffed to a radiator (cf. also paragraph 35).

16. By way of example, the following cases may be cited:

i. A man of 42 claimed that when he was apprehended in Bratislava in January 1995, police officers struck him, even though he was already handcuffed. On arrival at the police premises in Račianska Street, he was allegedly beaten again until an investigating officer intervened and ordered his transfer to hospital for treatment.

The person's medical record, which was seen at Bratislava Prison, contains a brief description of his allegations of ill-treatment at the time of his apprehension and indicates: "Objective findings: haematomas of a violet-blue colour under both eyes, without impairment of vision. On the rear side of the left thigh, haematoma of a violet-blue colour. Sensitivity on palpation in the area of the left side of the breast".

ii. A man of 25 alleged that in March 1995 he was beaten by police officers while being questioned at Sasinkova Street police station.

The person's medical record, which was seen at Bratislava Prison, contains a copy of the medical certificate drawn up by a civil hospital on the day when the event allegedly took place. This medical certificate states: "The patient was brought in by police officers. He claims that he was beaten and complains of pains in the nose and the left forearm. Objective findings: sensitivity of the nose on palpation with a slight oedema; sensitivity of the left forearm without oedema and without restriction of mobility. X-ray nose/skull/forearm: without clear signs of skeleton trauma. Fit for police detention".

The conclusions of the medical examination carried out five days later in the prison state: "Objective findings: slight swelling of the left forearm dorsal side, sensitive on palpation".

iii. A man of 20 alleged that in March 1995, when he was being questioned in the Pezinok district police station, he was first chained in a cruciform position, and later beaten by a police officer with a truncheon on the back and the legs.

The person's medical record, which was seen at Bratislava Prison, briefly mentions the allegations and states: "Objective findings: a stripe of a red-violet colour, after the use of a truncheon in the area of the right shoulder. Will leave no consequences, fit for detention".

iv. A man of 21 claimed that, during questioning in March 1995 in Sasinkova Street police station, he was struck with truncheons while he was handcuffed and that he was also lifted by the ears.

The person's medical record, which was seen at Bratislava Prison, contains a brief summary of the allegations made when the person was medically examined on admission and states: "Objective findings: a haematoma of violet-blue colour in the area of the sternum. Behind both ears, small haematomas of violet-blue colour in stage of resorption".

v. A man of 23 alleged that when apprehended in a building in Bratislava in March 1995, three police dogs were let loose on him and one of them bit him on various parts of his body, even though his wrists were already handcuffed and he was leaning against the wall.

The person's medical record, which was seen at Bratislava Prison, contains a brief description of the allegations and states: "Objective findings: traces after biting on the dorsal side of the left thigh, the lower part of the right flank and the inner sides of both forearms".

Upon medical examination by one of the delegation's doctors, several months after the alleged event, the person concerned was found to display the following: on the lateral part of the left upper thigh, two scars of 4.5 cm x 2 to 3 mm, lightly pigmented; on the upper part of the right buttock, a reddish-brown scar of 3.5 cm x 0.8 cm and a light-beige scar of 2.5 cm x 2.3 mm; lateral on the right forearm near the elbow, a scar of 1 cm x 2 mm and on the medial part of the left forearm a thin scar of 1.5 cm to 2 cm.

vi. A man aged 36 alleged that when apprehended in Bratislava in April 1995, several policemen punched him and kicked his ankles, even though he had already been brought under control. On arrival in the police premises in Račianska Street, he was allegedly punched in the face by, among others, an investigator who was about to interrogate him.

The person's medical record seen at Bratislava Prison contains a brief description of the allegation of physical ill-treatment and states: "Objective findings: haematomas of blue-violet colour in the stage of resorption under the left eye and on the upper left eyelid, without any impairment of vision; a graze on the inner side of the left ankle. Treatment 5-7 days. Fit for custody".

vii. A 40 year old man alleged that when he was being questioned by the police in the police premises in Račianska Street he was forced to remain with his knees bent and arms outstretched for a prolonged period and was punched in the ribs. He also claimed that he was forced to kneel on a chair and was beaten on the soles of his feet with a wooden club. His head was then allegedly covered with a typewriter cover and he was subjected to a mock execution. Further, the person alleged that, while subjected to this treatment, he was also verbally abused.

The person's medical record in Bratislava Prison refers briefly to the allegations and states: "Objective findings: pain in the area of the left lower ribs, haematomas on both shoulders (10 cm x 10 cm) and on the lower abdomen (10 cm x 10 cm), a blue stain on the sole of the right foot. Sensitive on palpation in the left ribs. X-ray ribs: negative. No symptoms will be left. Contusion on both shoulders, abdomen and area of left lower ribs. Unfit to work. No consequences."

viii. A woman of 24 alleged that in June 1995, while she was detained at Sasinkova Police Station holding room, she refused to undress to be searched and as a result two police officers threw her to the ground, struck her and dragged her by her hair.

The person's medical record, which was seen at Bratislava Prison, briefly mentions the allegations and states in conclusion: "This resulted objectively in superficial grazes on the left side of the shoulder blade in the direction of the left arm". Upon medical examination carried out by one of the delegation's doctors, the woman concerned was found to display: on the left side of the chest, a light-beige pigmented area of 5 cm x 9.5 cm, with livedo-beige discolouration on its right side from under the armpit to the scapula; distal from this area and lateral from the breast, a light-khaki oval area of 6 cm x 7 cm, with a 10 cm right angle, light beige-livedo discolouration.

17. The above-mentioned cases represent only a sample of the allegations heard which were supported by medical evidence. The General Directorate of the Corps of Prison and Court Guard (hereafter referred to as the Central Prison Administration) informed the delegation that, since the beginning of 1995, in the whole of Slovakia there had been 40 cases of persons who, on admission to a remand prison, had displayed physical injuries allegedly inflicted by the police at the time of apprehension or during preliminary questioning. These cases had been brought to the attention of the Police Presidium and had also been notified to the relevant public prosecutor and the authorities responsible for criminal proceedings.

18. The information at the CPT's disposal **suggests that persons suspected of a criminal offence run a significant risk of being ill-treated by the police at the time of their apprehension and during the first hours in police custody, and that on occasion such persons may be subject to severe ill-treatment.**

19. Later in this report, the CPT will recommend some strengthening of formal safeguards against the ill-treatment of persons detained by the police (see paragraphs 36 *et seq.*). However, it should be emphasised that legal and other technical safeguards - while important - will never be sufficient; the best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers. It follows that the provision of suitable education on human rights questions and of adequate professional training is an absolutely essential component of any strategy for the prevention of ill-treatment.

At its meeting with the Minister for the Interior, the delegation was informed that, in connection with human rights education for the police, cooperation had been established with the Slovak National Centre for Human Rights.

The CPT considers that the education and professional training referred to above should be given high priority and pursued at all levels of the police service; it should also be ongoing. Further, particular attention should be given to training in the art of handling, and more especially speaking to, persons in police custody i.e. interpersonal communication skills. The possession of such skills will often enable police officers to defuse situations which might otherwise become violent.

Consequently, **the CPT recommends:**

- **that a very high priority be given to human rights education and professional training for police officers at all levels;**
- **that an aptitude for interpersonal communication be a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed on acquiring and developing such skills.**

20. It also goes without saying that senior police officers have an important contribution to make as regards the prevention of ill-treatment by ensuring that police officers serving under them carry out their duties in full compliance with the law and any other relevant regulations.

The CPT recommends that senior police officers make it clear that the ill-treatment of detained persons is not acceptable and will be dealt with severely.

21. The CPT fully recognises that the apprehension of a suspect is often a hazardous task, particularly if the person concerned resists and/or is someone whom the police have good reason to believe may be armed and dangerous. The circumstances may be such that the apprehended person, and possibly also the police, suffer injuries, without this being the result of an intention to inflict ill-treatment. However, no more force than is reasonably necessary should be used when effecting an arrest. Furthermore, once apprehended persons have been brought under control, there can never be any justification for them being struck by police officers.

The CPT recommends that police officers be reminded of these precepts.

22. Naturally, one of the most effective means of preventing ill-treatment by police officers lies in the diligent examination by the competent authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect.

In this connection, **the CPT would like the Slovak authorities to supply information on the action taken by the relevant authorities - Police Presidium, public prosecutor, other bodies involved in criminal proceedings - with regard to the cases reported in 1995 by the Director General of the Central Prison Administration concerning persons admitted to remand prisons who alleged that they had been ill-treated by the police, with an indication of the steps taken in each case (criminal proceedings, disciplinary action, etc).**

More generally, **the CPT would like to receive an account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police, for the years 1993-95.**

Further, **the CPT would like to receive information on the administrative procedures applied in cases involving allegations of ill-treatment by the police, including the safeguards incorporated to ensure their objectivity.**

23. Regular and unannounced visits to police custody premises by an independent body can also make a significant contribution to preventing torture and ill-treatment.

During its discussions with representatives of the Prosecutor General's office, the CPT's delegation was informed that, *inter alia*, Section 14 of the Act on the Public Prosecutor's Office empowered public prosecutors to visit police cells and make recommendations. Since January 1995, public prosecutors had also been authorised to pay unannounced visits to any police station, including those which do not contain cells.

The delegation was also informed that legislation was being drafted to strengthen the public prosecutors' powers to inspect police premises.

The CPT recommends that the Slovak authorities encourage public prosecutors to give high priority to visits to police premises. It would also like to be kept informed of progress on the legislation currently being drafted.

In addition, the CPT would like to know whether the Ombudsman (see paragraph 143) would also have the right to visit police stations.

3. Conditions of detention

a. introduction

24. Police cells should be clean, be of a reasonable size for the number of people they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (for example, a chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets.

Persons in custody should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Those detained for extended periods (twenty-four hours or more) should, where possible, be allowed to take outdoor exercise.

25. The CPT has noted with interest Appendix 1 to Order No 29/1992 on Police Custody Cells, which sets out the basic rules and principles governing the construction of police cells. The appendix details a series of physical requirements concerning, in particular, cell size (at least 5 m² useable surface area for one person and 12 m² for two), natural light and artificial lighting, ventilation and fittings. **The CPT would like to know how many police cells in Slovakia currently meet these criteria.**

26. In Slovakia criminal suspects are held in police premises for only a relatively short time (a maximum of 48 hours); therefore, the question of activities for them has little relevance. However, as already indicated, foreigners detained under Act No 73/1995 on the Stay of Foreigners in Slovakia can be held in police cells for up to thirty days. It follows that not only the material conditions but also the regime to which such persons are subject must be addressed.

b. situation in the establishments visited

27. The Municipal Police Headquarters in Bratislava has a detention facility with 17 cells. According to Minister for the Interior's Order No 29 of 27 April 1992 on Police Custody Cells, anyone remaining in police custody in Bratislava for more than twenty-four hours must be transferred to the Municipal Police Headquarters. The delegation was informed that, in practice, such transfers were made in the hours following arrest, once it was established that the period of police custody would be an extended one. An examination of the relevant registers indicated that this practice was generally adhered to (see, however, paragraph 33).

28. The cells at the Municipal Police Headquarters measured approximately 8 m² and were designed to hold two persons. They enjoyed both natural light and artificial lighting, although neither was particularly good. As for ventilation, the cell windows could be opened, allowing air to circulate.

The cell fittings were satisfactory: beds (equipped with mattresses, sheets, blankets and pillows), table and stools. Each cell also contained a washbasin and toilet. However, the toilets were not partitioned, which is far from ideal for cells designed for two occupants. The detention facility also contained showers for persons detained for some time.

Generally, the premises were appropriately maintained, and a few cells had been recently repainted. However, in some of them, the toilets gave off a malodorous smell.

It should also be noted that the detention facility contained an indoor secure corridor for exercise periods, measuring 50 m². The above-mentioned Order No 29/1992 stipulates that persons held in police cells for more than 24 hours shall be allowed one hour of exercise per day, and the CPT's delegation was satisfied that this Order was being complied with at Bratislava Municipal Police Headquarters.

29. The CPT has no fundamental criticisms to make of the material conditions of detention in Bratislava Municipal Police Headquarters insofar as criminal suspects are concerned.

Nevertheless, **the CPT recommends that the material conditions be reviewed in the light of the above remarks; in particular, a partition or other means of offering a suitable degree of privacy should be installed around the toilet facility in the cells.**

30. However, both the material environment and the regime in the detention facility at Bratislava Municipal Police Headquarters are quite inappropriate for prolonged periods of detention. It is therefore of considerable concern to the CPT that its delegation met several persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia who had been held in the detention facility for nearly a month. They were confined to their cells for 23 hours a day and had no activities save the daily walk in the secure corridor and reading the occasional magazine offered by the police staff on duty. To be held under such conditions for weeks on end must be a stultifying experience.

The CPT recommends that the Slovak authorities take immediate steps to ensure that persons held at the Police Headquarters under Act No 73/1995 on the Stay of Foreigners in Slovakia:

- are offered outdoor exercise every day;
- receive a regular supply of appropriate reading material.

The CPT also recommends that the possibility of offering such persons access to a suitably equipped communal area during the day be explored.

31. More generally, it is clear that conditions in a police station will often, if not always, be inappropriate for this type of administrative detention (which, it should be remembered, concerns persons who are not suspected of a criminal offence and who may have to be detained for a long period). If it is deemed necessary to deprive persons of their liberty under Act No 73/1995 on the Stay of Foreigners in Slovakia, it would be by far preferable to accommodate them in centres specifically designed for that purpose.

Consequently, **the CPT would like to receive the comments of the Slovak authorities on the possibility of creating special centres for persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia, offering material conditions and a regime appropriate to the legal status of such persons and staffed by suitably qualified personnel.**

32. The local police stations visited (cf. paragraph 3) each had a holding room of an acceptable size fitted with benches. However, the holding room in the Police Station in Osvetova Street had no light, either natural or artificial. This is not acceptable; **the CPT recommends that this situation be rectified.**

33. Subject to the above recommendation, the material conditions of detention in the holding rooms could be considered acceptable for a period of detention of a few hours not extending overnight. Nevertheless, the CPT's delegation heard a few allegations that persons had spent the night in such premises, without being provided with a mattress or blankets. Moreover, the claim of a foreign national that she had been held overnight in Saratovska Street Police Station two days before the delegation spoke to her, was confirmed by an entry in the custody register in Bratislava Municipal Police Headquarters.

The CPT recommends that the Slovak authorities take steps to ensure that if, exceptionally, a person has to be held overnight in the holding room of a local police station, he/she is supplied with a mattress and clean blankets.

34. In this context, the CPT also wishes to raise the issue of the provision of food to persons in police custody. It appears that the only regulations on the matter are those contained in Order No 29/1992 on Police Custody Cells, which applies to detention facilities like those at Bratislava Municipal Headquarters. In other words, no regulations for the provision of food exist for local police stations which do not possess custody cells in the strict sense of the term. The delegation heard numerous complaints that detained persons had been given nothing to drink while being held at local police stations; moreover, some persons who alleged that they had been detained at local police stations for longer periods of time and even overnight, complained that they had not received any food. The delegations's discussions with police staff at the local police stations visited confirmed the absence of any instructions or arrangements for the provision of food to detained persons.

The CPT recommends that all persons detained in local police stations have ready access to drinking water and, in the event of their detention being prolonged, be given food at appropriate times.

Further, some foreign nationals detained at Bratislava Municipal Police Headquarters complained about the quantity of the food offered to them (e.g. one slice of bread for breakfast). Inevitably, the provision of food is a particularly important issue for those persons who are detained for extended periods, especially when they have different dietary needs.

Consequently, the CPT invites the Slovak authorities to review the provision of food to foreign nationals detained at Bratislava Municipal Police Headquarters, in the light of the above remarks.

