



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

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Committee against Torture

Concluding observations on the fourth periodic report of Slovakia*

1. The Committee considered the fourth periodic report of Slovakia¹ at its 1989th and 1992nd meetings,² held on 27 and 28 April 2023, and adopted the present concluding observations at its 2006th meeting, held on 9 May 2023.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the constructive dialogue held with the State party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee.

B. Positive aspects

4. The Committee welcomes the signing by the State party of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 14 December 2018, and looks forward to its ratification, in line with the assurances provided by the State party.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of the following:

(a) Act No. 174/2015 Coll., amending the Code of Criminal Procedure by strengthening fundamental legal safeguards, in 2015;

(b) Act No. 274/2017 Coll. on victims of crime, which provides for a number of measures aimed at protecting and providing redress and rehabilitation for victims of torture and ill-treatment and which includes a definition of the "crime of domestic violence", in 2017;

(c) Act No. 161/2018 Coll., amending the Criminal Code and certain acts, which mandates the use of audiovisual recording equipment in the interrogation of juvenile suspects, in 2018;

(d) Act No. 321/2018 Coll., amending the Act on Probation and Mediation Officers and certain acts, which allows for the implementation of various non-custodial measures, in 2018;

* Adopted by the Committee at its seventy-sixth session (17 April–12 May 2023).

¹ CAT/C/SVK/4.

² See CAT/C/SR.1989 and CAT/C/SR.1992.



(e) Act No. 308/2021 Coll., amending the Code of Criminal Procedure by introducing new limits on the use of collusive custody, in 2021;

(f) Act No. 339/2022 Coll., amending the Act on the Execution of Detention, establishing maximum time limits on the use of solitary confinement, in 2022;

(g) Act No. 495/2022 Coll., amending the Health Care Act and introducing a new statutory framework on the conditions for using restraints, in 2023.

6. The Committee commends the State party's initiatives to modify its policies and procedures in order to afford greater protection of human rights and to give effect to the Convention, in particular the following:

(a) The adoption of the National Strategy for the Promotion and Protection of Human Rights, in 2015;

(b) The adoption of the Action Plan on the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, in 2015;

(c) The adoption of the Action Plan on the Prevention of All Forms of Discrimination (2016–2019), in 2015;

(d) The adoption of the Action Plan for the Rights of Persons belonging to National Minorities and Ethnic Groups (2016–2020), in 2016;

(e) The adoption of the fifth National Programme against Trafficking in Human Beings (2019–2023), in 2018;

(f) The adoption of the Strategy for Equality, Inclusion and Participation of Roma by 2030, in 2021;

(g) The adoption of the National Strategy to Deinstitutionalize the System of Social Services and Alternative Care, in 2021;

(h) The issuance of the formal apology by the Government to Roma women and girl victims of forced and involuntary sterilization, in 2021;

(i) The issuance of the formal apology by the Government to the victims of excessive use of force in the context of the police intervention in Moldava nad Bodvou, in 2021.

C. Principal subjects of concern and recommendations

Definition of torture

7. The Committee is concerned that there is no definition of torture in the State party's legislation, that penalties for the crime of torture may be as little as two years' imprisonment and that the provision criminalizing torture in the Criminal Code does not explicitly state that no exceptional circumstances whatsoever may be invoked as justification for torture. The Committee is also concerned that the Criminal Code does not provide penalties for acts of cruel, inhuman or degrading treatment that occur as a result of negligence, owing to the requirement of intent under article 420 (arts. 1, 2 and 4).

8. **The Committee reiterates its recommendation³ that the State party adopt a definition of torture that covers all elements contained in article 1 of the Convention and ensure that penalties for torture are commensurate with the gravity of this crime, in accordance with article 4 (2) of the Convention. The Committee draws to the State party's attention that serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity.**

³ CAT/C/SVK/CO/3, para. 7.

Fundamental legal safeguards

9. The Committee is concerned that detained persons, including minors, do not enjoy, in practice, all fundamental legal safeguards from the very outset of the deprivation of their liberty, in particular:

(a) Detained persons do not always have effective access to free legal aid from the beginning of the deprivation of their liberty and there have been cases in which access to legal aid has only been provided upon their arrival in court or following their remand into custody;

(b) Police officers have been present during initial medical examinations of persons in custody and sensitive information regarding the results of the examinations is not kept in a sufficiently confidential manner;

(c) Despite positive improvements in the provision of information to detainees regarding their rights, such information is not sufficiently comprehensive;

(d) In some cases, detainees are prevented from notifying a family member or other person of their arrest, notably when an investigating officer considers that doing so may interfere with the criminal proceedings;

(e) Juvenile suspects are detained in unsuitable surroundings and may be interrogated without the presence of a parent, lawyer or other trusted person (art. 2).

