



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

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Committee against Torture

List of issues prepared by the Committee prior to the submission of the third periodic report of Slovakia (CAT/C/SVK/3) adopted by the Committee at its forty-eighth session, 7 May–1 June 2012*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Articles 1 and 4

1. In the light of the concluding observations of the Committee, please provide detailed information on legal reforms undertaken to bring the definition of torture in the Slovak Criminal Code into line with articles 1 and 4 of the Convention by criminalizing the instigation of, consent with, and acquiescence of torture by a public official or other person acting in an official capacity (para. 5).¹

Article 2²

2. In the light of the previous concluding observations of the Committee, please provide information on steps taken by the State party to ensure that all detained persons are afforded, in law and in practice, fundamental safeguards from the very outset of detention,

* The present list of issues was adopted by the Committee at its forty-eighth session according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/SVK/CO/2.

² The issues raised under article 2 could also involve other articles of the Convention, including but not limited to article 16. General comment No. 2 (2007) on implementation of article 2 by States parties, paragraph 3, sets out: “The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter “ill-treatment”) under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear.” See further chapter V of the same general comment.

including the right of access to a lawyer and an independent medical doctor, if possible of their own choice, as well as the right to inform a relative, and to be informed of their rights and be promptly presented to a judge (para. 6). Please also specify at what stage of the detention process the detained persons can exercise these rights in practice.

3. Please provide information on measures undertaken to improve the provision of legal aid and the assistance of an interpreter for asylum seekers.³

4. In the light of the previous concluding observations of the Committee, please provide information on steps taken to guarantee the full independence of the judiciary in line with the Basic Principles on the Independence of the Judiciary (para. 7). In particular, information should be provided on steps taken to ensure the independence of the Judiciary Council in relation to the President of the Republic and the Government.

5. Please provide information on (CCPR/C/SVK/CO/3, para. 5):

(a) The measures undertaken to expand the mandate and competence of the National Centre for Human Rights;

(b) The measures undertaken to ensure that the Centre is provided with adequate financial and human resources in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

6. Please provide information on the status of the bill that seeks to confer the power on the Constitutional Court to rule on the compatibility of domestic legislation with international treaties (CCPR/C/SVK/CO/3, para. 7).

7. In the light of the Committee's concluding observations and the State party's replies to those observations (para. 14),⁴ please provide information on any new measures taken to:

(a) Investigate promptly, impartially, thoroughly all allegations of sterilization of Roma women without their informed consent, prosecute and punish the perpetrators and provide the victims with fair and adequate compensation. In this regard, please provide updated information on the total number of cases considered by the courts, the number that have been successful, the amount of compensation awarded in each case in which the claimant was successful, and the number of cases pending;

(b) Monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, undergoing sterilization;

(c) Introduce special training for health personnel aimed at raising awareness about the legal provisions on sterilization without informed consent, in regard to both national and international legislation.

8. Please provide information on measures to ensure that anti-androgen treatment of sex offenders is surrounded by appropriate safeguards, and that no pressure is applied on the prisoners to accept such treatment.⁵

³ See report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 March to 2 April 2009, CPT/Inf (2010) 1.

⁴ See also CAT/C/SVK/CO/2/Add.1; CCPR/C/SVK/CO/3, para. 13; CERD/C/SVK/CO/6-8, para. 18; CEDAW/C/SVK/CO/4, paras. 44 and 45.

⁵ CPT/Inf (2010) 1.

Article 3

9. Please provide data referring to the reporting period (para. 8),⁶ disaggregated by age, sex and ethnicity, on:

- (a) The number of asylum applications registered;
- (b) The number of applicants in detention;
- (c) The number of applicants whose application for asylum was accepted;
- (d) The number of applications for asylum submitted and those accepted on grounds that the applicants had been tortured or might be tortured if returned to their country of origin;
- (e) The number of cases of refoulement or expulsion;
- (f) The number of cases of non-refoulement on the ground that the person may be subjected to torture;
- (g) The number of requests for extradition received and their outcome;
- (h) The countries to which the State party expelled, returned and extradited individuals and the number of individuals expelled, returned, or extradited, since the consideration of the previous periodic report.