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35. Finally, in Sasinkova Street Police Station, the delegation saw two persons handcuffed to radiators. The first was being held in the corridor leading to the holding room and was able to sit on a bench. The second was standing with his face to the wall, near the lifts at the end of the adjoining corridor, and had no opportunity to sit down (see also footnote 5). The delegation observed that he remained in this position for two hours; a chair had been provided but was used by the police officer who subsequently arrived to keep watch over him. It is also noteworthy that members of the public were likely to pass along these corridors to reach offices in the police station.

Handcuffing detained persons to radiators (or another object in a room) is a practice which should be avoided; proper custody facilities should be provided instead. Moreover, it is clearly unacceptable for persons to be kept handcuffed in full view of members of the public visiting the police station concerned and/or to be obliged to stand for lengthy periods.

The CPT recommends that the Slovak authorities take appropriate steps in the light of the above comments.

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

36. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police:

- the right of those concerned to inform a close relative or another third party of their choice of their situation,
- the right of access to a lawyer,
- the right to request a medical examination by a doctor of their choice.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of custody (that is, from the moment when those concerned are obliged to remain with the police).

37. Furthermore, in the view of the CPT, persons taken into police custody should be expressly informed of all their rights, including those referred to above.

a. notification of apprehension

38. Act No 171/1993 on the Police provides that "an apprehended person who so wishes shall be enabled to notify a relative or a lawyer of his situation" (Section 19, paragraph 5).

Notwithstanding this explicit provision, the delegation received a number of indications to the effect that, in practice, notification of apprehension is not ensured by police officers. The delegation spoke to police officers who asserted that it was the investigator's duty to effect notification, and met a number of detainees who claimed that they had been told by police officers that they would have to wait until they were brought before an investigator before notification of their apprehension could be given.

39. As already indicated, the CPT considers that an apprehended person's right to inform a relative or a third party of his choice of his situation should be expressly guaranteed from the very outset of his deprivation of liberty. The exercise of this right may, of course, be subject to certain exceptions designed to protect the interests of justice. Such exceptions should, however, be clearly defined and strictly limited in time.

The CPT therefore recommends that the Slovak authorities take the necessary steps to ensure that:

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

Further, the CPT would like to be informed whether Section 19, paragraph 5, of the Act on the Police is to be interpreted in such a way as to require apprehended persons to choose between notifying either a relative or a lawyer, or whether they are entitled to notify both.

b. access to a lawyer

40. The right to legal counsel is guaranteed by the Constitution of Slovakia as from "the outset of the proceedings before any court of law, or any governmental or public authority as provided by law".⁶ As already mentioned above (cf. paragraph 38), the Act on the Police entitles a person deprived of his liberty to notify, *inter alia*, a lawyer of his apprehension. In addition, the Code of Criminal Procedure expressly provides that a detained person has the right to choose and consult a lawyer and to request that his lawyer be present during the interrogation by the investigator.⁷

41. It appeared from the delegation's discussions with detained persons, police officers and public authorities that the right of access to a lawyer is not always guaranteed as from the moment of apprehension by the police, but only after the person concerned is handed over to an investigator.

In this connection, the CPT wishes to stress that it is during the period immediately following deprivation of liberty that the risk of intimidation and ill-treatment is greatest, a fact which is clearly confirmed by the information set out in part II.A.2 of this visit report. It therefore considers it essential that persons deprived of their liberty should be entitled to access to a lawyer from the very outset of their detention by the police (and not just from the time when they have been brought before an investigator).

In the light of the preceding remarks, **the CPT recommends that steps be taken to ensure that persons deprived of their liberty by the police have the right of access to a lawyer as from the very outset of their deprivation of liberty.**

⁶ cf. Article 47, paragraph 3, of the Constitution of Slovakia.

⁷ cf. Section 76, paragraph, 6 of the Code of Criminal Procedure.

c. access to a doctor

42. According to Act No 277/1994 on Health Care, "every person is entitled to choose a doctor or a medical facility, with the exception of persons in military service and persons who are detained in custody or undergoing a sentence of imprisonment."⁸ It follows that persons detained by the police are not entitled to be examined by a doctor of their own choice, and are dependent on the police for any medical assistance they may need.

Order No 29/1992 on Police Custody Cells contains some specific provisions concerning medical care to persons in police custody. According to Section 4, paragraph 7, police officers are obliged to seek medical assistance before placing a detained person in a cell, if they observe any injuries or if the person in question complains of serious illness or injuries; the result of the medical examination is to be recorded. Further, if a detained person falls ill, injures himself or attempts to commit suicide, the police officer should give first aid and call in a doctor.⁹

43. Police officers interviewed by the delegation stated that, in practice, whenever a detained person had a health problem, they called in a doctor from the local health centre; however, calling in the doctor was left to the discretion of the police officers on duty.

44. In this context, **the CPT recommends that persons deprived of their liberty by the police be expressly guaranteed the right to have access to a doctor (including, if they so wish, one of their choice).**

The relevant provisions should also stipulate that:

- **all medical examinations should be conducted out of the hearing and - unless the doctor requests otherwise - out of the sight of police officers;**
- **the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, should be formally recorded by the doctor and made available to the detainee and his lawyer.**

45. At Bratislava Municipal Police Headquarters, the delegation visited the so-called "medical cell"; it was equipped with a bed which displayed clear strap marks on the mattress cover. According to police staff, this room was used on rare occasions for the purpose of isolation; however, there was no register documenting its use. During a second visit, the delegation found pieces of leather straps on the floor of the "medical room", indicating that the bed had been used as a means of restraint. It became apparent that there were neither detailed regulations for the use of means of restraint, nor a requirement to seek the authorisation of a medical doctor whenever means of restraint were applied.

⁸ cf. Section 6, paragraph 1, of the Act on Health Care.

⁹ cf. Section 4, paragraph 10, of Order No 29/1992 on Police Custody Cells.

The CPT wishes to stress that whenever a person in custody is or becomes highly agitated, the police should immediately contact a doctor and act in accordance with his opinion; **the Committee therefore recommends that the Slovak authorities take the necessary steps to ensure that this principle is applied in practice. Further, the CPT recommends that every instance of resort to means of restraint be recorded in a special register established for this purpose. The entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by the detainee or staff.**

d. information on rights

46. According to the Code of Criminal Procedure, "all bodies active in criminal proceedings shall at any moment advise the accused of his rights and give him a possibility to fully exercise his rights".¹⁰ However, the CPT is unaware of any legal provisions requiring the police to inform persons of their rights during the period between the moment of apprehension and their presentation before an investigator. **The CPT would like to be informed if such provisions exist.**

The Slovak authorities have drawn up an information sheet, which is given by investigators to detained persons brought before them. This one-page document, available only in Slovak, quotes a number of relevant sections of the Code of Criminal Procedure (e.g. the right to choose a lawyer and consult him during interrogations). The information sheet is signed by the person concerned, before being filed in his case record; however, no copy is given to the detainee. In addition, some of the forms which have to be filled in when detaining or interrogating a person also contain reference to some legal provisions concerning the detained person's rights.

47. The CPT has already indicated the importance it attaches to persons taken into police custody being expressly informed, without delay and in a language they understand, of all their rights, including those referred to in paragraphs 36 to 45 above.

In order to ensure that persons in police custody are duly informed of all their rights, **the CPT recommends that a form setting out those rights be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.**

¹⁰ cf. Section 33, paragraph 3, of the Code of Criminal Procedure.

e. conduct of interrogations

48. Article 16, paragraph 2, of the Constitution of Slovakia states that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Further, the Code of Criminal Procedure categorically prohibits any form of coercion aimed at forcing a suspect or accused to make a statement or confession, and provides that "his human integrity shall be respected during interrogation".¹¹

It should also be noted that in 1992 the Ministry of the Interior issued Instructions for Police Investigators, which contain some guidelines on the conduct of interrogations (in addition to the requirements contained in Section 55 of the Code of Criminal Procedure). By way of example, these Instructions oblige investigators to record the exact time when the interrogation starts and ends, and all the other circumstances of the interrogation (if a person does not feel well, etc.).¹²

49. Nevertheless, the CPT considers it essential for the aforementioned provisions to be supplemented by a code of practice, setting out in detail the procedures to be followed on a number of specific points.

This code should deal, *inter alia*, with the following: the systematic informing of the detainee of the identity (name and/or number) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; whether the detainee may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol or medicine, or who are in a state of shock. The code should also provide for a systematic record to be kept of the times at which interrogations start and end, the persons present during each interrogation and any request made by the detainee during the interrogation.

The position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be subject to specific safeguards.

The CPT recommends that the Slovak authorities draw up such a code of practice for interrogations.

50. The CPT also considers that the electronic recording of interrogations represents another important safeguard for those in custody, as well as offering advantages for the police. In particular, it can provide a complete and authentic record of the interrogation process, thereby greatly facilitating the investigation of allegations of ill-treatment and the correct attribution of blame. According to information received by the delegation, interrogations in Slovakia are, as a rule, recorded in written form, although it is theoretically possible to make audio or video recordings.

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

¹¹ cf. Section 91, paragraph 1, of the Code of Criminal Procedure.

¹² cf. Section 64, paragraph 2, of the Instructions for Police Investigators.

f. custody records

51. The CPT's delegation observed that the period spent in police custody was not very well documented. Some information was recorded in the so-called "book of events" kept at each police station; nevertheless, numerous facts remained unrecorded (e.g. when a person is placed in a police holding room, the movements between the holding room and the investigation department, etc.). Admittedly, the register kept by the investigation department was more detailed, but far from comprehensive. Information about different aspects of police custody was also contained in various forms filled in by police officers and investigators, e.g. the report of arrest form, the minutes of the interrogation of detained persons (suspects or accused), etc.

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

g. persons detained under the Aliens' legislation

53. The situation of persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia has already been considered in paragraphs 30 and 31 of the report. **The CPT wishes to emphasise that the recommendations in this section concerning fundamental safeguards against ill-treatment also apply to such persons.**

5. Holding Centre for Asylum Seekers in Adamov-Gbely

a. introduction

54. The Holding Centre for Asylum Seekers in Adamov-Gbely was set up in November 1992 for the purpose of providing temporary accommodation to foreigners who have applied for refugee status in accordance with Act No 498/1990 on Refugees; it is currently run and financed by the Migration Office of the Ministry of the Interior.

The establishment could accommodate up to 120 people, but because of ongoing reconstruction work, it was not being used up to its full official capacity. On the day of the delegation's visit, the centre was holding 50 people of 14 different nationalities.

55. From the point of view of their legal status, the persons accommodated at the Centre fell within three different categories.

The first category comprised asylum seekers in quarantine - a period following an application for refugee status and required for the performance of a number of obligatory medical tests (e.g. tuberculosis, HIV, cholera, etc.). The quarantine period normally lasted between 4 and 7 weeks, during which time the asylum seekers were strictly forbidden to leave the Centre; however, they could circulate freely within its premises. On the day of the visit, four of the foreigners in residence were being held in quarantine.

The second category consisted of foreigners who had completed the quarantine period, but whose request for refugee status was still under consideration; there were twenty-four of them at the time of the visit, some of whom had spent up to 16 months at the establishment. They could move in and out of the Holding Centre. For short periods of absence, they only needed to sign in the establishment's register; however, a permit from the Centre's director was required for longer absences.

Finally, there were twenty-two foreigners who had already been granted refugee status and were free to leave the Holding Centre and settle down anywhere in Slovakia; however, they had chosen to reside temporarily in the establishment for various personal reasons (e.g. no work, no possibility to find other accommodation, etc.)

The CPT's delegation concentrated on the conditions under which the first category of foreigners were held at the Centre.

b. ill-treatment

56. The CPT's delegation heard no allegations and found no other evidence of ill-treatment of people accommodated at the Holding Centre. On the contrary, it gained a favourable impression of the relations between staff and the asylum seekers, which appeared to be of a positive nature.

It is noteworthy that the establishment was not surrounded by a secure perimeter, the five guards employed were unarmed, and none of the rooms used for accommodation of the foreigners was locked.

c. material conditions

57. The Holding Centre was situated in a former motel on the road leading to Adamov. The sleeping facilities were located in two one-level buildings and comprised 23 rooms. The rooms measured some 17 m² and were equipped with beds, a table, chairs and lockers/cabinets. Each room was fitted with a separate sanitary annexe, containing a toilet, a shower and a wash-basin.

In general, these facilities were acceptable, and their state of cleanliness was of a good standard. It is noteworthy that once a month the asylum seekers were supplied with all the necessary personal hygiene products and cleaning materials. Further, the sheets were changed every fortnight.

58. However, the delegation observed that up to six people could be accommodated per room (e.g. some of the asylum seekers who had completed the quarantine period). Moreover, no arrangements had been made to meet the particular needs of children, who sometimes shared beds with their mothers.

This situation was apparently due to the building and renovation work which had been under way since January 1995 and involved the refurbishing of the living accommodation and the construction of new administrative premises and a refectory. It was clear that the refurbished accommodation, as well as the new kitchen and refectory facilities, would be well-equipped and of a very good standard. The delegation was informed that the refurbishing should be completed at the end of August 1995; **the CPT would be grateful if the Slovak authorities could confirm that this is indeed the case.**

59. The delegation also heard allegations to the effect that in the past women had been placed in the same room as men to whom they were not related. In this connection the CPT wishes to stress that, in principle, women and men should not be obliged to share dormitories. Separate accommodation must be provided to women unless they have expressed a wish to be placed with persons with whom they share an emotional or cultural affinity. **The CPT recommends that this precept be strictly observed in practice.**

60. The rooms were apparently divided into two quite distinct sections: one for the asylum seekers in quarantine, the other for the rest of the foreigners. However, because of the reconstruction work, this differentiation had disappeared.

61. The four asylum seekers in quarantine at the time of the delegation's visit (an Armenian family with a two-year old child and the husband's brother) had arrived at the Holding Centre on the previous night and were accommodated in one of the above-described rooms. However, from conversations with staff and refugees it transpired that it was possible to accommodate in the same room people in quarantine and people who had completed the quarantine. This situation is in contradiction with the very notion of quarantine; **the CPT consequently recommends that asylum seekers held in quarantine always be accommodated separately from the rest of the asylum seekers/refugees.**

d. regime

62. Almost no activities were offered to the asylum seekers in quarantine held at the Centre. The daily programme consisted essentially of going to the refectory for meals three times a day; there were no sports facilities, no library (except for some books donated by humanitarian organisations) and no access to newspapers. However, once a week the asylum seekers attended a Slovak language course.

The delegation was informed that the programme of activities would improve once the refurbishment has been completed; plans had been made to create common rooms where the asylum seekers could watch TV, read, etc. **The CPT would like to be informed whether these plans have now been implemented, and invites the Slovak authorities to consider the possibility of developing further the activities available for asylum seekers in quarantine.**

e. health care

63. The delegation was informed that the Holding Centre was visited twice a week by a doctor (specialising in pulmonary diseases) and a nurse from the local hospital. They were in charge of performing all the tests throughout the quarantine period. In case of emergency, the person concerned was taken to the hospital.

However, it appeared that no provision had been made for specialised psychiatric/psychological care to the asylum seekers. In view of the fact that the people arriving at the centre had often fled from war and devastation, and could be in a vulnerable psychological state, **the CPT invites the Slovak authorities to examine the possibility of offering psychiatric/psychological care to the asylum seekers at the Holding Centre in Adamov-Gbely.**

64. As already mentioned in paragraph 55, all newly arrived asylum seekers underwent a number of obligatory tests, including an HIV test. However, the latter test did not appear to be accompanied by appropriate information, counselling or psychological support, either before or after the test. In this connection, the CPT would refer to the recommendations made in paragraph 117, second sub-paragraph. **The CPT would also like to be informed of the steps that would be taken in the event of an asylum seeker being found to be HIV-positive.**

f. information for the asylum seekers

65. Staff of the Holding Centre informed the delegation that upon arrival all asylum seekers were instructed orally (in Slovak) of the establishment's internal rules and requested to sign a form in confirmation of having received the instructions; however, no written information in any language was made available to them. Moreover, the delegation observed that the internal rules, which contained detailed information on the Centre's daily routine and the asylum seekers' rights and obligations, had not been posted around the establishment. From the delegation's conversation with the newly arrived asylum seekers from Armenia, it transpired that, although some 18 hours had expired since their arrival the previous night, they had still not received any information or instructions. They appeared to be rather disoriented and depressed, and had no idea of what the quarantine period would entail.