10. The State party should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of the deprivation of their liberty, including the right:

(a) **To be assisted by a lawyer, including during interrogations and, if necessary, be granted access to free legal aid;**

(b) **To request and receive a medical examination by an independent physician, free of charge, or by a doctor of their choice and have the confidentiality of the results of medical examinations respected;**

(c) **To be fully and comprehensively informed of their rights, the reason for their arrest, and any charges against them, in a language they understand and in an accessible manner;**

(d) **To inform a family member or another person of their choosing about their detention, including during the preliminary questioning;**

(e) **To be detained and interrogated in a manner that takes into account their age, vulnerability and understanding, in particular with regard to juveniles.**

National human rights institution

11. While commending the progressive increases in the allocation of funding to the Slovak National Centre for Human Rights and the associated increase in the Centre's human resources, the Committee remains concerned about the Centre's limited mandate, the insufficient clarity about and transparency in the selection of its members, its curtailed independence and the lack of clear and explicit functional immunity of its members (art. 2).

12. The State party should amend the relevant legislation with a view to strengthening the mandate and independence of the Slovak National Centre for Human Rights, in order to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including through establishing in law the functional immunity of its members.

Pretrial detention

13. While noting the steps taken recently by the State party to reduce the use of pretrial detention in favour of increased implementation of non-custodial measures, the Committee remains concerned about cases of excessively lengthy judicial proceedings and the lack of

legislative initiative to amend the Code of Criminal Procedure, which allows for a duration of pretrial detention of up to five years (arts. 2, 11 and 16).

14. **The State party should amend its legislation with a view to reducing the duration of pretrial detention, which should be used as an exceptional measure, applied for a limited period of time, clearly regulated and subject to judicial supervision at all times in order to guarantee fundamental legal and procedural safeguards. The State party should continue and expand the use of non-custodial measures in lieu of pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).**

Excessive use of force by law enforcement officials, including violence against Roma

15. The Committee is concerned about reports of excessive use of force, along with verbal threats and verbal abuse, by law enforcement officials, notably against members of the Roma community. The Committee is also concerned about the low number of complaints, prosecutions and convictions in such cases and notes that, in cases where charges are filed against law enforcement personnel, they usually relate to the crimes of bodily injury or abuse of authority, rather than torture or cruel, inhuman or degrading treatment. The Committee is further concerned that, in the well-publicized case of alleged violence in Moldava nad Bodvou, in 2013, law enforcement personnel implicated in the incidents were cleared of any wrongdoing, despite the findings of the European Court of Human Rights⁴ that torture or ill-treatment had occurred. More generally, the Committee is concerned that, in other previous judgments, the Court found that the State party had failed to adequately investigate the discriminatory motives related to the excessive use of force by law enforcement personnel against members of the Roma community⁵ (arts. 2, 12–14 and 16).

16. **The State party should:**

(a) **Carry out prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed;**

(b) **Prosecute persons suspected of having committed torture or ill-treatment under article 420 of the Criminal Code and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress in a timely manner;**

(c) **Ensure that motives relating to discrimination are sufficiently investigated when they are suspected to have played a role in the commission of an offence, and ensure that such motives are considered as an aggravating circumstance in criminal prosecution;**

(d) **Video record all actions by the police, including during interrogations and through the use of body cameras, and ensure that persons who report acts of torture and ill-treatment, as well as witnesses to such acts, are protected from reprisals, including criminal charges;**

(e) **Continue to work to combat negative attitudes, stigmatization and discrimination towards members of the Roma community and other minority groups present in the State party, including through the implementation of community outreach and awareness-raising programmes for the general public and ongoing monitoring and evaluation of the implementation of the Strategy for Equality, Inclusion and Participation of Roma by 2030, which was adopted in 2021, to ensure its effectiveness;**

⁴ *R.R. and R.D. v. Slovakia*, Application No. 20649/18, Judgment, 1 September 2020.

⁵ See, for example, *ibid.*; and *Lakatošová and Lakatoš v. Slovakia*, Application No. 655/16, Judgment, 11 December 2018.

