



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

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COMMITTEE AGAINST TORTURE

**WRITTEN REPLIES BY THE GOVERNMENT OF SLOVAKIA TO THE LIST OF  
ISSUES (CAT/C/SVK/Q/2) TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE SECOND PERIODIC REPORT OF SLOVAKIA  
(CAT/C/SVK/2)\***

[14 September 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**REPLIES BY SLOVAKIA TO THE LIST OF ISSUES TO BE CONSIDERED  
DURING THE EXAMINATION OF THE SECOND PERIODIC REPORT  
BY THE COMMITTEE AGAINST TORTURE**

**Articles 1 and 4**

***Question 1. Have there been any cases of direct application by Slovak courts of the provisions of the Convention, in particular the definition of torture contained in its article 1, since the consideration of the State party's initial report in 2001?***

1. Article 7(5) of Act No. 460/1992 Coll. the Constitution of the Slovak Republic stipulates that international treaties on human rights and fundamental freedoms, which were ratified and promulgated as laid down by the law, have precedence over laws. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment published in the Collection of Laws under No. 143/1988 Coll. represents such an international treaty and therefore has precedence over the laws of the Slovak Republic. However, since the consideration of the initial report of the Slovak Republic under the Convention, Slovak courts did not directly apply the provisions of the Convention, in particular the definition of torture contained in its article 1, because the legal definition of torture stipulated in Act No. 300/2005 Coll. the Penal Code is broader than that of the Convention. It is not only limited to torture for the purposes of obtaining information or punishment.

2. The Slovak Courts have issued final decisions in several cases, where the perpetrators were found guilty and sentenced for committing the criminal offence of torture under the respective provisions of the Penal Code (e.g. in the Karol Sendrei case, see also the relevant statistical data).

**Article 2**

***Question 2. Please provide detailed information on the steps taken by the State party to further guarantee the rights of persons in police custody from the very outset of detention, including prompt access to a lawyer, the right of detainees to have access to an independent doctor, if possible of their own choice, as well as the right to notify family members or any persons of their choice about their detention, and any restrictions that may be imposed on these rights. How is this implemented in practice?***

**Detention of persons under Act No. 171/1993 Coll. on the Police Force, as amended**

3. Pursuant to paragraph 8 of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force, as amended (hereinafter only the "Act on the Police Force"), whenever a police officer performs an action in the line of duty that involves any interference with the rights or freedoms of a person, that person must be advised of his/her rights (the right of access to legal counsel, a doctor, a family member or consular representative) as soon as practicable. Police officers must also duly respect the person's honour, self-esteem and

dignity, must not allow that unwarranted harm be caused to the person in connection with the exercise of their duties, and must ensure that any possible interference with the person's rights and freedoms is commensurate with the purpose to be achieved by the actions in the line of duty.

4. Apart from the provisions laid down in the Act on the Police Force, the issues at hand are also addressed in Regulation of the Ministry of the Interior of the Slovak Republic No. 3/2002 on the code of ethics of police officers, as amended, and Regulation of the President of the Police Force No. 10/2003 on informing persons whose personal liberty was restricted. Pursuant to the provisions of Regulation of the Ministry of the Interior of the Slovak Republic No. 3/2002 on the code of ethics of police officers, as amended, a police officer must, inter alia, respect human rights, freedoms and obligations and must refrain from arbitrary and illegal conduct, perform his/her service duties regardless of the factors of religion, race, nationality, social status, political affiliation, class and other external factors, showing kindness, tactfulness and consideration to all persons equally.

5. Pursuant to Regulation of the President of the Police Force No. 10/2003 on the provision of instructions to persons whose personal liberty was restricted, the Police Force Presidium issued guidance (in the form of a brochure) on the provision of instructions to persons whose personal liberty was restricted. The brochure is translated into English, German, Spanish, French, Russian, Hungarian, Polish, Romany, Korean and Vietnamese. This guidance was distributed to all the relevant units of the Police Force and police officers are obliged to carry the aid with them at all times when on duty.

6. Persons placed in police custody are informed about the cell regime measures in Slovak, Russian, German and English in accordance with the provisions of applicable Regulation of the Minister of Interior of the Slovak Republic No. 41/2003 on police custody.

7. During the performance of service duty, police officers are being systemically re-trained by their superiors and inspection authorities monitor the adherence to the respective provisions of the Act on the Police Force and of internal regulations of the Ministry of Interior of the Slovak Republic based on their own findings or citizen petitions.

#### **Detention of aliens under Act No. 48/2002 Coll. on the Stay of Aliens, as amended**

8. At present the conditions under which aliens are being detained and placed in facilities designated for aliens, i.e. police detention facilities for aliens are stipulated in paragraphs 62 to 74 of Act No. 48/2002 Coll. on the Stay of Aliens, as amended (hereinafter only the "Act on the Stay of Aliens").

9. Pursuant to the Act on the Stay of Aliens, aliens may be detained for the following purposes:

- (a) Administrative expulsion (para. 59(1) of the Act on the Stay of Aliens);
- (b) Execution of expulsion sentences (paras. 441 to 444 of the Code of Criminal Procedure);

(c) Transfers under relevant legislation (Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national - the Dublin Regulation);

(d) Return under the relevant legislation (readmission agreements) of aliens who have illegally entered or are illegally staying in the territory of the Slovak Republic.

Detention cannot be carried out in the event of minor aliens who do not have a legal guardian.

10. Pursuant to paragraph 63 of the Act on the Stay of Aliens, the police department is obliged to inform a detained alien about the reasons for detention and about the possibility to review the lawfulness of the decision on detention immediately after detention, and to communicate the detention to the Embassy of the state of which the alien is a citizen without delay. In the event that the state does not have an embassy located in the territory of the Slovak Republic, the police department communicates the detention of the alien to the Ministry of Foreign Affairs of the Slovak Republic. The police department is further obliged to allow the detained alien to communicate his/her detention to a close person and to his/her legal counsel. Apart from the above, the police department monitors whether the reasons for detention prevail throughout the entire duration of detention. If the reasons for detention cease, it must release the alien immediately; this also applies in the event of a court decision. The police department is obliged to release the alien immediately upon the lapse of the detention period (a maximum of 180 days).

11. An alien may apply for a remedy (an appeal) against the decision upon detention within 15 days of the delivery of the decision. The filing of a remedy has no dilatory effect. First-instance appeals are decided by the police department that issued the decision. Where the department upholds the appeal in full extent (the so-called interlocutory revision), it issues a decision revoking the original decision. Where the police department does not uphold the appeal in full extent, it submits the appeal for decision to the respective court acting as a second-instance authority. If the court upholds the appeal, the police department releases the alien without delay.

12. After the issuance of a decision upon detention, the police department places the alien in a police detention facility for aliens. There are two Police Force departments that provide for the detention of aliens in the territory of the Slovak Republic in accordance with paragraph 62 of the Act on the Stay of Aliens, namely the Police Detention Facility for Aliens in Medved'ov and the Police Detention Facility for Aliens in Sečovce (hereinafter only the "PDFA"). They fall within the organization structure of the Border and Aliens Police Office of the Ministry of the Interior of the Slovak Republic.

13. As regards access of aliens to medical care, when a police officer comes into contact with an alien - illegal migrant who complains about health problems or shows signs of an illness, the police officer is bound to proceed in line with the provision of paragraph 11 of Act No. 576/2004 Coll. on Healthcare and Healthcare-Related Services and on the amendment of certain acts, as amended, specifying the right of every person to the provision of healthcare.

14. The PDFA provides for basic healthcare for all aliens by means of outpatient healthcare (1 physician, 2 nurses) on the basis of authorization by the Ministry of Health of the Slovak Republic. When placed in the facility, aliens are obliged to undergo a medical examination in an extent determined by the physician. If an alien's health condition requires healthcare that cannot be provided in the PDFA, specialized healthcare is provided without delay in a healthcare facility outside the PDFA. The costs associated with the provision of such healthcare are borne by the PDFA. Aliens intentionally inflicting bodily harm upon themselves are obliged to compensate the costs of treatment and the costs actually incurred in watching and transportation to the healthcare facility. If they do not have the funds, the costs are paid from the budget of the Ministry of Interior of the Slovak Republic.

15. The observance of human rights in the PDFA is monitored by humanitarian non-governmental organizations and prosecutor oversight. Humanitarian and non-governmental organizations pay visits and conduct monitoring directly in the PDFA accommodation premises. The visits are focused on the observance of alien detention stay principles, including the provision of healthcare to the detained aliens and the level of provision of legal, social and psychological assistance. Monitoring in the PDFA is most frequently conducted by the staff of Liga pre ľudské práva (Human Rights League), Slovenská humanitná rada (Slovak Humanitarian Council), Slovenská katolícka charita (Slovak Catholic Charity) and STEPS - Slovenská humanitná. The staff of non-governmental organizations interview the detained aliens using random selection.

16. Regular prosecutor oversight takes place in order to ensure that the placement and stay of aliens in the PDFA is lawful. The prosecutor conducts a check to control the lawfulness of detention (observance of the 180-day detention limit, the purpose of detention, etc.).

***Question 3. Please indicate which specific data is systematically recorded upon registration of a detainee by the police, and at what moment.***

17. If any of the grounds for the restriction of personal liberty as outlined in the Act on the Police Force or the Code of Criminal Procedure arise, a police officer may bring the respective person in the Police Force department, where the officer ascertains the following data with the person whose personal liberty was restricted, in accordance with the applicable generally binding regulations and internal regulations:

(a) The time and date, when personal liberty was restricted;

(b) The person's name, surname, date of birth, place of residence and, in the event of personal liberty restriction under the Code of Criminal Procedure, also the person's occupation, employer's address, nationality, names and surnames of the parents of the person whose personal liberty was restricted;

(c) The grounds for and the legal provisions governing the restriction of personal liberty;

(d) The time, when the person was informed about his/her rights;

- (e) The person's injuries or signs of injuries;
- (f) The person's subjective health problems;
- (g) Signs of the person's mental disorder;
- (h) Contacting and visiting a physician;
- (i) Contacting and visiting legal counsel;
- (j) Contacting and visiting a consular representative;
- (k) Contacting and visiting relatives;
- (l) The time of questioning or ascertaining the person's identity;
- (m) The time of release or handover to the relevant authority;
- (n) The rank, name and surname of the police officer performing the respective action in the line of duty;
- (o) Other substantial facts, depending on the case at hand.

18. In the event of detention of aliens under the Act on the Stay of Aliens, the police department keeps records pursuant to paragraph 55 of the Act on the Stay of Aliens in its information systems, containing the following data:

- On the entry, stay and departure of aliens
- On visa applicants, on visas granted and rejected
- On residence permit applicants
- On aliens that have been granted a residence permit and on rejected residence permit applications
- On applicants for alien passports and alien travel documents and applicants for the extension of these documents
- On aliens who received an invitation verified by the police department and on persons inviting the aliens
- On undesirable persons
- On lost and stolen travel documents and on travel documents, which the issuing state's authority declared invalid or stolen

19. Prior to the commencement of the alien detention procedure the police department provides for the presence of an interpreter, if necessary. The data required in the detention procedure, which the alien provides to the police department, are recorded in a record of explanation pursuant to paragraph 17(1) of the Act on the Police Force.

20. If an alien produces personal documents such as a passport, ID card, etc., the police department verifies the authenticity of such documents and determines the alien's identity on the basis of the submitted documents.

21. If the alien's identity is not proven sufficiently, the police department provides for the taking of the alien's fingerprints and photograph and verifies whether the alien is not listed in the information systems of the Ministry of the Interior of the Slovak Republic (e.g. INBO, AFIS, ECU, Eurodac or a check against the CLK (central screening console)). The alien is then entered into the automatic fingerprint information system (AFIS).

