



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

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Committee against Torture

**Fourth periodic report submitted by Slovakia
under article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2019* ****

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.

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I. Introduction

1. The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (“Convention”) was adopted on 10 December 1984 in New York, and came into force on 26 June 1987. After its succession, Slovakia became a state party on 28 May 1993.
2. The fourth periodic report of Slovakia on the implementation of the Convention (“Report”) has been submitted in accordance with Article 19 (1) of the Convention. The Report follows the third periodic report of Slovakia (CAT/C/SVK/3), and builds on the responses to the list of questions of the Committee against Torture (“Committee”) (CAT/C/SVK/Q/3/Add.2). The third periodic report of Slovakia was considered on 28 and 29 July 2015. On 10 August 2015, the Committee adopted its Concluding Observations and addressed them to Slovakia (“Concluding Observations”) (CAT/C/SVK/CO/3). Slovakia’s list of responses was delivered to the Committee on 2 August 2016 within the follow-up procedure.
3. The Report covers the period from 1 September 2015 to the end of April 2019 (“Monitored Period”) and is conceived as responses to the Committee’s questions (CAT/C/SVK/QPR/4), with additional measures adopted by Slovakia within the implementation of the Convention. During the Monitored Period, Slovakia adopted several legislative and practical measures with the aim to improve the fulfilment of its obligations assumed under the Convention. These measures are specified in accordance with the articles of the Convention, and include measures adopted with the purpose of implementing the Final Recommendations of the Committee.

II. Information on new measures and developments in the field of the implementation of individual articles of the Convention

Reply to paragraph 2 of the list of issues CAT/C/SVK/QPR/4

4. The current definition of torture included in the factual basis constituting the crime of torture and other inhuman or cruel treatment is consistent with Article 1 of the Convention (although not identical).
5. Under §420 (1) of the Criminal Code, as amended (“Criminal Code”), the action of a person who in the exercise of public authority instigates or gives express or tacit consent to terrorize, torture or otherwise subject someone to inhuman or cruel treatment resulting in physical or mental suffering is classified as a crime. This constitutes the basic factual basis constituting this crime and for which the perpetrator may be punished by imprisonment for two to six years.
6. The term of sentencing is increased in the case of aggravating circumstances constituting the factual basis of such crime (§420 (2) to (4) of the Criminal Code). Under §420 (2) of the Criminal Code, if the perpetrator commits such crime with at least two other persons, through a more egregious type of conduct¹, against a protected person², out of a

¹ Specifically under §138 of the Criminal Code: (a) with a weapon, except for the crimes of premeditated murder under §144, murder under §145, manslaughter under §147 and §148, involuntary manslaughter under §149, bodily injury under §155, §156 and §157, (b) over an extended period, (c) in a brutal or cruel manner, (d) by using violence, or the threat of immediate violence or the threat of other serious bodily harm, (e) through burglary, (f) through deception, (g) by abuse of distress, lack of experience, dependency or subordination, (h) by violating specific obligations given the perpetrator’s occupation, standing or position or if required by law, (i) by an organised group or (j) on multiple persons.

² Under §139 of the Criminal Code: (a) a child, (b) a pregnant woman, (c) a loved one, (d) a dependent person, (e) an elderly person; (f) an ill person; (g) a person receiving protection under international law; (h) a public official or a person who carries out their duties under the law; (i) a witness, expert, interpreter or translator, or (j) a medical professional in the exercise of a medical profession aiming at saving life or protecting health.

special motive³, or against a person whose personal liberty was restricted in accordance with the law, the crime is punishable by imprisonment for three to ten years. Under §420 (3) of the Criminal Code, if the perpetrator commits such crime with severe physical harm or death resulting, or for the purpose of dissuading or impeding someone else from exercising their rights and freedoms, or as a member of a dangerous group, the crime is punishable by imprisonment for seven to twelve years. Under §420 (3) of the Criminal Code, if the perpetrator commits such crime with severe physical harm or death resulting for multiple persons or if such crime is committed in a crisis situation, the crime is punishable by imprisonment for twelve to twenty years.

7. While the factual bases provided in §420 (2) and (3) of the Criminal Code do not make an explicit reference to discrimination as in Article 1 of the Convention, it is necessary to consider aggravating circumstances under §420 (2) of the Criminal Code that result in such factual basis as being classified as aggravating circumstances, specifically personal motive, which subsumes a motive based on hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith. In this case, it is not hatred for reasons linked specifically to discrimination.

8. The fact that the basic factual basis of the crime does not contain a direct reference to discrimination does not mean that Slovak law does not take it into account. The prohibition on discrimination on any grounds is established directly in the Slovak Constitution (“Constitution”), while other details are laid down in Act on Equal Treatment in Certain Areas and on Protection against Discrimination and on amendment of certain acts, as amended (“anti-discrimination act”). Slovakia respects all of its commitments from its membership in the European Union (“EU”). EU law has become an inherent part of Slovak law since Slovakia’s accession to the EU and contains a legal framework stipulating a general ban on discrimination and protection against discrimination (see, for instance, the EU Charter of Fundamental Rights, which has been included in EU primary law since 2009).

9. Act No. 576/2009, amending the Criminal Code, and on amendment of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended, specifically amended the provisions of §420 of the Criminal Code laying down the crime of torture and other inhuman or cruel treatment. This law established the element of public authority and action at their instigation or with their express or tacit consent in §420 of the Criminal Code.

10. When applying a systematic legal interpretation within the context of the anti-discrimination act in Slovakia in its updated form, this recommendation is currently implemented in full within Slovak law. In relation to penalties under Article 4 (2) of the Convention, the terms of imprisonment under §420 of the Criminal Code are proportionate to the seriousness and social danger such crime poses.

Reply to paragraph 3 of the list of issues

11. Slovak law differentiates between multiple institutes connected with the restriction of personal liberty, specifically the institute of detention under Act on the Police Corps, as amended (“police act”), the institute of arrest under the Code of Criminal Procedure, as amended (“Code of Criminal Procedure”), the institute of holding under the Code of Criminal Procedure and the institute of custody under the Code of Criminal procedure and special regulations. When using the institutes in question, the affected person is guaranteed, under the relevant legislation, a catalogue of established rights, including to receive information and the right to legal representation.

12. A police officer is only authorised to detain someone in the instances defined by law (§19 (1) of the police act). Such instances include taking immediate action to resolve an

³ Under §140 of the Criminal Code: (a) on order, (b) out of revenge, (c) for the purposes of covering up or facilitating another crime, (d) with the intent of committing any crime of terrorism, (e) out of hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith or (f) with a sexual motive.

imminent threat, to determine the identity of a person or to clarify the circumstances related to the commission of a crime. The detainee must be immediately handed over to the relevant police unit, which then issues a decision regarding their detention and specifying the reasons for their detention, which are immediately provided to the detainee. The detainee may appeal against such decision, but without any delaying effect. The detained person is allowed, without any undue delay, and upon their request to contact a family member or other person chosen by the detainee to report such fact and may request a lawyer to provide legal representation. The statutory guardian is contacted if the detainee is a minor. The detainee must be handed over to law enforcement authorities or released within 24 hours at the latest (or 48 hours if they are suspected of committing terrorism).

13. Within the context of §85 (5) of the Code of Criminal Procedure, the legal stipulations in §34 of the Code of Criminal Procedure apply to detainees, whereby detainees (including minors) are provided in practice with all basic legal guarantees from the moment of the deprivation of their personal liberty in accordance with international standards.

14. Upon the transposing of Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty into criminal law in Slovakia (via an amendment of the Code of Criminal Procedure effective 1 January 2017), the right to notify and communicate with one person of their choosing was modified in relation to persons whose personal liberty was restricted (detention, arrest and custody). Thereby a person has the guaranteed right to notify another person and communicate with them within the institute of detention as long as it does not interfere with the criminal proceedings.

15. From the diction of the referenced provision, it follows that a detainee must be allowed upon their request to report their detention to someone close to them and to request a lawyer and legal assistance without any undue delay, which means that the detainee may exercise their right to contact a family member (or other person) immediately upon their detention and after impediments that would prevent such notification are resolved.

16. The law enforcement authority and court are obliged, and without any undue delay, to instruct the accused in writing on their rights, including the meaning of their plea, and to provide them with every opportunity to exercise such rights. Such fact is recorded in the minutes. The instructions provided to the accused shall be appropriately explained if necessary. The accused who has been detained or arrested shall be instructed of their right to immediate medical assistance, their right to review their case file, and the right to know the maximum extent to which their personal liberty may be restricted until they are handed over to a court. The accused has the right to keep such instructions with themselves at all times their personal liberty is restricted. Here it is important to consider the question of a translation into a language that the affected person understands as specified above.

17. The detainee is immediately informed of the reasons for their detention, instructed on their rights and their statement is taken. If it is suspected that detention will not continue to be justified, or the reasons for detainment lapse for other reasons, a police officer shall release the detainee immediately in a written order. If the detainee is not released and allowed to go free, they must be charged with a crime and re-instructed with regards to their rights and their statement has to be taken. Instructions regarding their rights are provided verbally and in writing.

18. More detailed information is provided in the Appendix, Point A.

Reply to paragraph 4 (a) and (b) of the list of issues

19. No legislative measures have been adopted into Slovak law reducing the duration of pretrial detention, meaning detention in preparatory procedures and procedures in front of the court. Under §76 (1) of the Code of Criminal Procedure, the duration of detention should be determined based on criteria derived from its necessity. Under the cited provisions, pretrial detention for the standard or extended duration within pretrial proceedings may only endure for the period of time necessary.

20. Slovak legislation currently stipulates the maximum duration of detention. The Code of Criminal Procedure lays down a maximum period of total pretrial detention not to exceed 12 months in total when criminal prosecution takes place because of a misdemeanour. With respect to standard crimes, this period is 36 months, and in the case of particularly serious crimes, this period is 48 months. Within this context, the duration of a detention for preparatory proceedings is limited to 7 months for a misdemeanour, 12 months for a standard crime or 25 months for particularly egregious crimes. Under §76a of the Code of Criminal Procedure, detention may last for a maximum of 60 months when criminal prosecution takes place for a particularly serious crime and when a sentence of 25 years or life in prison may be imposed, or for the crime of terrorism if such case has not been resolved within the duration of the total duration of detention within criminal proceedings due to the difficulty of the case or for other serious reasons. Such duration of detention is justified in extraordinary cases where the investigation is hindered and with respect to the severity of the crime, while also responding to continued problems involving the duration of criminal proceedings.

21. If someone believes their rights have been violated in terms of the deprivation of their personal liberty as a result of the duration of pretrial detention, they may file a complaint with Slovakia's Constitutional Court ("constitutional court"). The constitutional court applies the consistent jurisprudence of the European Court of Human Rights ("ECtHR") with respect to Article 5 of the European Convention on Human Rights ("ECHR") in its decision-making activities. In many cases, the constitutional court has ruled that the infringement of Article 5 (3) ECHR has occurred as a result of an excessive term of detention, even if it has not reached the maximum term of detention permitted under the Code of Criminal Procedure and based on a breach of the guarantees provided under Article 5 (3) ECHR. Successful petitioners were indemnified and released from detention, or another form of redress was provided depending on the circumstances of their individual case. In some instances, the constitutional court has ruled that infringement has occurred as a result of the fact that the given court did not decide on an alternative request to substitute the petitioner's detention with a promise, financial guarantee or supervision by a probation and mediation officer. The ECtHR has taken up several complaints in which it has ruled that the constitutional court, in its opinion, did not provide adequate redress for infringement of Article 5 ECHR or that infringement of Article 5 ECHR actually occurred, as opposed to the constitutional court. In connection with the execution of such ECtHR rulings, individual and general measures were taken at the domestic level, including educational activities that the Committee of Ministers of the Council of Europe considered sufficient and, in monitoring the execution of such cases, concluded Council of Europe resolutions CM/ResDH(2014)43 and CM/ResDH(2016)232 on 14 September 2016.

