



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

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Summary record of the first part (public)* of the 899th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 November 2009, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting opened at 3.05 p.m.

Consideration of reports submitted by the States parties under article 19 of the Convention*(continued)*

Second periodic report of the Slovak Republic (CAT/C/SVK/2, CAT/C/SVK/Q/2, CAT/C/SVK/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the Slovak delegation took places at the Committee table.*

2. Mr. Rosocha (Slovakia) said that the Slovak Republic, a sovereign and democratic country governed by the rule of law, had ratified all the fundamental human rights instruments and its human rights legislation was up to the highest internationally recognized standard. The prohibition of torture and other inhuman or degrading treatment or punishment was guaranteed not only by the Constitution but also by the international treaties that took precedence over domestic law. The delay in submitting the second periodic report was due mainly to a recodification of Slovakia's criminal law framework and to the adoption of related legal provisions aimed at improving Slovakia's response to its commitments under the Convention. The Criminal Code (Act No. 300/2005) and the Code of Criminal Procedure (Act No. 301/2005) had entered into effect on 1 January 2006. Under the new Criminal Code, torture was taken to mean any conduct inflicting severe physical or mental pain on a person. That definition went beyond the scope of the Convention, in that it did not limit the definition of torture to acts designed to obtain information from suspects or to punish them. The Criminal Code also offered protection against abuse of the means of coercion by members of the police corps by defining the criminal offence of "abuse of power by public officials". Every complaint of ill treatment filed with an investigator or other police officer in the course of criminal proceedings must always be referred to the Inspection Service Office of the Police Corps. In order to combat the ill treatment of detainees, that service presented annual reports on police crime to the Ministry of the Interior. The comparison of statistics from previous years revealed a declining trend in the number of submissions registered by the Inspection Service Office.

3. In response to the recommendations of both the Committee against Torture and the European Committee for the Prevention of Torture, Slovakia had adopted Act No. 475/2005 on the Execution of Custodial Sentences and Act No. 221/2006 on Remand in Custody. Those two laws created the necessary legal conditions for humanizing the Slovak prison system. Compliance with the rules applicable to remand centres, prisons and other places of detention was supervised by the prosecution service, which exercised similar supervisory powers with respect to all cases where the police acted as a public authority in areas outside the scope of criminal procedure.

4. The adoption of Act No. 90/2001 amending the Constitution represented another important step forward by creating the institution of the Public Defender of Rights (the Ombudsman), who could be called upon by any person believing that his or her fundamental rights or freedoms had been violated by a public authority. The Office of the Ombudsman had started to operate in Slovakia in 2002 and had received over 17,980 submissions by October 2009, including more than 100 from persons remanded in custody or serving custodial sentences, who complained about living conditions in remand centres and penitentiary establishments. Under Amendment No. 92/2006, the Ombudsman's powers had been extended to include the power to initiate proceedings before the Constitutional Court in matters involving violations of the fundamental rights afforded to natural or legal persons, or if there was reason to believe that a legal provision was liable to encroach on any of the rights recognized in an international treaty ratified by the Slovak Republic.

5. Even the best anti-torture legislation was ineffective, however, without the regular training of the public authorities that applied it in practice, including members of the police force, prison guards, court guards, members of the armed forces, health-care personnel and any other persons acting on behalf of the State in detention premises. The Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Related Intolerance was the core document used by the Slovak Government in the area of training provided to members of professional groups. The 2006–2008 Action Plan had focused mainly on enhancing the level of awareness of human rights among Slovak citizens, on effective implementation of anti-discrimination legislation, on addressing the status of migrants in Slovakia and on other specific activities in the area of prevention of intolerance, extremism, racism and anti-Semitism. Educational activities had also been carried out within the framework of the United Nations Decade for Human Rights Education. The 2009–2011 Action Plan, which focused on the improvement and application of legislation, was intended to serve as a tool for developing effective mechanisms aimed at suppressing expressions of hatred and intolerance in different settings, in particular through the implementation of preventive measures. The long-term objective included building a tolerant and democratic State with greater emphasis on its multicultural character. A further priority of the 2009–2011 Action Plan was to ensure systematic training of professional groups which could have an impact on preventing all forms of discrimination. The training included regular courses for the police, prison and court guards and members of the armed forces in the application of the principle of equal treatment. The Action Plan was also aimed at ensuring effective social integration of persons belonging to national minorities or ethnic groups, including aliens.

6. Slovakia was currently conducting a study of the provisions of the Optional Protocol to the Convention against Torture in order to identify what legislative amendments would need to be made in domestic law, in conformity with other international instruments covering the same issues. He was confident that in the near future Slovakia would be in a position to begin the mandatory legislative procedure for becoming a contracting party to the Optional Protocol.