***Question 4. Please provide information on the measures taken to ensure that juvenile justice standards are fully implemented, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). What is the situation at present with regard to the separation of minors from adults in prisons? Please also provide statistical information on the number of juveniles in detention, including the length of sentences being served, and for which crimes.***

22. The principle of separate placement of accused minors in remand establishments is stipulated in the legislative provision of paragraph 7(2)(b) of Act No. 221/2006 Coll. on Remand Custody, as amended by Act No. 127/2008 Coll. In justified cases, the above Act allows for a procedure different from the principles of separate placement. Such a placement must be justified and recorded in writing in the personal documentation of the accused minor, while the personnel is obliged to continuously monitor whether the reasons for placing the minor with an adult prevail.

23. The adherence to the principles of placement is subject to regular thematic inspections of a superior authority. The signalling of different placement is also supported by an electronic application, which the establishment uses for the keeping of placement records.

24. The numbers of minors placed in the individual remand establishments are very low; this is especially true for juvenile women - frequently, there is only one such accused in the establishment throughout the year. Separate placement in line with the recommendations is therefore debatable in practice. There is also another problem with the separate placement - multiple cases of severe bullying among the minors placed together within a particularly poor personality structure, while the category of minors accused of and sentenced for serious crimes also keeps deteriorating constantly. In these cases, it is frequently necessary and even highly beneficial to place a minor alongside a suitable adult.

25. The principle of separate placement of sentenced minors is stipulated in the legislative provision of paragraph 8(3) (b) of Act No. 475/2005 Coll. on the Execution of Custodial

Sentences, as amended by Act No. 93/2008 Coll. The said Act does not allow for a deviation from the separate placement principle. A specialized establishment for the execution of minors' custodial sentences is located in Sučany.

Imprisoned minors as at 29 July 2009			
	Men	Women	Total
In remand	55	3	58
Serving custodial sentences	104	1	105
Total	159	4	163

The number of sentenced persons by length of sentence imposed:

Length of sentence	
within 1 year	29
within 2 years	27
within 3 years	31
within 4 years	10
within 5 years	6
within 6 years	1
11 years	1
Total	105

The number of sentenced persons by type of crime:

The Penal Code (2005) §	
145	5
147	1
155	2
156	1
171	1
172	1
188	38
189	1
194	13
200	2
201	1
212	30
216	3
348	1
364	1
The Penal Code (1961) §	
221	1
222	1
234	1
247	1
Total	105



**Question 5. Does the State party's domestic law specifically provide that no exceptional circumstances whatsoever may be invoked as justification of torture?**

26. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is mainly stipulated in article 16 of the Constitution of the Slovak Republic. According to the said article, no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment. This is a general and absolute prohibition of torture that may not be violated under any circumstances and no circumstances can serve to excuse torture.

### Article 3

**Question 6. Please provide detailed statistical data since the State party's initial report with respect to cases of expulsion or return (refoulement) of foreigners, disaggregated by age, gender and country of origin. In particular, please indicate the number of persons seeking asylum and the number of returnees, including the countries of return.**

27. Cases of expulsion appear in annexes 2 to 6 below. Other specific data requested by the Committee are not kept in classifications.

**Question 7. Please describe how the risk of torture is assessed in the determination of cases. Has expulsion, return or extradition been denied on these grounds?**

28. When deciding upon administrative expulsion, the police department has an obligation to examine obstacles to administrative expulsion stipulated in §58 of the Act on the Stay of Aliens, firstly on the basis of the alien's statements provided during administrative proceedings, then by means of verification against information about the country of origin in cooperation with the Documentation Centre at the Migration Office of the Ministry of Interior of the Slovak Republic, with the Consular Department of the Ministry of Foreign Affairs of the Slovak Republic, with police attaches at Slovak embassies abroad, and also on the basis of information published on the country of origin. If obstacles to administrative expulsion are found, it is not possible to expel the alien and the police department grants the alien a tolerated stay permit pursuant to paragraph 43(1)(a) of the Act on the Stay of Aliens.

**Question 8. Please indicate what judicial remedies are available against an expulsion or refoulement order.**

29. In the proceedings on administrative expulsion from the territory of the Slovak Republic, an alien has the right to apply for an ordinary remedy - an appeal. In certain cases stipulated by the law, appeals against the administrative expulsion decision can also be decided after the execution of the expulsion decision (cases where the appeal does not have a dilatory effect pursuant to paragraph 57(3) of the Act on the Stay of Aliens) or by exercising the possibility to apply for remedies under Act No. 99/1963 Coll. the Code of Civil Procedure.

**Question 9.** *Please indicate whether the State party has any plans to amend the exceptions to the guarantees of article 3 with regards to persons who are considered being a threat to the security of the Slovak Republic and persons who have been sentenced for a particularly serious crime (State party's report, para. 20).*

30. The Slovak Republic currently does not plan to amend the exceptions to the guarantees under article 3 of the Convention with regard to persons who are considered being a threat to the security of the Slovak Republic and persons who have been sentenced for a particularly serious crime.

**Question 10.** *Have diplomatic assurances or the equivalent thereof been offered to or accepted by the State party? How is the procedure for verifying and following up on such assurances? Please indicate which countries.*

31. The Slovak Republic accepted diplomatic assurances offered from Algeria (the Labsí case) and Russia (the Ibragimov and Čentiev cases). However, extradition was not carried out in any of the cases. The issues of assurances in the cases of Ibragimov and Čentiev were the subject of discussions between the Deputy Prime Minister and Minister of Justice (JUDr. Štefan Harabin) and the Minister of Justice of the Russian Federation (Mr. Aleksandr Vladimirovich Konovalov). As regards the verification of assurances in the Labsi case, the Algerian party received the Slovak Republic's proposal of bilateral negotiations and a visit to the prisons in Algeria. In the event of incomplete or insufficient assurances, the Slovak Republic requires completion of information.

#### **Articles 6, 7, 8 and 9**

**Question 11.** *Please provide information on cases, if any, where the State party rejected a request for extradition by another State for an individual suspected of having committed a crime of torture, and thus has engaged its own prosecution as a result.*

32. The Division of Judicial Cooperation in Criminal Matters at the Ministry of Justice of the Slovak Republic, the remit of which includes, inter alia, the extradition agenda, did not register any such case since the Slovak Republic's initial report on the Convention.

#### **Article 10**

**Question 12.** *Please provide updated information on the instruction and training provided for law-enforcement officials and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, in particular the Roma, and on the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. How and by who are these training and instruction programmes monitored and their effectiveness evaluated?*

33. Regular training for members of professional groups who, in the discharge of their professional duties, can have an impact on the prevention of all forms of discrimination, racism,

xenophobia, anti-Semitism and other expressions of intolerance comprises part of the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance (hereinafter only the “Action Plan”).

34. Within the framework of regular training for members of professional groups who, in the discharge of their professional duties, can have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, officers of the Police Force, the Corps of Prison and Court Guard and of the Armed Forces undergo regular trainings and checks in the field of adherence to the equal treatment principle.

35. The Ministry of Interior of the Slovak Republic, the Police Force Presidium and the Border and Aliens Police Office of the Police Force Presidium provide for regular training of officers of the Police Force and of the Border and Aliens Police in the field of prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, as well as expressions of neo-Nazism.

36. In line with the tasks following from the Action Plan, the Ministry of Interior of the Slovak Republic:

- Ensures the participation of officers of the Police Force and the Railway Police at seminars and conferences focusing on the issues of racial discrimination, racially motivated crime and extremism
- Provides for the training of police officers in the operational units of the Border and Aliens Police in the field of human rights and non-discrimination, focusing on the identified risk factors
- Analyses statistical data processed by the Border and Aliens Police Office, based on which it is possible to identify the risk areas in the Border and Aliens Police officers’ line of duty that require the attention of the Office’s anti-discrimination efforts
- Provides for the training of communication skills and improves the psychological resistance of police officers coming into contact with migrants

37. Police Force officers are being educated through the implementation of a series of obligatory educational events focusing on international legal instruments of protection against discrimination and aiming to increase the awareness of and cooperation with non-governmental organizations active in this sphere.

38. The police and army members are being educated in the area of intensified combating of the extremism expressions in the society and in the field of the protection of disadvantaged citizen groups and individuals.

39. Apart from the above, the Border and Aliens Police Office of the Ministry of Interior of the Slovak Republic (hereinafter only the “Border and Aliens Police Office”) regularly trains its staff assigned to the so-called first-contact units in the skills of communicating with problem migrant groups, especially illegal migrants.

40. These constitute trainings and comprehensive education focused mainly on the following areas:

- Coping with stressful situations, conducting interviews with aliens, verbal and non-verbal communication associated with ensuring the performance of tasks in connection with the illegal migration category of aliens
- UNHCR recommendations in the field of observance of fundamental human rights in the discharge of police officers' duties, prevention of all forms of discrimination, racism, xenophobia and other expressions of intolerance of aliens
- Familiarization with the religious, cultural and social environment of aliens coming from the Muslim areas
- Verbal and non-verbal communication, training of smooth communication in difficult conditions, effective conflict resolution, working with a special client

41. In addition, within the framework of the Memorandum of Cooperation between the United Nations High Commissioner for Refugees and the Border and Aliens Police Office of the Ministry of Interior of the Slovak Republic, trainings were implemented on providing legal, material and social assistance to aliens and asylum-seekers, on the asylum procedure and examples from practice.

42. The local departments of the Border and Aliens Police Office adopt specific measures aimed at the observance of fundamental human rights and freedoms. Police officers are being regularly re-trained on the applicable legal standards and regulations at monthly meetings with the local departments' heads. Within the European Training Day in line with the implementation of the Frontex study programmes, the Border and Aliens Police Office is drawing up comprehensive study materials, which are uniform for all the EU Member States. The curricula include comprehensive information on the prohibition of torture and on the observance of fundamental human rights and freedoms.

43. The training and education of the staff of local departments is focused on the following themes:

- The observance of human rights in the field of illegal migration of aliens when restricting personal liberty pursuant to international law
- The prevention of expressions of racism, xenophobia and various forms of discrimination of aliens in Slovakia compared with States in the EU
- Working with minor aliens, unaccompanied asylum-seekers

44. New educational programmes are currently under preparation for secondary specialized schools of the Police Force. Here, the individual education modules and subjects will intensify and expand the teaching of human rights observance, police work ethics and lawfulness in contact with citizens, actions in the line of duty and in the investigation of crimes. The teaching will place special emphasis on familiarization with the procedure to be applied by police officers in contact with minorities and minority communities. In addition to analyzing specific discovered cases of police officers' non-compliance with prescribed procedures in contact with citizens, actions in the line of duty and in the investigation of crimes, the teaching will also place emphasis on practical training of proper conduct by a police officer.

45. At the Ministry of Interior of the Slovak Republic, training of police officers falls within the remit of the Human Resource Management Section, which performs the following tasks:

(a) In line with the State's policy on education, it formulates long-term objectives and principles of the development of professional education and training of police officers;

(b) Performs the tasks of the Ministry of Interior of the Slovak Republic in the field of State administration with regard to professional education and training of police officers at secondary specialized schools and with regard to higher education at the Police Force Academy;

(c) Serves as the professional body for the policy-making, managerial, inspection, methodological and coordination activities in the field of professional education and training of police officers at secondary specialized schools and in the field of upgrading and deepening the qualification of police officers;

(d) Evaluates the education of police officers at secondary specialized schools and draws up the necessary statistics and analyses;

(e) Identifies the needs of police work as regards the upgrading and deepening of police officers' qualification, based on the requirements of the ministry's managing bodies and the Police Force departments;

(f) Prepares, in cooperation with the relevant bodies of the ministry and the Police Force departments, programmes of educational activities and continuing education including the methods of verification and certification of the required knowledge, skills and competences, and provides for their implementation.

46. The education of the officers of the Corps of Prison and Court Guard (hereinafter only the "Corps") and of the Corps employees is provided for by the Corps Education Institute seated in Nitra and is currently conducted in accordance with the Updated Concept of Education of Corps Officers and Corps Employees for the period of 2004 - 2015 (hereinafter only the "Education Concept").