In view of the above remarks, **the CPT recommends that the Centre's internal rules be translated into an appropriate range of languages and supplied to the asylum seekers at the very outset of their stay, together with information on the centre's daily routine and on how the asylum seekers can exercise their rights.**

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66. Finally, it is axiomatic that it would be in violation of both national and international legal obligations for persons to be returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment. **The CPT would like to receive a detailed account of the precise practical steps taken by the Slovak authorities to ensure that such a situation does not occur.**

B. Establishments under the authority of the Ministry of Justice

1. Introduction

67. The CPT's delegation visited two prisons in Slovakia: Bratislava Prison and Leopoldov Prison.

68. Bratislava Prison has been in service since 1936. It comprises a closed establishment intended for a maximum of 570 prisoners and an open establishment for 120 prisoners. The delegation did not visit the latter. The closed establishment, located in the city, is in a four-storey building designed in the form of a cross. At the time of the visit, the building was being renovated.

On the first day of the visit, there were 750 prisoners in the closed establishment, which represented approximately 30% overcrowding. The majority were detained on remand, though there were also some sentenced prisoners (including 56 allocated to domestic and maintenance work and a certain number of prisoners due to appear before the relevant courts in Bratislava). The prison population included 39 women, 43 foreign nationals and 36 juveniles (aged 15 to 17).

69. Leopoldov Prison is situated some hundred kilometres north-east of Bratislava. It is built on a site that had been used as a military fortress since the seventeenth century. In the mid-nineteenth century it became a civil prison. Following major disturbances in 1990 in which many of the buildings were practically destroyed, it was decided to close the establishment in the long term. Only limited resources were made available for essential work and basic maintenance. However, after an escape in November 1991 in which five members of the prison staff were killed and others injured or taken hostage, it was decided not to close Leopoldov prison and additional funding was allocated for its reconstruction and renovation. At the time of the visit, the renovation process was still underway.

The prison is located within a fortified hexagonal area comprising the detention and activities buildings and a large manufacturing area.

Leopoldov Prison is made up of two establishments: a pre-trial section with a capacity of 246 places and a section for sentenced prisoners with 540 places. The delegation devoted most of its visit to the latter. However, it also visited the pre-trial section in order to meet some prisoners and to see the punishment cells shared by the two establishments.

At the time of the visit, there were 575 sentenced prisoners, all of them adults. This represented approximately 6% overcrowding. Nineteen prisoners were foreign nationals. Sentenced prisoners were classified into three correctional and educational groups ("NVS"), which, in accordance with the Law on the Execution of Imprisonment and the Regulations for its implementation, should correspond to different forms of prison treatment: NVS I (first prison sentence of up to five years), NVS II (second and subsequent offenders) and NVS III (one or more serious offences).¹³

¹³ Although Leopoldov Prison is intended only for prisoners in NVS II and III, at the time of the delegation's visit

2. Torture and other forms of ill-treatment

70. The CPT's delegation gathered no evidence of torture in the two establishments visited and did not hear any allegations of such treatment in other prisons in Slovakia.

Further, in contrast to the police, allegations of physical ill-treatment of prisoners by prison officers were rare. The few allegations of physical ill-treatment heard by the delegation concerned Leopoldov Prison and referred to hasty and harsh reactions such as slaps and truncheon blows, particularly during transfer to the punishment cells or to section 7B, and within that latter section.¹⁴

71. The delegation examined in detail the six complaints of excessive use of force registered since the beginning of 1995 at Leopoldov Prison; all the cases had been considered by the prison governor and the public prosecutor responsible for supervising the prison. The force used was considered to have been justified in all six cases. The delegation noted that, in one case, the slap administered by an educator to a prisoner who refused to obey instructions was deemed to be a legitimate use of force. Both the officer in charge of the section for sentenced prisoners and the governor stated that slapping was not a normal practice but that the action had been considered justified in this case given that the educator had used only moderate force.

72. It is undeniable that, in certain circumstances, the use of force may be necessary to control undisciplined prisoners; **however, slapping prisoners is not an appropriate response.**

More generally, **the CPT would like to receive detailed information on the authorised means of force and the circumstances in which they may be applied.**

73. The delegation was informed that in 1994 only three complaints of ill-treatment were lodged in the whole of Slovakia. After consideration, these were found to be without substance.

The CPT would like to receive the following information for 1995:

- **the number of complaints of ill-treatment lodged against prison staff;**
- **an account of the sanctions imposed following complaints of ill-treatment by prison staff.**

74. Although the delegation heard few allegations of physical ill-treatment, there were numerous allegations concerning the provocative attitude of - and the psychological pressure exerted by - the staff of Leopoldov Prison.

According to the delegation's own observations, the atmosphere in the establishment was fraught with tension. Security and disciplinary considerations were the main concern and this had a profound effect on staff-inmate relations.

there were also some prisoners in NVS I.

¹⁴ Section 7B was reserved for those prisoners who, because of their attitude and behaviour, were considered to need a special detention regime (see paragraph 98).

At the final meeting in Leopoldov Prison, the Director General of the Central Prison Administration informed the delegation that, since the events of 1990 and 1991, efforts had been made to change staff attitudes in the establishment, particularly through the recruitment of prison officers who were psychologically unaffected by its past.

It is nevertheless clear that much remains to be done. This issue will be considered in more detail later in the report (see paragraphs 122 *et seq*). At this stage, the CPT simply wishes to emphasise that developing good relations between staff and prisoners will not only reduce the risk of ill-treatment but also enhance control and security.

3. Conditions of detention

a. Bratislava Prison

i. material conditions

75. From the very outset, the prison governor drew attention to the serious overcrowding in the establishment. In theory, there were three types of cells: two-person (approximately 9-10 m²), three-person (about 12 m²) and four-person (16-17 m²).¹⁵ Even with such occupancy levels, the living space in the cells would be restricted. In practice, the number of prisoners per cell was frequently much higher than the officially prescribed levels. Two-person cells often had three or four occupants, three-person cells four occupants and four-person cells six occupants.

The CPT wishes to stress that such occupancy levels are not acceptable. It should be added that the situation of these prisoners was made even more intolerable by the fact that they were locked in their cells for most of the day (see paragraph 81).

76. The material conditions of sentenced prisoners who had work were significantly better. They were housed in separate sections, comprising bedrooms and recreation rooms with television, in which they could move around freely.

The untried prisoners who worked also enjoyed slightly better living conditions and spent most of the day out of their cells.

77. All the cells seen by the delegation were fitted with wash basins and separate toilets, and the women's cells also included a shower. However, the system used to partition the sanitary units, i.e. a low wall or a curtain, offered only limited privacy.

Access to natural light and the artificial lighting were generally acceptable and there was adequate ventilation. Because of the very limited space available, the cell fittings were confined to beds (usually double bunks, but sometimes single beds), a few stools and an occasional table and shelf. One positive feature was that the cells were equipped with call systems.

¹⁵ These sizes include the cell sanitary facilities, which account for approximately 1.5 m² of the total floor area.

78. The shower areas were acceptably maintained and juveniles and working prisoners had reasonable access to them (as mentioned in paragraph 77, the women had showers in their cells).

However, adult male prisoners who did not work were only allowed to take one shower a week. Allegations were made by some prisoners, and confirmed by staff members, that the period between two showers could be as much as ten days. This cannot be considered adequate.

79. Finally, it should be emphasised that the cells and the establishment as a whole were generally clean and well maintained. Given the prison's level of overcrowding, this was a particularly creditable state of affairs.

ii. programme of activities

80. Only 76 of the 750 prisoners had work. These were mainly sentenced prisoners (47 men and 9 women), plus a small number of those on remand (16 men and 4 women). The prisoners worked in the kitchen, on maintenance and domestic work and in the prison's workshops.

As already noted (see paragraph 76), within their respective sections, sentenced prisoners who worked had free access to a recreation room with television, video and board games. They also had access to an outdoor area for sports activities.

81. On the other hand, 90% of the prisoners had no form of employment and spent most of their time in their cells in a state of idleness. Their main source of distraction was listening to the radio (prisoners on remand were not allowed television), and reading books and newspapers.

They were not offered any educational, training, leisure or sports activities.

Similarly, juvenile prisoners were not provided with any programme of activities suitable for their age.

82. Section 14 of Act No 156/1993 on Pre-trial Prisons provides that each prisoner is entitled to at least one hour of outdoor exercise per day, subject to any exceptions that may be made by the governor.

However, at Bratislava Prison the delegation heard many allegations from prisoners that they did not receive the full one hour's daily exercise, half an hour being generally the rule. Nor was there any opportunity to exercise outdoors on Sundays or in bad weather.

The prison authorities confirmed that a shortage of staff at weekends and during holiday periods made it impossible to ensure that prisoners in Bratislava were guaranteed outdoor exercise. In addition, the absence of suitable shelter in bad weather also imposed restrictions.¹⁶

¹⁶ Though the Director General of the Central Prison Administration emphasised that in certain prisons covered areas had been provided to enable outdoor exercise to take place in bad weather.

83. The conditions in which prisoners took outdoor exercise can only be described as deplorable. For the entire prison population, there were ten corridor-shaped exercise areas, each 27 metres long. These exercise areas were very narrow: one metre broad at the entrance and widening to a maximum of five metres at the far end.

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84. To summarise, the great majority of prisoners at Bratislava Prison spent the bulk of their time locked up in overcrowded cells, without being offered any activities or being able to rely on proper daily outdoor exercise. Their quality of life was very poor. Urgent steps are required to rectify this situation.

85. **The CPT recommends that:**

- **steps be taken immediately to bring the cell occupancy levels at Bratislava Prison into line with their official capacities;**
- **efforts be made to reduce those official capacities. In this context, it should be emphasised that the cells measuring 9 m² should ideally be limited to individual occupancy;**
- **the possibility of improving the partitioning of the cell sanitary units be explored;**
- **efforts be made to give adult male prisoners who do not work more frequent access to showers;**
- **steps be taken immediately to ensure that all prisoners have at least one hour of outdoor exercise every day (including during weekends and holiday periods);**
- **the exercise areas be modified to ensure that prisoners receive proper outdoor exercise. Consideration should also be given to providing a covered area for use during periods of bad weather;**
- **a thorough examination of the means of improving the activities offered to prisoners at Bratislava Prison be conducted. The aim should be to ensure that all prisoners, including those on remand, spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities - work, preferably with vocational value; education; sport; recreation/association. Juvenile prisoners should be offered a full programme of educational, recreational and other purposeful activities; physical education should constitute an important part of that programme.**

b. Leopoldov Prison

i. *material conditions*

86. Prisoners were housed in five buildings of differing designs. The sizes and official capacities of cells varied according to the building concerned. The delegation was notified that the official capacities were as follows: cells measuring 11 to 22 m² - up to three prisoners; cells measuring 21 to 29 m² - six or seven prisoners; cells measuring 25 to 38 m² - eight or nine prisoners; cells measuring 31 to 35 m² - ten prisoners; cells measuring approximately 40 m² - twelve prisoners; and cells measuring 51 m² - sixteen prisoners.

The observed occupancy rates did not always match these official capacities: for example, in building VI, cells measuring 19 m² were accommodating four to six prisoners; in building X, cells measuring some 29 m² and intended for seven occupants in fact accommodated eight prisoners and contained ten beds, while one nine-person cell measuring approximately 35 m² contained fourteen beds.

87. As in Bratislava Prison, the official capacities provided only a limited amount of living space, with the exception of certain cells used to accommodate two or three prisoners. Moreover, the number of beds in certain cells indicated the likelihood of serious overcrowding. It would be quite unacceptable, for example, to accommodate fourteen persons in a cell measuring some 35 m².

88. All the cells were fitted with washbasins and lavatories in sanitary units that were sometimes completely partitioned off. However, in some cells they were only semi-partitioned, which was far from ideal given that the cells accommodated several prisoners. The cells enjoyed good natural light through large windows and had satisfactory artificial lighting and ventilation. They were fitted with beds, either single or in the form of double bunk beds, a table, a few chairs and wardrobes. In addition, all the cells were fitted with a call system.

The shower units were clean and acceptably maintained; however, prisoners could use the showers only once a week.

The overall impression given by the establishment was one of general dilapidation; nevertheless, with one exception, the premises were maintained in an adequate state of cleanliness.

89. The exception was section 7B of building VII (see also paragraphs 98 and 111).

This section, comprising ten cells, was accommodating 19 prisoners at the time of the visit. The cells were more spacious than normal; the largest measured approximately 39 m² and had four occupants while the smallest, with two occupants, measured about 15 m². However, this was the section's only positive aspect. Although fitted out in a similar fashion to that described in the previous paragraph, the cells were badly maintained and some were dirty and foul smelling.

90. In the light of the preceding comments, **the CPT recommends that:**

- **the official occupancy rates in Leopoldov Prison be not exceeded and steps be taken to reduce those rates;**
- **a high priority be given to the completion of the current renovation programme;**
- **the possibility of improving the partitioning of the sanitary units in certain cells be explored;**
- **cells in section 7B of building VII be properly cleaned and maintained;**
- **steps be taken to allow prisoners more frequent access to showers.**

ii. programme of activities

91. The detention regime at Leopoldov Prison depended on the classification of prisoners into the three "NVS" groups (cf. paragraph 69), effected by the sentencing court, and an internal differentiation into sub-groups (A, B, C and D), operated by the prison administration in accordance with the Law on the Execution of Imprisonment and the Regulations for its implementation.¹⁷ The combination of these two elements - the classification and the internal differentiation - was intended to determine the programmes of activities and the security and control restrictions required (i.e. surveillance of varying levels of intensity, cell doors locked or unlocked, open or closed visits, etc.) It should be noted that, according to the information supplied by the Slovak authorities, the concepts of individualised treatment and prisoners' social rehabilitation formed an integral part of this system.

92. The prison provided work in a factory (belonging to an outside firm) situated within the prison area, the prison's own production units, the bakery, the kitchens, the repairs and maintenance unit, the laundry and the gardens. However, according to information supplied on the spot, of the 475 prisoners declared to be fit for work at the time of the visit, only 219 were employed in the above-mentioned occupations (i.e. barely 46% of the prison population fit for work). The breakdown was as follows: 100 employed on maintenance, kitchen, gardening and laundry work, 36 in the factory and 83 in the prison's production units.

¹⁷ The internal differentiation of sentenced prisoners in Slovakia operates as follows: sub-group A (NVS I and II) - prisoners entitled to an open or semi-open regime; sub-groups B and C (NVS I to III) - prisoners subject to a standard detention regime; sub-group D (NVS II and III) - prisoners requiring close attention, because of their physical or psychiatric state (D1), their negative behaviour (D2), their dangerousness or the length of their sentence (D3), or because they were serving life sentences (D4). At the time of the visit, Leopoldov Prison only accommodated prisoners in sub-groups A, B, C and D2, with the following distribution: 83 in sub-group A, 194 in sub-group B, 258 in sub-group C and 19 in sub-group D2.

93. Educational and vocational training activities were at an even more modest level, although in 1991 the prison had made an agreement for that purpose with a vocational secondary school in Hlohovec. According to information supplied, in 1994-95 ten prisoners had entered the second year of an electromechanics course, eight of whom had completed the year. There had been nine prisoners in the third year. During the same period, 42 prisoners had attended five training courses of short duration, in different methods of welding and in handling of materials. It was planned to continue these training activities in 1995-96 and to introduce new courses for cooks and plumbers. Finally, a course for illiterate persons had been attended by 12 prisoners in 1994-95.