(f) **Provide the Committee with updated data on the number of cases of excessive use of force by law enforcement officials that have been investigated, disaggregated by age, gender and ethnic or national origin of the victims, the number of perpetrators who have been prosecuted for acts of torture and ill-treatment, and the penalties applied to those found guilty.**

Conditions of detention

17. While noting the information provided by the State party, which gives details about the positive efforts undertaken to improve the material conditions and quality of life of persons deprived of their liberty, including those serving life sentences, the Committee is concerned about:

(a) The unsatisfactory conditions in prison cells and holding cells, including inadequate cell space, lack of natural light and poor air circulation;

(b) The oppressive regimes imposed on inmates under maximum security and serving life sentences, including insufficient time spent outside of cells, limited access to recreation, the use of manual restraints and the presence of prison officers during medical examinations;

(c) The excessive and routine use of strip searches, without an individualized risk assessment, and gynaecological searches of girls, as a matter of procedure, which may amount to cruel, inhuman or degrading treatment;

(d) Lack of qualified medical personnel in prisons, including psychological and psychiatric staff, resulting in limited access to mental health care for inmates (arts. 2, 11 and 16).

18. **The State party should ensure that conditions of detention are in full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In particular, the State party should:**

(a) **Ensure that the use of restraints is limited to circumstances in which such use is absolutely necessary and proportionate, subject to strict regulation, and for the shortest possible period of time;**

(b) **Limit the practice of strip-searching persons deprived of their liberty to exceptional cases and ensure that, if such searches are carried out, they are accompanied, at a minimum, by a reasonable suspicion of wrongdoing, and that the criteria of necessity, reasonableness and proportionality are met, in accordance with rules 50 to 53 of the Nelson Mandela Rules;**

(c) **Ensure that the necessary human and material resources are allocated to prisons so as to provide prisoners with adequate health care, including through the recruitment of qualified staff to ensure that all those who require mental health care can receive it expeditiously.**

Psychiatric care facilities

19. The Committee appreciates the State party's candid response that it is aware that patients have been prevented from discharging themselves from psychiatric facilities despite their voluntary admission, and its acknowledgement that such a practice must be tackled as a matter of priority. Nevertheless, the Committee remains concerned by this situation. Moreover, the Committee is concerned about the high rates of institutionalization in psychiatric care facilities overall. The Committee takes note of the oversight mechanisms instituted by the State party, including the Health Care Surveillance Authority; however, it regrets that this is a solely reactive, rather than proactive mechanism. The Committee also takes note of the State party's efforts to eliminate the use of cage beds by 2025, and its overall efforts to further legislate the use of restraints in health-care settings (arts. 2 and 16).

20. **The State party should:**

(a) **Ensure that the right to liberty of patients voluntarily admitted to psychiatric care facilities is upheld, including by ensuring that sufficient safeguards for such patients are established by law and accompanied by effective avenues of appeal against involuntary institutionalization;**

(b) **In lieu of a stand-alone preventive mechanism with a specific mandate for psychiatric care facilities, ensure that the newly established national preventive mechanism is provided with sufficient financial and human resources, including specialized personnel, to conduct regular and effective preventive monitoring of psychiatric care facilities with a view to reducing the potential for acts of torture and cruel, inhuman or degrading treatment;**

(c) **Continue and intensify its efforts in deinstitutionalization in favour of alternative and community-based care services, including through the effective implementation of the National Strategy to Deinstitutionalize the Social Services and Alternative Care System, adopted in 2021;**

(d) **Hasten efforts to eliminate the use of cage beds, and ensure that alternative practices, including the use of seclusion rooms, are compatible with international and regional human rights standards, including the revised standards on means of restraint in psychiatric establishments for adults of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.⁶**

Gender-based violence

21. The Committee notes the positive steps taken by the State party to combat and respond to gender-based and domestic violence. However, the Committee is concerned that, despite the introduction of legislation, the number of cases of domestic violence, including matricide and death at the hands of close relatives or partners, rose sharply during the coronavirus disease (COVID-19) pandemic. The Committee is also concerned that acts of gender-based and domestic violence among members of the Roma community are often not reported, resulting in limited access of victims to protective and rehabilitative services and redress, and lack of accountability for perpetrators (arts. 2, 12-14 and 16).