47. In line with the Education Concept, specialized education activities cover the area identified in Item 11 in the following topics:

Education activity	Topic	Number of lessons
ZOV	International organizations active in the human rights area (the UN, the Council of Europe, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment - CPT, the European Union, Amnesty International)	3 hrs.
ZOV	International legal instruments governing the treatment of imprisoned persons	1 hr.
ZOV	Prosecutor oversight of lawful conduct in remand and custodial sentence facilities	1 hr.
ZOV	The purpose of treatment of accused persons. The rights of the accused. The basic obligations and prohibitions of the accused	5 hrs.
ZOV	Treatment of sentenced persons - the purpose, programme and means of their treatment	3 hrs.
ZOV	Fundamental social rights of the sentenced persons	2 hrs.
ZOV	Other rights of the sentenced persons	3 hrs.
ZOV	The position of national minorities and ethnic groups in Slovakia	1 hr.
ZOV	The issues of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance	1 hr.
ZOV	The history and specificities of the Roma national minority, the specific aspects of the treatment of sentenced persons belonging to the Roma national minority	2 hrs.

*Explanatory notes:* ZOV - basic specialized education.

48. Basic specialized education is intended for all Corps officers assigned to preparatory state service, who have served compulsory military service or have completed the basic Corps training. Pursuant to paragraph 142a (3) of Act No. 73/1998 Coll. on State Service of Officers of the Police Force, the Slovak Intelligence Service, the Prison and Court Guard of the Slovak Republic and the Railway Police, as amended, a civil service office may also allow an officer assigned to temporary state service to acquire specialized education, after having completed military service or the basic training.

49. This means that every new Corps officer complete basic specialized education, and thus the training of all the Corps officers with regard to these problems is ensured. Every education activity organized by the Corps Education Institute is implemented in line with the curricula approved by the Corps' Director General.

50. At the Ministry of Labour, Social Affairs and the Family of the Slovak Republic (hereinafter only the "MoLSAF"), the responsibility for the drawing up, updating and evaluation of the Action Plan for 2006 - 2008 rests with the Gender Equality and Equal Opportunities

Department. Within the framework of the Action Plan, the MoLSAF participated in a lecture cycle implemented across Slovakia during the entire year 2008 in the field of gender equality and antidiscrimination. The MoLSAF thus provided for cyclical education of state administration employees and employees performing work in the public interest, who are employed at the offices of labour, social affairs and the family, as well as in social services facilities, in the area of preventing all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, in particular in line with adopted Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on the amendment of certain acts (the “Antidiscrimination Act”).

51. The Gender Equality and Equal Opportunities Department has implemented and continues to implement multiple activities associated with the education of public administration staff in the field of equal opportunities and human rights. Specifically, these activities have resulted in the issuance of two counselling booklets: *The Booklet of Equal Opportunities Application in Projects Co-Financed in the EU* and the *Booklet for the Application of the Equal Opportunities Horizontal Priority in Structural Funds*.

52. By means of social science seminars, the Ministry of Defence of the Slovak Republic provides for systemic education of the officers of the Armed Forces of the Slovak Republic, as well as of the Defence Ministry’s selected employees on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.

53. The Judicial Academy holds seminars and lectures aimed particularly on the topical issues of human rights protection, the asylum legislation, racially motivated crime, as well as the issue of discrimination in a broader context in the event of lectures in the field of psychology.

54. The Slovak Medical University incorporated the issues of equality in health into the postgraduate studies of healthcare personnel and the public health and nursing pre-graduate studies.

55. The Ministry of Health of the Slovak Republic in cooperation with the Slovak Medical University implements systemic educational activities for health-care personnel who, in the discharge of their professional duties, can have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.

***Question 13. Please explain the type and content of education and training programmes that are in place to train the medical personnel and psychologists who are assigned to identify signs of physical and psychological torture or ill-treatment and assist in the rehabilitation of victims. Please clarify who conducts, undergoes, monitors and evaluates such programmes. Has there been any specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol?***

56. Educational and training programmes for health professionals, which are aimed at identifying the signs of physical and psychological torture or ill-treatment hand in hand with

assistance in the rehabilitation of the victims, are included in the specialized programmes of adult education, such as psychiatry, geriatrics, community nursing care, etc., or in the continuing education programmes. The above educational programmes are organized by a state educational institution, which, for any given field, invites experts of various specializations.

57. The monitoring of the above training courses in the Slovak Republic is currently under preparation. Special training courses concerning the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol, have not been organized yet.

58. The field of psychology offers various forms of postgraduate education, which deal with the identification of the signs of physical or psychological torture and ill-treatment. This involves postgraduate specialized study in the field of clinical psychology, within which the psychologists tackle pathognomonic factors and social-pathological phenomena that are harmful to the health of an individual. Clinical psychologists are able to diagnose the above signs and symptoms using their psychodiagnostic methods. Within the framework of psychotherapeutic training courses and as part of the procedure leading to psychotherapeutic certificate, the programme also includes the care for people facing the threat of ill-treatment or torture. Forensic experts dealing with clinical psychology focus on the identification of the symptoms of the ill-treatment of a significant other or of a person in one's care, if such conduct is part of crime.

59. Within the framework of national educational activities for prison physicians, the Health Care Department of the General Directorate of the Corps of Prison and Court Guard informed the physicians and healthcare professionals of the need to thoroughly instruct the clients on medical procedures prior to their provision; to that effect, the respective information must be recorded in the medical records of the clients as prescribed by applicable legislation.

60. Furthermore, senior physicians of the health facilities should stress, at the regular sessions with their subordinates, the need to provide such information to the clients. Prior to every medical procedure the clients must give their informed consent by undersigning the respective statement in the medical records.

61. The health facilities of the Corps of Prison and Court Guard do not perform gynaecological surgeries; if necessary, these are performed in the standard health facilities.

***Question 14. Please explain whether any efforts have been made to inform and re-educate the medical community on the issue of coerced sterilization with a view to ensuring that no sterilization takes place without fully informed consent of the patient.***

62. With respect to sterilization, new legislative provisions have been adopted, in particular Act No. 576/2004 Coll. on Healthcare, Services Related to the Provision of Healthcare, amending certain acts (hereinafter the "Healthcare Act"), effective from 1 January 2005. At the same time, this Act amended Penal Code No. 140/1961 Coll. as amended and introduced a new element of crime of "unlawful sterilization". By establishing this element of crime, the



Slovak Republic has implemented its international legal obligations resulting from international instruments on the protection of human rights and fundamental freedoms, as well as recommendations by competent international bodies and organizations.

63. Effective from 1 January 2006, the new Penal Code included, on the one hand, this element of crime under the criminal offence “unauthorized removal of organs, tissue and cells and unlawful sterilization” (para. 159) into the second title of a separate part of the Act and, on the other hand, it has also introduced stricter criminal sanctions.

64. The Healthcare Act regulates, inter alia, a non-discriminatory access to health care, requirements for obtaining a patient’s informed consent, performance of sterilization and access to medical documentation. According to this Act, sterilization can only be performed on the basis of a written application and a written informed consent after previous instruction of a person with full legal capacity or the legal guardian of a person incapable of giving informed consent or on the basis of a court decision upon a request by the legal guardian. Under Section 6(5) of the Healthcare Act, the written informed consent is required:

- (a) In cases referred to in paragraphs 27(1), 36 (2), 38(1) and 40(2);
- (b) Before performing invasive procedures in general or local anaesthesia;
- (c) When changing the diagnostic procedure or therapeutic treatment that was not included in the previous informed consent.

65. The Healthcare Act provides (para. 40) that sterilization may be performed only on the basis of a written application and written informed consent given by a duly instructed person with full legal capacity or by the legal guardian of a person incapable of giving informed consent, supplemented with a written application and informed consent of the person incapable of giving informed consent, or on the basis of a court decision issued on the application filed by the legal guardian. The instruction prior to an informed consent must be given in a manner laid down by law and it must include information on:

- (a) Alternative methods of contraception and planned parenthood;
- (b) Possible changes in the life circumstances that resulted in the application for sterilization;
- (c) Medical consequences of the sterilization as a method resulting in an irreversible loss of fertility;
- (d) Possible failure of sterilization.

66. Following amendments to the legislation, a special commission of gynaecology and midwifery experts was set up to re-educate responsible health professionals under the direction of the Ministry of Health of the Slovak Republic.

**Question 15. Please describe the measures taken by the State party to disseminate information on the provisions of the Convention.**

67. The Slovak Republic has published the Convention in the publicly accessible collection of generally binding legal regulations. The full wording of this Convention, implementation reports of the Slovak Republic, evaluations and the concluding observations of the committee are also accessible on the website of the Ministry of Foreign Affairs of the Slovak Republic in a special section devoted to human rights. The implementation reports of the Slovak Republic, evaluations and the concluding observations of the committee are discussed by the government of the Slovak Republic that adopts relevant conclusions and imposes implementation tasks. Information about these reports is then contained in the educational activities within the human rights education at all levels of the school system of the Slovak Republic and also at the level of state administration education. The Slovak Republic also organizes campaigns that are thematically related to the content of the Convention. Another most frequently used tool to raise awareness is professional events.

**Article 11**

**Question 16. Please provide updated statistical information about the current number of pre-trial and convicted prisoners, disaggregated by crime, gender and ethnicity.**

68. The Corps does not keep special records of sentenced persons disaggregated by crime. Ethnicity data are not recorded either. Below is an updated overview of pretrial and sentenced prisoners disaggregated by nationality.

**Number of persons remanded in custody or serving custodial sentence by nationality as at 28 July 2009**

State	Pretrial prisoners			Sentenced prisoners			Total
	Men	Women	Subtotal	Men	Women	Subtotal	
Afghanistan	2	0	2	0	0	0	2
Albania	3	0	3	0	0	0	3
Armenia	0	0	0	1	0	1	1
Bangladesh	3	0	3	0	0	0	3
Belarus	0	0	0	2	0	2	2
Bulgaria	2	0	2	1	0	1	3
Burundi	0	0	0	1	0	1	1
Czech Republic	13	1	14	9	0	9	23
China	0	0	0	1	0	1	1
France	0	0	0	1	0	1	1
Greece	1	0	1	1	0	1	2
Georgia	0	0	0	2	0	2	2
Croatia	3	0	3	2	0	2	5
India	9	0	9	2	0	2	11
Iraq	0	0	0	1	0	1	1
Congo (Zaire)	0	0	0	1	0	1	1
Lithuania	1	0	1	2	0	2	3
Macedonia	3	0	3	5	0	5	8

State	Pretrial prisoners			Sentenced prisoners			Total
	Men	Women	Subtotal	Men	Women	Subtotal	
Hungary	3	0	3	3	0	3	6
Moldova	2	0	2	0	0	0	2
Nigeria	3	0	3	0	0	0	3
Pakistan	6	0	6	0	0	0	6
Poland	3	1	4	3	0	3	7
Austria	0	1	1	1	0	1	2
Romania	2	0	2	3	0	3	5
Russia	5	0	5	3	0	3	8
Slovakia	1 456	71	1 527	6 918	387	7 305	8 832
United Kingdom	0	0	0	1	0	1	1
Serbia	1	0	1	2	0	2	3
Serbia and Montenegro	0	0	0	1	0	1	1
Syria	1	0	1	0	0	0	1
Tunisia	0	0	0	1	0	1	1
Turkey	0	0	0	1	0	1	1
Ukraine	11	0	11	13	1	14	25
Vietnam	1	0	1	2	0	2	3
Total	1 534	74	1 608	6 984	388	7 372	8 980

**Question 17. Please provide information on the delivery of timely and adequate health care (including mental health care) for detained persons; including persons with HIV.**

69. For persons serving their sentence, healthcare is provided by physicians and nurses in outpatient health facilities of the Corps between 7 a.m. and 3 p.m. or, if admission of the patient is necessary, in the inpatient hospital for accused and sentenced persons and the prison for sentenced persons in Trenčín, where physicians, nurses and other medical staff are available 24 hours a day. After 3 p.m. and during weekends, first aid medical service and emergency medical service are available through health facilities for the civilian population.