94. Leopoldov Prison had good facilities for cultural and leisure activities, such as a library, cinema and theatre; however, these appeared to be significantly underused.

The establishment also had certain areas that served as sports fields. The delegation was informed that one of the buildings destroyed in 1990 was to be rebuilt and equipped as a sports hall, which could be used by both sentenced prisoners and those held in the pre-trial section. Such a project is most welcome, given that no outside sports activities could be held in winter or in bad weather. **The CPT would like to be informed of the progress made on this project.**

95. Working prisoners were generally accommodated in buildings V, VII-A and X. During the week, these prisoners spent up to nine hours out of their cells at work. In the evenings, they could, in principle, participate in recreational activities (including watching television) in the common rooms from 7 to 9 pm, and longer at weekends.

Particular reference should be made to section 7A of building VII, which accommodated 66 prisoners in categories NVS I to III, sub-groups A and B. All of these prisoners had work for up to nine hours per day, considerable freedom of movement both within the section and around the establishment and access to the sports field at all times, and could take part in leisure and recreational activities in the evening. From the standpoint of the detention regime, section 7A offered a striking contrast to the other sections of the prison; no doubt, this was largely responsible for the relaxed atmosphere and good staff-inmate relations observed there by the delegation.

96. In contrast, prisoners who did not work, i.e. almost 54% of the eligible prison population, spent the bulk of their time in their cells. Their main occupation was listening to the radio, reading and playing board games. They were also allowed one hour of outdoor exercise per day and could use the sports field and watch television in the common room during the permitted hours.

97. In contrast to the situation in Bratislava Prison, it appears that one hour of outdoor exercise per day was effectively guaranteed. Nevertheless, despite the space available to the prison, the outdoor exercise areas were not adequate, either in terms of size or configuration; for example, building X (which had a capacity of more than 100 prisoners) had only one yard which was 23 m long and 5 m wide.

98. The CPT is particularly concerned about the situation of the nineteen prisoners (NVS II and III - sub-group D2) accommodated in section 7B of building VII. As already noted, these prisoners were segregated from the remaining inmates on account of their behaviour and attitude. Their detention regime was very restrictive and based exclusively on control. Apart from one hour of daily outdoor exercise and a weekly shower, these prisoners remained in their cells with nothing to do except read old newspapers and books selected by the staff. A radio station was broadcast over a loudspeaker for most of the day. The unit included a television room which, according to the section's daily routine, the prisoners could use between 7 and approximately 9 pm. However, the prisoners met by the delegation claimed that they were not normally allowed access to that room.

It appeared from a discussion with the section's educator that prisoners whose conduct showed improvement were allowed to undertake a limited range of leisure activities, but apparently none of the prisoners had shown any interest in taking up that possibility. Given the nature of the activities available - board games or knitting - this is hardly surprising.

It should also be noted that the conditions in which these prisoners took outdoor exercise were even poorer than those described in paragraph 97. There were three very small exercise areas, surrounded by wire mesh and resembling cages, the smallest measuring 11 m² and the largest 24 m²; this is not large enough to allow prisoners to exert themselves physically.

99. Apart from the negative factors described above and the material shortcomings observed (see paragraph 89), the conditions of detention were made even more difficult by the fact that section 7B was accommodating several prisoners suffering from psychiatric ailments, who shared cells with other prisoners considered not to have complied with acceptable standards of behaviour. This issue will be dealt with in more detail in the part of the report devoted to health-care services in prisons.

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100. As the CPT has already indicated, an appropriate programme of activities is crucial for the well-being of every prisoner. This applies to all prisons, but especially to Leopoldov, which has to accommodate prisoners for very long periods of time. In fact, the majority of inmates were offered only a very limited range of activities, with nothing likely to stimulate their interest.

101. In the light of the delegation's observations, **the CPT recommends that:**

- **a high priority be given to developing programmes of activities (work, vocational training and educational, sporting, cultural and leisure activities) capable of giving real meaning to the objectives of individualised treatment and social rehabilitation;**
- **urgent steps be taken to provide prisoners in sub-group D2 with purposeful activities capable of enabling them to demonstrate the progress required for reintegration into an ordinary detention unit;**
- **steps be taken immediately to improve the exercise areas in section 7B of building VII so that the prisoners accommodated there can enjoy proper outdoor exercise. Consideration should also be given to modifying the other areas designated for outdoor exercise and to providing covered areas for use in bad weather.**

4. Health-care services

a. staff and facilities

102. The health-care centre at Bratislava Prison was staffed by two doctors (general practitioners), one surgeon, two dentists and twelve nurses; a post for a third general practitioner was vacant at the time of the delegation's visit. This medical staff catered for both the 750 strong prisoner population and the prison staff (numbering 327 at the time of the visit). Seven of the nurses (of whom two were dental nurses) catered exclusively for the prisoners. Finally, an outside doctor had been contracted on a part-time basis exclusively for the needs of staff.

The two general practitioners and the nurses attended the establishment five days a week, between 7 am and 3.30 pm, and could be called in at other times in case of emergency.

103. With a full-time staff of 23, the medical unit at Leopoldov Prison comprised a general health-care service, a tuberculosis ward and a ward for prisoners undergoing treatment for alcohol addiction by court order. General health-care services were provided by three doctors (general practitioners), one dentist and nine nurses. One of the general practitioners was responsible for the health of staff members, and the dentist looked after both prisoners and prison staff.

The health-care staff worked the same hours as those at Bratislava Prison (apparently, the practice of having some of the nurses present until 6 pm had been abandoned shortly before the delegation's visit). Outside working hours, a prison doctor could be called in in case of serious occurrences (i.e. deaths, suicide attempts, etc.). More standard requests for medical assistance after 3.30 pm and at weekends were referred to the public stand-by service.

104. Further, both prisons were visited on a regular basis by a wide range of medical specialists. Bratislava Prison was attended on average once a week by a urologist, a neurologist, a dermatovenereologist, a gynaecologist and a specialist in pulmonary diseases, and twice a week by a radiologist. In addition, the prison doctors could refer prisoners to other specialists or transfer them to a hospital.

As regards Leopoldov Prison, twelve medical specialists paid weekly visits to the prison and arrangements had been made to consult a gynaecologist and a urologist at a nearby hospital. Further, a nurse specialising in care for diabetic prisoners also visited the prison. In this respect it should be noted that all diabetic prisoners from the whole of Slovakia were sent to Leopoldov, inasmuch as it was the only prison in the country offering diets and other specialised care for diabetics.

105. Nevertheless, in the course of interviews with inmates at both prisons, the CPT's delegation heard a substantial number of allegations about delays in gaining access to a doctor, as well as some complaints about the quality of medical treatment. Some prisoners at Leopoldov Prison in particular alleged that their only chance of gaining access to a doctor was to injure themselves or to go on hunger strike. By contrast, no complaints were heard by the delegation at either prison as regards access for prisoners to a dentist.

106. **The CPT recommends that steps be taken immediately:**

- **to fill the vacant doctor's post at Bratislava Prison;**
- **to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on prison premises, including at night and weekends.**

107. The CPT also wishes to underline that a prison health-care service should be so organised as to enable requests to consult a doctor to be met without undue delay. Non-medical prison staff should neither seek nor be required to screen such requests; moreover, prisoners should be able to communicate with the health service confidentially, for example by means of a message in a sealed envelope.

The CPT recommends that the Slovak authorities take all necessary steps to ensure that the practice in this area is in accordance with the above considerations.

108. The manner in which prisoners on hunger strike are treated in the prison establishments visited is another area of concern for the CPT. During its visit to the two prisons, the CPT's delegation met four such prisoners. It appeared that insufficient attention was paid by medical staff to the underlying reasons for the hunger strikes; moreover, the prisoners in question had apparently not been fully informed of the potential consequences of the hunger strike and were not receiving the necessary psychological support.

The CPT would like to receive detailed information from the Slovak authorities on the approach adopted to the treatment of prisoners on hunger strike.

109. At Bratislava Prison, the health-care premises were situated on the third floor of the main building and comprised, *inter alia*, several cells converted into sick-rooms (under refurbishment at the time of the visit), two examination rooms, two dentist's rooms, two X-ray rooms, a room for sterilisation and a storage area for medicines.

The medical unit at Leopoldov Prison was located in a separate building and consisted of a hospital ward, a tuberculosis ward for non-contagious patients with a capacity of 24 beds, a ward for prisoners undergoing treatment for alcohol addiction by court order with 35 beds and a number of examination rooms and laboratories.

Although in general modestly equipped, the above described health-service premises could be considered adequate and were maintained in a good state of repair and cleanliness.

b. psychiatric and psychological care

110. The psychiatric service at Bratislava Prison consisted essentially of one psychiatrist (based at Leopoldov Prison) who attended Bratislava Prison once a week for half a day. This is clearly inadequate for a prison population of 750. The CPT wishes to point out in this connection that all prisons accommodate a certain number of prisoners who, while not requiring admission to a psychiatric facility, could benefit from ambulatory psychiatric or psychological care. As things stand at present, it is inevitable that such inmates at Bratislava Prison will not receive appropriate care. Consequently, **the Committee recommends that the Slovak authorities reinforce the psychiatric/psychological services at Bratislava Prison.**

The situation was somewhat better at Leopoldov Prison. Psychiatric and psychological care was provided by two psychiatrists and one clinical psychologist. However, the delegation noted that they all worked six hours a day in the ward for prisoners undergoing treatment for alcohol addiction by court order (where they were assisted by one therapist-pedagogue and four registered nurses). This left little time for providing psychological and psychiatric care to the remaining 700 or so prisoners, bearing in mind also that one of the psychiatrists spent half a day a week in Bratislava Prison.

During the final talks, the delegation raised the point that the distribution of the working time of the two psychiatrists and the clinical psychologist at Leopoldov Prison might be reviewed. **The CPT would like to receive the comments of the Slovak authorities on this issue.**

111. Special mention must be made of ward 7B of Leopoldov Prison which, as already indicated (cf. paragraph 99), was accommodating a number of prisoners suffering from psychiatric ailments. Among the prisoners interviewed by the delegation's medical members, two displayed symptoms of acute schizophrenic psychosis with hallucinations and extreme anxiety, and two others were suffering from acute depression. These prisoners were in urgent need of special supervision and even treatment in a psychiatric hospital. The delegation's observations in the four cases in question were confirmed by the respective prisoners' medical files and by discussions with the prison psychiatrist looking after prisoners in ward 7B. In addition, there were also prisoners suffering from chronic mental illness.

As already noted in paragraphs 89 and 98 above, prisoners in ward 7B were placed in accommodation which was dirty and in a bad state of repair, and were subject to a very restricted regime. Such conditions of detention could only exacerbate the mental condition of the prisoners referred to above.

112. At the end of its visit to Slovakia, the CPT's delegation requested that urgent action be taken to improve the conditions for all prisoners in ward 7B and to ensure that prisoners suffering from psychiatric ailments are appropriately accommodated and cared for on the basis of a psychiatric and psychological assessment of their individual needs.

In a letter of 11 October 1995, the General Director of the Central Prison Administration informed the CPT that a medical-educational division was to be established on 1 November 1995 at Leopoldov Prison, staffed by a number of specialists and offering individualised treatment and therapeutic activities to prisoners suffering from psychiatric ailments, as well as special facilities for prisoners suffering from acute psychiatric conditions. The CPT welcomes the constructive spirit in which the Slovak authorities reacted to its delegation's observations, **and would like to receive confirmation that the above-mentioned division has indeed been set up as planned.**

c. medical screening on admission

113. The relevant legal regulations provide that newly arrived prisoners are to be examined by the prison doctor. According to the information received by the CPT's delegation, prisoners were checked immediately on arrival for injuries and questioned about health matters by non-medical members of staff, who would refer without delay to a doctor any person in obvious need of medical care. A full medical examination should normally be carried out shortly after admission. The delegation was informed by staff that this medical examination would take place on the day following admission (save for a prisoner arriving at the weekend, who would be seen the following Monday). However, from the delegation's interviews with prisoners, it transpired that it was possible to have delays of up to several days before new arrivals were seen by a doctor.

114. In the CPT's view, all newly admitted prisoners should be seen without delay (i.e. within 24 hours) by a member of the prison health-care service and, if necessary, given a medical examination. This medical screening on admission could be undertaken either by a doctor or by a qualified nurse reporting to a doctor.

The CPT recommends that the Slovak authorities take the appropriate steps to ensure compliance with the above-mentioned points.

115. The CPT also considers that any signs of violence observed on admission should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever the prisoner is medically examined following a violent episode in the prison. Further, if so requested by the prisoner, the doctor should provide him with a certificate describing his injuries.

The delegation's observations suggest that this requirement was being met in the prisons visited. Any signs of violence were recorded and reported, *inter alia*, to the responsible prosecutor.

d. issues related to transmissible diseases

116. The CPT's delegation was informed that in the last few years there has been an increase in the incidence of tuberculosis. All newly arrived prisoners were X-rayed for tuberculosis within seven days of arrival, and those found to be ill were transferred to a special tuberculosis unit.

117. Apparently, no routine testing for HIV was performed at either Bratislava or Leopoldov Prisons (the CPT's delegation understood that to date HIV/AIDS has not constituted a serious problem in Slovak prisons in general). However, certain categories of prisoners considered to be at risk (e.g. sex offenders, drug users, prostitutes, foreigners) did undergo an HIV test. The delegation received conflicting information as to whether the test was made subject to the prisoner's consent. **The CPT would like this point to be clarified.**

The CPT wishes to emphasise that appropriate counselling should be provided before any screening test and, in the case of a positive result, psychological support should be guaranteed. Further, it is axiomatic that information regarding HIV-positivity should be protected by medical confidentiality. **The CPT recommends that the Slovak authorities ensure that the above-mentioned precepts are fully respected in practice.**

118. The delegation was informed by the Head of the Medical Department of the Central Prison Administration that in the event of a positive test, the inmate would not be segregated. However, non-medical members of prison staff expressed the opinion that an HIV-positive prisoner would be segregated. **The CPT would like to receive clarification on this point. Further, it wishes to stress that there is no medical justification for the segregation of an HIV-positive prisoner who is well.**

119. In February 1994 the Central Prison Administration issued "Instructions for the provision of information to accused and sentenced prisoners on the risks of contracting the virus of AIDS". According to these instructions, prison doctors are obliged to inform all newly admitted prisoners - both pre-trial and sentenced - of the risks and ways of contracting HIV. After receiving the instructions, each prisoner is supposed to sign a form which, inter alia, enumerates the methods of transmission of HIV; this form is then attached to his medical file. The persons imprisoned before the issue of the Instructions were required to attend group lectures organised in the first half of 1994.

From conversations with health-care staff at both prisons visited, it became apparent that the above measures had been implemented. In accordance with the Instructions, lectures for prison staff and inmates had been held; special training for health-care staff was also periodically organised.

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

e. medical confidentiality

120. At Bratislava Prison, it was observed that at least one prison guard was almost invariably present during medical examinations of prisoners; at best, the door of the examination room was left open. This practice, apparently inspired by security considerations, was condoned by the prison doctors even when they did not consider their personal security to be at risk.

Similarly, at Leopoldov Prison it was more the rule than the exception for a prison guard to be present during medical examinations, save for the prison's psychiatrists, who always examined prisoners in private.

The CPT recommends that all medical examinations (whether on arrival or at a later stage) be conducted out of the hearing and - unless the doctor concerned requests otherwise - out of the sight of prison officers.

121. By contrast, the observations of the delegation suggested that the confidentiality of medical files of prisoners was satisfactorily observed. It should also be noted in this context that the recording of medical data for each prisoner was of a good standard.