22. **The State party should ensure that all acts of gender-based and domestic violence, especially those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation and rehabilitation, and have access to legal assistance, safe shelters and the necessary medical care and psychosocial support. In addition, the Committee recommends that the State party increase its efforts in outreach, education and awareness-raising to members, including men and boys, of the Roma community and other minority groups regarding gender-based and domestic violence, and intensify its efforts to build a relationship of trust between members of minority communities and State institutions.**

Involuntary sterilization of Roma women

23. The Committee commends the State party for its efforts to right historical wrongs regarding the involuntary sterilization of Roma women, including through the issuance of a formal apology and proposals to establish a compensation scheme for victims. However, the Committee is concerned that current proposals regarding the State's compensation scheme limit the window for submitting compensation claims to two years, which may affect the ability of victims living abroad or those with limited access to information to receive compensation. The Committee is also concerned about the relatively low amount of compensation proposed, which is limited to 5,000 euros per victim, and that financial barriers, such as the cost of legal affidavits and travel to regional centres in order to complete

⁶ CPT/Inf(2017)6.

documentation for claims, may preclude some victims from obtaining adequate redress (arts. 2, 12–14 and 16).

24. **The State party should ensure that all allegations of forced or involuntary sterilizations are impartially investigated, that the persons responsible are held accountable and that adequate redress is provided to the victims. The State party should also adopt legislative and policy measures to prevent and criminalize the forced or involuntary sterilization of women, in particular by clearly defining the requirement for free, prior and informed consent with regard to sterilization and by raising awareness among Roma women and medical personnel of that requirement. The Committee recommends that the State party increase the window for the submission of compensation claims for involuntary sterilization, conduct a proactive analysis to identify all those who may have suffered involuntary sterilization, and engage in proactive outreach to victims, in order to raise awareness of the proposed compensation scheme, both prior to and during implementation. In circumstances where victims require an affidavit attesting to involuntary sterilization, the State party should ensure that victims have access to free legal aid in obtaining such an affidavit. More generally, the State party should remove all financial barriers to obtaining compensation, including the costs associated with travel to regional centres to lodge documentation for claims. The State party should also ensure that the compensation provided is commensurate with the harm experienced by the victims, taking into account the financial awards in similar cases in the region, including those granted by the European Court of Human Rights.**

Non-refoulement, statelessness and migration

25. The Committee is concerned about the rules that allow the border police to refuse to admit persons seeking to enter the territory of the State party on humanitarian grounds and the level of discretion afforded to them in making such a decision. While such decisions may be appealed in administrative proceedings, the Committee is concerned that, in practice, access to that avenue of appeal may be limited. While taking note of Act No. 404/2011 Coll. on residence of foreigners, which includes a definition of stateless persons and the possibility of granting them permanent residence, the Committee is concerned that the State party lacks an effective procedure by which to determine statelessness (arts. 2, 3 and 16).

26. **The State party should ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture. The State party should also ensure that such persons are provided with effective and accessible avenues to appeal transfer decisions, including by being provided with access to free legal aid, and that all denials of entry are based on an individual assessment and uphold the principle of non-refoulement. The State party should establish a dedicated procedure for determining statelessness, create a central database of stateless persons in its territory and consider withdrawing its reservation to article 27 of the 1954 Convention relating to the Status of Stateless Persons.**

27. The Committee is concerned that families with children continue to be detained by the State party, including in the context of the procedure under the Dublin III Regulation. The Committee is also concerned that, despite the availability of alternatives to detention, such alternatives are rarely applied or are not available to detainees owing to the financial burden that their release may place upon them (arts. 2, 11 and 16).

28. **The State party should detain families with children as a measure of last resort only and for the shortest appropriate period of time; and duly consider the availability, effectiveness and appropriateness of alternatives to detention in each individual case, in line with the Tokyo Rules.**

Trafficking in persons

29. While the Committee appreciates the information provided by the State party with regard to the number of investigations and prosecutions of cases of potential trafficking in persons, the Committee regrets that no up-to-date information has been provided regarding

the number of prosecutions that have resulted in criminal convictions. In the light of information received, the Committee is concerned that the number of criminal convictions for trafficking in persons in the State party remains low. The Committee is also concerned about the lack of *proprio motu* investigations into trafficking in persons in the absence of a complaint. The Committee is further concerned about the continued prevalence in the State party of forced begging and trafficking for the purposes of sexual exploitation, especially among the Roma community (arts. 2, 12–14 and 16).

30. **The State party should ensure that cases of trafficking in persons are thoroughly investigated, including in the absence of a complaint, that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims obtain full redress, including adequate compensation and rehabilitation. The State party should also ensure the full implementation of its fifth National Programme against Trafficking in Human Beings (2019–2023), and monitor and evaluate its efficacy, so as to build lessons learned into future initiatives to combat trafficking in persons.**

Training

31. While taking note of information provided by the State party regarding training for doctors, law enforcement officials, the judiciary and other government officials involved in the administration of justice, the Committee regrets that most of the information relates to either training on trafficking in persons or on gender-based violence, and that, in cases where training specific to torture and cruel, inhuman or degrading treatment was mentioned, such training tended to pertain to regional, rather than universal standards. The Committee also regrets that no information was provided on the training of military personnel on the Convention or on torture-related provisions of international humanitarian law, or on the monitoring and evaluation of the effectiveness of training programmes. The Committee further regrets that judges and lawyers are not trained on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) or, more generally, on recognizing the signs of torture (art. 10).