70. During working days, a nurse is on duty in the health facilities until 6 p.m. If the Corps is not able to provide specialized medical care in its health facilities, such care is provided in highly specialized health facilities for the civilian population, in which case the Corps is responsible for guarding such clients directly in the respective health facility.

71. Mental health care is provided in a similar fashion.

72. HIV-positive persons are subjected to observation care in specialized health facilities by an infectologist and other medical specialists depending on the patient's medical district. Prison physicians provide healthcare to these clients in cooperation with these experts and, based on their recommendations, treat the patients on a continuous basis in the prisons.

**Question 18. During its visit to Slovakia in 2005, the CPT found the situation of long-term prisoners at Ilava Prison who were being held in a highly restrictive solitary confinement regime for years to be unacceptable.<sup>1</sup> Please provide information on any steps to improve this situation.**

73. During CPT's visit in 2005, the definition of "exceptional punishment" in the Slovak law comprised 15-25 year imprisonment or life sentence.

74. Since 2006, persons imprisoned for up to 25 years serve their sentence under a given degree of security based on external differentiation prescribed by court. Life imprisonment may be imposed by the court only for a completed crime under paragraph 47(2) of the Penal Code, provided that the imposition of this type of punishment is necessary to ensure an effective protection of the society and the offender may not be expected to become rehabilitated by means of a term of imprisonment of less than twenty-five years. Life imprisonment is served in line with paragraph 79 of Act No. 475/2005 Coll. on the execution of custodial sentences and on amendments to certain Acts, as amended by Act No 93/2008 Coll. The details of the execution of life sentences are set out in paragraph 78 of Decree No. 664/2005 Coll. of the Ministry of Justice issuing the rules for the execution of custodial sentences.

75. The applicable legislation regulates the regime for the execution of custodial sentences in a number of ways, based on the specified degree of security and internal differentiation group under which a sentenced person is classified in accordance with the prescribed criteria. The prisoners serving life sentences are subject to established rights and duties as is the case with other categories of sentenced persons, whereas the regime pertaining to the execution of life sentences is regulated separately. The provisions governing the regime for the execution of life sentences are in line with life imprisonment purpose, i.e., ensuring protection of the society by keeping the sentenced person in isolation, influencing the behaviour in line with *bonos mores* and stabilizing the psychological and physical condition of the sentenced person.

76. Persons, on whom the court imposed life sentence, are placed in a penal institution with maximum degree of security and a separate cell where the prisoner typically works and lives alone. Life sentences are, at this moment, served in the remand establishment and prison for sentenced persons in Leopoldov and in the remand establishment and prison for sentenced persons in Ilava. The life sentence unit is separated from other dormitory sections and safeguarded by an internal security system. Internal furniture of the cell is mounted to the floor or wall. The prison director may allow the prisoners serving life sentences to use their own radio receiver or a TV set. Recreation yard time and disciplinary punishment is spent/served separately from other inmates. The inmates serving life sentences are usually allowed non-contact visits that are directly supervised by a correctional officer.

77. In the case of persons serving life sentences, no change in terms of the execution of sentences, such as transfer to a medium or minimum-security prison, release on parole or leave from prison, is allowed. The restrictions applicable to the execution of life sentence can be made less strict within the framework of internal differentiation.

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<sup>1</sup> CPT/Inf (2006) 5, para. 47.

78. Sentenced persons are placed in the life sentence unit immediately, without having to spend some time in the admission unit, and are assigned to differentiation sub-group D1 within the framework of internal differentiation. For persons serving life sentence, differentiation sub-group D2 has been established and may apply if the sentenced person has already served part of the sentence in line with the prescribed conditions. In the life sentence unit, sentenced persons do not share cells and are not involved in activities organized for the entire facility; movement outside of the cell is allowed only if supervised by a correctional officer; work, if assigned, may be performed only in the cell where the sentenced person lives or in the areas specifically designated for this purpose. If proposed by a pedagogue and approved by the director, the sentenced persons may be permitted to visit other inmates within differentiation sub-group D1. A sentenced person may be included in differentiation sub-group D2 if he abides by the individual treatment programme in the long term, observes the prison rules and if positive changes have been noticed in his attitude towards crime and the value orientation. Differentiation sub-group D2 alleviates several restrictions imposed on prisoners serving life sentence, in particular by:

- (a) Permitting the sentenced persons to move outside of their cells within a designated area;
- (b) Allowing them to associate with other prisoners in sub-group D2;
- (c) Allowing direct contact with visitors;
- (d) Organizing group activities;
- (e) Allowing the sentenced person to take part in the selected activities organized for the entire facility; the sentenced person takes part in such activities only under direct supervision of a correctional officer.

79. The decision as to whether a sentenced person may be included in differentiation sub-group D2 can be made by the director based on pedagogue's proposal and following a discussion with the commission. In the treatment of inmates placed in the life sentence unit, programmes to stabilize physical and psychological condition are applied. When preparing the individual treatment programme, emphasis is placed on the daily routine. Treatment is aimed at maintaining a stable psychological condition, attenuating negative behavioural expressions, reinforcing positive traits and getting a realistic view of oneself and of one's present life situation. The prisoner is not taking part in the organization and management of the unit, free-time activities are restricted and the prisoner is only involved in activities specified by the pedagogue, psychologist, or psychiatrist.

80. The treatment of prisoners serving life sentences is different for differentiation sub-groups D1 and D2. Sub-group D1 offers only individual forms of treatment. Sub-group D2 permits, to a reasonable extent, group association activities, but always under supervision or direction of the staff. After the inmate count in the evening, the group activities are not performed.

81. The life sentence unit for differentiation group D2 consists of cells for up to four prisoners, a room for cultural and educational activities, a room for hobbies or sports and a room

specifically designed for individual interviews. The room for hobbies or sports is equipped with appropriate fixed-mount fitness equipment, table tennis equipment, parlour games and requisites for hobbies and audio-visual equipment for therapeutic purposes.

82. Of the total number of 29 prisoners currently serving life sentences, 25 are classified under differentiation subgroup D1 and five prisoners are under D2 subgroup (in the remand establishment and prison for sentenced persons in Leopoldov).

***Question 19. Please provide information on any emergency or anti-terrorist laws that might restrict a detainee's rights, in particular the right to a prompt hearing by a judge, the right to contact family members, and the right to have access to a lawyer and an independent doctor, if possible of their own choice, from the moment of arrest.***

83. Constitutional Act No. 227/2002 Coll. on National Security in Time of War, State of War, Martial Law and State of Emergency, as amended, provides that delivery of letters and packages may be restricted during martial law, but other restrictions related to the question are not permitted.

***Question 20. Please describe the procedures planned or in place to keep under systematic review interrogation rules, instructions, methods, practices and custody arrangements with a view to preventing instances of torture in accordance with article 11 of the Convention. Please also indicate the frequency with which these are reviewed.***

84. In Slovakia, these procedures are governed by the Constitution of the Slovak Republic and, further, by Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended (hereinafter referred to as the "Code of Criminal Procedure"), Act No. 153/2001 Coll. on Public Prosecution as amended, and by regulation of the Minister of the Interior of the Slovak Republic No. 17/2007 laying down the competences of Police Force departments in investigation of crimes and identification of their perpetrators, practices applied in criminal proceedings, police patrols and specialized teams, and on amendments to regulation of the Minister of the Interior of the Slovak Republic No. 107/2005 on registration and handling of criminal files as amended by regulation of the Minister of the Interior of the Slovak Republic No. 15/2006 as amended. This regulation deals with the respective procedures in part 3 "Pre-trial proceedings".

85. Human rights and fundamental freedoms are guaranteed under Title Two, Section Two, articles 16 and 17 of the Constitution of the Slovak Republic.

86. Under the Code of Criminal Procedure, these practices are governed by the provisions of Part One "General provisions", Title Two, Section Four "The Accused", paragraphs 33 to 35; Section Five "Defending lawyer", § 36 through 44; Title Four "Seizure of persons and property", Sections One and Two, paragraphs 71 to 87; Title Six "Evidence-taking", Section One, § 120 through 126; and in Part Two "Pre-trial proceedings", Title Two, Section Two, § 210 "Request to review actions taken by a police officer"; Title Three, §230 "Prosecutor's supervision".

87. Under Act No. 153/2001 Coll. on Public Prosecution, these practices are governed by the provisions of Part One “Fundamental provisions, paragraphs 3 and 4; Part Three “Prosecutors’ competences”, Section Two “Supervision by the prosecutor over the compliance with laws in places where persons deprived of their personal liberty or persons whose personal liberty is restricted are remanded”, § 18; Part Four “Complaint procedure and cooperation in the discharge of the tasks of the prosecution service”, Section One “Complaint procedure”, (paras. 31 - 33).

88. Under paragraph 31 of Act No. 153/2001 Coll. on Public Prosecution and paragraph 210 of the Code of Criminal Procedure, compliance with the laws within pre-trial proceedings may be reviewed by a prosecutor anytime during and after the completion of investigation.

### Articles 12 and 13

***Question 21. Please provide disaggregated data with respect to persons accused, tried and convicted, including the sanctions imposed, for the crimes of torture, attempts to commit torture, and complicity or participation in torture for the years 2002-2008.***

89. See annexes 1 and 2 below.

***Question 22. During its visit to Slovakia in 2005, the CPT was concerned that the existing systems of redress are not functioning properly, and it was not convinced that the approach of the Control and Inspection Service meets the criteria of independence and thoroughness, and recommended that the existing arrangements be reviewed.<sup>2</sup> Please provide information on any follow-up given to this recommendation.***

90. Measures contained in the Response of the Government of the Slovak Republic to the report to the Government of the Slovak Republic on the visit to Slovakia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 February to 3 March 2005 were notified to the employees of the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic.

91. We note that new criminal law codes came into force on 1 January 2006, namely the Penal Code and the Code of Criminal Procedure. Activities of police investigators and authorized officers of the Inspection Service are primarily governed by the Code of Criminal Procedure. Compliance with the laws prior to the commencement of a criminal prosecution and in pre-trial proceedings is supervised by a prosecutor. Pursuant to the provisions of the Code of Criminal Procedure, a complaint may be filed against any resolution, with the exception of a resolution to commence a criminal prosecution. Also, the accused, victim and an involved party have the right to request a prosecutor at any time during investigation or summary investigation to review actions taken by a police officer, particularly in order to remove delays or other shortcomings in

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<sup>2</sup> CPT/Inf (2006) 5, paras. 27-28.

investigation and summary investigation. Paragraph 196(2) of the Code of Criminal Procedure pertaining to interrogations was also amended; a draft amendment has recently been tabled to change the respective provision so as to make it possible to interrogate a victim, in addition to a complainant. Under paragraph 201(2) of the Code of Criminal Procedure, the evidence should be taken in the extent necessary for the examination of the case. This extent is limited by the supervision performed by a prosecutor's office which should serve as a safeguard that this extent is not set arbitrarily. In our opinion, each case should be examined individually and the necessity to interrogate complainants should not be generalized.

92. In 2008, a new internal guideline of the director general of the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic was prepared, which, inter alia, lays down that quarterly reports should be submitted to the director general staff on the submissions made by arrested, detained and accused persons who allege to have been injured by police officers, and that these submissions should be investigated by the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic.

93. The Control and Inspection Service of the Ministry of the Interior of the Slovak Republic has initiated the preparation of a draft agreement on mutual cooperation between the Ministry of the Interior of the Slovak Republic and the Ministry of Justice of the Slovak Republic to replace the existing Agreement between the Minister of the Interior of the Slovak Republic and the Deputy Prime Minister and the Minister of Justice of the Slovak Republic on cooperation and mutual assistance between the Police Force and the Corps of Prison and Court Guard.