10. Please indicate if “diplomatic assurances” or the equivalent thereof have been offered to or accepted by the State party (para. 8).⁷ If so, please provide detailed information on:

- (a) The procedures in place for obtaining diplomatic assurances;
- (b) Steps taken to establish an appropriate mechanism for review of diplomatic assurances in any applicable case;
- (c) Steps taken to guarantee effective post-return monitoring arrangements;
- (d) Cases of refoulement, extradition and expulsion subject to receipt of diplomatic assurances that have occurred since the consideration of the previous report;
- (e) Assurances that have not been honoured and any appropriate actions taken in such cases by the State party.

11. Please provide information on:

(a) Any steps taken to ensure that the State party fulfils all its non-refoulement obligations under article 3 of the Convention, in particular to consider all elements of an individual case, and provides, in practice, all procedural guarantees to the person expelled, returned or extradited (para. 8).⁸

(b) In the light of the Committee’s concluding observations and the State party’s replies to those observations, whether the State party has any plans to amend the exceptions to the guarantees of article 3 with regard to persons who are considered being a threat to the security of Slovakia and persons who have been sentenced for a particularly serious crime (para. 8).⁹

⁶ See also CERD/C/SVK/CO/6-8, para. 15.

⁷ Ibid.

⁸ Ibid.

⁹ See also CAT/C/SVK/CO/2/Add.1.

12. Please provide information on the case of Mustapha Labsi, expelled to Algeria in April 2010, for which the European Court of Human Rights had issued an interim order requiring that the State party refrain from extraditing him until the appeals on his new asylum claim had been completed. Information before the Committee indicates that the extradition was carried out before Mr. Labsi had the time to appeal to the Constitutional Court.¹⁰ Please indicate whether this was the case. Moreover, please provide information on the process of notifying the expelled, his lawyers and his family members of the expulsion decision; any eventual diplomatic assurances given by Algeria regarding torture or other ill-treatment; and the post-return monitoring arrangements.

Articles 5, 6, 7, 8 and 9

13. Please provide information on the measures taken to establish the State party's jurisdiction over acts of torture in cases where the alleged offender is present in any territory under its jurisdiction, either to extradite or prosecute him or her, in accordance with the provisions of the Convention (para. 8). Furthermore, please provide information on any agreement on judicial cooperation signed by the State party with other countries.

Article 10

14. Please provide information on educational programmes developed by the State party to ensure that law enforcement officials, prison staff and border guards are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted (para. 11).

15. In the light of the Committee's concluding observations (para. 11), please provide information on what measures have been undertaken to:

(a) Ensure that all relevant personnel involved with detainees, including professionals involved in the investigation and documentation of cases of torture, receive specific training on how to identify signs of torture and ill-treatment, on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);

(b) Include information on all provisions of the Convention, especially on the absolute prohibition on torture, in the training modules on rules, instructions and methods of interrogation.

16. Please indicate if the State party has developed a methodology to assess the effectiveness and impact of training/educational programmes on the reduction of cases of torture, violence and ill-treatment and, if so, please provide information on the content and implementation of such methodology (para. 11).

Article 11

17. Please provide statistics, disaggregated by type of offence, ethnic origin, age and sex, on the number of persons held in pretrial detention and convicted prisoners (paras. 12, 13, 15 and 21).¹¹

¹⁰ Council of Europe, statement by Secretary General Thorbjørn Hagland on the extradition of Mustapha Labsi, press release 355 (2010); Slovak National Centre for Human Rights, *Report on the Observance of Human Rights Including the Observance of the Principle of Equal Treatment in the Slovak Republic for the Year 2009* (2010), pp. 22 and 23.

¹¹ See also CERD/C/SVK/CO/6-8, para. 14.

18. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed, with a view to preventing any cases of torture or ill-treatment (paras. 11 and 13). Please indicate whether police officers continue to be authorized to handcuff persons in detention to stationary objects in police stations. Please provide data on the number of instances in which police officers handcuffed individuals in detention to stationary objects, disaggregated by location, and indicate the length of time for which the treatment endured in each case,

19. Please provide information on how the State party has revised its use of solitary confinement in detention since its last periodic report (para. 12). In particular, please describe steps taken by the State party to limit the use of solitary confinement so that it is used a measure of last resort, for as short a time as possible, and under strict supervision and that there is a possibility of judicial review.