22. Slovak law recognises institutes that are used as substitutes for detention. These institutes include substituting detention with a guarantee, a promise or supervision, a financial guarantee and the imposition of appropriate obligations and restrictions. Technical means are used to ensure compliance with decisions via the Electronic System for Monitoring Persons operations centre within the Department of Probation, Mediation and Crime Prevention under the Section of Criminal Law Section at the Ministry of Justice of the Slovak Republic ("Ministry of Justice"). Electronic monitoring of accused and convicted persons in Slovakia is an innovative service that permits more flexible imposition of alternative punishments including house arrest, monitoring for compliance with restraining orders in terms of specific individuals and locations, compliance with specified working hours and checks for the use of alcohol, inebriating substances and the like, while it also functions as an alternative to detention, through home detention. Electronic monitoring was introduced via Act on the Use of Technical Means to Ensure Compliance with Certain Decisions and on amendment of certain acts, as amended.

23. Act No. 321/2018 Coll., which amends Act on Probation and Mediation Officers and on amendment of certain acts, as amended, brought about optimisation of legislative changes and delivered more flexible approaches in criminal proceedings and the application of the principles of restorative justice. If a reason for detention is given under §71 (1) of the Code of Criminal Procedure, the court, and in pretrial proceedings, the judge for the pretrial proceedings, may grant the accused their personal liberty or release them from custody and replace detention with:

- A guarantee offered by an association of citizens;

- A guarantee offered by a trustworthy person;
- A written pledge made by the accused;
- Supervision by a probation and mediation officer;
- A financial guarantee.

24. If a reason for detention is given under §71 (1) (a) or (c), the court, and in pretrial proceedings, the judge for the pretrial proceedings may grant the accused their personal liberty or release them from custody if the accused provides a financial guarantee and the court or the judge for the pretrial proceedings accepts such guarantee. If the accused is prosecuted for a particularly serious crime, and the reason for detention is given under §71 (3) (a) to (c) or (e), or the accused was taken into custody under Subsection 4 or under §80 (3), such financial guarantee may only be accepted if justified by the extraordinary circumstances of the case itself. If the accused is prosecuted for the crime of terrorism, a financial guarantee may only be accepted if justified by the extraordinary circumstances of the case itself. The accused is always subject to the obligation to notify a police officer, the prosecutor or the court of any change to their place of residence. With the consent of the accused, a financial guarantee may be pledged by another person, but before it may be accepted, such person must be notified of the basis of the criminal accusations and the facts that provide grounds for detention. The accused and the person pledging the financial guarantee must be notified in advance of the reasons for which the state may seek satisfaction under such financial guarantee.

25. Despite the fact that the Code of Criminal Procedure only considers such substitutes for detention in the case of preventative and flight-risk detention, court practices reflect on the jurisprudence of the ECtHR and the constitutional court, and merit-based substitutes for detention are considered, including in the case of collusive custody.

26. The court must consider the option to substitute detention for supervision by a probation officer in all cases, and therefore regardless of if proposed by the accused or not.

27. More detailed information is provided in the Appendix, Point B.

Reply to paragraph 4 (c) of the list of issues

28. Under Act on Liability for Damages Caused in the Exercise of Public Authority, as amended, claims seeking redress may be filed as a result of unlawful arrest, detention or other deprivation of personal liberty or maladministration. Under §7 of the cited act, the right to redress caused by a decision to arrest, detain or otherwise deprive personal liberty is granted to the person on whom it was executed if the decision was nullified as being unlawful or if maladministration occurred in the process. The prerequisite for filing such claim with the court is a prior discussion of the claim with the competent authority. If this authority complies with the request made by the person seeking redress, then no claim must be lodged with the court. It is necessary within this context to refer to the ability to file a constitutional complaint under Article 127 (1) of the constitution. If the constitutional court finds that the complainant's fundamental rights or freedoms were violated by a decision, measure or other intervention on the part of a public authority, the constitutional court shall nullify such decision, measure or other interference if permitted by the nature of such other interference. Under Article 127 (2) of the constitution and §53 (3) of the constitutional court act, if the constitutional court shall comply with a complaint, it may (a) order the entity who violates the fundamental right or freedom through their inaction to take action under a special regulation; (b) remand the case for further proceedings; (c) prohibit the continued violation of such fundamental right or freedom; (d) order the entity who violates the fundamental right or freedom to restore the situation back to what it was before the violation of the basic right or freedom. The constitutional court may also award financial redress to a complainant whose basic right or freedom was violated. The constitutional court has considered numerous such complaints (see for instance its judgement in case no. I. ÚS 382/2018, its finding in case no. II. ÚS 135/2018, judgement in case no. IV. ÚS 478/2018, judgement in case no. II. ÚS 461/2015, and judgement in case no. II. ÚS 883/2016), but in these individual cases it did not agree that the complainant's basic rights were violated in connection with their arrest or detention.

Reply to paragraph 5 (a) of the list of issues

29. The Bureau of the Inspection Service has jurisdiction over investigations into crimes committed by members of armed corps (police officers and members of the Prison and Judicial Guards Corps). A police investigator or police officer assigned to the control and inspection service departments under the Bureau of the Inspection Service is bound to proceed in accordance with the Code of Criminal Procedure within criminal proceedings.

30. Expedited, unbiased, thorough and effective investigation is one of the basic principles of criminal proceedings. Crimes registered by the control and inspection service departments under the Bureau of the Inspection Service are investigated in an unbiased and thorough manner and every case file is subject to a thorough review within a supervisor's control activities.

31. Police officers are prosecuted immediately after finding that there is sufficient reason to conclude that a particular officer or officers committed an offence. In assessing the merits of the case in general, including assessment as to mitigating and aggravating circumstances, the process is conducted exclusively under valid legislation to ensure there is no violation of Article 12 (1) of the constitution which stipulates that "People are free and equal in dignity and in rights. Fundamental rights and freedoms are intrinsic, inalienable, imprescriptible, and irreversible". This process is in place to serve as a guarantee to all natural persons whose rights and legitimate interests are involved in proceedings under the auspices of the Bureau of the Inspection Service. Within its activities, the inspection service follows the constitution, constitutional laws, other laws, other generally binding legislation and international treaties to which Slovakia is a signatory.

32. In matters of supervision of compliance with the law within the framework of criminal proceedings, it is the responsibility of the Slovak Public Prosecutor's Office, whose mission in the sense of the constitution and pursuant to Act on the Public Prosecutor's Office, as amended ("public prosecutor's office act") is to protect the rights and interests of natural persons, legal entities and the state as guaranteed by law. Please note that after the adoption of Act No. 6/2019 Coll., which amended Act on the Police Corps, as amended, and which amends certain acts, Article V also amended the public prosecutor's office act by defining that supervision of compliance with the law within pretrial proceedings in investigations conducted by the Bureau of the Inspection Service shall be conducted by prosecutors at regional public prosecutor's offices, and, under §55b of the public prosecutor's office act, by prosecutors of the Special Prosecutor's Office in instances falling under the jurisdiction of the Special Criminal Court as laid down in §14 of the Code of Criminal Procedure. The Public Prosecutor's Office is obliged to take measures in the public interest to prevent violation of law, to detect and remedy violations of law, to restore the violated rights and to determine accountability for their violation. In exercising its authority, the Public Prosecutor's Office is obliged to use legal means to ensure consistent, effective and rapid protection of the rights and legitimate interests of natural persons, legal entities and the state without any influence. Under the Code of Criminal Procedure, the accused, injured and participating parties have the right at any time during an investigation or an abbreviated investigation to request that a prosecutor review the procedure employed by the police to remedy any delays or other deficiencies in the investigation or the abbreviated investigation. The police officer must present such request without any undue delay to the prosecutor, who is obliged to review the request and notify the requester of the outcome of this process.

33. A police officer assigned to the Bureau of the Inspection Service is procedurally independent under the Code of Criminal Procedure in investigations and expeditious investigations and is only bound to the constitution, constitutional acts, other acts and other generally binding legislation and international treaties to which Slovakia is a signatory and within the scope laid down in the Code of Criminal Procedure and the instructions and orders given by the prosecutor and the court.

34. The commission of a crime out of hatred towards a group of people or individuals for real or presumed affiliation with any race, nation, nationality, or ethnic group or their real or presumed origin, skin colour, gender, sexual orientation, political beliefs or religious faith is considered the commissioning of a crime out of a special motive, which thereby fulfils the special qualification characteristic for aggravating circumstances and therefore stricter legal qualification.

Reply to paragraph 5 (b) of the list of issues

35. The Ministry of Interior annually processes information on the crimes committed by police officers and submits it to the Slovak government for consideration. The report analyses crimes committed by police officers and compares them to the crimes committed in the prior year. The inspection service is also materially responsible for investigating claims made by the accused, detainees and other persons in custody who claim injuries resulting from ill-treatment on the part of the police. The information on crimes committed by police officers in 2018 was submitted to the Slovak government. Such crime reports are published on the website of the Ministry of Interior.⁴

36. From the draft report on crimes committed by police officers in 2018 and the previous reports from 2017, 2016, 2015 and 2014, a total of 3 police officers were accused of committing the crime of bodily injury (related to the use of excessive force by such officers while on-duty) in 2018 out of a total of 22,017 police officers (0.014%), while accusations involved 2 police officers out of a total of 22,020 police officers (0.009%) in 2017, 2 police officers out of a total of 22,247 police officers (0.009%) in 2016, no police officers in 2015 and 1 police officer out of a total of 22,476 police officers (0.004%) in 2014.

37. With reference to the above statistical overview, it may be said that the instances involving excessive use of force by police officers were individual breakdowns that cannot be completely eliminated by using systematic measures adopted at the level of the Ministry of Interior.

38. More detailed information is provided in the Appendix, Point C.

Reply to paragraph 5 (c) of the list of issues

39. The Slovak government committed to promote an institutional reinforcement of the independence of control activities involving armed corps. Given the above, units will be established at regional public prosecutor's offices for complaints made against members of such corps.

40. An amendment of the Code of Criminal Procedure established the Bureau of the Inspection Service on 1 February 2019, which is responsible for investigating crimes committed by police officers and which has a significantly enhanced level of autonomy and independence from management structures in the police corps and the police corps president as compared to the past, as well as crimes committed by members of the Prison and Judicial Guards Corps and, effective from 1 January 2020, crimes committed by customs officers.

41. The Bureau is a separate component of the police corps with jurisdiction over the entirety of Slovakia for the purposes of exposing, investigating and conducting abbreviated investigations of crimes committed by members of the armed security corps. The Bureau also fulfils other tasks in the scope laid down by the minister of the interior involving internal controls, financial controls, personal data protection, dispute resolution, petition-related matters and the tasks assigned to it as a responsible party under special regulations and under the auspices of the Ministry of Interior. Its director is responsible for managing the Bureau's day-to-day activities and they have personal responsibility for the performance of such role to the Slovak government. Per existing legislation, the Ministry of Interior defines the internal organisation of the Bureau of the Inspection Service based on a proposal from the director of the Bureau of the Inspection Service. Bureau of the Inspection Service investigators are members of the police corps.

42. Concurrently to the creation of the Bureau of the Inspection Service, an amendment of the police act stipulates the procedural independence of law enforcement authorities in investigations and in abbreviated investigation "who are only bound to the constitution, constitutional acts, other acts, other generally binding legislation and international treaties and in the scope laid down in the Code of Criminal Procedure and the instructions and orders issued by the prosecutor and the court". This has led to reinforcement of the

⁴ <https://www.minv.sk/?sekcia-kontroly-a-inspeknej-sluzby-mv-sr>.

independence of investigations and abbreviated investigations from police corps management.

43. The amendment of the public prosecutor's office act improved supervision of compliance with the law within criminal cases in which the perpetrators are police officers, members of the Prison and Judicial Guards Corps and, effective from 1 January 2020, customs officers, given that they shall be conducted by prosecutors at the regional public prosecutor's offices and the General Prosecutor's Office will function as the authority of second instance.

Reply to paragraph 5 (d) of the list of issues

44. The prosecutor filed an appeal against the Košice II District Court judgement of 17 May 2017, which freed police officers accused of physical abuse and degrading treatment of Romani juveniles in March 2009.

45. The appeal was successful and the first instance judgement was cancelled by a Košice Regional Court ruling of 4 May 2018 and the case was remanded back to the first instance court to re-open the case in the scope necessary and to issue a judgement. Based on a call from Košice II District Court, the prosecutor then once again proposed in writing to add evidence at the main proceedings, specifically to add an expert in the field of submitting expert opinions as a witness in the case and to add an audio-visual recording on a CD-R (DVD) media concerning the events of 21 March 2009 at the Košice – Juh district police unit and its playback on a suitable technical device into evidence. No judgement on this case has been handed down yet by Košice II District Court.