94. In addition to the aforementioned measures, a liaison officer representing the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic within the remit of the Control and Inspection Service of the Ministry of the Interior of the Slovak Republic was appointed, with effect from 28 August 2008, by an order of the Minister of the Interior of the Slovak Republic on the fulfilment of tasks and measures arising under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment within the remit of the Ministry of the Interior of the Slovak Republic.

95. Mauro Palma, the President of the CPT and the head of CPT delegation visiting Slovakia from 24 March to 2 April 2009, appreciated the supervision performed by prosecutors and the activities taken by the Inspection Service at a working meeting held on 2 April 2009, where the preliminary findings from the CPT's fourth visit to Slovakia and direct responses of competent Slovak authorities at a ministerial level were presented.

***Question 23. Please describe measures taken to combat racism and discrimination, in particular racially motivated violence against Roma, including Roma women, including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention.***

96. In the area of prevention and reduction of negative phenomena such as racism, xenophobia, intolerance or discrimination in society, the core systematic instrument available to the government of the Slovak Republic is an Action Plan for the Prevention of All Forms of



Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance (hereinafter “Action Plan”) that has been regularly drawn up since 2002. In addition to addressing the most urgent problems of society, the Action Plan also pursues long-term objectives in an effort to combat the abovementioned negative phenomena in society. Activities undertaken by the State authorities, as well as non-governmental organizations, to facilitate the dissemination of the values of tolerance, multiculturalism and non-discrimination, are an inherent part of the Action Plan.

97. The 2009 - 2011 Action Plan priorities include:

- (a) Implementing the commitments under international conventions and treaties on human rights and non-discrimination; monitoring the fulfilment of recommendations and measures taken;
- (b) Effective protection against discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance, including alternative forms of protective arrangements;
- (c) Developing instruments for the collection and analysis of sensitive personal data on age, gender, ethnicity, sexual orientation and/or other characteristics, while respecting the principles of the personal data protection under the applicable legislation;
- (d) Ensuring effective social inclusion of national/ethnic minority members, socially marginalized people and foreign nationals;
- (e) Human rights education activities and multicultural education for children and adolescents;
- (f) Regular training for members of professional groups who, in the discharge of their professional duties, can have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance;
- (g) Encouraging activities aimed at commemorating the Holocaust;
- (h) Support for cultural and social science activities promoting the respect for human rights and prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance;
- (i) Raising public awareness and knowledge on the issues of non-discrimination and the principle of equal treatment with the aim of eliminating prejudice and stereotypes and promoting multicultural society;
- (j) Creating conditions for a successful social inclusion of asylum-seekers and migrants, respecting the right to non-discrimination and the principle of equal treatment.

98. One of the specific objectives under the Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance is to ensure an effective social inclusion of national/ethnic minority members, socially marginalized persons and foreign nationals.

99. The following programmes are being implemented in Slovakia:

(a) Community social workers assist the Roma in enhancing their social mobility, on-site structural changes and recovery processes are initiated, and cooperation is maintained with entities performing on-site development projects under the Community Social Work Programme. Social workers provide social counselling services, cooperate with municipal and district authorities on the rehabilitation of Roma families where education and development of children is put at risk, and help minimize the risks children may face due to them living in a socially disadvantaged environment;

(b) Under the Health Development Programme for Marginalised Communities in Slovakia, community health professionals help improving health awareness among these communities, with the focus on a healthy life style, health care and strengthening the responsibility of Roma population for their own health conditions. This is closely related to social integration, improving chances of employment, achieving higher education, better quality of life, and social and economic empowerment;

(c) Teacher assistants serve as pedagogical staff at schools and school facilities and contribute to creating conditions necessary in order to overcome, in particular, language, health and social barriers of a child in the educational and training process.

100. In order to improve cooperation between the police and the Roma minority, a programme of police specialists working with Roma communities has been successfully implemented since 2004. These specialists oversee the observance of public order and resolve minor offences committed within the community. The police officers analyze situations that lead to unlawful activities and search for best practices to resolve existing problems (truancy, drug prevention, etc.). The number of the police specialists, deployed in all regions, increased to 118 in 2007. Their goal is to improve legal awareness inside the Roma community, provide the Roma with counselling services and, last but not least, guarantee that the police respect their human rights. They endeavour to remove the barriers of mistrust between the police and the Roma population. The project was highly appreciated in localities with a higher share of Roma population where the citizens became more trustful towards the police in asking them for advice and assistance.

***Question 24. Please indicate the measures taken by the State party to ensure that complainants and witnesses are protected against all ill-treatment or intimidation and to ensure impartial proceedings in cases of alleged torture.***

101. When implementing legislative measures, the Ministry of Justice of the Slovak Republic has adopted several amendments to Act No. 256/1998 on Witness Protection, as amended. This Act specifies conditions and practices used in the protection of, and providing assistance to, threatened witnesses, protected witnesses and their relatives, who are at risk of life or health due to a testimony or evidence they provided against persons who have committed crimes for which they might be sentenced to life imprisonment under the Penal Code, or crimes committed by an organized crime or terrorist group. This Act applies if security of threatened persons cannot be ensured by any other means. Protection and assistance to threatened witnesses, protected witnesses and their relatives is provided on a voluntary basis; there is no legal entitlement to protection and assistance under this Act.

102. A threatened witness under this Act means a person who has testified during criminal proceedings as a witness and his/her testimony or other facts he/she has revealed provide evidence against a perpetrator or about circumstances of crimes for which their perpetrator may be sentenced to life imprisonment under the Penal Code, or about crimes committed by an organized crime or terrorist group, and that person's life or health can reasonably be expected to be at risk in connection with his/her witness testimony or his/her personal information, provided that a police department responsible for the fulfilment of tasks under this Act receives a written proposal to include that person in a witness protection programme and, if necessary, written proposal to take immediate measures. A protected witness means also a close relative of a protected witness who has been included in a witness protection programme.

***Question 25. Please describe the measures taken by the State party to disseminate information on the availability of an individual complaints procedure under article 22 of the Convention.***

103. Respecting the basic principles of the rule of law, such as the transparency of law, free access to legal and other information, as well as general knowledge of law in particular, Slovak public authorities, including the Ministry of Justice, have continued, in cooperation with non-governmental organizations, implementing legislative and other measures to provide timely, complete and true information on the availability of an individual complaints procedure under article 22 of the Convention.

104. The transparency of law is currently ensured through the possibility afforded to the general public to enter the lawmaking process, informing the public on the developments in that process, and making laws and regulations accessible (also online via the Internet). Pursuant to the Legislative Rules of the Government of the Slovak Republic, the public may join in a review procedure concerning legislative bills under preparation. All draft bills, irrespective of which ministry authors them, are available via the Internet. The general public may also familiarize themselves with the wording of adopted laws and regulations, published in the Collection of Laws of the Slovak Republic. The Collection of Laws is accessible both for consideration and free of charge. All municipalities are provided, free of charge, a copy of each volume of the Collection of Laws of the Slovak Republic from its publisher (i.e. the Ministry of Justice) for the purposes of informing the public. The laws and regulations published in the Collection of Laws are also freely available on the Internet but, unlike their printed version, they are not deemed official texts. In this context, the filing, admission, registration, handling of complaints, and its supervision, submitted by natural and legal persons are governed by Act No. 152/1998 Coll. on Complaints as amended by Act No. 164/2008 Coll.

105. Under the applicable Slovak legislation, the complaint means a submission made by a natural or legal person, by which they seek protection of their rights or legally protected interests if they have been violated or threatened by activity or inactivity of a public administration body. A complaint may also be filed in order to point out specific shortcomings, violations of legal regulations in particular, whose elimination requires an action to be taken by a public authority (para. 3 of Act No. 152/1998 Coll.). A central government body competent to supervise the complaints procedure is the Office of the Government of the Slovak Republic (para. 24 of Act No. 575/2001 Coll. on the organization of government activities and on the organization of central state administration as amended by Act No. 164/2008 Coll.).

106. Details concerning the definition of the term ‘complaint’ under the applicable provisions of the Slovak criminal law, details concerning the admissibility of complaints, persons eligible to file complaints, deadlines and venues for their filing, and the resolving of complaints are laid down by the provisions of Title 8 of the Code of Criminal Procedure (paras. 185 to 195). A complaint under the Slovak criminal law means a remedy taken against a decision/resolution. A complaint can be filed against any decisions taken by a police official, with the exception of a resolution to commence a criminal prosecution. Resolutions taken by a court or prosecutor’s office may only be appealed against through a complaint in cases expressly permitted by the law, and only if they are first-instance decisions. A complaint is admissible against a resolution adopted by a presiding judge of the panel of judges of an appellate court, by which a disciplinary fine has been imposed; the complaint is reviewed by another panel of judges of the same court which has the position of a superior authority when deciding on that complaint. A complaint is admissible against a resolution adopted by an appellate court on remanding an accused person in custody; the complaint is reviewed by another panel of judges of the same court which has the position of a superior authority when deciding on that complaint. A complaint may only be filed against a Prosecutor General’s resolution if that resolution is a resolution on the attachment of property pursuant to paragraph 191 of the Code of Criminal Procedure. The complaint is reviewed by the Supreme Court. Complaints may have a dilatory effect only if expressly prescribed by law.

#### Article 14

***Question 26. Please provide information about the number of cases where victims of torture or cruel, inhuman or degrading treatment or punishment by law enforcement personnel obtained redress, including compensation and the means for as full rehabilitation as possible. Please also provide some illustrative examples of such cases, including cases concerning women subjected to involuntary sterilizations.***

107. The Slovak Republic has immediately taken appropriate legislative measures with respect to alleged forced sterilizations of Roma women. Healthcare laws have been thoroughly reviewed; the National Council of the Slovak Republic has adopted Act No. 576/2004 Coll. on healthcare, healthcare-related services and on amendments to certain other acts, as amended. The Healthcare Act has introduced the notion of an informed consent and provides that sterilization may only be performed on the basis of a written application and written informed consent given by a duly advised person with full legal capacity or by a legal guardian of a person incapable of giving informed consent, supplemented with a written application and a court decision issued on the application filed by the legal guardian.

108. The advice prior to informed consent must include information on alternative methods of contraception and family planning, a possible change in living conditions that have led to the request for sterilization, medical consequences of the sterilization as a procedure which results in irreversible infertility, and on possible failures of sterilization.

109. A request for sterilization procedure is filed with a healthcare provider that performs such procedures. The request for female sterilization is examined, and the procedure is performed, by a gynaecology and obstetrics specialist. The request for male sterilization is examined, and the procedure is performed, by a urology specialist. The sterilization procedure cannot be performed sooner than 30 days after the informed consent was provided.

110. Act No. 576/2004 Coll. on healthcare, healthcare-related services and on amendment to certain acts has also amended the Penal Code, introducing a new element of crime of “unlawful sterilization”. With effect from 1 January 2006, the provisions of the new Penal Code (Act No. 300/2005 Coll.) apply, which incorporates the aforementioned element of crime. Under paragraph 159 of the Penal Code, “unlawful sterilisation” is a crime against health and represents a severe breach of human rights. By establishing this element of crime, the Slovak Republic implemented its international law commitments which arise from international instruments on the protection of human rights and fundamental freedoms, as well as other recommendations of relevant international bodies and organizations.

***Question 27. What services exist for psychiatric and physical treatment as well as other forms of rehabilitation for victims of torture? What financial allocations have been made for this purpose?***

111. Victims of torture or ill-treatment suffering from the so-called post-traumatic stress reaction or disorder or other disorders are provided with standard psychiatric treatment and can choose from a variety of psychotherapeutic treatments performed by health professionals trained within the framework of certification programmes.