20. In the light of the Committee's concluding observations (para. 12), please provide information on measures taken to:

(a) Improve conditions of detention for juveniles in order to bring them into line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules);

(b) Ensure that juveniles are held in detention only as a last resort;

(c) Ensure that juveniles are not placed in any kind of detention with adults;

(d) Ensure the regular review of the conditions of detention of juveniles;

(e) Set up a training programme for judges that specializes in juveniles, including the application of non-custodial measures.

21. In the light of the Committee's concluding observations, please indicate whether there is an independent body in the State party that has the right to, inter alia, undertake unannounced visits to all places of deprivation of liberty, including police stations and pretrial detention facilities (para. 10). If this is the case, please provide information on the specific mandate given, and the resources allocated to, this body, as well as its activities. If this is not the case, please provide information on the measures undertaken to create such a body.

22. Please provide information on the current regulation on the use of firearms by law enforcement officials and how it complies with the Convention and other relevant international standards. In particular, please provide information on the policy and regulations in respect of the use of electro-shock weapons.¹²

Articles 12 and 13

23. Please provide statistical data on the number of complaints of alleged torture and ill-treatment, their investigation and prosecution and results of the proceedings, including both penal sentences and disciplinary measures. The information should be disaggregated by sex, age and ethnicity of the individual filing the complaint (paras. 9, 13 and 21). In particular, please provide additional information regarding the case in which 10 policemen charged with abuse of official authority brought before the Kosice II District Court, the status of the criminal trial, including the articles under which the defendants have been

¹² CPT/Inf (2010) 1.

charged and whether the trial has concluded. Please clarify whether all those accused have been suspended or dismissed from service pending the resolution of the case¹³.

24. In the light of the Committee's concluding observations, please provide information on measures taken to strengthen the independence of the Inspection Service Office in order to ensure that allegations of torture and other cruel, inhuman or degrading treatment or punishment are promptly, impartially and effectively investigated (para. 9).¹⁴ Please indicate whether such measures include drawing independent experts from outside the police. Moreover, please elaborate if all suspects in prima facie cases of torture and ill-treatment are as a rule suspended or reassigned during the process of investigation.

25. Please provide information on the procedure to lodge complaint in pretrial detention, as well as the actual number of complaints received and their outcome (paras. 13 and 21).

26. Please indicate what the procedure is to lodge complaints in mental health institutions, how many residents filed complaints or petitions about ill-treatment to the authorities during the reporting period and what their outcomes were (paras. 20 and 21).

27. In the light of the Committee's concluding observations and the State party's replies to those observations (para. 15),¹⁵ please provide information on:

(a) New measures taken to strengthen the efforts to combat ill-treatment of Roma detainees by ensuring the exercise of their legal rights from the outset of detention;

(b) The investigation of allegations of ill-treatment and excessive use of force against members of the Roma community by law enforcement officials, including the number of complaints relating to these acts, and on the related prosecutions, convictions and sanctions, as well as on compensation provided to victims; Please also indicate the number of law enforcement officials subjected to disciplinary or criminal penalties for racially motivated abuse of power or other discriminatory treatment of members of the Roma community;

(c) Steps taken by the State party to recruit police officers of Roma origin.

Article 14

28. Please provide information on:

(a) Steps taken to ensure that adequate compensation and appropriate rehabilitation programmes, including medical and psychological assistance, are provided to victims of torture and other ill-treatment (para. 16). Please also elaborate on the allocation of adequate resources to ensure that as full rehabilitation as possible is made available to all victims of such crimes;

(b) Redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report. This information should include the number of requests for compensation made, the number granted, and the amounts ordered to be paid and those actually provided in each case (para. 21);

(c) Any new steps to ensure that the victim of an act of torture or his or her family members obtain redress and has an enforceable right to fair and adequate

¹³ State party's follow-up submission, paras 23 and 24.

¹⁴ See also CCPR/C/SVK/CO/3, para. 14.