Reply to paragraph 5 (e) of the list of issues

46. All reported cases of suspected ill-treatment and torture in police detention facilities are handled within criminal proceedings, meaning under the supervision of a competent prosecutor.

47. Prosecutors are automatically informed of all such cases of ill-treatment and torture in police detention facilities (police detention cells), regardless of the possible absence of visible injuries. When a suspect is detained and deprived of their personal liberty, they have the right to object on the grounds of ill-treatment or torture on the part of a police officer, and specifically directly into the minutes recording their detention and the deprivation of their personal liberty as a suspect, whereby the case file and these minutes must be provided to the prosecutor; the minutes are also submitted to the judge within pretrial proceedings if the prosecutor files a petition with the court to issue an order to take the accused into custody.

48. Under the public prosecutor's office act, the prosecutor's supervision of compliance with the law extends to those facilities where persons deprived of personal liberty or persons whose personal liberty is restricted are held. When conducting this supervision, the prosecutor is authorised to visit such facilities at any time, and has free access to all their premises, to review all documents related to the deprivation or restriction of personal liberty, to speak with persons held at the facilities without the presence of third parties, to verify that the decisions and measures taken by the local management authorities are in compliance with the law and other generally binding legislation, to request employees of the authorities managing such facilities to provide the necessary explanations, and to provide the files and decisions concerning the deprivation or restriction of personal liberty of persons held at the specific facilities that these authorities are managing.

49. In addition to the above, an additional preventative mechanism was added when the accused is taken into custody or when a convicted person begins serving their sentence with evidence of physical harm or injuries identified by a physician during their introductory medical exam. This is treated as an extraordinary event and the prosecutor responsible for supervision of custody and imprisonment is notified immediately and in all instances, along with the competent district public prosecutor's office and regional public prosecutor's office and the competent law enforcement authority. A similar procedure is employed if the accused or convict accuses the police of ill-treatment when they enter into prison or are

taken into custody, and in such case the complaint is forwarded to the competent correctional facility and the executive office of the Bureau of the Inspection Service.

50. The application of the above-specified procedural protection of the rights of accused and convicts was expanded effective from 1 January 2014 on Imprisonment and on amendment of certain acts, as amended (“imprisonment act”) expanded the obligations of such corps (the institution in which the convict is imprisoned) to include the obligation to instruct convicts of their rights and obligations, the duration of their imprisonment and potential options for their release immediately upon their arrival to serve a term of imprisonment. Accordingly, the corps prepared informational brochures which are provided to convicts immediately upon their arrival to serve a term of imprisonment. The informational brochures contain information on ways for convicts to exercise their rights. Effective from 1 January 2014, a similar expansion occurred in the availability of codes of conduct at individual institutions (which are made available at a location typically accessible to convicts or are provided to them upon request) and which outline the specific method for making requests, filing complaints and making suggestions to the prosecutor responsible for supervision of the maintenance of legality under the constitution or requests, complaints and suggestions under the law, decrees or constitutional order addressed to the director of the given institution. In both cases, whistle-blowers may report suspected inhuman treatment of convicts using locked boxes available to them at a location typically accessible to convicts and which are secured to prevent unauthorised persons from opening them and labelled as “*Supervising prosecutor*”, or “*Director of the institution*”. In addition to making suggestions to the supervising prosecutor and the director of the institution, the system for protecting the rights of convicts is built on an absolute exclusion of any form of censorship of communication with defence counsel, the courts and state authorities or with international authorities and organisations which are competent to review such suggestions or complaints concerning the protection of human rights under an international treaty to which Slovakia is a signatory.

Reply to paragraph 5 (f) of the list of issues

51. Slovakia has adopted numerous measures to protect persons who have made allegations of torture and ill-treatment and witnesses to such acts from reprisals and to ensure that victims of such acts are afforded redress. Act on Crime Victims, effected as of 1 January 2018, introduced a host of measures in Slovak law to protect injured parties or the witnesses to torture and ill-treatment and anyone reporting such crimes. This law adopted the institution of the right to information, which includes the right to be informed of procedures relating to the filing of a statement of the fact that a crime has been committed and the rights and obligations of the victim who is in the position of the injured party in criminal proceedings in relation to those procedures, entities providing assistance to victims, contact details of these entities and the form of professional support that may be provided under the law, options for providing the necessary health care, access to legal aid, conditions for providing protection in case of a threat to life or health or significant damage to property, measures to protect their interests that may be requested if they reside in a different member state, procedures to seek redress for infringement of its rights in criminal proceedings by a law enforcement authority, contact details for communication in relation to a case in which they are the victim, procedures for claiming damages in criminal proceedings, mediation procedures in criminal proceedings, options and conditions for compensation of the costs of criminal proceedings against the victim who is the injured party and the right to further information provided in the law.

52. More detailed information is provided in the Appendix, Point D.

Reply to paragraph 5 (g) of the list of issues

53. The Presidium of the Police Corps has implemented the police specialists’ project since 2003. The police specialists’ project and the activities of senior community outreach officers have undergone many changes, especially with respect to the expansion of the project from the regional to the nationwide level and from the pilot phase to routine activities laid down in official internal police regulations. Changes are reflected in the

number of senior community outreach officers as well as in the number of district police units assigned such officers.

54. A total of 18 senior community outreach officers were assigned to 18 district police units in 2005. In the following years, the number of official positions gradually expanded, with a total of 267 official positions assigned in 2015, rising to 283 in 2016 and 290 in 2017. There are a total of 308 official positions at present assigned to 115 district police units.

55. Senior community outreach officers fulfil basic tasks under Article 28 of the Presidium's regulation concerning the activities of basic public order police units. Primarily, they independently manage and organise activities focused on guiding interactions between the police and socially marginalised groups. They also gather know-how concerning the crimes and offences primarily committed by members of socially marginalised groups and collaborate with representatives at the local government and municipal level, regional authorities and district offices responsible for locations with elevated concentrations of such socially marginalised communities and where activities focused on legal outreach and crime prevention are conducted and directed towards a specific target group, collaborate with field social workers, community centres, NGOs, associations, legal entities and natural persons dealing with socially marginalised groups, as well as with representatives and leaders from socially marginalised groups. All this relevant know-how and experience is then transposed into lectures and into instructional and publication activities.

56. The Presidium focuses increased attention on this issue, primarily by conducting inspections and holding regular meetings involving senior community outreach officers to focus on resolving current problems and specific situations that have occurred or are emerging in socially marginalised groups.

57. The secondary police vocational school in Košice in collaboration with the public order police department under the Presidium regularly conducts the basic elective class "Specific duties of senior community outreach officers" for officers assigned to the role of senior community outreach officer.

Reply to paragraph 5 (h) of the list of issues

58. Ministry of Interior regulations in accordance with numerous recommendations made by the Public Defender of Rights have defined a set of elements to ensure the completion of audio-visual recordings of police actions and on-duty activities. A new Ministry of Interior regulation was issued concerning police detention cells in July 2015 which improved the guarantees concerning the rights of detainees. The regime employed in restricted areas has not yet been laid down by law. An open question remains as to if legislation will be adopted that would cover the monitoring of police areas where persons being transported may be located. Given that the implementation of the recommendations made by the Public Defender of Rights first required that corresponding legislative changes be adopted, for instance concerning personal data processing, and the requisite cumulation of budget funds, a public tender was announced in 2018 within the EU Public Procurement Bulletin for CCTV monitoring systems, including individual cameras, with an estimated value of EUR 99,502,683.33.

Reply to paragraph 6 (a) and (b) of the list of issues

59. A police raid was conducted in the Roma settlement in Moldava nad Bodvou, on Budulovská street, and in the settlement of Drieňovec on 19 July 2013. After the police raid was concluded, multiple Roma filed criminal complaints alleging abuse of power by a public official under §326 of the Criminal Code and other charges that the police officers conducting the raid were alleged to have committed against these Roma individuals. Criminal prosecutions in a total of six cases and involving multiple crimes were commenced at the order of the General Prosecutor's Office on 20 January 2014. It was determined and demonstrated in the pretrial proceedings that Roma were indeed injured in multiple cases, but such injuries were in a manner consistent to the intensity and the consequences of their own actions as they were attempting to interfere and prevent the police raid from being completed. It was also determined that nothing occurred in multiple

cases. No specific perpetrator was identified in any of the allegations that were raised, and it was determined and clarified on the basis of an exhaustive discovery process that no crime had been committed during the police raid.

60. Upon completion of the investigation, the police investigator decided to terminate a portion of the cases for the reasons that the actions that had initiated the criminal proceedings had not occurred and to terminate a portion of the cases on the grounds that the actions involved in the case were not crimes and there was no reason for referral. The police investigator issued another decision on 22 March 2016 to terminate the criminal proceedings in the remaining two cases as they were also determined to be unfounded and had not occurred and for the reason that the actions involved in one other case were not classified as crime and therefore there was no reason for referral.

61. The lawfulness of the procedure and decisions made by the law enforcement authority were reviewed by the constitutional court based on a constitutional complaint filed by eight male complainants and one female complainant. The complainants objected to the constitutional court based on infringement of the prohibition on degrading treatment under Article 3 ECHR, infringement of the right to privacy by entry into the dwelling under Article 8 ECHR, infringement of the right to an effective remedy under Article 13 ECHR and infringement of the prohibition of discrimination under Article 14 ECHR. The constitutional court completed an in-depth examination of all these complaints and then ruled to reject the complaints in a closed session on 1 August 2017 via an official judgement (case no. III. ÚS 464/2017-52).

62. Some of the complainants filed a civil action under the Civil Code for infringement and in which they are seeking redress for non-pecuniary damages related to the police raid.

63. The complainants also turned to the ECtHR, which reported the complaint to the Slovak government on 17 September 2018. The Slovak government filed a statement in the case and other third-party interventions have occurred. The case is still being heard by the ECtHR.

Reply to paragraph 6 (c) of the list of issues

64. Given the fact that during the investigation of the events, there were many irregularities, false statements, false evidence and indications that the statements were unified and coordinated for a specific purpose, investigators are obliged to initiate ex officio criminal charges for false accusations to identify whether such statements and evidence have not been provided with the intention of bringing criminal proceedings to certain persons. The intention is, however, required to be proved by the law enforcement authorities in the case of a false offense and there is no conviction if the intention is not proven. Applicants cannot therefore be convicted of inconsistencies in statements made unintentionally, or because they did not recall the course of events as accurately as actually occurred. Therefore, the prosecution of those persons does not constitute retaliation and intimidation of those individuals who report cases of ill-treatment by the police, as they are prosecuted on the basis of evidence taken in another criminal case, which clearly show that their substantive allegations of police crime were not based on truth. Prosecution in their case cannot be perceived as an effective retaliation of the police also on the ground that the pre-trial supervision of compliance with legality is carried out by an independent prosecutor and any possible conviction is decided by an independent court. The accused have the right to exhaust all available and effective remedies in criminal proceedings, as well as a complaint to the Constitutional Court under Article 127 of the Constitution. However, the proceedings are still pending at national level.

65. More detailed information is provided in the Appendix, Point E.

Reply to paragraph 7 of the list of issues

66. A police action in the Roma settlement of Zborov was conducted on 16 April 2017 as a result of a massive disruption of civil coexistence between two groups of Roma under the influence of alcohol and armed with sticks and other items who originally began fighting one another. After the police arrived on-site, the Roma engaged in fighting refused

to comply with police commands to refrain from their illicit activity and the police were then forced to intercede in an effort to halt the illicit activity. Criminal complaints were filed in the case, and based on which the police investigator opened up a criminal prosecution for the crime of abuse of power by a public official under §326 of the Criminal Code on 25 May 2017. It was determined in the pretrial proceedings that the police action was legal as it was the result of a massive brawl between two Roma groups under the influence of alcohol and armed with sticks and other items that they then threatened to use against the police. The case involved an extensive discovery process, in which a visual recording from the final portion of the police response was entered into evidence and the determination was made that the intensity of the police response and the actual manner in which such response was performed was adequate with regards to the gravity of the situation and no brutality was determined on the part of the police. None of the injuries to the Roma individuals were objectively caused by the intervening police officers. Therefore, the police investigator issued the decision on 15 February 2018 to terminate the criminal prosecution as the action was not a crime and there was no reason for referral.