112. With regard to the performance of partial tasks of the “National Action Plan for the Prevention and Elimination of Violence against Women for 2005-2008”, the Ministry of Health cooperates with the coordinator responsible for this issue - the Ministry of Labour, Social Affairs and Family - as well as other ministries through its member of the Expert Group on the Prevention and Elimination of Violence against Women, which was set-up within the Gender Equality and Equal Opportunities Department of the Ministry of Labour, Social Affairs and Family, as well as at the level of the Government Council on Gender Equality and the Government Council on Crime Prevention, the members of which include the state secretaries of the individual ministries.

113. In order to intensify and improve cooperation with law enforcement authorities in the protection of children and women at risk of violence, each health professional is obliged, within his/her professional qualification, to support, promote and defend the needs and rights of a person, i.e. including those of women and children, by reporting each intentional bodily harm, threat to health or ill-treatment of persons to law enforcement authorities.

114. In connection with the preparation of methodology and training schemes for health professionals, the Ministry of Health issued the “Professional Guidance on Procedures to be Followed by Health Professionals in the Provision of Healthcare to Women at Risk of Violence” with an annex containing a list of organizations that provide assistance and support to such victims.

115. According to the requirements of the Council of Europe for the prevention of domestic violence, statistical reporting in terms of violence must be improved by means of incorporating its indicators into the Programme of Ministerial Statistical Surveys, which was partially accomplished in cooperation with the National Health Information Centre, effective from January 2009.

116. Based on an effective management of monitoring and prevention of violence in healthcare, we plan to train health professionals - the so-called violence prevention coordinators - within each self-governing region and each general hospital through professional and educational institutions and in cooperation with civil associations dealing with this issue. Funds for the implementation of such training were already allocated in 2009.

117. The implementation of 'violence against women' monitoring in the healthcare system was also promoted through the distribution of information brochures for health professions (20 000 pieces) to selected health professionals (physicians, nurses, midwives, paramedics) as first-contact medical personnel for women at risk or affected by violence. We expect that the information brochures will provide the selected health professionals with a preliminary knowledgebase as regards the issue of violence against women and that we will proceed gradually by adding the 'violence against women' issue to the system of continuing education for health professionals in cooperation with the respective educational institutions.

118. In 2008, the Ministry of Health prepared the "National Programme of Care for Children and Adolescents". The priorities of the programme in terms of crime include, in particular, the prevention of violence against children in all forms, with particular focus on the prevention of abuse and ill-treatment of children, as well as trafficking in children and their sexual exploitation, the prevention of violence among children and youth and specifically bullying at schools. Currently, the preparation of the "Professional Guidance on Procedures to be followed by Health Professionals in the Provision of Healthcare to Children at Risk of Violence" is underway.

#### Article 16

***Question 28. Please inform the Committee whether legislation prohibiting torture and cruel, inhuman or degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual and domestic violence. Please describe any effective measures taken to monitor the occurrence of and to prevent such acts, and provide detailed information on investigation, prosecution and punishment of the perpetrators. Please also provide information on any measures taken to protect women who have been victims of violence, such as the existence of safe houses and witness protection programmes.***

119. At present, the Slovak Republic is represented in the newly established body of the Council of Europe - the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (the Ad Hoc Committee) - by a nominated representative of the Ministry of Justice (JUDr. Mgr. Branislav Kadlečík). The first meeting of the Ad Hoc Committee, which aims to draw up an internationally binding legal document - European Convention to prevent and combat violence against women and domestic violence - took place on 6-8 April 2009 in Strasbourg, the second meeting took place on 25-27 May 2009 and the third meeting will take place on 1-3 December 2009.

120. The Slovak Republic submits regular periodic reports to the UN bodies monitoring the observance of women's human rights, including the field of preventing and combating violence

against women and domestic violence, inter alia, to the Committee on the Elimination of Discrimination against Women, which functions on the basis of the Convention on the Elimination of All Forms of Discrimination against Women. These reports are jointly prepared by the Ministry of Justice and other relevant ministries, such as the Ministry of Labour, Social Affairs and Family, under the coordination of the Ministry of Foreign Affairs.

121. To date, the Slovak Republic is bound by all significant United Nations human rights treaties, particularly by the International Convention on the Elimination of All Forms of Racial Discrimination (No. 95/1974 Coll.), International Convention on the Suppression and Punishment of the Crime of Apartheid (No. 116/1976 Coll.), International Convention against Apartheid in Sports (No. 84/1988 Coll.), Convention on the Elimination of All Forms of Discrimination against Women (No. 62/1987 Coll.); it further promotes the development of intercultural dialogue also at the international level and an intensive international cooperation at the global level (as a member of the United Nations Human Rights Council), as well as at the regional level (within the framework of its representation in the bodies of regional international organizations, primarily those of the Council of Europe).

122. In order to address the issue of violence against women, the Slovak government adopted four documents: in 2004, the National Strategy for the Prevention and Elimination of Violence Against Women and in Families; in 2005, the National Action Plan for the Prevention and Elimination of Violence against Women for 2005-2008; in 2009, the National Action Plan for the Prevention and Elimination of Violence against Women for 2009-2012 and the National Strategy for Gender Equality for 2009-2013, which also deals with the prevention of any form of discrimination against women and men, sectoral segregation of women and men, discrimination against women and men on the labour market, violence against women or multiple discrimination against women and men.

123. The “National Action Plan for the Prevention and Elimination of Violence against Women for 2005-2008” presented tasks for the Ministry of Interior, which prepared a monitoring report on the procedures to be followed by law enforcement authorities in the investigation of crimes related to domestic violence against women and an evaluation report on the application of applicable legislation with a view to improving the efficiency of protection provided to women and other victims of violence. In practice, the monitoring report and the evaluation report serve as a basis for methodological guidance for the Police Force investigators and responsible Police Force officers in order to improve crime investigation and are used within the framework of cooperation between Police Force investigators and Police Force officers and non-governmental organizations dealing with the elimination of violence against women.

124. In addition, the Police Force Academy in Bratislava published a book entitled “Investigation of Domestic Violence against Women”, which is intended for Police Force members as a methodological instrument to assist them in the investigation of crimes related to domestic violence. In 2007, the Police Force Academy in Bratislava published a textbook “Investigation of Selected Types of Criminal Offences”, which includes a chapter devoted to the investigation of crimes related to domestic violence. The Ministry of Interior also renewed the activity of the Expert Group on the Prevention and Elimination of Violence against Women and in Families within the Government Council on Crime and Other Anti-Social Behaviour Prevention.

125. The Ministry of Interior also participates in a task involving the provision of information to the public on how to identify violence against women and what kind of assistance is available, with a particular focus on groups of women facing specific risks, with the help of the assisting professions. In the media, the spokespersons of the Police Force Presidium and the regional Police Force directorates provide lectures to the public and present their publications in the aforementioned field.

126. As regards the specific provisions regarding gender-based breaches of the Convention, including sexual and domestic violence, the legislation includes particularly the Penal Code which extended the definition of terms “a significant other” and “a person in one’s care”, thus broadening the applicability of the provisions relative to acts constituting the criminal offence of ill-treatment of a significant other or of a person in one’s care to a wider category of entities. The Penal Code also introduces the so-called protective treatment that the court may impose on the perpetrator who committed a violent offence against a significant other or a person in his or her care, if the perpetrator can be expected to continue such violence.

127. Pursuant to the amended Act on the Police Force, effective from 15 December 2008, the police officers are allowed to force a person who committed domestic violence out of his or her house and ban such person from entering this house for 48 hours. This innovation enables to combat domestic violence more effectively and helps to prevent further threat to persons. Protection of health and life has precedence over protection of the home. Vulnerable persons have so far fled their homes to escape the perpetrators. The police officer issues an acknowledgement of the action performed, both for the person banned from the home and the person at risk, and make an official record. If violence also affects minors, a copy of the record shall be submitted to the authority for social and legal protection of children and social guardianship. The police officer instructs the person at risk about the option to file a motion for a preliminary ruling with the court. The person at risk is also provided with contact information of organizations providing assistance to victims of domestic violence.

128. At present, the issue of violence against persons is not separately regulated within the framework of assistance to victims of violence; as of 1 January 2009, Act No. 448/2008 on social services and on amendments to Act No. 455/1991 Coll. on trade licences (trade licence act), as amended, came into effect. The act provides options for a new type of social services establishment - safe houses - which are also intended for persons suffering violence. Safe houses are established by self-governing regions or, under conditions set forth by law, also by municipalities or non-public providers.

***Question 29. Please provide information, disaggregated by sex, age, ethnicity or origin of victims, on the number of complaints, investigations, convictions and type of sanctions that have been applied in cases of human trafficking and commercial sexual exploitation. Please inform the Committee of the number of Witness Protection Visas issued to victims of trafficking and how many victims of trafficking have benefited from recovery assistance.***

129. In 2008 there were 11 cases of human trafficking, five of which were clarified and 12 perpetrators were prosecuted. The total number of victims amounted to 17, ten of which were victims of sexual exploitation and seven were victims of labour exploitation.



130. To date, no victims of human trafficking were granted a tolerated stay. In 2008, 17 persons were included in the witness protection programme, whereas in 2009, this number amounted to 18 persons to date.

***Question 30. Please provide more detailed information on the State party's anti-discrimination legislation. Please provide information about the number of members of minority groups, especially the Roma, that are recruited into the law enforcement agencies, including the police.***

### **Anti-discrimination legislation of the Slovak Republic**

131. As of July 2004, Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments to certain acts as amended (hereinafter referred to as "the Anti-discrimination Act") came into effect in Slovakia, representing the general provisions governing the equal treatment principle. The act is in force along with general provisions on equality in the Constitution of the Slovak Republic. The original Anti-discrimination Act of 2004 transposed into the Slovak law Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, as well as Council Directive 96/97/EC amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

132. The Anti-discrimination Act elaborates further on the content of equality and non-discrimination provisions enshrined both in the Constitution of the Slovak Republic and international treaties. Its objective is to guarantee protection to entities under the law against all forms of discrimination based on the widest possible and open-ended range of grounds, giving the victims the right to seek adequate and effective judicial protection, including by filing claims for damages and non-pecuniary damages. The Act lays down a generally valid principle of equal treatment which consists in the prohibition of discrimination on demonstratively enumerated grounds, applying to all the areas regulated by the Anti-discrimination Act (labour law and other similar legal relationships, social security, education, healthcare, provision of goods and services).

133. The aim is to ensure uniform interpretation of the concept of "discrimination" in the application of specific legal provisions which - while prohibiting discrimination in the various areas of substantive law (such as consumer protection, employment, etc.) - do not contain definitions of its different forms. The passage of the Anti-discrimination Act made it necessary to amend another twenty substantively related legal acts, including the Trade Licence Act, the Act on Employment Services and on amending and supplementing other relevant acts, and the Social Insurance Act.

134. Pursuant to the applicable law and paragraph 2(1) of the Anti-discrimination Act, *"application of the principle of equal treatment means that there is to be no discrimination whatsoever on grounds of sex, religious beliefs or faith, race, national or ethnic affiliation,*

*disability, age, sexual orientation, marital and family status, colour of skin, language, political or other conviction, national or social origin, property, birth or other status*". The Anti-discrimination Act thus specifies demonstrative grounds for the prohibition of discrimination and expands the legal framework of protection against discrimination as compared to the legal framework in the respective directives.

135. The grounds for discrimination in all areas of the scope of the Anti-discrimination Act, i.e. not only in the area of labour law and other similar legal relationships, but also in the area of social security, healthcare, provision of goods and services, as well as education, were extended by means of an amendment thereto (Act No. 85/2008). Pursuant to the applicable law, the grounds for the prohibition of discrimination thus apply equally to the area of labour law and other similar legal relationships, social security, healthcare, provision of goods and services and education (paras. 5(1) and 6(1) of the Anti-discrimination Act).