7. Despite the Government's efforts, there had been some reports of cases involving elements of torture and other cruel or inhuman treatment or punishment. For example, in March 2009 in Košice, police officials had subjected six Roma juveniles to acts incompatible with the mission and code of ethics of the police force. Those acts had been immediately condemned by the Ministry of the Interior and, as soon as the facts of the case had been established, six members of the police force had been suspended. Motions were also being prepared to dismiss three more policemen, who had been present in the premises of the local police station at the time of the incident. In addition, criminal proceedings had been initiated against seven police officers for the crime of abusing the power of a public official and extorting confessions under duress.

8. In the case of Karol Sendrei, a member of the Roma minority who had died in July 2001 following brutal questioning at the local police station in Revúca, the Supreme Court had issued a final judgment on 17 September 2009 confirming the judgment of the court of first instance of 28 February 2008, which had handed down a guilty verdict against the seven policemen involved in the tragic death. A total of six prison sentences ranging from two to eight and a half years had been issued, including four for the offence of torture and other inhuman or degrading treatment. He was convinced that those were isolated failures of individuals, which were not the fault of society as a whole. The Government would spare no effort to bring the perpetrators of similar offences to justice in accordance with the international obligations of the Slovak Republic.

9. Ms. Kleopas (Rapporteur for Slovakia) welcomed the State party's determination to take measures to combat torture and to adopt new legislation to achieve that objective. In the Government's written reply to question 2 of the list of issues (CAT/C/SVK/Q/2/Add.1), she saw that according to the Act on the Police Force all arrested persons must be advised of their rights as soon as practicable. She recalled that under the Convention, all persons placed in police custody must be informed of their rights from the outset of their detention, including their right to have prompt access to a lawyer, to be examined by an independent doctor and to notify a family member or another person of their choice. In that respect, she referred to the comments made by the CPT in its report on its visit to Slovakia in 2005 (CPT/Inf.(2006)5), whereby the rights of persons held in custody were not always respected in practice, especially the right to access to a lawyer without delay. Also according to the CPT, minors were said to have been questioned without their parents, their guardian or a lawyer being present. She asked whether there was any independent procedure for ensuring that the rights of persons deprived of liberty were respected and for monitoring conditions of detention, for example by carrying out unannounced visits in prisons. She asked the delegation whether Slovakia had followed up the CPT's recommendations that persons held in police custody should not be handcuffed for extended periods and should be given decent treatment. More generally speaking, she would like further details on the administration of juvenile justice, since the only indication that Slovakia had given was that minors were kept separate from adults in prison. She asked whether the conditions of juvenile detention complied with international standards in that respect and whether Slovakia applied all the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules") and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty ("the Hanover Rules"). She also reminded the State party that minors should be detained only if absolutely necessary, that they should be detained for as short a time as possible and that the fundamental rights of detained minors should be fully respected. In addition, the State party should train juvenile judges and make sure that detained minors were not ill treated.

10. She welcomed the statement by the representative of Slovakia that the Slovak Government intended to take the necessary steps to ratify the Optional Protocol to the Convention in the near future, but would like more precise details of the schedule envisaged by the Slovak authorities. She also asked whether Slovakia had already appointed a national preventive mechanism and whether it intended to allow civil society to participate in consultations leading to ratification of the Optional Protocol.

11. With regard to the protection of the rights of refugees and asylum seekers, she was satisfied to note that such persons could not be extradited if there were serious reasons for believing that they might be tortured in the country requesting their extradition. She was also pleased to note that, since 2006, no unaccompanied minor had been detained after requesting asylum in the State party and that, in 2009, the Slovak Government, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), had set up an emergency transit centre.

12. Nevertheless, further efforts needed to be made in several areas. The State party should continue to cooperate with UNHCR and non-governmental organizations (NGOs) in order to ensure that the rights of persons requiring international protection were respected, particularly the right to fair treatment with respect to asylum requests and the right of persons refused entry to the country, particularly aliens denied entry at the border with Ukraine, to lodge an appeal. The State party should ensure that the principle of non-refoulement was applied and that persons who could not be considered as refugees under the terms of the 1951 Convention relating to the Status of Refugees but who faced the risk of torture in the event of their return be offered minimum protection.

13. She saw from the reply to question 5 of the list of issues (CAT/C/SVK/Q/2/Add.1) that the principle of the absolute prohibition of torture was enshrined in the Slovak Constitution. In its reply to question 9, however, the State party indicated that it did not plan to amend the exceptions to the guarantees under article 3 of the Convention with regard to persons who were considered as a threat to the security of the State and those who had been sentenced for a particularly serious crime, which was contrary to the principle of the absolute prohibition of torture and the terms of article 3 of the Convention. She would like the Slovak delegation to explain what justified that exception.