32. **The State party should ensure that all relevant public officials, in particular members of the security forces and the military, prison officials, judicial officials, lawyers and doctors, are trained on the provisions of the Convention, in particular on the absolute prohibition of torture, and that they are fully aware that violations of these provisions must not be tolerated and must be investigated, and that those responsible must be prosecuted and, upon conviction, appropriately punished. In addition, the State party should monitor and evaluate such training to assess its effectiveness, and ensure that all relevant personnel, including judges and lawyers, are specifically trained to identify cases of torture and ill-treatment, including through training on the Istanbul Protocol (as revised).**

Investigation and prosecution of acts of torture and cruel, inhuman or degrading treatment

33. The Committee is concerned about the lack of prosecutions in the State party for the crime of torture or cruel, inhuman or degrading treatment, under article 420 of the Criminal Code. The Committee is concerned that, owing to the lack of a definition of torture in the State party's legislation and the similarity between the penalties for this crime and those for crimes that have lower evidentiary thresholds, such as abuse of authority under article 326 of the Criminal Code, acts of torture and cruel, inhuman and degrading treatment are not prosecuted as such. The Committee reminds the State party that naming and prosecuting the crime of torture serves to promote the Convention's aim, not only by alerting everyone, including perpetrators, victims and the public, to the special gravity of the crime, but by allowing the responsible officials to track the specific crime of torture, and enabling and empowering the public to monitor and, when required, to challenge State action and inaction that violate the Convention. Lastly, despite the establishment, in 2019, of the Bureau of Inspection Service, the Committee is concerned at reports indicating a lack of independence and impartiality of this body, which is within the same branch of government as the police and, in some locations, is also located within the same building (arts. 2, 11–14 and 16).

34. **The State party should ensure that all allegations of torture and cruel, inhuman or degrading treatment are investigated and prosecuted as such, taking into account the importance of prosecuting torture and cruel, inhuman and degrading treatment, not only with regard to deterrence and accountability, but also in terms of redress for victims. The State party should also take the legislative and other measures necessary to ensure that investigations are carried out by mechanisms that are institutionally independent, in order to avoid conflicts of interest in the investigation of torture and ill-treatment.**

Redress

35. The Committee takes note of the positive measures introduced by the State party in terms of rehabilitation and redress for victims of torture and cruel, inhuman and degrading treatment, including through the issuance of formal apologies and the adoption of Act No. 274/2017 Coll. on victims of crime. However, it expresses concern about the low number of mental health professionals who are qualified to provide psychological and psychiatric support to victims of torture and ill-treatment (art. 14).

36. **The Committee recommends that the State party continue its efforts to ensure rehabilitation and redress for victims of torture and cruel, inhuman or degrading treatment, paying special attention to the allocation of a sufficient number of qualified personnel to meet the needs of victims. The Committee also recommends that the State party consider contributing to the United Nations Voluntary Fund for Victims of Torture.**

Corporal punishment

37. The Committee is concerned about ambiguities in the law relating to corporal punishment of children in the home, noting that the Family Code, as amended, allows for “adequate upbringing measures” and does not establish an explicit prohibition on corporal punishment in the family environment. While taking note of information provided by the State party that such a prohibition is implicit in its legislation, the Committee highlights the important dissuasive and educational effect that an explicit prohibition may have on the use of corporal punishment by parents against their children (art. 16).

38. **The Committee recommends that the State party clearly and unambiguously ban the use of corporal punishment by parents in the exercise of their rights and obligations, and conduct awareness-raising and educational campaigns for the general public to inform them of the prohibition of the use of corporal punishment against children and its consequences.**

Follow-up procedure

39. **The Committee requests the State party to provide, by 12 May 2024, information on follow-up to the Committee’s recommendations on the definition of torture; the national human rights institution; involuntary sterilization of Roma women; and corporal punishment (see paras. 8, 12, 24 and 38 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.**

Other issues

40. **The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations, and to inform the Committee about its dissemination activities.**

41. The Committee requests the State party to submit its next periodic report, which will be its fifth, by 12 May 2027. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.