67. The authorised representative of the injured parties filed a written complaint against the police investigator's decision, which a prosecutor at the Regional Public Prosecutor's Office in Prešov rejected as unfounded under §193 (1) (c) of the Code of Criminal Procedure, in its judgement of 24 April 2018. The police investigator's decision became valid on 24 April 2018.

68. Law enforcement authorities fully respect and apply the enhanced rights of injured parties ensured in the act of victims crime.

Reply to paragraph 8 (a) of the list of issues

69. The Commissioner in his recommendations to Slovakia concerning the sterilization of women in Slovakia (CommDH (2003)12) stated that sterilization did not appear to be organised by the state. It was also noted that not only ethnicity, but also a patient's social status and wealth had an impact on how a woman was treated in the health care system and that not only Roma women were subject to sterilization without proper consent. In the follow-up report of 29 March 2006 (CommDH (2006)5), the Commissioner noted that the allegations of forced and coerced sterilizations of Roma women in Slovakia were considered as a possible grave violation of human rights and therefore taken very seriously by the Slovak government. A considerable effort was devoted to their thorough examination. In addition to a criminal investigation, a professional medical inspection of health care establishments was organised and an expert opinion of the Faculty of Medicine of the Comenius University in Bratislava was requested. It was not confirmed that the Slovak government would have supported an organized discriminatory sterilizations' policy. Legislative and practical measures were taken by the Slovak government in order to eliminate the administrative shortcomings identified in the course of inquiries and to prevent similar situations from occurring in the future. The Commissioner did not request additional investigation on the part of Slovakia in the conclusions in the report.

70. The ECtHR reached a similar conclusion when it did not confirm the grave accusation of an organised policy of sterilization of Roma women in Slovakia when noting in its review of the objections raised by the complainants under Article 14 ECHR prohibiting discrimination that available information did not sufficiently demonstrate that physicians had acted in bad faith when performing sterilizations, the behaviour of the medical professionals was intentionally racially motivated or sterilization was in fact part of a more generalised and organised policy. The ECtHR only concluded that infringement of Article 3 ECHR had occurred in the case of *I. G., M. K. and R. H. v. the Slovak Republic*, and specifically as the result of the unique factual circumstances of the case, ruling that the manner in which the domestic authorities acted was not compatible with the requirement of promptness and speed.

71. Given the above, it may be said that the ECtHR did not confirm the grave accusations of an organised sterilization policy for Romani women in Slovakia because of their ethnic origin as raised by the complainants' legal representatives. At the same time, the ECtHR did not find infringement of the procedural section of Article 3 ECHR guaranteeing the right to effective investigation in the cases of *N.B. v. the Slovak Republic*

and *V.C. v. Slovakia*. In none of the cases reviewed by the ECtHR reached the conclusion of any infringement of rights under Article 13 ECHR to an effective form of redress.

72. The ECtHR did find a violation of the rights of the complainants to protection from inhuman and degrading treatment and the right to the protection of private and family life and awarded them financial redress. Within its conclusions, the ECtHR identified deficiencies in the legislation valid at the time concerning informed consent for sterilization procedures. The deficiencies in the legislation of the time concerning informed consent for sterilization procedures that previously referred to domestic experts and international authorities led to the adoption of a new law, and specifically Act on Health Care and Related Services, and on amendment of certain acts (“health care act”) in 2004. The health care act aligned the rights of patients with international standards effective from 1 January 2005, which prevents similar situations from recurring in the future.

73. With respect to the enforcement of the ECtHR’s judgements, additional general measures were adopted at the domestic level, including the publication of verdicts in the Judicial Review periodical, and the forwarding of judgements to the head of the constitutional court and the heads of all district and regional courts for the purposes of ensuring judges in these courts are kept abreast of developments. Slovakia’s representative to the ECtHR also informed judges and prosecutors of the contents of such judgements through training activities as well. Given that the change in legislation was enacted prior to these judgements being handed down, the Committee of Ministers of the Council of Europe considered these measures sufficient and concluded the monitoring of the execution of these cases on 2 April 2014 by Council of Europe Resolution CM / ResDH (2014) 43.

74. Slovak courts consider the relevant ECtHR judgements in their own decision-making, and persons in analogous situations to the complainants to the ECtHR have been able to achieve justice at domestic courts. Domestic courts make direct reference to these ECtHR judgements in their own judgements. An example is the judgement handed down by Košice II District Court in case No. 43C/54/2011-814, which in the justification section referred *inter alia* to the ECtHR judgement in the case of *V.C. v. the Slovak Republic*. This case involved forced sterilization conducted in 1999 in which the court awarded the injured Romani woman non-pecuniary damages in full.

75. One of the legislative measures to avoid such cases in the future was an amendment of the Criminal Code in 2005 to include the crime of forced sterilization (§159 (2)), with a term of sentencing of two to eight years of imprisonment. Within the criminal proceedings against an accused party, the injured party is entitled to seek redress for harm caused by such crime. They are also entitled to propose that the court order the defendant to provide redress in the convicting sentence.

Reply to paragraph 8 (b) of the list of issues

76. Given the conclusions reached by the ECtHR as specified above in the judgements for the cases involving the sterilization of Romani women, the fact that the Committee of Ministers of the Council of Europe considered these measures taken by the state to be sufficient and concluded the monitoring of the execution of these cases with a final resolution and the fact that similar cases have not recurred following the adoption of the legislative and non-legislative changes, the establishment of an independent body to investigate sterilizations does not appear necessary at present.

77. In cases in which there was no deliberate infringement on the right to life or physical integrity, the positive obligation contained in Article 2 ECHR to create an effective court system does not necessarily require a criminal offence in all cases. Within a specific context, negligence on the part of physicians may constitute such obligation, for instance when the given system of law offers the injured individual means of civil law redress, which independently, or in connection with criminal law redress, permit the responsible physicians to be held liable and to achieve suitable civil law redress. In the cases of the sterilization of women in Slovakia, complainants had the option to pursue criminal charges, but not all exercised this option and redress was only sought under civil law (specifically in the case of *V.C. v. the Slovak Republic*). With respect to civil law redress, the ECtHR considered a lawsuit brought under civil law to be an effective means of redress and did not agree with the objections raised by the complainants with respect to the absence of an

effective means of redress; conversely, it reached the conclusion that there had not been infringement of Article 13 ECHR in connection with Articles 3, 8 and 12 ECHR.

78. Once the referenced ECtHR judgements were handed down, domestic courts took the ECtHR's conclusions into consideration within their decision-making activities and persons in analogous situations achieved adequate redress at the domestic level. An example is the judgement handed down by Košice II District Court in case No. 43C/54/2011, which in the justification section referred *inter alia* to the ECtHR judgement in the case of *V.C. v. the Slovak Republic*. This case involved forced sterilization conducted in 1999 in which the court awarded the injured Romani woman non-pecuniary damages in full.

Reply to paragraph 8 (c) of the list of issues

79. The institute of informed consent is established in §6 of the health care act, which at a general level states that the examining health professional has the obligation to provide information on the purpose, nature, consequences and risks associated with providing health care services and to provide such instruction in a clear and considerate manner, without pressure and with the ability to make an independent decision and a sufficient amount of time to decide on informed consent and as long as the person receiving instruction has adequate intellectual and wilful maturity and their health permits. More detailed information is provided in the Appendix, Point F.

Reply to paragraph 8 (d) of the list of issues

80. The Ministry of Health of the Slovak Republic ("Ministry of Health") established a group of experts in Slovakia charged with ascertaining the facts regarding forced sterilizations in Slovakia. The report on the outcome of the investigative team's work regarding forced sterilizations in Slovakia was submitted to the Slovak parliament's committee for human rights and national minorities. No instances of the crime of forced sterilization committed by a health professional who performed such sterilization without free, complete and informed consent have been registered in Slovakia in the meantime.

Reply to paragraph 8 (e) of the list of issues

81. The education of health professionals in reproductive health and sexual education, including sterilization and other contraceptive methods, as well as focusing on the legal aspects of providing health care, taking into account the need to obtain informed consent and guidance, is included in the relevant doctoral study programs for the medical professions of physician, nurse, midwife, practical nurse, during undergraduate, postgraduate and continuing education. Every health professional is obliged under the law to comply with the Code of Ethics established under Act on Health Care Providers, Health Professionals, Trade Union Organisations in Health Care and on amendment of certain acts, as amended.

82. The Slovak government approved the updated Action Plans of the Slovak Republic's Strategy for Roma Integration by 2020 for the 2019–2020 period on 17 January 2019 for five priority areas: education, employment, health, housing and financial inclusion. This material prepared by the Office of the Slovak Government Plenipotentiary for Roma Communities functions as an addendum to the existing framework strategy approved in 2012 and represents the basic reference document for Roma integration. The accepted action plans elaborate on the strategic reference bases for these topics and respond to the official program declared by the Slovak government. This is the second update to the document which expires in 2020. It is expected to be replaced by another framework document. The material itself contains 26 objectives divided across five thematic areas. It contains 52 specific measures and 59 detailed activities. The action plans are counting on a total investment of EUR 215 million in the next two years into the areas of education, employment, housing, health and financial literacy. It should be noted that this primarily involves continuation of existing programs and not completely new commitments.

83. The Slovak Government Plenipotentiary for Roma Communities Mr Ábel Ravasz did emphasise some of the most important priorities in the new action plans. One of the top priorities in the area of health is access to drinking water (including in the form of an investment project) and the work of health assistants. Health assistants working in Roma communities will ensure the dissemination of basic health education in Roma communities, facilitate communication between the residents in Romani settlements and physicians, nurses, midwives and public health officials, support community access to health care, provide information on prevention, the provisioning of health care and health insurance and on the rights of patients and insured persons and promoting increased personal responsibility among community members for their own health.

Reply to paragraph 8 (f) of the list of issues

84. Within improvements in the access to health care among marginalised Romani women provided by gynaecological and obstetric departments, the health department in collaboration with the Slovak Government Plenipotentiary for Roma Communities introduced the position of health education assistants in hospitals (and therefore within gynaecological and obstetric departments) via the Healthy communities pilot project. More information on the Healthy communities project is provided in Appendix G. Health education assistants are employed from the ranks of the Romani population and are trained continuously in the field of health care assistance and in reproductive health. They represent a key element to eliminating social barriers in providing health care to the Roma minority. Health education assistants identify and connect the special needs of Romani women with the needs of health professionals while taking an inter cultural approach. This approach permits monitoring to detect any signs of segregation of Romani women in terms of provided health care. The approach also supports monitoring to ensure equal and non-discriminatory access to health care.

85. The conditions and performance of sterilization in Slovakia are laid down in detail in the legislation. Decree No. 56/2014 Coll. was adopted and lays down the details of instruction that precedes informed consent prior to a sterilization procedure along with templates for informed consent prior to sterilization procedures in the official state language and the languages of national minorities. An effective mechanism exists in Slovakia via the independent judiciary if there is infringement of basic human rights and freedoms.

Reply to paragraph 9 (a) of the list of issues

86. Despite the fact the Criminal Code does not specifically define the crime of domestic violence, domestic violence is covered under the crime of abuse of a close or entrusted person under §208 of the Criminal Code, which includes causing physical and psychological suffering. In the case of the crime of rape under §199 of the Criminal Code and the crime of sexual violence under §200 of the Criminal Code, if a protected person, meaning a close person, is the subject of such attack, the perpetrator is automatically considered to have directly qualified for aggravating status and the crime may be punished at the higher penalty rate. Under the provisions of §200 (2) (b) of the Criminal Code, a perpetrator who uses violence or the threat of violence to force a person to have oral or anal intercourse or engage in other sexual practices or who exploits their complete vulnerability to commit such act is subject to imprisonment for a term of seven to fifteen years. A similar concept is introduced for the crime of rape as laid down in the provisions of §199 of the Criminal Code. Under the provisions of §199 (2) (b) of the Criminal Code, a perpetrator who forces a woman, who is a close person, to have intercourse or who exploits her complete vulnerability to commit such act is subject to imprisonment for a term of seven to fifteen years.

87. A definition of the term “*crime of domestic violence*” was introduced with the adoption of the crime victims act, and specifically in the provisions of §2 (1) (e) under which the crime of domestic violence is defined as a crime committed by violence or the threat of violence against a direct relative, adoptive parent, adoptive child, sibling, spouse, former spouse, partner, former partner, parent of a shared child or other person with whom the perpetrator lives or lived with in a common household.