136. The second amendment to the Anti-discrimination Act introduced the institute of the so-called "temporary special measures". Paragraph 8a of Act No. 85/2008 introduced "temporary special measures that may be adopted if:

- (a) Demonstrable inequality exists;
- (b) The objective of these measures is to reduce or remove such inequality;
- (c) They are appropriate and necessary to achieve the specified objective."

137. At the same time, the amendment defined the entities authorized to adopt such measures, i.e. state administration authorities, and the subject of temporary special measures, i.e. elimination of various forms of social and economic disadvantages and disadvantages based on age or disability, with the aim of ensuring equal opportunities in practice. Moreover, the temporary special measures which are demonstratively enumerated are, in particular, the measures:

- (a) Enhancing interest of persons belonging to disadvantaged groups in employment, education, culture, health care and services;
- (b) Directed at creating equal access to employment and education especially by means of targeted preparatory programmes for the members of disadvantaged groups or by means of dissemination of information on such programmes or on the possibilities of applying for jobs or positions in the education system.

138. In addition, the law stipulates that temporary special measures may be adopted only in respect of the areas set out in the Anti-discrimination Act, and only for the time that is necessary to eliminate the inequality that led to their adoption (para. 8a (3) of the antidiscrimination act).

139. At the same time, the Anti-discrimination Act introduced an exception to the general obligation of the burden of proof which, in this case, lies with the defendant. Under paragraph 11(2) of the Anti-discrimination Act, "*the defendant has the obligation to prove*

*absence of any violation of the principle of equal treatment when the evidence submitted to the court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred”.*

140. An integral part of the antidiscrimination act is the strengthening of the competences of the Slovak National Centre for Human Rights (hereinafter the “Centre”). The amendment to Act No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights expanded the competences of the Centre by including the monitoring of compliance with the equal treatment principle, collection and provision of information on racism, xenophobia and anti-Semitism in the Slovak Republic, arranging legal aid for victims of discrimination and expressions of intolerance, and presentation of expert opinions on matters involving observance of equal treatment principle.

141. The Centre, based in Bratislava, is an independent legal person with a country-wide coverage and cross-sectoral character. The administrative capacity of the Centre as a monitoring, advisory and educational institution for the protection of human rights, fundamental freedoms, including the rights of the child and the equal treatment principle was reinforced in 2007, when seven permanent offices were set up in individual regions of Slovakia (Kysucké Nové Mesto, Dolný Kubín, Kežmarok, Humenné, Rimavská Sobota, Zvolen, Nové Zámky).

142. Research activities of the Centre focus on ascertaining the awareness level and attitudes of the adult population of Slovakia as regards human rights and application of the principle of equal treatment, on analyzing educational needs in this field, and on building information databases. Its research conclusions and recommendations are made available to the relevant state institutions, local and regional government bodies, schools, public institutions, etc.

143. Further scope of the activities of the Centre includes the provision of legal aid to victims of discrimination and expressions of intolerance, as well as the issuance of expert opinions on matters involving compliance with the equal treatment principle pursuant to the Anti-discrimination Act; it does so in the form of written replies to enquiries made in person, in writing or by telephone, replies to submissions, complaints or requests for assistance, or in the form of participation in educational, information and media campaigns. The Centre also prepares case studies on discrimination topics and publishes them on its website. Moreover, it provides legal advice on matters that fall under the purview of other institutions by giving initial guidance to the complainant/applicant.

144. Especially beneficial is Act No. 384/2008 Coll. amending the Anti-discrimination Act and introducing new paragraph 9a which reads as follows: *Should the infringement of the principle of equal treatment adversely affect the rights, legally protected interests or freedoms of a higher or indefinite number of persons or should such infringement pose a serious threat to the public interest, the right to seek protection of the right to equal treatment is also granted to a legal person pursuant to §10(1). They may request that the entities that failed to apply the principle of equal treatment refrain from such conduct and, where possible, rectify the unlawful situation.* Provided that the conditions defined by the law are complied with, the respective provision enables the Centre or other legal person whose activities or scope of business are focusing on the protection against discrimination (non-governmental non-profit organizations) to file the so-called *actio popularis* in order to protect a higher or indefinite number of persons.

145. By means of Act No. 465/2008 Coll. amending and supplementing acts under the purview of the Ministry of Finance of the Slovak Republic in relation to the introduction of the euro currency in the Slovak Republic, Article 13 of Act of the National Council of the Slovak Republic No. 71/1992 Coll. on court fees and fee for extract from the criminal record, as amended, was amended effective from 1 January 2009.

146. In the tariff code of court fees, a special fee for filing a motion on matters related to the infringement of equal opportunities principle pursuant to the Anti-discrimination Act was introduced, thus reducing the court fee to be paid by the persons facing discrimination when seeking their rights to equality and protection against discrimination. This change was introduced also in response to requirements under the anti-discrimination directives, which lay down the obligation of the EU Member States to ensure that the court proceedings concerning the enforcement of obligations pursuant to the individual antidiscrimination directives are accessible for all persons who feel aggrieved by non-application of the equal treatment principle.

### **Employment of the members of minorities**

147. According to paragraph 62(3) of Act No. 5/2004 Coll. on employment services and on amendments to certain acts, the employer (a person who employs employees working on the basis of employment contracts or other work arrangements - i.e. in a broader sense on the basis of a service contract) must not request, when hiring employees, information on nationality, racial or ethnic origin, political opinions, membership in trade unions organizations, religion, sexual orientation, information inconsistent with *bonos mores* and personal data that is not necessary for the performance of employer's obligations laid down in a separate regulation.

148. Conditions which must be fulfilled before a citizen of the Slovak Republic can become a member of the Police Force, the Corps of Prison and Court Guard, or the Railway Police are laid down in Act No. 73/1998 Coll. on the civil service of members of the Police Force, the Corps of Prison and Court Guard, the Slovak Intelligence Service and the Railway Police, as amended. Ethnicity information represents, pursuant to paragraph 8(1) of Act No. 428/2002 Coll. on personal data protection as amended, a separate category of personal data, the processing of which is in general prohibited by this Act. Even though the Act lays down exemptions, under which the processing of such data can be allowed by a separate act, the Act on the civil service of members of the Police Force does not provide such an exemption for statistical purposes. Therefore, the Ministry of Interior of the Slovak Republic or the Corps of Prison and Court Guard have no records concerning the number of persons in the ranks of the Police Force, the Corps of Prison and Court Guard or the Railway Police who are members of minorities.

***Question 31. During its visit to Slovakia in 2005, the CPT noted that the amount of information indicative of ill-treatment of persons deprived of their liberty by law enforcement agencies, such as slaps, punches and kicks, remained significant. Please provide information on any steps taken to prevent ill-treatment of persons deprived of their liberty by law enforcement agencies.***

149. Based on the order of the Minister of the Interior of the Slovak Republic effective from 1 July 2009, the employees of the Ministry of Interior of the Slovak Republic were tasked

to analyze the conduct of police officers and results of the cases of the abuse of authority, as well as to reassess the results of the analysis with a view to updating, if necessary, the Regulation of the Minister of Interior of the Slovak Republic on the psychodiagnostic and psychological examination.

150. In addition, this internal regulation lays down an obligation to improve the psychodiagnostic examination of the applicants for service with a view to ensuring a stricter assessment of aggressiveness, interpersonal perception and social sensitivity, as well as to prepare a methodology for the continuous performance of preventive psychological examinations of the police officers in five-year intervals in order to prevent unnecessary forms and expressions of behaviour, including cases of professional failure.

151. In schools under the purview of the Ministry of Interior of the Slovak Republic, the curricula are updated in order to intensify and extend the scope of education concerning the observance of human rights and freedoms and adherence to the law, including the scope of education concerning the work with minority communities and police ethics. Furthermore, an analysis of internal regulations governing the service procedures applied by police officers during interventions is being carried out to ensure their improvement. In the scope of the professional training, the police officers are trained to work with minority communities, every year all police officers are re-educated with respect to the selected provisions of Act No. 171/1993 Coll. on Police Force as amended, Regulation of the Ministry of the Interior of the Slovak Republic on the Code of Ethics of Police Officers and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

152. The control activities put more emphasis on the behaviour of police officers when performing interventions against individuals. The findings arising from these control activities are evaluated and measures are taken in order to eliminate shortcomings and reasons for their occurrence.

***Question 32. Please provide information on any investigations undertaken concerning the allegations of instances of police participation in attacks on the Roma and the inaction by the police and law-enforcement officials who fail to provide adequate protection against racially motivated attacks, the failure to carry out prompt, impartial and thorough investigations into allegations of such acts or to prosecute and punish those responsible.***

153. The investigation of alleged crimes committed by members of the Regional Police Force Directorate in Košice with respect to six Roma minors in March 2009 is conducted by an investigator of the Section of Control and Inspection of the Ministry of Interior of the Slovak Republic in Banská Bystrica. In the course of the investigation the investigator brought a charge against seven members of the Regional Police Force Directorate in Košice concerning the abuse of authority pursuant to paragraph 326 of the Penal Code and extortion pursuant to paragraph 189 of the Penal Code. The supervision is executed by a prosecutor of the General Prosecution of the Slovak Republic based in Bratislava, who is present when the fundamental actions are taken. As part of the investigation of the given case, the possibility of racial motive is

also examined. At present, the investigation is pending. However, we would like to note that our goal is to ensure a speedy and impartial investigation of this case so that the police officers responsible for this action are fairly punished, and to make sure - by implementing the adopted measures - that a similar behaviour of police officers at any moment during the performance of their duties, i.e. not only during their intervention against criminal offenders but also afterwards, is prevented.

154. It needs to be stated that, apart from the criminal dimension of this case, the Minister of the Interior of the Slovak Republic discharged seven police officers from service and released two officers from duty immediately after the case broke out. In addition to these measures, two senior officers were discharged from service and two other senior officers were removed from their managerial positions.

***Question 33. Please comment on the allegations that law-enforcement officials have ill-treated detainees during detention and in police custody (the Committee's concluding observations to the State party's initial report, para. 104 (c), (d) and (e).***

155. In respect of the above allegations, we can state that the regime of persons placed in police custody is governed by the provisions of Act No. 171/1993 Coll. on Police Force as amended and in the provisions of Regulation of the Ministry of the Interior of the Slovak Republic No. 41/2003 on police custody, as amended.

156. Pursuant to the Act on Police Force, if a police officer finds out that a person to be placed in police custody is injured or such person claims to suffer from serious illness or injury, the police officer arranges for a medical treatment and requests an opinion of the physician as to whether the person can be placed in a cell. The police detection cells are equipped with audiovisual equipment to communicate with the police officer protecting the cell. Persons placed in the cell may present proposals, suggestions and complaints. Written proposals, suggestions and complaints are submitted to the Commander of the Police Force Department for further settlement. The police officer protecting the cell is obliged to record verbal proposals, suggestions and complaints and forward them to the commander to handle them, whereby the legality of placing and holding persons in the cells is overseen by the prosecutor pursuant to Act No. 153/2001 Coll. on Prosecution, as amended. The Director of the Police Force Department, in which the cell is located, must abide by the instructions and orders of the prosecutor aimed at rectifying any identified breach of the law in the cell.

157. Moreover, pursuant to Regulation of the Ministry of the Interior of the Slovak Republic No. 41/2003 on police custody, as amended, the police officer protecting the cell is obliged to check, upon admission of the person who is to be placed in the cell, whether such person was duly informed about his/her rights and to instruct such person on the cell regime in Slovak, Russian, German or English; to that effect, a protocol concerning the handover of the person for placement in police custody is made, indicating, inter alia, a statement by detainee whether any kind of physical violence has taken place; if so, the time, location, reason and the name of person responsible for the act of violence is stated.