5. Other issues of relevance to the CPT's mandate

a. prison staff

122. There can be no better safeguard against ill-treatment than a properly recruited and trained prison officer, who knows how to adopt the appropriate attitude in his relations with prisoners. Developed interpersonal communication skills are an essential part of the make-up of such an officer. As with police officers, such skills will often enable a prison officer to defuse situations which could degenerate into violence. More generally, they will help to reduce tensions and improve the quality of life in the establishment, to the benefit of all concerned.

123. The quality of the relations between staff and prisoners in the two establishments visited left much to be desired. Staff adopted a militaristic - and in Leopoldov even a defiant - attitude towards prisoners. There was no trace of commitment on the part of prison staff to enter into constructive dialogue with inmates. Their job was largely limited to opening and closing doors and supervising and controlling prisoners. Only the educators ("*pedagóg*") - staff members in charge of wards and responsible for the activities and the general welfare of inmates - seemed to have more personalised contact with the prisoners.

124. According to information supplied to the delegation, following their recruitment, prison officers serve a one year probationary period. During this probation, they undergo periods of training lasting approximately four months, including four weeks' theoretical training at Nitra central training college.

The CPT recommends that the Slovak authorities give high priority to the intensification of prison staff training, both initial and in-service. In the course of such training, considerable emphasis should be placed on the acquisition and development of interpersonal communication skills. Building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation.

125. Finally, **the CPT recommends that the Slovak authorities review the practice, observed particularly in Bratislava Prison, of requiring prisoners to turn their faces to the wall when someone passes them.** Such a practice serves no security purpose and is hardly likely to create a suitable atmosphere for communication.

b. contact with the outside world

126. It is very important for prisoners to be able to maintain reasonably good contact with the outside world. Above all, prisoners must be given the means of safeguarding their relationships with their family and close friends. The continuation of such relationships is of crucial importance for prisoners' social rehabilitation. The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations.

127. In Slovakia, adult remand prisoners were entitled to a monthly visit of at least 30 minutes, while juveniles were entitled to a half-hour visit every two weeks. Sentenced prisoners were entitled to visits lasting at least two hours: every two weeks for NVS I, once a month for NVS II and every six weeks for NVS III prisoners.

In practice, the frequency and duration of visits in both establishments corresponded to the legal minimum, although in Leopoldov the delegation was informed that in exceptional circumstances, for example as a reward for good conduct or in the case of infrequent visits because the visitors had to travel a long way, visiting hours might be extended.

128. The visiting rights granted to remand prisoners are insufficient to enable them to maintain good relations with their families and friends. **The CPT therefore recommends that the visit entitlement of both adult and juvenile remand prisoners in Bratislava Prison, and if necessary in other Slovak prisons, be substantially increased.**

The length of visits for sentenced prisoners could be considered acceptable, although in the case of NVS III prisoners they are less than generous. It would be appropriate to grant certain NVS II and III prisoners more frequent visits in order to encourage their contacts with the outside world. **The CPT would welcome the Slovak authorities' comments on this subject.**

129. All family members and friends visiting inmates in Bratislava Prison were separated from them by a glass screen (ten booths were provided for this purpose). The visiting areas were clean and well-maintained. Nevertheless, the conditions in which visits took place restricted considerably communications between prisoners and their visitors, and were hardly conducive to the maintenance of good contact with the outside world. In this context, **the CPT wishes to invite the Slovak authorities to explore the possibility of offering more open visiting arrangements to remand prisoners.**

In Leopoldov, prisoners in NVS I and a certain number of prisoners in NVS II and III (sub-groups A and B) received visitors around a table¹⁸, in a classroom designated for that purpose. The visits took place in satisfactory conditions. The other prisoners' visits took place in four areas, each comprising eight booths. The material conditions in these visiting areas do not call for any particular comment.

¹⁸ It should be noted in this context that under the current regulations, NVS II and III group prisoners may not have direct contacts with their visitors. However, in special cases, the prison governor may decide otherwise.

130. The current regulations authorise both remand and sentenced prisoners to send and receive an unlimited amount of correspondence.

However, prisoners did not have access to a telephone in either Bratislava or Leopoldov prisons. The CPT considers this situation unacceptable, particularly in the case of prisoners who do not receive regular visits because their families live a long way from the establishment.

The CPT recommends that the Slovak authorities take steps to ensure that prisoners in Bratislava Prison, Leopoldov Prison and any other establishments where a similar situation prevails, have access to a telephone, where necessary subject to appropriate supervision.

c. discipline and solitary confinement

131. In Slovakia the disciplinary procedure is the subject of detailed regulations. Several disciplinary sanctions are provided for by law, the most severe for remand prisoners being placement in a punishment cell for up to 15 days (up to 10 days in the case of juveniles) and for sentenced prisoners up to 20 days. The decision to place a prisoner in a punishment cell may be taken by a number of senior prison officials; however, in the case of remand prisoners, a sanction of more than five days in a punishment cell - and in the case of sentenced prisoners, of more than ten days - can only be decided by the prison governor.

Prisoners are given a hearing before a sanction is imposed, and are entitled to appeal against the sanction within three days. According to information received, appeals against sanctions imposed by senior prison officials are lodged with the governor or his deputy. However, the delegation received no clear account of who was responsible for hearing appeals against sanctions imposed by a governor.

The CPT would welcome clarification on this point from the Slovak authorities.

132. The material conditions in the punishment cells of Bratislava Prison were on the whole acceptable. The cells were large enough for individual occupancy (9.5 m²) and enjoyed good natural light and acceptable artificial lighting. They were fitted with a folding wooden bunk, a tap, a fixed table and chair, a radiator and toilet; they were also equipped with a call system.

The punishment cells in Leopoldov Prison had similar fittings to those described above but the living space was more confined (approximately 5 m²), the cells having been divided into two by a sliding grill. There was also less natural light than in Bratislava, since the windows were screened by a steel mesh.

The only major criticism which has to be made regarding the material conditions is that prisoners were not supplied with mattresses at night, but only blankets and a sheet. The CPT wishes to emphasise in this regard that all prisoners, including those being held in punishment cells, must be supplied with mattresses at night. **The CPT recommends that steps be taken immediately to rectify the situation.**

133. Regarding the regime, the regulations provide for prisoners placed in a punishment cell to have at least one hour of outdoor exercise per day, and the delegation's observations on the spot suggested that this requirement was generally respected. Prisoners in punishment cells were subject to certain restrictions regarding visits, correspondence, etc., but these do not call for any particular comments from the CPT. On the other hand, the CPT considers that such prisoners should be supplied with reading material; **it therefore recommends that remand and sentenced prisoners placed in a punishment cell be expressly granted the right to reading matter**¹⁹.

134. Aside from placement in a punishment cell, the delegation met three persons in Bratislava Prison who were considered dangerous on account of their long sentences (life imprisonment) imposed by first instance courts and who were being detained in conditions akin to solitary confinement. They were being held at Bratislava Prison on account of the appeals they had lodged against their sentences.

135. These prisoners had been placed in three of the five cells (Nos 78 to 82) specially designed for prisoners deemed to be dangerous. The cells were of an acceptable size, with a total area of 9.2 m² divided in two by a grill, which left an effective living space of some 6.5 m². The area in which prisoners spent their time was fitted with a fixed bed, table and chair, a cupboard and a lavatory. The natural light, artificial lighting and ventilation were good. The cells were also equipped with a call system and a loudspeaker broadcasting a radio station.

To sum up, the material conditions of detention of the prisoners were not a source of concern to the CPT.

136. Unfortunately, the same cannot be said of the regime applied to them. Out-of-cell activities were confined to one hour of daily outdoor exercise, a weekly shower and any visits the prisoners might receive. Inside the cells, activities were limited to reading books chosen by the staff. The prisoners in question were not offered any form of work or recreational activities. It is noteworthy that one of the three prisoners had been detained under such conditions since March 1992, and the other two since April 1994.

137. The CPT recognises that it may exceptionally be necessary to arrange special detention conditions for certain prisoners considered to be "dangerous". Nevertheless, such persons are of particular concern to the CPT in view of the fact that the need to take exceptional security measures in respect of them brings with it a greater risk of inhuman treatment than in the case of the average prisoner.

It is widely acknowledged that all forms of isolation without appropriate mental and physical stimulation are likely in the long term to have damaging effects, resulting in changes in social and mental faculties. It can only be concluded that the regime applied in Bratislava to prisoners considered to be dangerous did not provide this necessary stimulation.

¹⁹ The regulations currently in force prohibit reading in cells for sentenced prisoners but say nothing about remand prisoners.

The CPT recommends that the Slovak authorities take the necessary steps to provide the above-mentioned prisoners with purposeful activities and guarantee them appropriate human contact. In this context, reference may be made to the comments and suggestions in the explanatory memorandum accompanying Recommendation No R (82) 17 concerning custody and treatment of dangerous prisoners, adopted by the Council of Europe's Committee of Ministers on 24 September 1982.

138. More generally, **the CPT would like to receive detailed information on the regimes applied to prisoners in sub-groups D3 and D4.**

d. complaints and inspection procedures

139. Effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them, both within and outside the prison system, and be entitled to confidential access to an appropriate authority.

The CPT attaches particular importance to regular visits to all prison establishments by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with authority to receive - and, if necessary, take action on - prisoners' complaints and to inspect the accommodation and facilities.

140. In Slovakia, prisoners may lodge complaints by confidential letter with the prison service authorities, the public prosecutor, the courts and any public authority of the Slovak Republic (i.e. the government, members of National Council, etc.). Correspondence with legal advisers is not subject to inspection and is sent in sealed envelopes.

In both establishments visited, prisoners had access to locked letter boxes for sending their complaints. In the case of correspondence to the prison service, the letter box could only be opened by a senior prison official appointed by the prison governor to deal with complaints. Correspondence addressed to the public prosecutor was placed in a specially designated box, the key to which was held by the public prosecutor.

The CPT commends this system and **invites the Slovak authorities to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter.**

141. The Minister for Justice, the Director General of the Central Prison Administration, members of the National Council and public prosecutors are entitled to visit prisons. More specifically, as part of their statutory supervisory responsibilities, public prosecutors are required to monitor custodial measures and conditions of detention in prisons. They are entitled to meet prisoners in private and receive their complaints. They are also authorised to inspect detention facilities at any time of day or night, and every cell in every prison must be inspected monthly. If any deficiencies are discovered during such inspections, the prison governor and the Prosecutor General should be immediately informed. The Ministry of Justice is also informed by letter of any deficiencies identified. The delegation was informed that a biennial report on the public prosecutors' supervisory activities is submitted to the National Council.

142. The delegation had the opportunity to meet the public prosecutor responsible for inspecting Bratislava Prison, who was carrying out his monthly visit. It noted that as well as seeing prisoners who had explicitly requested to meet him or to whom his attention had been drawn (for example, a prisoner who had refused to eat for three days), he visited cells at random to talk to other prisoners. Information gathered at Leopoldov showed that the relevant public prosecutor fulfilled his responsibilities in a similarly conscientious fashion.

The CPT welcomes this state of affairs.

143. Finally, in the course of meetings held by the delegation at the Ministry of Justice, the National Council and the Constitutional Court, it was indicated that the introduction of the institution of Ombudsman was under consideration. **The CPT would like to be informed of the progress made in this respect.**

- e. procedural safeguards for prisoners considered unadapted to an ordinary prison regime

144. As already indicated (cf. paragraph 98), at Leopoldov Prison prisoners considered not to have complied with acceptable standards of behaviour (sub-group D2) were segregated from the rest of the inmates and were subjected to a very restrictive detention regime.

The decision to place a prisoner in sub-group D2 is taken by the prison governor, after a proposal from an educator.²⁰ The decision to remove a prisoner from sub-group D2 is also made by the governor, following a proposal from, in particular, the educator.²¹ The delegation was informed that the prisoner concerned is not able to contest the decision to be placed in sub-group D2. Moreover, the delegation heard allegations from some prisoners that they had not been informed of the reasons for the measure taken against them.

145. The decision to place a prisoner in sub-group D2 should be reviewed by the prison governor at least once every three months, on the basis of a psychological and psychiatric assessment. The delegation noted that this requirement was being complied with at Leopoldov Prison. However, it is obvious from the remarks in the preceding paragraph that the situation concerning procedural safeguards leaves something to be desired.

²⁰ cf. Section 106 of Order No 125/1994 for the Implementation of the Law on the Execution of Imprisonment.

²¹ cf. Section 108 of Decree No 125/1994 on the Implementation of the Law on the Execution of Imprisonment.

The CPT considers that any decision to segregate a prisoner from other inmates on the grounds of his behaviour should be accompanied by the following safeguards: the prisoner concerned should be informed in writing of the reasons for the measure taken against him (it being understood that the reasons given might not include details which security requirements reasonably justify withholding from the prisoner), be given an opportunity to present his views on the matter before a definitive decision is taken, and be able to contest the measure before an appropriate authority.

Consequently, **the CPT recommends that the Slovak authorities take the appropriate steps to ensure that the above-mentioned procedural safeguards are provided.**

f. foreign prisoners

146. In the establishments visited, foreign prisoners, particularly those who did not speak any central European language, complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities.

147. The delegation's observations indicated that these complaints were far from being unfounded. The establishments' internal regulations, posted in the cells, were written only in Slovak and the difficulties of communicating with prison staff were obvious. The delegation was informed that steps were being taken to translate the prisons' regulations into foreign languages. **The CPT recommends that this be given a high priority. It would also be desirable that the expressions most commonly used in everyday activities be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.**

148. The delegation noted that hardly any of the foreign prisoners had work. Moreover, those who did work were mainly employed on simple, unpaid maintenance activities for a few hours per day. Nor were any educational or training activities offered to the foreign prisoners.

The CPT would welcome the Slovak authorities' comments on this subject.

C. Establishments under the authority of the Ministry of Education

1. Introduction

149. The CPT's delegation visited two establishments falling under the authority of the Ministry of Education - the Diagnostic Centre for Young Persons in Záhorská Bystrica and the Youth Re-education Home in Hlohovec.

From the viewpoint of the legal grounds for their commitment to the two establishments, the young persons fell within four different categories: commitment - on the basis of a "preliminary decision" issued by a local social welfare officer (a preventive measure which is followed later by a court decision); on the grounds of a criminal court ruling for "protective education"²²; following a civil court decision ordering "institutional education"²³; and at the request of the young person's parents (i.e. a "voluntary stay")²⁴.

150. The Diagnostic Centre for Young Persons in Záhorská Bystrica is situated in one of the suburbs of Bratislava, in a building used to accommodate the local school. The centre has been set up for the purpose of performing an overall evaluation, diagnosis and prognosis of young persons with behavioural problems - an obligatory stage before assigning them to a re-education home corresponding to their individual characteristics.²⁵ With a capacity of 28 (plus 2 places for the temporary accommodation of young persons who have run away from home and have been apprehended by the police), the Centre is the only diagnostic establishment for 15-18 year old boys in Slovakia.²⁶ The Centre has a large turnover (123 boys in the first half of 1995), the young persons spending relatively short periods of time in the establishment (3 months on average). On the day of the delegation's visit, 26 young persons were registered at the Centre, of which 9 by a preliminary decision, 3 for protective education, 10 for institutional education and 4 on a voluntary basis.

²² cf. Sections 351 - 358 of the Code of Criminal Procedure.

²³ cf. Sections 43 - 45 of the Law on the Family.

²⁴ In this case the boy is admitted on the basis of an arrangement between the establishment and the parents, who undertake to pay for the boy's subsistence.

²⁵ Some boys are not assigned to a re-education home after the diagnosis is completed, and are sent instead to a children's home or back to their parents.

²⁶ There are four other diagnostic centres in Slovakia: three for children younger than 15 and one for girls between 15 and 18.