88. Another significant change is the amendment of the police act, which extended the period of expulsion for a violent person from a shared dwelling from 48 hours to 10 days, and established a restraining order prohibiting the violator from approaching anywhere within 10 metres of the vulnerable person. If the vulnerable person files a petition with the court to order an immediate relief order during such time that a violent person is expelled from a shared dwelling, this period of expulsion is extended until such time that the court's judgement regarding this petition becomes enforceable. New standards were incorporated into the Code of Criminal Procedure creating guarantees for the procedural rights of injured parties in criminal proceedings with respect to improving their standing and protection, including for instance limiting the use of confrontation in the case of abuse of a close or entrusted person.

89. Sexual violence is defined as a specific crime under §200 of the Criminal Code. The crime of rape is defined as a specific crime under §199 of the Criminal Code and this subsection also applies to the crime of marital rape. Marital rape is considered a crime under Slovak law and is subject to penalties specified under §199 of the Criminal Code.

90. The Criminal Code established the factual basis of the crime of stalking in 2011 under §360a: "Anyone who follows someone else in such a way that it may give rise to serious concerns for their personal health or safety, or the health and safety of a close person, or significantly impair their quality of life." More detailed information is provided in the Appendix, Point H.

Reply to paragraph 9 (b) of the list of issues

91. In an effort to begin resolving this issue in a comprehensive and systematic manner, the Slovak government adopted the National Action Plan to Prevent and Eliminate Violence Against Women for the 2014 – 2019 period ("NAP"), the objective of which is to create, implement and coordinate a comprehensive nationwide policy for the prevention and elimination of violence against women. The NAP prepares a systemic anchor for a solution through institutional support for victims of violence committed against women and domestic violence.

92. The areas of implementation of the action plan include strengthening the legal and strategic framework, providing assistance and available support services, methodologies and standards, professional training activities, primary prevention efforts, monitoring and research and violence against women at the workplace. The action plan also stakes out 63 specific tasks along with responsible authorities, sources of financing, key performance indicators and deadlines for completion.

93. Preliminary assessment of NAP fulfilment was conducted in 2016 and the conclusion was reached that undisputed progress had been made in the issue of preventing and eliminating violence against women through on-going accomplishment of the tasks in the NAP and efforts were paying off in the other two years in terms of coordinating assurances to assist women experiencing violence and systematic primary prevention, i.e. avoiding violence.

94. More detailed information on NAP implementation is provided in the Appendix, Point I.

Reply to paragraph 9 (c) of the list of issues

95. The Code of Criminal Procedure allows for procedures in which victims of domestic violence have the right to file a criminal complaint or a complaint against a ruling made by a police officer or prosecutor issued under §197 (1) and (2) in which the decision was made to file a criminal complaint. Under the Code of Criminal Procedure, victims have a means of redress available to them in the form of a complaint and may direct such complaint against any ruling made by a police officer, except for a decision to initiate criminal prosecution. Criminal prosecution for the crime of abuse of a close or entrusted person is not conditional upon the consent of the injured party. This eliminates the risk that an injured party whose consent is required for the purposes of criminal prosecution could be

influenced in some way by the perpetrator for the purposes of ensuring such consent is revoked, which could result in the inability to go forward with the criminal prosecution.

96. A prosecutor conducts supervision over compliance with the law prior to criminal prosecution and in pretrial proceedings under the Code of Criminal Procedure. Within such supervision, the prosecutor is authorised:

(a) To issue binding procedural orders under §197 for investigations and expedited investigations of crimes and to define periods for their resolution; such orders then become a part of the case file;

(b) To request case files, documents, materials and reports on the status of the proceedings in cases in which criminal prosecution have commenced from a police officer to determine if the police officer commenced criminal prosecution in a timely manner and they are properly progressing;

(c) To participate in all the activities conducted by the police officer, such as personally conducting individual activities or the entire investigation or expedited investigation and to issue decisions on any matters; any such action shall be taken in accordance with this law; a complaint may be filed against the prosecutor's decision, the same as against the police officer's decision;

(d) To return the case back to the police officer for further investigation or expedited investigation with instructions and to define a term for its completion; the accused and the injured party shall be notified of such return of the case;

(e) To cancel an unlawful or unsubstantiated decision on the part of a police officer which they may replace with their own decisions; any decision to stop criminal prosecution, suspend criminal prosecution or transfer the case may be completed within 30 days of their delivery; if the police officer's decision is replaced with the prosecutor's own decision for any reason other than a complaint from the authorised party, such decision may be subjected to a complain, the same as against the police officer's decision;

(f) To remove the case from the police officer and to assign it to someone else, including a police officer without local jurisdiction or to take measures to ensure the case is assigned to a different police officer or officers;

(g) To order an investigation into the matter as specified in §202.

97. The injured party may also contact the prosecutor with a request to review the police officer's procedure and to complain against the decision of a law enforcement authority as delivered to them as an authorised party under the Code of Criminal Procedure. We consider the above legislative stipulations to be sufficient in terms of ensuring complaints in criminal proceedings made by victims are ruled upon by an independent authority.

98. The injured party may also file a constitutional complaint under Article 127 of the constitution to the constitutional court and object to infringement of substantive or procedural aspects under Article 2, 3 or 8 ECHR. The constitutional court secures remedy within the scope of its authority depending on the identified infringement (by ordering action in the case without delay, cancelling a decision to stop criminal prosecution, awarding adequate financial redress for the identified infringement, etc.)

Reply to paragraph 9 (d) of the list of issues

99. All received reports concerning domestic violence or violence committed against children are immediately, impartially and expeditiously investigated, whereby the police take all steps necessary to determine the factual basis of the case and to bring criminal charges against such perpetrators and to punish them fairly. Prosecutors are responsible for supervising the preservation of legality in pretrial proceedings. The police and public prosecutor's office focus heightened attention on these crimes. The constitutionality of their approach is assessed by the constitutional court based on a constitutional complaint under Article 127 of the constitution, to whom the injured party may turn. Prosecutors and judges are regularly trained on ECtHR jurisprudence and the state's related positive commitments within the field of domestic violence.

Reply to paragraph 9 (e) of the list of issues

100. Law enforcement authorities are obliged to immediately, and upon first contact, provide victims with information on the process of filing a criminal complaint, the rights and obligations of victims who are also injured parties within criminal proceedings in connection therewith, entities providing assistance to victims, the contact details to such entities and the forms of professional assistance that may be provided to them. They also inform victims of their options for urgent medical care, access to legal aid, conditions under which protection is provided if they are faced with danger to life and limb or the threat of serious property damage, the right to interpretation and translation, measures to protect their interests which may be requested if they reside in another member state and procedures for seeking redress if their rights have been violated by law enforcement authorities within criminal proceedings. A victim is instructed with respect to the contact details for communication regarding a case in which they are the victim, procedures related to seeking redress for damages in the criminal proceedings, mediation processes in criminal proceedings, options and conditions for concluding conciliation agreements, and options and conditions for paying the victim's costs within the criminal proceedings in which they are the injured party. The Ministry of Justice decides on entitlement to redress and the specific amount paid out upon written request from the victim of a violent crime.

101. Accredited entities providing assistance to crime victims conduct their activities with financial support from the Ministry of Justice. The crime victims act introduced the principle of presumption with respect to the victim, meaning that a person claiming to be a victim is assumed to be a victim unless proven otherwise, or if there is no clear misuse of the standing of the victim, and regardless of if the perpetrator of the crime was found, prosecuted or convicted. A victim who is the injured party in criminal proceedings may be represented by an authorised representative under the Code of Criminal Procedure. An injured party seeking redress for damages and who lacks the funds to cover the related costs may be assigned an available lawyer in pretrial proceedings once the prosecutor has brought the charges to the judge for pretrial proceedings and in proceedings in front of the court, including without proposal from the presiding judge, if it is determined to be necessary to protect the injured party's interests. The injured party must demonstrate the fact that they lack sufficient funds. It is also apt to refer to a legislative change in the police act. While it was possible to expel someone from a shared dwelling who could be expected to pose a threat to the life and limb or liberty or other serious threat to the human dignity of a vulnerable person for a maximum of 48 hours prior to 1 January 2016, current legislation permits them to be expelled for up to 10 days.

102. The rights of domestic violence victims in terms of effective means of protection during on-going investigations have been significantly reinforced through legislative measures.

103. If professional assistance is required (psychological counselling, legal counselling or other services), victims of domestic violence may contact entities providing assistance to crime victims or make use of any number of NGOs providing assistance to the victims of violence. A police officer provides the list of such entities and organisations, including contact details, during their initial contact with the victim or vulnerable person in both written and verbal form. Media coverage of the planned activities was secured through national and regional media outlets and in the form of articles on websites and the police Facebook page, where a total of 5 videos were posted on this specific topic. Regional newspapers published topic-relevant articles across Slovakia.

104. The Presidium prepared a promotional material covering violence against women in the form of an information brochure containing information focused on violence against women. The brochure was distributed to the general public.

Reply to paragraph 10 (a) of the list of issues

105. Tasks under the National Program to Combat Trafficking in Human Beings for the 2015 to 2018 period were fulfilled during the monitored period. The fifth consecutive strategic document for combating trafficking in human beings named the National Program to Combat Trafficking in Human Beings for the 2019 to 2023 period was approved in 2018 and the Ministry of Interior regulation to secure a program to support and protect the

victims of trafficking in human beings of 19 December 2013 was amended. Services for victims of trafficking in human beings are provided since 2019 under the Ministry of Interior regulation of 10 December 2018 on securing the program to support and protect the victims of trafficking in human beings.

106. More detailed information is provided in the Appendix, Point J.

Reply to paragraph 10 (b) of the list of issues

107. The Ministry of Interior concluded an agreement with Slovak Telekom in 2008 to establish the National Assistance Line for Victims of Trafficking in Human Beings, 0800 800 818, which is primarily intended to provide preventative information before travelling abroad, and for making initial contact with potential victims of human trafficking and to facilitate relevant assistance. The role of the national toll-free line is to provide professional counselling and information concerning human trafficking. Funds were allocated to its on-going operation in 2018, which was secured via a public procurement tender to select a service provider to victims of trafficking in human beings.

108. Funds were also dedicated to combat trafficking in human beings from the Ministry of Interior's budget in 2018 to secure care for the victims of trafficking in human beings within the "Program to support and protect the victims of trafficking in human beings", preventative activities and raising awareness of the issue of trafficking in human beings among the general public based on analysis of the needs for individual activities in past years and planned activities in the future, which appear to be sufficient.

Reply to paragraph 10 (c) of the list of issues

109. A schedule is completed on an annual basis for the purposes of planning an agenda of training activities focused on increasing the expertise of state and non-state entities in terms of trafficking in human beings focused on identifying victims and expanding the national reference mechanism focused on the timely identification of victims. Lecture activities were also conducted for schools.

110. Within the development of the national reference mechanism, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention under the Ministry of Interior ("IC") conducted training activities in 2018 for numerous professional groups. The objective was to enhance knowledge and build capacities for the specific issue of trafficking in human beings and to develop the national reference mechanism to provide victims with adequate assistance and to facilitate better exposure of crimes involving trafficking in human beings. Participants included educators from primary schools, special primary schools, vocational secondary schools and gymnasiums, re-education centres and educational and psychological counselling and prevention centres responsible for preventing crime in schools. The objective of these trainings was to build capacities to improve the identification of potential victims in a timely manner as children from children's homes are one of the most vulnerable groups and may become targets for traffickers. Interactive methods were used to drive home the issue of trafficking in human beings for those in attendance and to provide practical information focused on identifying victims and steps to be taken if any information related to the crime of trafficking in human beings is uncovered. They also learned of options for prevention and activities that can be used to inform young people on how to minimise the risks and recognise warning signs. Training activities were also conducted for employees of labour, social affairs and family offices in 2018, and specifically for employees responsible for the social law protection of children and social guardianship, and for members of NGOs. Training activities on trafficking in human beings are also conducted annually for diplomats and employees of the Ministry of Foreign and European Affairs within their certification training activities. Instructional and methodology work focused on trafficking in human beings was also conducted with police officers in 2018. Trainers from the IC trained specialised members of the Slovak armed forces in 2017 for the Ministry of Defence, who then go on to provide annual specialised training for members of the Slovak armed forces before they are deployed to foreign missions.