¹⁵ See also CAT/C/SVK/CO/2/Add.1; CCPR/C/SVK/CO/3, para. 8; CERD/C/SVK/CO/6-8, para. 14. See also CRC/C/SVK/CO/2, paras. 34 and 35. See also Slovak National Centre for Human Rights, *Report on the Observance of Human Rights*, pp. 21 and 22.

compensation, including the means for as full rehabilitation as possible (para. 16). Please provide a copy of legislation and any court decision applying or interpreting it.

Article 16

29. In the light of the Committee's concluding observations (para. 17),¹⁶ please provide information on:

(a) The number of complaints, investigations, prosecutions and convictions (including type and, if applicable, length of sanctions) in cases of violence against women and girls in the context of domestic violence;

(b) Measures undertaken to ensure that protection measures are put in place for violations against women and girls in the context of domestic violence, including any awareness-raising campaigns and training on domestic violence for officials;

(c) Measures undertaken to ensure that all allegations of such violence are promptly, impartially and effectively investigated and that the perpetrators are prosecuted and punished;

(d) Measures undertaken to protect women who have been victims of violence, including by providing shelters and counselling services in sufficient numbers and with adequate standard;

(e) Measures undertaken to improve cooperation with non-governmental organizations in their efforts to protect women and girls from violence;

(f) Improve research and data collection methods for gender-based violence and encourage the reporting of cases of domestic violence by victims.

30. In the light of the Committee's concluding observations (para. 19),¹⁷ please provide information on:

(a) The number of complaints, investigations, prosecutions and convictions (including type and, if applicable, length of sanctions) in cases of human trafficking, disaggregated by sex, age, ethnicity (or the origin of victims);

(b) The number of witness protection visas issued to victims of trafficking and how many victims of trafficking have benefited from recovery assistance;

(c) Measures taken to improve the reintegration and rehabilitation services to victims of human trafficking;

(d) New training programmes for law enforcement officials, migration officials and border police on the causes, consequences and incidence of human trafficking.

31. In the light of the Committee's concluding observations, please indicate whether steps have been taken to explicitly prohibit corporal punishment in the family and to inform about and enforce such a prohibition (para. 18).¹⁸

32. In the light of the Committee's concluding observations (para. 20),¹⁹ please provide information on measures taken to:

¹⁶ See also CCPR/C/SVK/CO/3, para. 11, and CEDAW/C/SVK/CO/4, para. 34.

¹⁷ See also CEDAW/C/SVK/CO/4, para. 34.

¹⁸ See also CCPR/C/SVK/CO/3, para. 12, CEDAW/C/SVK/CO/4, paras. 34 and 35, and CRC/C/SVK/CO/2, paras. 36 and 37.

¹⁹ See also CPT/Inf (2010) 1. See also Slovak National Centre for Human Rights, *Report on the Observance of Human Rights*, pp. 25 and 26.

- (a) Improve the living conditions for patients in psychiatric institutions;
- (b) Ensure that all places where mental health patients are held for involuntary treatment are regularly visited by independent monitoring bodies to guarantee the proper implementation of the safeguards laid down to secure their rights;
- (c) Develop alternatives to involuntary treatment for mental health patients.

33. Please provide information on measures undertaken to improve the facilities for detainees in all places of detention.²⁰ In particular, please provide information on:

- (a) Measures taken to reduce overcrowding, in particular to increase the minimum living space for each inmate in multi-occupancy cells;
- (b) Plans to put a stop to the practice of collective strip searches and ensure that any resort to strip searching of prisoners is based on an individual assessment and is carried out in such a way as to respect, as far as possible, the dignity of the prisoners concerned;
- (c) Improvements to the process of placement in a security cell/unit, and the review of such placement;
- (d) Whether steps have been taken to improve the possibilities for detainees to maintain contact with the outside world in the detention centres for foreigners, in particular at Sečovce detention centre

Other issues

34. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

35. Please provide information on steps taken to become a party to the Optional Protocol to the Convention (para. 22). In addition, please indicate whether the State party foresees to proceed to the ratification of the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

36. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

37. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the

²⁰ CPT/Inf (2010) 1.

initial report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

38. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the initial report in 2001, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.