151. The Re-education Home in Hlohovec is located on the outskirts of Hlohovec in Western Slovakia, in an old castle which was turned into a special school in 1950. It caters for boys between 15 and 18 years of age²⁷, the majority of whom have been committed to the establishment by a court ruling for protective or institutional education (as in Záhorská Bystrica, the home also admitted some boys on the basis of a "preliminary decision" or at the parents' request). In general, the young persons spend 2-3 years at the establishment, during which they receive re-education and vocational training. At the time of the visit, the home's total capacity was 80 (brought down from 120 in 1993 and expected to decrease further to 60 by the end of 1995). On the first day of the delegation's visit, 49 boys were in residence.

2. Torture and other forms of ill-treatment

152. The CPT's delegation heard no allegations of torture or other forms of deliberate ill-treatment of young persons by staff at the two establishments visited; nor was any other evidence of such treatment found during the visit.

The CPT wishes to stress that its delegation gained a favourable impression of the relations between staff and the young persons; it welcomed the relaxed atmosphere and caring attitude which prevailed in both establishments visited. The fact that they were regularly inspected by the Ministry of Education and by the responsible public prosecutors could only have contributed to the situation observed.

However, the CPT's delegation noted that, in contrast to Záhorská Bystrica, there were no female educators at the Re-education Home in Hlohovec. The CPT is of the opinion that the introduction of female educators is an important element for establishments whose purpose is to educate and take care of young boys. **The Committee therefore invites the Slovak authorities to explore the possibility of employing female educators at the Re-education Home in Hlohovec.**

153. During the visit to the Re-education Home in Hlohovec, the CPT's delegation was informed that staff were authorised to have resort to physical force and, if necessary, use handcuffs, when confronted with young persons displaying aggressive behaviour. The Home's rules also provided that in case of "affected behaviour, drunkenness or aggressiveness" the young person concerned could be given a "Scottish shower" (i.e. 3 to 10 minutes of spraying with water in order to calm him down). The CPT considers that the latter practice is not acceptable, and **recommends that it be removed from the list of authorised means of coercion.**

²⁷ As an exception, young persons who have turned 18, but have not yet finished school or have nowhere else to live can stay at the establishment until the age of 19.

154. Every instance of the use of means of coercion was to be recorded in the young person's file and reported to the public prosecutor. **The CPT recommends that every resort to means of coercion also be fully recorded in a special register established for this purpose.**

155. Further, **the Committee would like to receive information on the training in both non-physical and manual control techniques received by staff in establishments falling under the authority of the Ministry of Education.**

3. Isolation

156. The CPT's delegation noted that the most severe punishment provided for by the internal rules of both establishments was up to five days "educational isolation" (in case of aggressive behaviour towards staff, fights, escape, use of alcohol, etc.). Within a given month, a young person could spend a maximum of five days in isolation.

157. The two isolation rooms at Záhorská Bystrica measured a mere 3.6 m² each. A room of such a size is not acceptable for use as overnight accommodation. Further, the rooms were very sparsely equipped, containing nothing but a mattress. However, they did benefit from adequate natural and artificial light, and were fitted with a call system. Young people placed in isolation made use of the common sanitary facilities situated nearby, and it appeared that ready access to them was guaranteed at all times, including at night. A member of staff visited the isolation room at regular intervals, and every morning the nurse examined those held in isolation.

158. There were also two isolation rooms at the Re-education Home in Hlohovec; they were very spacious (13 m²), well-ventilated, with big windows and adequate electric light which was turned off at night. Each room contained a bed, a mattress and bedding being provided at night. Further, the rooms were equipped with a call system. As at Záhorská Bystrica, the young people held in isolation had ready access to the sanitary facilities. An educator checked the young people in isolation every two hours during the day, and every three hours at night. The establishment's director and the psychologist also paid regular visits to the isolation area.

159. The delegation was told that, depending on the young person's behaviour and attitude towards his punishment, the isolation could be shortened or the boy concerned could be allowed to read textbooks and magazines, to have 15-30 minutes outdoor exercise, and/or to do some work outside the isolation room in the evenings. However, the establishments' disciplinary rules did not provide for daily outdoor exercise for those held in isolation.

Some of the boys interviewed by the delegation at the Re-education Home in Hlohovec alleged that they had spent up to five days in isolation without leaving the isolation room (except for going to the toilet and washing facilities), and had not been allowed any reading material. In the CPT's opinion, such a deprivation of physical exercise and intellectual stimulation for a period of days is not acceptable for any detained person, and can be particularly harmful for young people.

160. In the light of the above, **the CPT recommends:**

- **that the isolation rooms at the Diagnostic Centre in Záhorská Bystrica be enlarged or, if this is not feasible, other (larger) isolation facilities be found;**
- **that all young people placed in isolation be guaranteed at least one hour of exercise in the open air every day;**
- **that reading matter be made available to young people placed in isolation.**

The CPT also considers that it would be desirable for isolation rooms to be equipped with a table and a chair, if necessary fixed to the floor.

4. Material conditions

161. The Diagnostic Centre for Young Persons in Záhorská Bystrica was located in a two-storey building, surrounded by extensive grounds containing several smaller auxiliary buildings (workshops) and a vegetable garden.

In general, the material conditions could be described as modest but acceptable. The young persons slept in five rooms on the second level of the building, each measuring approximately 19 m² and containing 5-6 beds. These rooms were not locked at night; on the other hand, the boys had no access to them during the day. The bedrooms had large windows and were well-lit and ventilated. The only furniture in them were the beds (though each boy had a locker in the corridor outside the rooms); further, devoid of any decoration, these rooms had an anonymous and austere appearance.

The common toilet and washing facilities were located on the same level as the bedrooms and were found to be in a good state of repair and cleanliness. There were no restrictions on the use of the showers. Moreover, the establishment provided the boys with all the necessary personal hygiene products, as well as with some clothing (working clothes, pyjamas).

The rest of the facilities - classrooms, group activity rooms, workshops, refectory - were spacious, well-maintained and attractively decorated. There was one common room which contained a television set and a computer, neither of which was working (apparently because the boys had recently broken them).

162. The Re-education Home in Hlohovec consisted essentially of one large and very old building (a medieval castle), which, although providing very generous living space, was costly to maintain and hardly appropriate for the purposes of the establishment. The sixteen bedrooms were spacious, varying in size from 27 to 45 m²; each of them was fitted with 4 to 8 beds and the same number of lockers. The rooms were well-lit and ventilated and in an impressive state of cleanliness (keeping the bedrooms in good order was part of the system of rewards). Further, the walls were attractively decorated with posters and paintings.

The common sanitary facilities were in some need of repair (e.g. broken taps, peeling paint, etc.). The young persons could take a shower every evening. Further, they were provided by the establishment with all the necessary personal hygiene products, as well as with bedding and personal clothing, which were changed at regular intervals.

There were six classrooms, each for a maximum of 12 boys, and eight common rooms (one for each group of boys), where the young people could associate in the evenings, watch TV, etc. However, the common rooms, although very spacious, left a rather depressing impression; they were equipped with old and dilapidated furniture, were in a bad state of repair and had sombre decoration.

In contrast, the kitchen and the refectory were well-equipped, maintained in a good state of repair and cleanliness, and attractively decorated with drawings and flowers.

A number of more modern facilities, including workshops, a gym and an administrative building, had been constructed in the 1960s on the grounds surrounding the castle; they were of a good standard.

163. The administration of the Re-education Home was only too well aware of the deficiencies in the existing material environment, and had therefore undertaken the construction of modern accommodation facilities on the second floor of the building containing the workshops. The CPT's delegation visited some of the new facilities where the work had been completed: a dormitory for four boys, measuring some 26 m², with big windows; spacious common rooms; good toilet facilities, etc. The director of the Re-education Centre informed the delegation that the young persons should be accommodated in the new facilities by the end of the year, and that the establishment's official capacity would be reduced to 60 places.

To sum up, the material conditions in the two establishments visited were of a reasonably good standard, and, as regards the Re-education Home in Hlohovec, would be even better once the construction of the new accommodation facilities had been completed.

The CPT would simply like to invite the Slovak authorities to ensure that all living and sleeping areas for the young people are decorated in such a way as to create an individualised and stimulating atmosphere.

5. Programme of activities

164. As already mentioned, the young people spent an average of 3 months at the Diagnostic Centre in Záhorská Bystrica. During this period they underwent a diagnosis from the pedagogical, psychological, social and medical points of view, performed by a number of specialists who assessed each boy's intellectual capacity, personality, family situation, etc. If the allocation to a re-education home as a result of the diagnosis turned out to be unsuccessful, the centre re-admitted the young person and performed a new diagnosis.

The programme offered to the young people involved a number of activities designed to facilitate the making of diagnoses. In the morning the boys went to school, for the purpose of which they had been divided into three groups, according to their mental and educational level. A variety of physical and creative activities were offered in the afternoon (ball games, swimming, gardening, drawing, music, etc.). The centre had two workshops, for woodwork and locksmithing, and the young people could also work in the centre's vegetable garden. In addition, various seasonal jobs were offered to them, for which they received small wages.

An important part of the after-school activities were the group discussions (held in three different groups formed in accordance with the length of time spent at the establishment) and the community meetings at which the young people were encouraged to discuss their conduct, make complaints and suggestions, etc.

165. At the Re-education Home in Hlohovec, the activities programme was designed to contribute to the social adaptation of young persons with behavioural problems and to provide them with a useful vocational qualification.

To facilitate the aims of the establishment, an internal differentiation of the young persons was made, in accordance with their mental capacity (normal, borderline and sub-normal). Two days a week the young persons attended school (general education classes), and three days, vocational training courses. Upon admittance to the establishment, the boys were entitled to choose from five vocational courses (locksmithing, metalwork, brick laying, house-painting and carpentry). The vocational courses had a duration of either two or three years (in the case of the sub-normal boys). The young people shared part of the profit from the sale of their production, and were paid for their work during the summer holidays at outside industrial sites. It is also noteworthy that the certificates issued upon completion of the vocational courses contained no indication of the specific re-educational nature of the establishment.

However, the delegation observed that basic safety equipment appeared to be missing in some of the workshops: for example, protective equipment for the ears in the metalwork and carpentry workshops, where the noise from the machines was very loud, as well as shields for welding work, etc. **The CPT recommends that basic safety measures in the workshops at Hlohovec be reviewed.**

166. The establishment offered good possibilities for sports activities: a large, modern gymnasium; an asphalt-covered playing-field. The municipal swimming pool and the sports facilities of the local elementary school could also be used by the young persons. In addition, there was a weight-training room in the basement of the castle; however, it was poorly equipped and had a rather unused appearance. In fact, some of the boys complained that they could hardly ever use the weight-training room, because the educators were reluctant to provide the required supervision.

The establishment ran a library, which apparently was used by a small proportion of the young people (about 30%). The delegation heard a number of complaints from the young persons concerning the scarcity of cultural activities offered them (e.g. lack of musical instruments, rare outings to go to the cinema, etc.).

Twice a month a community meeting ("forum") was organised, headed by the establishment's psychologist and attended by other members of staff, at which the young people discussed their behaviour, put forward proposals for changes in the regime and voiced their complaints.

167. Overall, the two institutions can be said to provide a suitable range of activities for the young persons held within them. **The CPT would only invite the Slovak authorities to explore the possibilities for offering to the young people at the Diagnostic Centre in Záhorská Bystrica and the Re-education Home in Hlohovec a wider range of cultural activities, as well as more educational opportunities (e.g. computer training, etc.).**

6. Health-care services

168. At the Diagnostic Centre for Young Persons in Záhorská Bystrica, daily health care was provided by a nurse, employed on a half-time basis. She was in charge of the young persons' medical files and checked the boys in the morning. If a young person had a problem, the nurse took him to a doctor at the local medical centre, and in case of serious illness, a doctor was called in. In addition, a doctor visited the establishment once a week.

The health-care facilities comprised the nurse's room and a sick-room with two beds, both measuring some 19 m² and adequate in every respect.

169. The CPT's delegation understood that five young people who were thought to have been at risk whilst at large were waiting to undergo an HIV test. **In this connection the CPT would like to recall the observations made in paragraphs 117 and 118, which apply equally to young persons.**

170. One nurse was employed on a full-time basis at the Re-education Home in Hlohovec. Further, both a doctor and a dentist visited the establishment once a week. In case of emergency, the young people were referred to the local hospital in Hlohovec.

The facilities consisted of one sick-room (32 m²) with 5 beds and a room for the nurse, and, like in the Diagnostic Centre in Záhorská Bystrica, were satisfactorily equipped.

171. In conclusion, the resources of the health-care services in the two establishments visited can be considered just about adequate. However, **the CPT recommends that the Slovak authorities take the necessary steps to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the two establishments' premises, including at night and weekends.**

172. The delegation's on-the-spot observations suggested that there was room for improvement in the provision of psychological/psychiatric care to the young persons at Hlohovec. The establishment had a psychologist whose duties involved, *inter alia*, allocation of the newly arrived boys into groups, catering for boys who had escaped, managing the community meetings and group therapy. As a result, he had very little time for the individual treatment of young persons in need of psychological/psychiatric care. Consequently, **the CPT invites the Slovak authorities to consider ways of reinforcing the provision of psychological/psychiatric care to the young persons at the Re-education Home in Hlohovec.**

7. Contact with the outside world

173. The CPT has already emphasised the importance it attaches to the promotion of good contact with the outside world for persons deprived of their liberty (see paragraph 126). Such contacts are of critical importance for young people placed in re-education establishments, inasmuch as their behavioural problems often arise as a result of emotional deprivation or lack of social skills.

174. The arrangements designed to ensure that young people in the two establishments visited retained and developed their ties with the outside world were, on the whole, satisfactory. At the Diagnostic Centre in Záhorská Bystrica, the young people could receive an unlimited number of visits, without any restrictions on their duration. Similarly, there were no restrictions on the sending and receiving of letters; stamps were provided by the establishment's administration. A coin-operated telephone was also made available in the educators' room; access to it was subject to informing the educator of the wish to make a call.

The young persons were entitled to home leave of up to one week during the school year and up to six weeks during the summer holidays. However, home leave was made conditional on the boy's behaviour (measured by the amount of "points" a boy had accumulated throughout a certain period), and depended on whether the family could be trusted not to exert a bad influence on the boy.

175. At the Re-education Home in Hlohovec, the young persons were entitled to two visits per month, which took place on Sundays. In general, a boy could spend the whole day with his visitors, either within the establishment or in town (unless he had an insufficient number of "points", in which case the visit took place in the home between 9 and 12 am). Only parents, siblings and grandparents were allowed to visit. A number of young people interviewed by the delegation expressed considerable disappointment that they could not receive visits from other relatives or friends.

As at Záhorská Bystrica, there were no limitations on the number of letters and food parcels the young people could receive. **The CPT would like to be informed of the existing provisions for enabling the young people to have access to a telephone.**

In addition to group outings accompanied by educators, the young people could benefit from individual outings in town, and home leave up to five times per year (as the highest form of award). These privileges were made conditional on the length of the young person's stay at the home, and could be withdrawn if he had committed certain infractions (e.g. fight, escape, etc.) or had accumulated a number of negative points.

176. From conversations held with staff members at Hlohovec, the CPT's delegation understood that staff were in favour of increasing the categories of people allowed to visit the young people at the establishment (e.g. cousins, girlfriends, etc.), taking into consideration the positive effect which such visits may have. **The CPT would like to receive the comments of the Slovak authorities on this point.**

III. RECAPITULATION AND CONCLUSIONS

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

177. During its visit, the CPT's delegation heard numerous allegations of physical ill-treatment by the police of persons suspected of criminal offences. The majority of the allegations related to both the time of apprehension and the period immediately thereafter.

In contrast, the delegation heard very few allegations of physical ill-treatment by investigators of the Ministry of the Interior. Further, it should be noted that no allegations were heard of physical ill-treatment by police officers performing custodial duties at Bratislava Municipal Police Headquarters.