111. Police officers assigned to the crime prevention section conduct preventative activities focused on preventing and eliminating trafficking in human beings within which they provide information related to this specific crime. The goal is to prevent victimisation by highlighting the risks associated with finding work abroad and travelling and residing abroad. They provide practical advice on how to respond when someone falls victim to human traffickers and where to turn for help. Students in the final year of primary school and students in secondary schools and grammar schools are the most common target group. Over the first nine months of 2018, a total of 170 activities (lectures and meetings) involving nearly 6,000 pupils and students were conducted.

112. The General Prosecutor's Office conducts a multi-day training for prosecutors who are assigned to this particular issue with the broad involvement of the police, representatives of the Ministry of Labour, Social Affairs and Family, the Ministry of Education and others involved in tackling this issue.

113. Criminal prosecutions for the crime of trafficking in human beings were commenced in 27 cases in 2018, with convictions handed down in 23 cases involving a total of 53 perpetrators, 38 men and 15 women. In terms of nationality, 52 of the perpetrators were Slovak and the other one was a national of Serbia. A total of 56 victims were identified in Slovakia in 2018, 22 men and 34 women. Of this total, 46 victims were formally identified by the police, 30 women and 16 men. Female victims included 12 children, girls aged 11 to 16, and all these children were Slovak nationals. No children were recorded in 2018 among male victims. Two foreigners were included in the adult victims, one adult woman from Hungary and one adult woman from Serbia. Among the total number of identified victims, 16 adult victims, all Slovak nationals, entered the program in 2018, a total of 9 men and 7 women, none of whom were children.

114. Criminal prosecutions for the crime of trafficking in human beings were initiated in 37 cases in 2017, with convictions handed down in 19 cases involving a total of 72 perpetrators, 50 men and 22 women. A total of 88 victims were identified in Slovakia in 2017, 30 men and 58 women. Of this total, 75 victims were formally identified by the police, 54 women and 21 men. Female victims included 11 children, girls aged 14 to 17. No children were recorded in 2017 among male victims. Among the victims was one adult male from Ukraine and one child, a girl, from Hungary, while all other victims were Slovak nationals. Among the total number of identified victims, 19 adult victims entered the program in 2017, a total of 11 men and 8 women, none of whom were children.

115. Criminal prosecutions for the crime of trafficking in human beings were initiated in 25 cases in 2016, with convictions handed down in 14 cases involving a total of 31 perpetrators, 24 men and 7 women. A total of 45 victims were identified in Slovakia in 2016, 27 men and 18 women. Of this total, 32 victims were formally identified by the police, 15 women and 17 men. Female victims included 3 children, girls aged 14 to 17. 5 children were recorded in 2016 among male victims. Among the total number of identified victims, 21 victims entered the program in 2016, a total of 17 men and 4 women, 3 of whom were children (Romania). All other victims were Slovak nationals.

116. Criminal prosecutions for the crime of trafficking in human beings were initiated in 18 cases in 2015, with convictions handed down in 9 cases involving a total of 24 perpetrators, 16 men and 7 women. A total of 56 victims were identified in Slovakia in 2015, 31 women and 25 men. Female victims included 4 children, girls aged 14 to 17. Among the total number of identified victims, 25 adult victims entered the program in 2015, a total of 17 men and 8 women. The victims included one adult woman from the Philippines.

117. More detailed information on specialised training activities is provided in the Appendix, Point K.

Reply to paragraph 10 (d) of the list of issues

118. The Ministry of Interior regulation to secure a program to support and protect the victims of trafficking in human beings of 19 December 2013 allows these victims to be provided with services isolated from a criminal environment, assistance in voluntary repatriation to Slovakia or, in the case of an alien, their country of origin, social assistance, psychological counselling, psychotherapeutic services, health care, retraining courses, and

legal counselling in particular in the areas of criminal, civil law, and enforcement and compensation issues. An important part of this process is collaboration on the part of Slovakia's diplomatic missions and consular posts in securing voluntary assisted repatriation of the victims of trafficking in human beings to Slovakia from abroad. The Ministry of Interior regulation to secure a program to support and protect the victims of trafficking in human beings (of 19 December 2013) was amended in 2018 based on applied practices. With respect to redress provided to the victims of trafficking in human beings, the Ministry of Justice records a single request filed under the crime victims act in which an applicant sought redress in the form of non-pecuniary damages as a victim of a violent crime. These non-pecuniary damages were paid in full based on the decision issued in response to the request on 30 April 2019.

Reply to paragraph 10 (e) of the list of issues

119. The IC collaborates with international organisations and other foreign institutions focused on combating trafficking in human beings. On behalf of Slovakia, the IC functions as the national rapporteur to the European Commission under Article 19 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, and regularly participates in meetings of the Informal Network of National Rapporteurs or a similar mechanism (NREM) for combating trafficking in human beings. It also collaborates with the Committee of the Parties to the Council of Europe Convention on Combating Trafficking in Human Beings and the Convention Monitoring Mechanism – the Group of Experts on Trafficking in Human Beings (GRETA). Within international collaboration, the IC participated in the preparation of a promotional brochure and in a Europe-wide campaign with the European Crime Prevention Network (EUCPN⁵).

Reply to paragraph 11 (a) of the list of issues

120. For the purposes of aligning the Slovak NHRI with the Paris Principles, an analytical material on institutions to protect and promote human rights in Slovakia was prepared with proposals for necessary solutions. The result is a draft act that would strengthen the standing of Slovakia's National Human Rights Centre ("Centre") as its NHRI to align as much as possible with the Paris Principles.

121. The draft act also specifies the Centre's competencies within the role of the Equality Body in support for equal treatment in accordance with EU anti-discrimination directives. The draft is completed in accordance with the European Commission's recommendations on the standards for the Equality Body (C (2018)3850) and incorporates the recommendations of the ECRI, Global Alliance of NHRI and other authorities addressed to Slovakia.

122. The most significant changes proposed include implementation of "independence" to the Centre's competences (independent surveys, independent and expert opinions, independent reports and recommendations), defining the Center's legal assistance (legal advice, including consultancy services, assistance in out-of-court proceedings, dispute resolution through mediation, representing a party in an anti-discrimination dispute), drawing up independent reports and recommendations, which defines more clearly the Center's implementation of the independent inquiry, establishing cooperation with domestic and foreign institutions and organisations active in the field of human rights and non-discrimination.

123. The amendment will change the number of Council members from 9 to 7, with one member appointed by the Public Defender of Rights, jointly by the Commissioner for Children and the Commissioner for Persons with Disabilities, the President of the Slovak Academy of Sciences, the Association of Towns and Municipalities, the Prime Minister of the Slovak Republic on the proposal of non-governmental organizations, the Press-Digital Council of the Slovak Republic and the Slovak Bar Association. Each entity proposes two

⁵ EU Crime Prevention Network

candidates while the verification of compliance with the conditions and the selection of one of the proposed candidates is carried out by the Committee of the National Council of the Slovak Republic for Human Rights and National Minorities. The Committee should take into account the requirement of a pluralist composition reflecting the various components of society when choosing from the law.

124. Members may only include those who can demonstrate a minimum of five years of active involvement in the area of human rights or non-discrimination (including activities in the public sector, the NGO sector, the science, research and education sector or in the fields of advocacy, mediation and other forms of providing legal assistance). Ensuring the council is composed in this manner contributes to its overall independence and plurality of the representation of experts in the field of human rights and non-discrimination while reflecting on various components of society as a whole.

Reply to paragraph 11 (b) of the list of issues

125. The Centre's budget was increased by 40% in the draft 2019 budget compared to the 2018 budget upon agreement between the Centre and the Ministry of Finance, which is associated with an increase in the headcount to include 7 new employees.

Reply to paragraph 12 (a), (b) and (c) of the list of issues

126. Under the Code of Criminal Procedure, the extradition process involving a wanted person is decided upon at two levels: the competent regional court rules on the permissibility of such extradition in the first instance and, once such decision is valid, the case is transferred to the Minister of Justice, who then decides to permit the extradition.

127. Before extradition occurs, Slovakia requests that the country involved provide diplomatic guarantees and then follows up to ensure compliance. The Ministry of Justice records 3 cases where extradition was permitted on the basis of acceptance of diplomatic guarantees, specifically:

- Anzor Chentiev – to the Russian Federation;
- Ali Nurdinovich Ibragimov – to the Russian Federation;
- Aslan Achmetovich Jandiev – to the Russian Federation.

128. A representative of the Slovak embassy in Moscow conducted a personal visit of Mr. Chentiev in a prison located in Grozny on 28 April 2015, which confirmed that no torture or other abuse had occurred during his imprisonment and that no injuries or beatings had occurred. He was also not exposed to any inhuman or degrading treatment or punishment. He did not lodge any complaint concerning unsatisfactory prison conditions after his term of imprisonment. Mr. Chentiev had no objections concerning his treatment, was provided with access to medical care, received meals, had the ability to receive visitors and was permitted to go for exercise once a day. The monitoring visit confirmed that the guarantees provided by the Russian Federation regarding Mr. Chentiev were carried out in practice and there are no grounds to doubt them. Mr. Chentiev was released from prison on 24 July 2015.

Reply to paragraph 13 of the list of issues

129. The MIGRA information system used by the Migration Authority under the Ministry of Interior does not provide statistical outputs that specify the reasons why applicants sought asylum or on the basis of which they were granted asylum or subsidiary protection. No output is provided that could be used to determine the number of successful applications and the number of asylum seekers whose applications were accepted based on previous torture or the potential for torture if repatriated to their country of origin.

130. The available statistics do permit the identification if asylum was granted on the basis of persecution, humanitarian reasons, family reunification, or whether subsidiary protection was granted because of serious harm (the existence of serious grounds for believing that repatriation to their country of origin would involve exposure to a real threat of serious harm).

131. For information purposes and with respect to subsidiary protection, which is provided when there are serious grounds to believe that an applicant would be exposed to the real threat of serious injustice if repatriated to their country of origin, the term serious injustice is defined for the purposes of Act on Asylum and on amendment of certain acts, as amended (“asylum act”) as follows:

- Imposition or execution of capital punishment;
- Torture, inhuman or degrading treatment or punishment; or
- A serious and individual threat to the life or integrity of an individual as a result of arbitrary violence occurring during an international or internal armed conflict.

132. It should be noted that subsidiary protection in Slovakia is most often granted for the third reason (arbitrary violence during an armed conflict). It must also be said that torture or the threat of torture is included among the reasons for which asylum is granted, in addition to serious injustice (persecution, or justified fears of persecution).

133. More detailed information on this statistical data is provided in the Appendix, Point L.

Reply to paragraph 14 of the list of issues

134. Slovak law concerning alien residency gives stateless persons the ability to resolve their residence question. The Bureau of Border and Alien Police under the Presidium may issue a 5-year permanent residence to such stateless nationals even if they do not meet the conditions specified under the alien residency act, and may do so repeatedly. Stateless persons must demonstrate that no country considers them to be a national under their laws.

135. Within this context, it is sufficient if a person demonstrates they are no longer a national of the country:

- (a) In which they were born;
- (b) In which they had their previous domicile or residence; and
- (c) In which their parents and siblings are nationals.

136. Under the alien residence act, stateless persons may only be subject to administrative deportation if their actions pose a threat to state security or public order and there are no other impediments to administrative deportation.

Reply to paragraph 15 of the list of issues

137. Given the fact that Slovak law complied with Article 5 of the Convention at the decisive point in time, as evidenced by the scope of provisions laying down the scope of the Criminal Code and contained in the provisions of §3 to 5 and §7 of the Criminal Code, no legislative measures were taken for the purposes of implementation of Article 5 of the Convention.

Reply to paragraph 16 of the list of issues

138. Slovakia is a signatory country/party to numerous bilateral and multilateral treaties concerning extradition. The crimes specified in Article 4 of the Convention are not explicitly defined as crimes that are extraditable offences or as crimes that are specifically not extraditable offences. In most bilateral treaties, extradition is permissible for crimes in which the upper limit on a potential term of imprisonment exceeds one year, which crimes involving torture and inhuman treatment meet in the vast majority of instances.

139. As far as multilateral treaties are concerned, Slovakia is a signatory to the European Extradition Convention (Council of Europe) as well as several UN treaties on extradition (such as the UN Convention on the Suppression of Bomb Terror, UN Convention against Transnational Organized Crime, UN Convention against Corruption).