158. This protocol is signed by the detainee in the presence of the police officer, who hands the person over for placement in police custody. If the person to be placed in the cell is found to have been injured or if such person requests a medical treatment, a report on the results of the medical examination and an opinion by the physician as to whether this person can be placed or remain in the cell is to be inserted in the case file. The police officer, who is continuously protecting the cell, is obliged to inspect the detainee's behaviour at least once an hour, unless constant supervision is required. The police officer protecting the cell is obliged to prepare a full record on the performed inspection of the detainee's behaviour; this record is to be included in the inspection statement inserted in the case file of the detainee. If the detainee fails to change his/her behaviour despite a request or reprimand by a police officer protecting the cell, the officer is allowed to apply means of coercion pursuant to the Act on Police Force in order to ensure order. If any shortcomings are identified, rectifying measures must be performed immediately; this falls under the responsibility of the director of the Police Force Department where the cell is located.

***Question 34. Please describe the measures taken to disseminate information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.***

159. The Slovak Republic published the Convention in the publicly accessible collection of generally binding regulations. The full wording of the Convention, implementation reports of the Slovak Republic, evaluations and the concluding observations of the committee are also accessible on the website of the Ministry of Foreign Affairs of the Slovak Republic in a special section devoted to human rights. The implementation reports of the Slovak Republic, evaluations and the committee's concluding observations are discussed by the Government of the Slovak Republic that adopts relevant conclusions and imposes implementation tasks. Information about these reports is then contained in the educational activities within the human rights education at all levels of the school system of the Slovak Republic and also at the level of state administration education. The Slovak Republic also organizes campaigns that are thematically related to the content of the Convention. Another most frequently used tool to raise awareness is professional events.

***Question 35. Does Slovakia envisage the ratification of the Optional Protocol to the Convention against Torture?***

160. The legislative process aimed at becoming a party to the Optional Protocol to the Convention against Torture is slated to commence after the completion of the analysis of the Convention.

***Question 36. Please indicate whether there is legislation in the State party aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.***

161. The National Council of the Slovak Republic adopted Act No. 474/2007 Coll. on trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading

treatment or punishment. This Act specifies the powers of state administration authorities in the trade with countries which are not members of the European Community with respect to goods that could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, including the provision of related technical assistance, and the imposition of sanctions for non-compliance with obligations stipulated by this Act and a separate regulation. Paragraph 3 of this Act prohibits any exports or imports of goods listed in Annex II of Council Regulation (EC) No. 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L200, 30 July 2005) and which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment irrespective of the origin of such goods, including technical assistance related thereto.

***Question 37. Please indicate whether human rights NGOs were consulted in the preparation of the report.***

162. No NGOs were consulted in the preparation of the present report.



**Annex 1**

Year	§§ Penal Code 300/2005	Total of imprisoned persons	From total		Nationality		Imposed sentences		
			Women	Juvenile	Slovak	Others	Prison sentence	Suspended imprisonment	Others
2002									
2003									
2004									
2005									
2006	§ 420 § 179 § 208	0 1 38	x 0 1	x 0 0	x 1 33	x 0 5	x 1 21	x 0 17	x 0 0
2007	§ 420 § 179 § 208	0 2 160	x 0 1	x 0 1	x 2 139	x 0 21	X 0 85	x 2 75	x 0 0
2008	§ 420 § 179 § 208	0 1 152	x 0 7	x 0 1	x 1 129	x 0 23	X 0 68	x 1 84	x 0 0

**Annex 2**

Year	§§ Penal Code 140/1961	Total of imprisoned persons	From total		Nationality		Imposed sentences		
			Women	Juvenile	Slovak	Others	Prison sentence	Suspended imprisonment	Others
2002	§ 259a § 246 § 215	0 6 50	x 2 16	x 0 34	x 6 42	x 0 8	x 6 23	x 0 27	x 0 0
2003	§ 259a § 246 § 215	0 7 137	x 2 18	x 0 1	x 3 131	x 4 6	x 7 70	x 0 67	x 0 0
2004	§ 259a § 246 § 215	0 6 322	x 2 25	x 0 1	x 5 300	x 1 22	x 5 187	x 1 135	x 0 0
2005	§ 259a § 246 § 215	0 6 336	x 1 14	x 0 2	x 5 309	x 1 27	x 3 181	x 3 151	x 0 4
2006	§ 259a § 246 § 215	0 15 243	x 4 19	x 0 2	x 10 230	x 5 13	x 13 130	x 2 112	x 0 1
2007	§ 259a § 246 § 215	0 4 96	x 1 5	x 0 0	x 4 89	x 0 7	x 0 38	x 4 58	x 0 0
2008	§ 259a § 246 § 215	1 9 43	0 1 4	0 0 0	1 9 42	0 0 1	0 4 7	1 4 27	0 1 9

### Annex 3

Cases of expulsions  
Year  
Gender

2007  
men

Nationality	Age														Total
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Albania	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Armenia	0	1	0	0	2	1	0	0	0	0	0	0	0	0	4
Bangladesh	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3
Belarus	0	0	2	0	0	1	1	0	0	0	0	0	0	0	4
Brazil	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Croatia	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Cuba	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
Dominican Republic	0	0	0	1	2	1	0	0	0	0	0	0	0	0	4
Egypt	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Georgia	0	1	6	5	5	0	0	1	1	0	0	0	0	0	19
Chile	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
China	0	2	7	9	0	0	1	0	0	0	0	0	0	0	19
India	1	20	7	4	1	2	0	0	0	0	0	0	0	0	35
Iraq	0	1	1	1	0	0	0	2	0	0	0	1	0	0	6
Israel	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Kazakhstan	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
Kenya	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Kuwait	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Lebanon	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Libyan Arab Jamahiriya	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Malaysia	0	1	3	0	0	0	0	0	0	0	0	0	0	0	4
Morocco	0	0	1	1	1	0	0	0	0	0	0	0	0	0	3
Nepal	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Nigeria	0	1	2	1	0	0	0	0	0	0	0	0	0	0	4
Pakistan	1	8	4	1	1	1	1	2	0	0	0	0	0	0	19
Philippines	0	0	0	1	2	1	0	0	0	0	0	0	0	0	4
Republic of Korea	0	0	6	2	1	3	3	2	1	0	0	0	0	0	18

Nationality	Age														Total
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Republic of Moldova	4	80	63	49	18	16	3	1	1	0	0	0	0	0	235
Russian Federation	0	6	7	5	4	4	5	1	0	1	0	0	0	0	33
Serbia and Montenegro	1	3	6	0	5	0	4	2	1	0	0	0	0	0	22
Sudan	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Syrian Arab Republic	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2
The former Yugoslav Republic of Macedonia	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2
Turkey	0	0	2	2	0	1	2	0	0	0	0	0	0	0	7
Ukraine	5	153	227	193	167	115	126	84	37	13	2	0	1	0	1 123
United States of America	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4
Uzbekistan	0	0	3	0	1	1	0	0	0	0	0	0	0	0	5
Viet Nam	0	2	5	2	2	1	0	0	0	0	0	0	0	0	12
Total	12	286	359	282	214	153	147	96	41	14	2	1	1	0	1 608

### Annex 4

Cases of expulsions  
Year  
Gender

2007  
women

Nationality	Age														Total
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Armenia	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Cuba	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Dominican Republic	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Georgia	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
China	0	2	1	1	2	0	1	0	0	0	0	0	0	0	7
India	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Iraq	0	0	0	0	0	0	1	0	0	2	0	0	0	0	3
Malaysia	0	3	2	2	1	3	1	0	0	0	0	0	0	0	12
Philippines	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Poland	0	0	0	0	0	0	1	0	1	1	0	0	0	0	3
Republic of Moldova	1	49	35	25	19	18	18	7	8	1	1	0	0	0	182
Russian Federation	0	0	3	0	4	1	2	0	0	0	0	0	0	0	10
Sri Lanka	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
The former Yugoslav Republic of Macedonia	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Ukraine	1	82	99	66	62	83	82	88	39	18	7	3	2	0	632
United States of America	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Viet Nam	0	0	1	1	1	0	0	0	1	0	1	0	0	0	5
<b>Total</b>	<b>2</b>	<b>136</b>	<b>147</b>	<b>98</b>	<b>89</b>	<b>107</b>	<b>106</b>	<b>95</b>	<b>49</b>	<b>22</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>866</b>

## Annex 5

Cases of expulsions

Year 2008

Gender men

Nationality	Age															Total
	5-9	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Afghanistan	0	18	24	23	3	3	1	2	0	0	0	0	0	0	0	74
Albania	0	0	0	0	0	0	2	1	0	0	0	0	0	0	0	3
Armenia	0	0	2	3	2	1	0	1	0	0	0	0	0	0	0	9
Bangladesh	0	7	10	13	3	1	1	0	0	0	0	0	0	0	0	35
Belarus	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	3
Bolivia	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Bosnia and Herzegovina	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Brazil	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Canada	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Côte D'Ivoire	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Croatia	0	0	1	3	0	0	1	1	0	0	1	0	0	0	0	7
Cuba	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Czech Republic	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Egypt	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	3
Georgia	0	6	22	35	28	13	8	5	4	1	0	1	0	0	0	123
China	0	1	21	9	5	0	2	1	0	0	0	0	0	0	0	39
India	1	3	23	17	10	5	4	3	1	0	0	1	0	0	0	68
Iran	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Iraq	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Israel	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Jordan	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Kuwait	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Kyrgyzstan	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Lebanon	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Libyan Arab Jamahiriya	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Malaysia	0	0	0	2	2	0	0	1	0	0	0	0	0	0	0	5
Mongolia	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Montenegro	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2

Nationality	Age															Total
	5-9	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Morocco	0	0	3	4	2	1	1	1	0	0	0	0	0	0	0	12
Namibia	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Nigeria	0	0	1	2	3	0	0	0	0	0	0	0	0	0	0	6
Oman	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Pakistan	0	18	36	20	7	5	1	2	0	0	0	0	0	0	0	89
Palestine	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2
Poland	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Portugal	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Republic of Korea	0	0	3	8	14	8	5	6	2	0	0	0	0	0	0	46
Republic of Moldova	0	37	102	69	26	14	3	6	0	2	0	0	0	0	0	259
Romania	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Russian Federation	0	0	10	13	14	3	3	2	1	0	1	0	0	0	1	48
Saudi Arabia	0	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5
Senegal	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	4
Serbia	0	0	1	5	2	1	2	2	1	1	0	0	0	0	0	15
Sierra Leone	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Somalia	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3
Sudan	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Syrian Arab Republic	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	3
The former Yugoslav Republic of Macedonia	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	3
Tunisia	0	0	0	3	2	3	0	0	0	1	0	0	0	0	0	9
Turkey	0	0	2	1	3	0	2	0	0	0	0	0	0	0	0	8
Ukraine	0	3	58	68	86	70	45	38	38	21	3	3	1	1	0	435
United States of America	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	3
Uzbekistan	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	2
Viet Nam	0	1	4	10	3	4	4	3	1	0	0	0	0	0	0	30
Zimbabwe	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
Spolu	1	97	338	323	222	142	90	76	53	27	5	5	1	1	1	1 382

## Annex 6

Cases of expulsions

Year

2008

Gender

women

Nationality	Age														Total
	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-	
Afghanistan	0	1	1	1	0	0	0	0	0	0	0	0	0	0	3
Georgia	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
China	1	7	4	1	3	0	0	1	0	0	0	0	0	0	17
India	0	0	0	1	0	0	1	0	2	0	0	2	0	0	6
Israel	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Nešpecifikované	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Pakistan	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Peru	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Republic of Korea	0	1	3	1	1	1	0	0	0	0	0	0	0	0	7
Republic of Moldova	2	18	9	9	5	3	3	2	1	0	0	0	0	0	52
Russian Federation	1	3	0	3	1	2	0	0	0	0	1	0	0	0	11
Turkey	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Ukraine	5	36	43	31	29	27	31	24	10	7	0	1	1	0	245
United States of America	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Uzbekistan	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Viet Nam	0	0	0	3	0	2	0	1	0	0	0	0	0	0	6
Total	9	67	62	53	40	35	36	28	13	7	1	3	1	0	355