178. The allegations received were consistent as regards the forms of physical ill-treatment alleged to have been inflicted. In most cases, the persons concerned complained of having been beaten with truncheons or struck with wooden clubs or metal objects, kicked, punched or slapped; during this ill-treatment, their wrists had allegedly been handcuffed behind their backs. A certain number of persons alleged that they had been handcuffed to a radiator for several hours in painfully contorted positions or had been forced to remain in a particular position. The two most serious allegations received concerned blows struck on the soles of the feet and a handcuffed person's being bitten by a police dog that had been let loose on him.

In respect of many of the above-mentioned allegations, the CPT's delegation gathered medical evidence consistent with them. It is also noteworthy that during the first half of 1995, there had been 40 cases of persons who, on admission to a remand prison, had displayed physical injuries allegedly inflicted by the police at the time of apprehension or during preliminary questioning.

The information at the CPT's disposal suggests that persons suspected of a criminal offence in Slovakia run a significant risk of being ill-treated by the police at the time of their apprehension and during the first hours in police custody, and that on occasion such persons may be subject to severe ill-treatment.

179. The CPT has recommended that a very high priority be given to human rights education and professional training for police officers at all levels; such education and training is an essential component of any strategy for the prevention of ill-treatment.

The Committee has also highlighted the need for senior police officers to make it clear to those serving under them that the ill-treatment of detained persons is not acceptable and will be dealt with severely. As regards more particularly the moment of apprehension, it has recommended that police officers be reminded that no more force than is reasonably necessary should be used and that, once apprehended persons have been brought under control, there can never be any justification for them being struck.

180. Further, the CPT has proposed that formal safeguards against the ill-treatment of persons deprived of their liberty be strengthened.

In the Committee's view, an apprehended person's right to inform a relative or a third party of his choice of his situation should be expressly guaranteed from the very outset of his deprivation of liberty. The CPT has therefore recommended that the provision contained in Section 19, paragraph 5, of the Act on the Police be strictly complied with in practice and any notification of apprehension requested by a detained person be carried out without delay. Moreover, any possibility exceptionally to delay the exercise of this right should be clearly circumscribed in law, made subject to appropriate safeguards and strictly limited in time.

The CPT has also recommended that persons deprived of their liberty by the police be ensured the right of access to a lawyer as from the very outset of their deprivation of liberty by the police (and not just from the time when the individual concerned is brought before an investigator). Indeed, it is during the period immediately following deprivation of liberty that the risk of intimidation and ill-treatment is greatest.

As regards the right of access to a doctor, the Committee has recommended that persons deprived of their liberty by the police be expressly guaranteed that right (including, if they so wish, the right to have access to a doctor of their choice). The relevant provisions should stipulate that all medical examinations be conducted out of the hearing and - unless the doctor requests otherwise - out of the sight of police officers, and that the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, be formally recorded by the doctor and made available to the detainee and his lawyer.

Other measures proposed by the CPT in the area of formal safeguards against the ill-treatment of persons deprived of their liberty by the police include systematically providing such persons with a form setting out their rights, drawing up a code of practice for interrogations, and establishing a single and comprehensive custody record for each person detained.

181. The CPT has no fundamental criticisms to make of the conditions of detention in **Bratislava Municipal Police Headquarters** insofar as criminal suspects are concerned.

However, the Committee is very concerned by the practice of holding at the Headquarters for up to 30 days persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia. The material environment and the regime in the Headquarters' detention facility are quite inappropriate for prolonged periods of detention. The CPT has recommended that such persons be immediately guaranteed outdoor exercise every day and receive a regular supply of appropriate reading material. Further, the Committee has raised with the Slovak authorities the possibility of creating special centres for persons detained under Act No 73/1995.

182. The material conditions of detention in the holding rooms of the **local police stations** visited by the CPT's delegation could, in general, be considered acceptable for periods of detention of a few hours. However, the Committee has recommended that if, exceptionally, a person has to be held overnight in such a holding room, he/she should be supplied with a mattress and clean blankets.

183. The CPT has also made clear its disapproval of the practice of handcuffing detained persons to radiators. More generally, it has emphasised that it is quite unacceptable for persons to be kept handcuffed in full view of members of the public visiting the police station concerned and/or to be obliged to stand for lengthy periods.

184. The CPT's delegation heard no allegations and found no other evidence of ill-treatment of people accommodated at the **Holding Centre for Asylum Seekers in Adamov-Gbely**. On the contrary, the delegation formed a favourable impression of the relations between staff and the asylum seekers.

185. Material conditions at the Centre were, on the whole, acceptable and would be even better once building and renovation work underway at the time of the visit had been completed. However, in the light of certain allegations heard, the Committee has underlined that separate accommodation must be provided to women unless they have expressed a wish to be placed with persons with whom they share an emotional or cultural affinity. It has also recommended that asylum seekers under quarantine always be accommodated separately from the rest of the persons staying at the Centre.

In addition, the Committee has proposed measures concerning the regime offered to asylum seekers in quarantine, and the provision of health-care and information to the asylum seekers. Of these, it would emphasise, in particular, the recommendation that the Centre's internal rules be translated into an appropriate range of languages and supplied to the asylum seekers at the very outset of their stay.

B. Establishments under the Ministry of Justice

186. The CPT's delegation gathered no evidence of torture in the two prison establishments visited (ie. Bratislava and Leopoldov Prisons) and heard no allegations of such treatment in other prisons in Slovakia. Further, in contrast to the police, allegations of physical ill-treatment of prisoners by prison staff were rare. The few allegations of physical ill-treatment heard by the delegation concerned Leopoldov Prison and referred to hasty and harsh reactions such as slaps and truncheon blows, particularly during transfer to the punishment cells or to section 7B, and within that latter section.

However, the delegation heard numerous allegations concerning the provocative attitude of - and the psychological pressure exerted by - the staff of Leopoldov Prison. According to the delegation's own observations, the atmosphere in the establishment was fraught with tension. Security and disciplinary considerations were the main concern and this had a profound effect on staff-inmate relations.

187. There can be no better safeguard against ill-treatment than a properly recruited and trained prison officer who knows how to adopt the appropriate attitude in his relations with prisoners. Consequently, the CPT has recommended that prison staff training, both initial and in-service, be intensified. In the course of such training, considerable emphasis should be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation. Good relations between staff and prisoners will not only reduce the risk of ill-treatment but also enhance control and security.

188. At the time of the visit, conditions of detention at **Bratislava Prison** left much to be desired. The great majority of prisoners spent the bulk of their time locked up in overcrowded cells, without being offered any activities or being able to rely on proper daily outdoor exercise. Their quality of life was very poor. However, it should also be noted that the cells, and the establishment as a whole, were generally clean and well maintained.

The Committee has recommended, *inter alia*, that immediate steps be taken to bring the cell occupancy levels into line with their official capacities, that efforts be made to reduce those official capacities, that all prisoners be guaranteed at least one hour of outdoor exercise every day, and that a thorough examination of the means of improving the activities offered to prisoners at Bratislava Prison be conducted.

189. As at Bratislava, the official cell capacities at **Leopoldov Prison** provided only a limited amount of living space, and the actual number of beds in certain cells indicated the likelihood of serious overcrowding. Further, the overall impression was one of general dilapidation, though the premises were on the whole maintained in an adequate state of cleanliness. The Committee has made several recommendations designed to improve the material conditions at Leopoldov Prison. Of these it would stress, in particular, the recommendation that the official occupancy rates in the establishment be not exceeded and that steps be taken to reduce them. Emphasis has also been placed on the need to give a high priority to the completion of the current programme for the renovation of the prison.

190. As regards the programme of activities at Leopoldov Prison, less than half of the prison population fit for work had a job, and educational and vocational training activities were at an even more modest level. The majority of the prisoners spent the bulk of their time in their cells with nothing likely to stimulate their interest. This situation is all the more worrying in view of the fact that Leopoldov Prison is required to accommodate prisoners for very long periods of time.

Unlike at Bratislava Prison, one hour of daily exercise in the open air was effectively guaranteed; however, the outdoor exercise areas were not suitable, either in terms of size or configuration.

The CPT has made recommendations addressing the above issues.

191. The Committee is particularly concerned about the situation observed in Section 7B of building VII at Leopoldov Prison, which was accommodating nineteen prisoners segregated on account of their behaviour and attitude. These prisoners' cells were badly maintained and some were dirty and foul smelling. Further, the detention regime applied to the prisoners was very restrictive and based exclusively on control. They remained locked up and idle in their cells for the whole day save for the one hour of daily outdoor exercise, which was taken in conditions even poorer than those offered to the other prisoners. The Committee has recommended that measures be taken immediately to remedy these shortcomings ; in particular, the above-mentioned prisoners should be provided with purposeful activities capable of enabling them to demonstrate the progress required for reintegration into an ordinary detention unit.

Conditions of detention in Section 7B were made even more difficult by the fact that it was accommodating a number of prisoners suffering from psychiatric ailments, who shared cells with other prisoners. Certain of these prisoners were in urgent need of special supervision and even treatment in a psychiatric hospital, and the mental condition of all of them could only be exacerbated by the environment in Section 7B. The CPT welcomes the constructive manner in which the Slovak authorities reacted to its delegation's observations on this subject at the end of the visit, by establishing a medical-educational division at Leopoldov Prison.

192. The health-care services at the two prisons visited were, on the whole, adequately staffed and equipped. However, the CPT has recommended that a vacant doctor's post at Bratislava Prison be filled and that the psychiatric/psychological services at that establishment be reinforced. More generally, the Committee has recommended that prison health-care services be organised in such a way as to enable requests to consult a doctor to be met without undue delay, and that someone qualified to provide first aid, preferably with a recognised nursing qualification, always be present on prison premises, including at night and weekends.

The CPT's report also addresses certain other matters related to prison health-care services, such as medical screening on admission, medical confidentiality, and the combatting of transmissible diseases. As regards more particularly the first matter, the Committee has noted with satisfaction that any signs of violence observed on admission are properly recorded.

193. The CPT has made a number of recommendations and comments about a variety of other issues of relevance to the Committee's mandate (contact with the outside world; discipline and solitary confinement; complaints and inspection procedures; procedural safeguards for prisoners considered unadapted to an ordinary prison regime; and foreign prisoners). Of these, it would emphasise, in particular, its recommendations that the visit entitlement of both adult and juvenile remand prisoners at Bratislava Prison and, if necessary, in other Slovak prisons, be substantially increased; that prisoners placed in punishment cells be supplied with mattresses at night and expressly granted the right to reading matter; and that prisoners segregated at Bratislava Prison on account of their presumed dangerousness be provided with purposeful activities and guaranteed appropriate human contact.

C. Establishments under the Ministry of Education

194. The CPT's delegation heard no allegations of torture or other forms of deliberate ill-treatment of young persons by staff at the two establishments visited (ie. the Diagnostic Centre for Young Persons in Záhorská Bystrica and the Re-education Home in Hlohovec); nor was any other evidence of such treatment found during the visit. The Committee has stressed that its delegation gained a favourable impression of the relations between staff and the young persons in both establishments.

195. The CPT's delegation also formed a generally favourable impression of the material conditions and the programme of activities offered to the young persons in both establishments visited, though the Slovak authorities have been invited to explore the possibility of providing a wider range of cultural activities and more educational activities.

196. The Committee has made recommendations concerning the disciplinary sanction of isolation. The isolation rooms at the Diagnostic Centre in Záhorská Bystrica were found to be too small. Further, all young persons placed in isolation should be offered reading matter and guaranteed at least one hour of exercise in the open air every day.

197. The resources of the health-care services in the two establishments visited could be considered just about adequate. However, the Committee has recommended that someone qualified to provide first aid, preferably with a recognised nursing qualification, be always present on the two establishments' premises, including at night and weekends. Further, it has suggested that the provision of psychological/psychiatric care at the Re-education Home in Hlohovec might be reinforced.

D. Action on the CPT's recommendations, comments and requests for information

198. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

199. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Slovak authorities:

i. to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B.: the Committee has indicated the urgency of certain of the recommendations);

ii. to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Slovak authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

APPENDIX I

**SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS
AND REQUESTS FOR INFORMATION**

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

1. Torture and other forms of physical ill-treatment

recommendations

- a very high priority to be given to human rights education and professional training for police officers at all levels (paragraph 19);
- an aptitude for interpersonal communication to be a major factor in the process of recruiting police officers and, during the training of such officers, considerable emphasis to be placed on acquiring and developing such skills (paragraph 19);
- senior police officers to make it clear that the ill-treatment of detained persons is not acceptable and will be dealt with severely (paragraph 20);
- police officers to be reminded that no more force than is reasonably necessary should be used when effecting an arrest and that, once apprehended persons have been brought under control, there can never be any justification for their being struck (paragraph 21);
- public prosecutors to be encouraged to give high priority to visits to police premises (paragraph 23).

requests for information

- the action taken by the relevant authorities - Police Presidium, public prosecutor, other bodies involved in criminal proceedings - with regard to the cases reported in 1995 by the Director General of the Central Prison Administration concerning persons admitted to remand prisons who alleged that they had been ill-treated by the police, with an indication of the steps taken in each case (criminal proceedings, disciplinary action, etc.) (paragraph 22);
- an account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police, for the years 1993-95 (paragraph 22);

- the administrative procedures applied in cases involving allegations of ill-treatment by the police, including the safeguards incorporated to ensure their objectivity (paragraph 22);
- the progress on the legislation currently being drafted to strengthen the public prosecutors' powers to inspect police premises (paragraph 23);
- whether the envisaged Ombudsman would also have the right to visit police stations (paragraph 23).

2. Conditions of detention

recommendations

- the material conditions in the detention facility at Bratislava Municipal Police Headquarters to be reviewed in the light of the remarks made in the report; in particular, a partition or other means of offering a suitable degree of privacy to be installed around the toilet facility in the cells (paragraph 29);
- immediate steps to be taken to ensure that persons held at Bratislava Municipal Police Headquarters under Act No 73/1995 on the Stay of Foreigners in Slovakia:
 - are offered outdoor exercise every day;
 - receive a regular supply of appropriate reading material (paragraph 30);
- the possibility of offering persons detained at Bratislava Municipal Police Headquarters under Act No 73/1995 access to a suitably equipped communal area during the day to be explored (paragraph 30);
- access to natural and artificial light in the holding room at the Police Station in Osvetova Street, Bratislava to be improved (paragraph 32);
- steps to be taken to ensure that if, exceptionally, a person has to be held overnight in the holding room of a local police station, he/she is supplied with a mattress and clean blankets (paragraph 33);
- all persons detained in local police stations to have ready access to drinking water and, in the event of their detention being prolonged, to be given food at appropriate times (paragraph 34);
- appropriate steps to be taken, in the light of the comments made in paragraph 35 concerning the handcuffing of detained persons and obliging them to stand (paragraph 35).

comments

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

requests for information

- the number of police cells in Slovakia which currently meet the criteria set out in Appendix 1 of Order No 29/1992 on Police Custody Cells (paragraph 25);
- the comments of the Slovak authorities on the possibility of creating special centres for persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia, offering material conditions and a regime appropriate to the legal status of such persons and staffed by suitably qualified personnel (paragraph 31).