Reply to paragraph 18 (a), (b) and (c) of the list of issues

140. Police officers receive regular training and are re-trained at regular intervals under generally binding laws and internal regulations concerning this specific issue. With respect to securing regular training for police officers who come into contact with persons deprived of their personal liberty, the Minister of Interior issued measure No. 82/2016 on measures and the schedule for fulfilment of the Committee's recommendations, and the president of the police corps issued order No. 105/2016 on measures and the schedule for fulfilment of the Committee's recommendations, order No. 39/2018, and the order of 6 December 2016 on fulfilment of the tasks related to measure No. 82/2016 issued by the Minister of Interior.

141. The police act compels police officers when performing their duties to respect the honour and dignity of themselves and others and not allow unjustified harm to come to anyone as a result of these activities and to restrict any intervention into their rights and freedoms to the absolute minimum required to accomplish their intended purposes within their duties. While on duty, police officers are compelled to comply with the code of ethics issued as an appendix to regulation No. 3/2002 on the code of ethics for police officers, as amended, issued by the Minister of Interior.

142. In accordance with order No. 21/2009 Coll. on tasks to prevent police officers and members of the railway police from violating human rights and freedoms when conducting police actions and to restrict personal liberty issued by the Minister of Interior and the president of the police corps order No. 4/2015 to implement tasks to secure the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as amended by order No. 93/2015, police officers complete regular, annual retraining on the provisions of §8, §63, §64, §68 and §68a of the police act, §7 of Act on Complaints, as amended, regulation No. 3/2002 on the code of ethics for police officers, as amended, issued by the Minister of Interior, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

143. The president then issued an order on 7 March 2019 in which the directors of the organisational units of the Presidium and regional police directorates were assigned the task of ensuring rigorous compliance with all generally binding legislation, internal regulations issued under the auspices of the Ministry of Interior and international treaties to which Slovakia is a signatory party concerning basic human rights and personal freedoms, especially in terms of zero tolerance of violence and any form of ill-treatment of persons whose personal liberty has been restricted, and with special emphasis on evaluating the legitimacy and proportionality of the use of coercive means by superiors.

144. More detailed information on the individual training activities is provided in the Appendix, Point M.

Reply to paragraph 19 (a), (b), (c) and (d) of the list of issues

145. Control over facilities where persons are held in custody and for terms of imprisonment is performed by internal prison control authorities (the Minister of Justice and delegated parties, the director general of the corps and delegated parties) and other domestic public authorities (the Slovak parliament and public prosecutor's office) as well as by independent legal entities or natural persons as laid down in a special regulation or international convention to which Slovakia is bound.

Ombudsman

146. Under the Act on the Ombudsman, as amended, the ombudsman is authorised when responding to a petition to the ombudsman to enter any public authority buildings, to request public authorities hand over the necessary files and documents and explain the pertinent matters related to the petition, including if a special regulation restricts the right to review such files to a specific group of entities, to ask the public authority's employees questions, to speak with persons who are detained in places where custody, imprisonment, disciplinary punishment of soldiers, protective treatment, protective education, institutional treatment or institutional care are carried out, and in police detention cells, without the presence of other persons. Public authorities are then obliged to respond to the measures

proposed by the ombudsman or are obliged to implement such measures in the event of their failure to act if the performance of such measures is required by law or other generally binding regulation. If the public authority fails to comply with such request made by the ombudsman, the ombudsman may notify its supervising authority, the Slovak government and ultimately the Slovak parliament or its delegated body.

147. The ombudsman may also initiate changes or cancel any legislation if it identifies facts during the process of resolving such petition that provide evidence that a specific law, other generally binding legislation or internal regulation issued by a public authority violates the basic rights and freedoms of natural persons and legal entities and may file a petition with the constitutional court to review the conformity of such legislation with the constitution, with constitutional acts and with international treaties which the Slovak parliament has ratified and promulgated in the manner laid down by law.

Commissioner for children and Commissioner for persons with physical disabilities

148. Under Act on the Commissioner for Children and Commissioner for Persons with Physical Disabilities and on amendment of certain acts, the commissioners are authorised during the process of resolving a petition to speak with persons who are detained in places where custody, imprisonment, disciplinary punishment of soldiers, protective treatment, protective education, institutional treatment or institutional care are carried out, and in police detention cells, without the presence of other persons. If a commissioner determines that a valid decision made by a public authority is in violation of the law or other generally binding legislation during the process of resolving a petition, it shall file a motion with the public prosecutor's office and inform the petitioner who filed the petition.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

149. Access to an organized and purposeful regime, including out-of-cell activities and outdoor exercise are integral parts of the treatment of all inmates. The assurance of these activities is guaranteed in numerous provisions of Act on Custody, as amended (the right to daily exercise; the right to participate in hobby and sports activities as offered by the facility, etc.) and the imprisonment act (the right to daily exercise; the right to participate in hobby and sports activities as offered by the facility, etc.). These activities are provided by professional staff in all facilities, including educators, social workers and psychologists. The life imprisonment wards in Leopoldov and Ilava engage special pedagogues in the treatment process.

150. The new provisions of §20 (2) and §21 (2) of the Prison Code that took effect 1 January 2014 are the most significant and systematic changes applied over the monitoring period for the inclusion of inmates with life sentences into the general prison population. Under these provisions, a facility's warden may relocate an inmate from the life imprisonment ward to the standard inmate population (into differentiation group "B" in a maximum security facility) once they have served 15 years of a life sentence and based on recommendations from the conclusions of a repeated psychological testing.

151. Psychiatric care is provided to inmates in every correctional facility on-site and via internal staff (in the form of service work, employment, agreements on work conducted outside of employment, and agreements to perform professional psychiatric evaluations). The period of time in which a psychiatrist is present in a specific facility depends on the size of the facility and the composition of the prison population (typically this ranges from a few hours a week to a full-time position).

152. Individual forms of treatment (interview, diagnostics, psychological intervention, social counselling, self-study and in-cell work) are used in the "D1" differentiation subgroup on the life imprisonment wards. Mutual association of inmates placed in separate cells connected into units is permitted under existing legislation after individual assessment; under §78 (5) of the Prison Code, an inmate may be permitted to engage in such mutual contact within the "D1" differentiation subgroup upon the recommendation of a pedagogue and with approval of the warden. Within the "D2" differentiation group, inmates serving life sentences conduct group activities under the supervision of a guard and inmates may participate in select activities conducted for the entire facility. Mutual association of inmates placed in separate cells connected into units is not subject to subsidiary restrictions

and is based on existing legislation, given that if an inmate fulfils the requirements of the treatment program, complies with the rules of the institution and shows positive changes in their attitude towards criminal activity and in their value orientation, they may be placed, pursuant to §78 (6) (b) of the Prison Code, into the “D2” differentiation subgroup, which is characterised by mitigation of certain restrictions on life sentences, and in particular allowing contact with other inmates in the “D2” differentiation subgroup.

153. Slovakia has implemented a number of measures focused on this sensitive topic in which we are making an effort to gradually integrate this specific segment of the prison population in with other inmates. Given that the legislative prerequisites are applied in different institutions in which life sentences are carried out (specifically the facilities in Leopoldov, Ilava and Banská Bystrica) to varying degrees of success, we conduct regular meetings between expert staff responsible for the treatment of inmates serving life sentences. The goal of these meetings is to share best practices in the area of targeted out-of-cell activities conducted at the individual institutions and to provide an opportunity to reassess the existing system of classifying inmates serving life sentences into differentiation subgroups via dissolution of the obligatory 5-year placement of inmates serving life sentences in the “D1” differentiation subgroup.

Reply to paragraph 20 of the list of issues

154. Procedures for ensuring the compliance of Slovak law with Article 11 of the Convention concerning interrogation rules, instructions, methods and practices to prevent any cases of torture are laid down in the Code of Criminal Procedure, the crime victims act and other legal standards.

155. In the interests of protecting particularly vulnerable victims from secondary victimisation, the Code of Criminal Procedure was amended effective 1 January 2018 to provide law enforcement authorities with a specific procedure for interrogating particularly vulnerable victims. The aim of this procedure is to eliminate the traumatising effects repeated interrogations and interviews have on particular vulnerable victims and inappropriate means used by law enforcement authorities within such processes.

156. The provisions of §125 of the Code of Criminal Procedure concerning confrontation in effect as of 1 January 2018 have limited confrontation involving the accused and a victim of a crime against human dignity, the crime of abuse of a close or entrusted person or the crime of trafficking in human beings and the victims of a crime involving violence or threat of violence if there is a risk of secondary victimisation or repeated victimisation; with regard to age, sex, sexual orientation, race, nationality, religion, intellectual maturity or relationship to the perpetrator or dependence on the perpetrator. Special attention is given if a child is involved as a vulnerable victim.

157. The law enforcement authority first consults with a psychologist or an expert before interviewing or taking testimony from the child on the manner in which the interrogation will be conducted and who will participate in the process and, if necessary, the social law protection authority for children and social guardianship, their statutory guardian or a pedagogue will be invited to ensure the process is conducted properly and with all due effort to avoid secondary victimisation. The psychologist or expert is intended to aid in the selection of the proper communication method for interviewing or taking testimony from the child and for ensuring the process does not negatively impact the child’s mental and moral development.

158. The crime victims act stipulates suitable rules, procedures and methods regarding interrogation. Above all, anyone claiming to be a victim is considered a victim unless the opposite is proven, and regardless of if the perpetrator of the crime is identified, subject to criminal prosecution or convicted, and the rights attributed to victims under the law are applied without discrimination on the basis of gender, religious faith or beliefs, race, affiliation with a nationality or ethnic group, health, age, sexual orientation, marital status, skin colour, language, political or other beliefs, national or social background, property or other standing. Law enforcement authorities, courts and entities providing assistance to victims are obliged to inform victims of their rights in a simple and easily understandable manner. Special considerations must be given to difficulties in comprehending this information or communication based on a given disability, language skills and if the

victim's ability to express themselves is restricted. Law enforcement authorities and the courts are obliged to allow victims to exercise their rights under the crime victims act and other special regulations and, when justifiably necessary, especially in the interests of securing the rights and protection of the victim, collaborate with entities providing assistance to victims.

159. When interrogating particularly vulnerable persons who are the victim of a crime against human dignity, the crime of trafficking in human beings or the crime of abuse of a close or entrusted person, interrogation is always conducted by a person of the same gender as the person being interrogated, unless there are serious impediments (e.g. staffing in the given police unit), which the law enforcement authority must specify in the minutes.

160. The systematic professional training of police officers responsible for investigations and expedited investigations is a critical prerequisite for properly conducting the interrogation of victims and especially particularly vulnerable victims. The Presidium in collaboration with the Academy of the Police Corps ("Academy") prepared a system of professional training for police investigators and other authorised police officers dealing with this specific area.

161. The Presidium in collaboration with the Academy in Bratislava is implementing the "Special interrogation rooms for child victims and other particularly vulnerable crime victims" program. The project is a reflection of the requirements of the transposed directive and legislative changes made to protect victims. The goal of the project is to create the conditions to eliminate secondary and repeated victimisation of victims. The implementation of the project began in 2018 and will continue until 2021. This project involves the construction of a total of 15 specialised interrogation rooms across Slovakia (14 rooms plus 1 training room) to be used for the interrogation of child victims and other particularly vulnerable victims. The intention of establishing such rooms is to protect these victims from secondary victimisation and from repeated victimisation by eliminating direct contact between the victim and perpetrator in official premises.

162. All police officers assigned to the position of police investigator and other authorised police officers complete this basic professional training. This is blanket re-training of police investigators and other authorised police officers in the form of a single-day accredited course provided by the Academy and focused on perfecting and expanding the depth of knowledge regarding the interrogation of particularly vulnerable victims. Within this training, special attention is focused on the topic of interrogating particularly vulnerable victims from the psychological perspective, the specifics of communication with individual categories of particularly vulnerable victims and conducting the interrogation of particularly vulnerable victims with emphasis on collaboration with a psychologist and documentation of such interrogation. This training project was implemented beginning in the 4th quarter of 2018 and is continuing in 2019.

163. The accredited specialised training system for police officers conducted by the Academy and focused on work with particularly vulnerable victims will be conducted within the previously-mentioned "*Special interrogation rooms for child victims and other particularly vulnerable crime victims*" program. This will be a five-day course accredited by the Academy (as an extension of the basic professional training). The priority in the course is on work with particularly vulnerable victims in special interrogation rooms and will include a component dedicated to trafficking in human beings. Training within this project is scheduled to begin in 2019. A total of around 350 police officers (police investigators and authorised police officers) are expected to complete this training. The project includes the completion of two educational documents, a methodology guide for working in the special interrogation rooms and a special form of instructions for interrogating particularly vulnerable victims.