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

recommendations

- the Slovak authorities to take the necessary steps to ensure that:
- the provision contained in Section 19, paragraph 5, of the Act on the Police is strictly complied with in practice;
- any notification of apprehension requested by a detained person is carried out without delay;
- any possibility exceptionally to delay the exercise of the right of notification of apprehension is clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a court or a public prosecutor) and strictly limited in time (paragraph 39);
- steps to be taken to ensure that persons deprived of their liberty by the police have the right of access to a lawyer as from the very outset of their deprivation of liberty (paragraph 41);
- persons deprived of their liberty by the police to be expressly guaranteed the right to have access to a doctor (including, if they so wish, one of their choice) (paragraph 44);

- all medical examinations to be conducted out of the hearing and - unless the doctor requests otherwise - out of the sight of police officers (paragraph 44);
- the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, to be formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 44);
- the necessary steps to be taken to ensure that whenever a person in custody is or becomes highly agitated, the police should immediately contact a doctor and act in accordance with his opinion (paragraph 45);
- every instance of resort to means of restraint to be recorded in a special register established for this purpose. The entry to include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by the detainee or staff (paragraph 45);
- a form setting out the rights of persons in police custody to be systematically given to such persons at the very outset of their deprivation of liberty. The form to be available in an appropriate range of languages. Further, the persons concerned to be asked to sign a statement attesting that they have been informed of their rights (paragraph 47);
- the Slovak authorities to draw up a code of practice for interrogations (paragraph 49).

comments

- the Slovak authorities are invited to consider the possibility of introducing a system for the electronic recording of police interrogations. The system should offer all appropriate safeguards (for example, the consent of the detainee and the use of two tapes, one of which be sealed in the presence of the detainee and the other used as a working copy) (paragraph 50);
- the fundamental safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his custody and all the action taken in connection with it (time of and reason(s) for the apprehension; time of arrival on police premises; when informed of rights; signs of injury, health problems, mental disorder, etc.; contact with and/or visits by next of kin, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a magistrate; when transferred; when released, etc.) (paragraph 52);
- the recommendations contained in the section concerning fundamental safeguards against ill-treatment also apply to persons detained under Act No 73/1995 on the Stay of Foreigners in Slovakia (paragraph 53).

requests for information

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

5. Holding Centre for Asylum Seekers in Adamov-Gbely

recommendations

- the principle of providing separate accommodation to women, unless they have expressed a wish to be placed with persons with whom they share an emotional or cultural affinity, to be strictly observed in practice (paragraph 59);
- asylum seekers held in quarantine always to be accommodated separately from the rest of the asylum seekers/refugees (paragraph 61);
- the Centre's internal rules to be translated into an appropriate range of languages and supplied to the asylum seekers at the very outset of their stay, together with information on the centre's daily routine and on how the asylum seekers can exercise their rights (paragraph 65).

comments

- the Slovak authorities are invited to consider the possibility of developing further the activities available for asylum seekers in quarantine (paragraph 62);
- the Slovak authorities are invited to examine the possibility of offering psychiatric/psychological care to the asylum seekers (paragraph 63).

requests for information

- confirmation that the refurbishing of the Centre has been completed as planned (paragraph 58);
- whether the plans to create common rooms for the asylum seekers have now been implemented (paragraph 62);

- information on the steps which would be taken in the event of an asylum seeker being found to be HIV-positive (paragraph 64);
- a detailed account of the precise practical steps taken by the Slovak authorities to ensure that persons are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (paragraph 66).

B. Establishments under the authority of the Ministry of the Justice

1. Torture and other forms of ill-treatment

comments

- slapping prisoners is not an appropriate response (paragraph 72).

requests for information

- detailed information on the authorised means of force and the circumstances in which they may be applied (paragraph 72);
- for 1995:
 - the number of complaints of ill-treatment lodged against prison staff;
 - an account of the sanctions imposed following complaints of ill-treatment by prison staff (paragraph 73).

2. Conditions of detention

a. Bratislava Prison

recommendations

- steps to be taken immediately to bring the cell occupancy levels at Bratislava Prison into line with their official capacities (paragraph 85);
- efforts to be made to reduce those official capacities. In this context, it is to be emphasised that the cells measuring 9 m² should ideally be limited to individual occupancy (paragraph 85);
- the possibility of improving the partitioning of the cell sanitary units to be explored (paragraph 85);

- efforts to be made to give adult male prisoners who do not work more frequent access to showers (paragraph 85);
- steps to be taken immediately to ensure that all prisoners have at least one hour of outdoor exercise every day (including during weekends and holiday periods) (paragraph 85);
- the exercise areas to be modified to ensure that prisoners receive proper outdoor exercise. Consideration to be given also to providing a covered area for use during periods of bad weather (paragraph 85);
- a thorough examination of the means of improving the activities offered to prisoners at Bratislava Prison to be conducted. The aim to be to ensure that all prisoners, including those on remand, spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities - work, preferably with vocational value; education; sport; recreation/association. Juvenile prisoners to be offered a full programme of educational, recreational and other purposeful activities; physical education to constitute an important part of that programme (paragraph 85).

b. Leopoldov Prison

recommendations

- the official occupancy rates in Leopoldov Prison not to be exceeded and steps to be taken to reduce those rates (paragraph 90);
- a high priority to be given to the completion of the current renovation programme (paragraph 90);
- the possibility of improving the partitioning of the sanitary units in certain cells to be explored (paragraph 90);
- cells in section 7B of building VII to be properly cleaned and maintained (paragraph 90);
- steps to be taken to allow prisoners to have more frequent access to showers (paragraph 90);
- a high priority to be given to developing programmes of activities (work, vocational training and educational, sporting, cultural and leisure activities) capable of giving real meaning to the objectives of individualised treatment and social rehabilitation (paragraph 101);

- urgent steps to be taken to provide prisoners in sub-group D2 with purposeful activities capable of enabling them to demonstrate the progress required for reintegration into an ordinary detention unit (paragraph 101);
- steps to be taken immediately to improve the exercise areas in section 7B of building VII, so that the prisoners accommodated there can enjoy proper outdoor exercise. Consideration also to be given to modifying the other areas designated for outdoor exercise and to providing covered areas for use in bad weather (paragraph 101).

requests for information

- information on the progress made on the project to rebuild one of the buildings destroyed in 1990 and to equip it as a sports hall (paragraph 94).

3. Health-care services

recommendations

- steps to be taken immediately to fill the vacant doctor's post at Bratislava Prison (paragraph 106);
- someone qualified to provide first aid, preferably with a recognised nursing qualification, always to be present on prison premises, including at night and weekends (paragraph 106);
- the Slovak authorities to take all necessary steps to ensure that prison health-care services are so organised as to enable requests to consult a doctor to be met without undue delay, and that prisoners are able to communicate with the health-care service confidentially, for example by means of a message in a sealed envelope (paragraph 107);
- the psychiatric/psychological services at Bratislava Prison to be reinforced (paragraph 110);
- appropriate steps to be taken to ensure that all newly admitted prisoners are seen without delay (i.e. within 24 hours) by a member of the prison health-care service and, if necessary, given a medical examination (paragraph 114);
- the Slovak authorities to ensure that the precepts contained in the second subparagraph of paragraph 117 concerning HIV are fully respected in practice (paragraph 117);

- a policy to be drawn up on combatting transmissible diseases in general (e.g. hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon the regular supply to both prison staff and inmates of detailed information about methods of transmission and means of protection, as well as the application of adequate preventive measures (paragraph 119);
- all medical examinations (whether on arrival or at a later stage) to be conducted out of the hearing and - unless the doctor concerned requests otherwise - out of the sight of prison officers (paragraph 120).

comments

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

requests for information

- detailed information on the approach adopted to the treatment of prisoners on hunger strike (paragraph 108);
- the comments of the Slovak authorities on the possibility of reviewing the distribution of the working time of the two psychiatrists and the clinical psychologist at Leopoldov Prison (paragraph 110);
- confirmation that the medical-educational division which was to be established on 1 November 1995 at Leopoldov Prison has indeed been set up as planned (paragraph 112);
- clarification of whether HIV tests are made subject to the prisoner's consent (paragraph 117);
- clarification of whether, in the event of a positive HIV test, the inmate concerned would be segregated (paragraph 118).

4. Other issues of relevance to the CPT's mandate

recommendations

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

- the Slovak authorities to review the practice, observed particularly in Bratislava Prison, of requiring prisoners to turn their faces to the wall when someone passes them (paragraph 125);
- the visit entitlement of both adult and juvenile remand prisoners in Bratislava Prison, and if necessary in other Slovak prisons, to be substantially increased (paragraph 128);
- steps to be taken to ensure that prisoners in Bratislava Prison, Leopoldov Prison and any other establishments where a similar situation prevails, have access to a telephone, where necessary subject to appropriate supervision (paragraph 130);
- steps to be taken immediately to supply prisoners held in punishment cells with mattresses at night (paragraph 132);
- remand and sentenced prisoners placed in a punishment cell to be expressly granted the right to reading matter (paragraph 133);
- the necessary steps to be taken to provide prisoners at Bratislava Prison who are isolated on the grounds of their dangerousness with purposeful activities and to guarantee them appropriate human contact (paragraph 137);
- the Slovak authorities to take the appropriate steps to ensure that prisoners segregated from other inmates on the grounds of their behaviour enjoy the procedural safeguards referred to in paragraph 145 (paragraph 145);
- a high priority to be given to the translation of the prisons' internal regulations into foreign languages (paragraph 147).

comments

- the Slovak authorities are invited to explore the possibility of offering more open visiting arrangements to remand prisoners (paragraph 129);
- the Slovak authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 140);
- it would be desirable for the expressions most commonly used in everyday activities to be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities (paragraph 147).

requests for information

- the Slovak authorities' comments on the appropriateness of granting certain NVS II and III prisoners more frequent visits in order to encourage their contacts with the outside world (paragraph 128);
- clarification on the procedure for hearing appeals against disciplinary sanctions imposed by the prison governor (paragraph 131);
- detailed information on the regimes applied to prisoners in sub-groups D3 and D4 (paragraph 138);
- progress made in respect of the introduction of the institution of Ombudsman (paragraph 143);
- the Slovak authorities' comments on the provision of work and educational and training activities to foreign prisoners (paragraph 148).

C. Establishments under the authority of the Ministry of Education

recommendations

- the practice of giving young persons displaying aggressive or affected behaviour a "Scottish shower" (i.e. 3 to 10 minutes of spraying with water) to be removed from the list of authorised means of coercion (paragraph 153);
- every resort to means of coercion to be fully recorded in a special register established for this purpose (paragraph 154);
- the isolation rooms at the Diagnostic Centre in Záhorská Bystrica to be enlarged or, if this is not feasible, other (larger) isolation facilities to be found (paragraph 160);
- all young people placed in isolation to be guaranteed at least one hour of exercise in the open air every day (paragraph 160);
- reading matter to be made available to young people placed in isolation (paragraph 160);
- basic safety measures in the workshops at the Re-education Home in Hlohovec to be reviewed (paragraph 165);
- the necessary steps to be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises of the Diagnostic Centre in Záhorská Bystrica and the Re-education Home in Hlohovec, including at night and weekends (paragraph 171).

comments

- the Slovak authorities are invited to explore the possibility of employing female educators at the Re-education Home in Hlohovec (paragraph 152);
- it would be desirable for isolation rooms to be equipped with a table and a chair, if necessary fixed to the floor (paragraph 160);
- the Slovak authorities are invited to ensure that all living and sleeping areas for the young people are decorated in such a way as to create an individualised and stimulating atmosphere (paragraph 163);
- the Slovak authorities are invited to explore the possibilities for offering to the young people at the Diagnostic Centre in Záhorská Bystrica and the Re-education Home in Hlohovec a wider range of cultural activities, as well as more educational opportunities (e.g. computer training, etc.) (paragraph 167);
- the observations made in paragraphs 117 and 118 concerning HIV apply equally to young persons (paragraph 169);
- the Slovak authorities are invited to consider ways of reinforcing the provision of psychological/psychiatric care to the young persons at the Re-education Home in Hlohovec (paragraph 172).

requests for information

- information on the training in both non-physical and manual control techniques received by staff in establishments falling under the authority of the Ministry of Education (paragraph 155);
- information on the existing provisions for enabling the young people to have access to a telephone (paragraph 175);
- the comments of the Slovak authorities concerning the possibility of increasing the categories of people allowed to visit the young people at the Re-education Home in Hlohovec (e.g. cousins, girlfriends, etc.) (paragraph 176).

APPENDIX II

LIST OF THE NATIONAL AUTHORITIES AND NON-GOVERNMENTAL ORGANISATIONS WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS

A. National authorities

Ministry of the Interior

Mr Ľudovít HUDEK	Minister for the Interior
Mr Jozef HOLDOŠ	President of the Police Corps
Mr Ján ARGALÁŠ	Vice-President of the Police Corps
Mr Peter FIFKA	Director of NCB Interpol, Presidium of Police Corps
Mr Ľubomír MRÁZ	Head of Operational Department, Presidium of Police Corps
Mr Dušan DANÍŠ	Deputy Head of Operational Department, Presidium of Police Corps
Mr Vladimír LAMAČKA	Head of the Department of Investigation and Criminology, Presidium of Police Corps
Mr Vladimír-Belo CABÁN	Head of the Immigration Department
Mr Roman KLAMO	Head of the Foreign Relations Department
Mr Štefan BOHUNICKÝ	Secretary of the Minister for the Interior

Ministry of Justice

Mr Jozef LIŠČÁK	Minister for Justice
Mr Ľubomír DOBRÍK	State Secretary for Justice
Mr Miloš KAAN	Head of the Minister's Office
Mrs Eva KUKANOVÁ	Head of the Legal Department
Mrs Mária USAČEVOVÁ	Head of the Judiciary Administration
Mr Peter BÁŇAS	Head of the International Relations Department

General Directorate of the Corps of Court and Prison Guard:

Mr Anton FÁBRY	Director General of the Corps of Court and Prison Guard
Mr Ladislav SEDLÁK	Deputy Director
Mr Michal MIKO	Deputy Director
Mr Leonard ZAHRADNÍK	Director of Prison Custody and Prison Sentence Department
Mr Ľubomír LAUKO	Director of Security Department
Mr Werner SCHOLZ	Director of Medical Department
Mr Jozef POLÁK	Director of the Prison Hospital in Trenččín
Mr Ivan NOVÁK	Director of Administration Department
Mr Alexander FISCHER	Director of Human Resources
Mr Ján BEDNÁR	Director of Financial Department
Mr Eduard RISCHER	Director of Logistics Department
Mr Imrich JUHÁSZ	Director of Institution of Prison Custody, Bratislava
Mr Marek MIKLÁŠ	Chairman of the Trade Union
Mr Vladislav LIŠŤÁK	Liaison Officer of the CPT at the Ministry of Justice

Ministry of Health

Mr Štefan ZELNÍK	State Secretary for Health
Ms Magdaléna LACOVÁ	Legal Department
Ms Slavomíra HOPKOVÁ	Legal Department
Ms Nad'a STOWASSEROVÁ	Health Care Department
Mr Branislav KOREŇ	Foreign Relations Department
Mr Eduard KOLIBÁŠ	Head Physician, Psychiatric Clinic, Teaching Hospital, Bratislava
Mr Peter BREIER	Head Physician, Psychiatric Ward, Ružinov Hospital
Ms Georgína HRKOVÁ	Deputy Head Physician, Psychiatric Hospital, Pezinok

National Council of the Republic of Slovakia

Mr Milan SEČANSKI	Vice-Chairman of the Constitutional and Legal Affairs Committee
Mr Bartolomej KUNC	Member of the Constitutional and Legal Affairs Committee
Mr Imrich ANDREJČÁK	Chairman of the Committee for Defence and Security
Mr Hubert KRAUS	Member of the Committee for Defence and Security
Mr Anton POLIAK	Chairman of the Mandates and Immunities Committee
Ms Ľudmila MUŠKOVÁ	Member of the Mandates and Immunities Committee
Mr František ŠVEC	Member of the Mandates and Immunities Committee

Constitutional Court

Mr Milan ČIČ	President of the Constitutional Court
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Prosecutor General's Office

Mr Michal VALO	Prosecutor General
Mr Roman MAŤAŠOVSKÝ	Deputy Prosecutor General
Ms Tatiana BEŇUCHOVÁ	Director of the Prosecutor General's Office
Ms Júlia DŽURNÁ	Director of Department Lawfulness of sentences, apprehension and arrest
Mr Pavol HARŠÁNYI	Prosecutor responsible for supervising detention

B. Non-governmental organisations

Bar Association
Charter 77 Foundation
Slovak Helsinki Committee
Slovak Union for Peace and Human Rights