164. In terms of legislative changes concerning interrogations, please note the adopted legislative measures related to the transposing of Directive 2016/800 via Act No. 161/2018 Coll., which amends the Criminal Code and which amends certain acts in effect as of 1 June 2019. This cited act amended the provisions of §121 of the Code of Criminal Procedure to include a new subsection 5, under which if the accused person to be interrogated is under the age of 18, the law enforcement authorities shall conduct such interrogation with the use of audio-visual recording equipment. This amendment is to secure sufficient protection of children suspected or accused within criminal proceedings and who are not always able to understand the contents of the interrogations in which they

are involved. The use of such audio-visual recording equipment in and of itself is a new method to be used in interrogating children in the position of the accused.

165. Within criminal proceedings, the victim is the party reporting the crime, the injured party or a witness, and they are entitled to specific rights and obligations under the Code of Criminal Procedure associated with such standing. Law enforcement authorities, the courts and parties providing assistance to victims and with reference to the seriousness of the crime that has been committed shall conduct an individual assessment of the victim to determine if they are a particularly vulnerable victim for the purposes of preventing repeated victimisation, and shall consider the best interests of the particularly vulnerable victim if they happen to be a child. Neither the victim of a violent crime nor any other person may be forced to undergo the interrogation.

166. The procedure (methodology) for the interrogation is laid down in the Code of Criminal Procedure in accordance with Article 11 of the Convention. With respect to the interrogation of particularly vulnerable victims under a special act, this interrogation is conducted with consideration and using content so that the interrogation does not need to be repeated in further proceedings, the interrogation is conducted using audio-visual recording equipment and the law enforcement authority shall ensure the interrogation is conducted in the preparatory proceedings by the same person so as not to interfere with the course of the criminal proceedings, and a psychologist or expert, with consideration given to the subject of the interrogation and the person involved, will be invited in to ensure the interrogation is conducted in a proper manner. If a witness in criminal proceedings for a crime against human dignity, the crime of trafficking in human beings or the crime of abuse of a close or entrusted person to be interrogated is classified as a particularly vulnerable person under a special act, then interrogation in pretrial proceedings shall be conducted by a person of the same gender as the interrogated person, unless this is impeded by other serious reasons, which the law enforcement authority shall record in the minutes. According to the first sentence the law enforcement authority first consults the manner in which the interrogation will be conducted and who will participate in the process with a psychologist or an expert before interviewing or taking testimony from a witness and, if necessary, the social law protection authority for children and social guardianship, their statutory guardian or a pedagogue will be invited as necessary to ensure the process is conducted properly and with all due effort to avoid secondary victimisation.

167. If a person under the age of 18 is interrogated as a witness and a crime is involved against a close or entrusted person or it is clear from the circumstances of the case that repeated interrogation of a person under the age of 18 may result in undue influence of their testimony, or there is a justified expectation that such interrogation could negatively impact the mental and moral development of such person under the age of 18, the interrogation shall be conducted so that such person under the age of 18 may only be interrogated in subsequent proceedings under extraordinary circumstances. Additional interrogation of a person under the age of 18 during pretrial proceedings may only be conducted with the approval of their statutory guardian, or with the approval of their guardian in certain cases. Slovak law lays down a comprehensive procedure for interrogation within criminal proceedings.

Reply to paragraph 21 of the list of issues

168. Slovakia considers reducing the use of restraints as a high priority, and it expects to achieve a solution by constructing secure wards operating with a special regime and the necessary spatial and material conditions within existing psychiatric wards that would serve to deal with the phenomenon of aggression among “standard” psychiatric patients. As opposed to court-ordered detention, health professionals would have the authority to place them in secure wards.

169. It is expected that the creation of these secure wards will lead to an overall reduction in the use of restraints and create the opportunity to gradually phase out net beds.

170. Under the provisions of §10 of Act on Social Services and on amendment of Act on Trade Licensing (“trade licensing act”) as amended (“social services act”), there has been an explicit ban on the use of any restraints in social services facilities with respect to natural persons or beneficiaries to whom social services are provided since 2008. The only

exception is a situation in which there is a danger to the health or safety of such persons or the health or safety of others and for the period necessary, whereby the provider shall primarily use non-bodily restraints. To clarify, the law stipulates what is considered non-bodily restraints and what is considered bodily restraints (special grips, placement in a safe room, and use of drugs). This clearly indicates that net beds are not included as bodily restraints and therefore they may not be used under any circumstances when social services are provided. It is also clear that legislation in the area of social services has restricted the use of net beds in social services facilities over the long term and therefore Slovakia considers these measures to be sufficient. Procedures for the use of restraints were comparable to those in other European countries and in full compliance with the principles applied by EU member states in this area.

171. The draft detention act does not include net beds as a lawful means of restraint.

Reply to paragraph 22 of the list of issues

172. In accordance with §11 (1) to (3) of Act on State Statistics, as amended, ministries and state organisations conduct state statistical tasks within the scope assigned to them under the state statistical surveying program. Ministries and state organisations may aggregate data and conduct statistical surveying outside of the state statistical surveying program within their areas of responsibility. Statistical survey work is consulted upon with the Statistical Office of the Slovak Republic (“Statistical Office”) in terms of methodology and national statistical classifications and national statistical code lists are used if the Statistical Office informs them that they will be used for the purposes of state statistics. The methodology for aggregating the data that the Statistical Office uses as an administrative resource is the subject of consultations between ministries, state organisations and the Statistical Office. In the process of creating European statistics, ministries and state organisations follow the methodology instructions provided by the Statistical Office. Surveying and aggregation of information and data conducted by ministries and state organisations under a special act is not a component of state statistics. The ministries and state organisations performing statistical surveying are responsible for covering the costs of their implementation.

173. The Ministry of Justice aggregates, processes and evaluates statistical data on the persons lawfully convicted of crimes and including those convicted of the crime of “Torture and other inhuman or cruel treatment”. Data from individual convicts is recorded using the crime statistics reporting form, which is completed by the relevant general courts in Slovakia using a data collection application. The data from these statistical reporting forms from 2016 onward is then processed by the Ministry of Justice’s Analytical Centre. Data on convicts may be categorised by age, gender, citizenship and nationality.

174. The Department of Police Information Systems under the Presidium is the sponsor for the crime records and statistical system in which the police primarily record data on crimes in connection with criminal proceedings under the Code of Criminal Procedure, specific crimes and the identified perpetrators of crimes as well as crime victims classified by gender and age.

175. A review of this information system determined that criminal prosecution was initiated in relation to the crime of “*Torture and cruel or other inhuman treatment*” in 2015 and which was stopped on 12 January 2016. A total of 1 criminal proceeding for the crime of Torture and cruel or other inhuman treatment is currently being adjudicated.

Reply to paragraph 23 of the list of issues

176. More detailed information is provided in Question 5 f.

Reply to paragraph 24 of the list of issues

177. Under the Code of Criminal Procedure, anything that contributes to explaining the facts of the case and that is obtained from means of obtaining evidence under this act or under a special law may be used as evidence. Means of obtaining evidence primarily

include the interrogation of the accused, witnesses, experts, evaluations and professional opinions, on-site testimony, police identity parades, reconstructions, re-enactments, searches, items and documents important for criminal proceedings, notification, information obtained using information and technical means or means of operative and search activity. Evidence that is obtained through unlawful coercion or threat of such coercion is inadmissible under the Code of Criminal Procedure. The above does not apply if the evidence is used as evidence against a person who applied or threatened to apply such coercion. Given the above, it follows implicitly that the formulation of this provision sufficiently covers cases of torture intended to obtain specific evidence. Under the Code of Criminal Procedure, law enforcement authorities and the courts may only consider such evidence that is obtained in a lawful manner.

Reply to paragraph 25 of the list of issues

178. No changes to family law legislation have been necessary since 2015. Corporal punishment from parents, including at home, is outlawed under Slovak law. This applies regardless of if there is a specific or implicit prohibition in the law. Standards exist in Slovakia's criminal law and administrative law that prohibit corporal punishment that could physically injure a child or degrade a child's dignity. For instance, Act on Misdemeanours, as amended, defines specific misdemeanours concerning interference into the integrity of a close person (including a child) and persons entrusted to the perpetrator for the purposes of their care or education. Punishable conduct in this context includes threats of physical injury, minor physical injuries, approbation and other rough conduct.

179. Recurrence of the commission of such misdemeanour over a 12-month period is qualified as the crime of the abuse of a close or entrusted person under the Criminal Code effective 1 January 2017. As such, the system for protecting the rights of children must be viewed comprehensively with respect to all areas of law (civil, administrative and criminal). Given that interference into the (physical and psychological) integrity of a child in cases where inappropriate educational means are applied is considered prohibited and punishable under misdemeanour (or criminal) law, the existing law in the areas of administrative and criminal law in connection with existing Family Code provides a sufficient legal guarantee of the rights of children in these areas.

180. More detailed information on the prohibition of corporal punishment is provided in the Appendix, Point N.

Reply to paragraph 26 of the list of issues

181. Terrorism is being combated in Slovakia in accordance with international and European treaties and domestic law. The national antiterrorism unit of the National Crime Agency under the Presidium collaborates with NGOs focused on monitoring human rights compliance within its regular duties, such as the International Organisation for Migration and the *Občan, demokracia a zodpovednosť* (*Citizens, democracy and responsibility*) civic association. Police officers from this unit are members of the *Fundamental Rights Agency* working group focused on creating methodology for recording and aggregating data on hate crimes. With respect to information gathering, detection and investigation of the crimes of terrorism and extremism, it may be said that female police officers are preferred in contact with female individuals and young persons and special attention is devoted to their particular needs, be they victims or suspects (inviting a family member, social worker, psychologist). They are entitled to the same legal guarantees as in the case of other crimes.

182. Security measures related to combating terrorism and extremism are adopted in Slovakia based on strategic documents approved by the government, including the National Action Plan to Combat Terrorism for the 2015–2018 period, the Strategy to Combat Extremism for the 2015–2019 period as well as the Action Plan for Preventing and Eliminating Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the 2016–2018 period. These were completed in accordance with the principles of the universality of basic human rights, non-discrimination and equality in rights for all inhabitants, regardless of gender, race, skin colour, language, religious conviction or faith, political or other beliefs, national or social origin, affiliation with a nationality or ethnic group, property or other standing.

183. In the monitoring period, tasks under the National Action Plan to Combat Terrorism for the 2015–2018 period were fulfilled on an interim basis and focused on restricting the financing of terrorism, preventing and eliminating threats associated with radicalisation and self-radicalisation of individuals on the Internet, radicalisation in educational institutions and improving collaboration between entities engaged in combating terrorism.

184. Slovakia did not identify the need to adopt any specific antiterrorism measures in 2018 that would have made any significant interference into the basic rights and freedoms of its inhabitants. One person was convicted of the crime of terrorism in 2018 but that conviction is not yet valid. With respect to complaints from the public as to failure to comply with international standards, the National Crime Agency did not record any complaints or suggestions.

185. It may be said that existing antiterrorism measures have not interfered with human rights guarantees in any way during their application. The perpetrators of such crimes have their human rights and other rights defined in the Criminal Code and Code of Criminal Procedure guaranteed in the same manner as the perpetrators of other crimes, including the right to seek redress (complaints and appeals).

186. The analytical centre did not record anyone in the period from 2016 to 2017 who was convicted of the crime specified in §419 of the Criminal Code – *Terrorism and certain forms of involvement in terrorism*.

187. More detailed information is provided in the Appendix, Point O.

OP-CAT ratification

188. Slovakia signed the OP-CAT on 14 December 2018. The Ministry of Justice is currently drafting the legislation required to delegate the authorities assigned to the National Prevention Mechanism under the OP-CAT to three different institutions that under the current law in Slovakia have the right to visit places where persons deprived of liberty are being held and to speak with them without the presence of third parties, specifically: the Ombudsman, the Commissioner for children and the Commissioner for persons with physical disabilities. Once the preparatory phase is completed along with consultations with stakeholders and civil society, legislative changes will be presented together with a proposal to ratify OP-CAT in the second half of 2019.