14. According to information received by the Committee, the Constitutional Court had recently decided not to extradite an Algerian national who had been sentenced for terrorism in his country, on the grounds that he ran a real risk of being tortured in the event of return. Subsequently, the same person had been summoned to appear before the Migration Office, which had reconsidered the question of the risk of torture in the event of return. That was obviously due to the fact that the ordinary courts and the authorities in charge of migrations followed different procedures. It would be preferable, nevertheless, for cases of that kind to be dealt with under the same procedure.

15. According to Amnesty International reports, Roma living in Slovakia were very much marginalized and subject to discrimination with respect to access to housing, health care, education and other public services. A new law forbidding all forms of discrimination had been adopted in 2008, which was encouraging, but its provisions did not include any measures specifically aimed at eliminating discrimination against the Roma in education. Many Roma children, however, were wrongly placed in schools for children suffering from mental disabilities or learning difficulties, having often been automatically classified in that category. The State party should take the necessary steps to ensure that Roma children were no longer placed in special schools. It was also reported that the Roma lived in extremely difficult conditions and were deprived of access to drinking water, sanitation and electricity, which as far as the Committee was concerned amounted to cruel, inhuman and degrading treatment. It was also worth noting that the Roma were subject to forced evictions and that the State party had still not taken action on the views of the Committee for the Elimination of Racial Discrimination in the case *L. R. et al. v. Slovak Republic* (communication No. 31/2003, CERD/C/66/D/31/2003).

16. With regard to the enforced sterilization of Roma women, she welcomed the fact that a new provision had been introduced into the Criminal Code in 2006 to prevent unlawful sterilization, but she noted that, according to information supplied by the Centre for Civil Rights and Human Rights, the law was not applied in practice. The Ministry of Health had apparently not yet adopted internal guidelines regarding the need to obtain the informed consent of the person concerned or her legal guardian, while medical staff were not apparently uniformly trained in the necessary procedure for obtaining that consent. Although many allegations of enforced sterilization of Roma women were supported by reliable evidence, the State party's authorities had not apparently taken the necessary steps to launch thorough investigations immediately into those allegations and to compensate victims.

17. In the follow-up report on the Slovak Republic (2001–2005) of the Commissioner for Human Rights of the Council of Europe, she saw that he had reached the conclusion that cases of sterilization had very probably taken place, particularly in the eastern part of the country, without the informed consent of the patients. The Commissioner had noted that, although there did not appear to be any active or structured government policy in that respect (at least since the end of the Communist regime), the Slovak Government bore an objective responsibility in the matter for failing to put in place adequate legislation and for failing to exercise appropriate supervision of sterilization practices. She said that the State party had the obligation to monitor the situation carefully in that respect and that it should

take the necessary steps to ensure that detailed investigations were undertaken as soon as possible into allegations of the forced sterilization of Roma women.

18. She noted, moreover, that in 2005 the State party had expressed the intention to forbid corporal punishment in the family, but that so far no legislation had been adopted to that effect. According to some non-governmental organizations, however, a considerable number of children were subjected to that type of violence, which, in the Committee's view, was tantamount to cruel, inhuman or degrading treatment or punishment. She hoped the State party would take steps to ensure that the practice was made unlawful. Lastly, she asked whether the investigations opened in response to complaints against members of the police were conducted by the police themselves or by an independent body.

19. Mr. Wang Xuexian (Co-Rapporteur for Slovakia), noting that one of the key elements in the definition of torture given in article 1 of the Convention, namely discrimination, had been omitted from the definition contained in the State party's Criminal Code, asked the Slovak delegation to explain why that was. With regard to article 10 of the Convention, he asked whether any assessment had been made of the results obtained with the full human rights training given to law enforcement officials.

20. With regard to article 11 of the Convention, he wished to know what measures had been taken to improve the situation of long-term prisoners held at the Ilava prison. According to the report of the European Committee for the Prevention of Torture (CPT) on its visit to Slovakia in 2005, the CPT had received a great many allegations of ill treatment inflicted by law enforcement officers at the time of arrest and during custody. He would like the Slovak delegation to comment on that information and to indicate whether the situation had improved since then.

21. regard to article 12 of the Convention, he noted from paragraph 60 of the report that only police officers who had the required education and training could be admitted as investigators. He would welcome the delegation's comments in that respect, in view of the fact that the impartiality of an investigation depended on the independence of the investigator.

22. Lastly, with regard to article 13 of the Convention, he noted that, according to the aforementioned CPT report, the system for allowing victims to obtain compensation was not working satisfactorily. He invited the delegation to comment on that assessment and to indicate whether measures had been taken by the State party to ensure the fullest rehabilitation of victims of violations of the Convention.

23. Ms. Belmir said she noted with surprise from paragraph 108 of the report that military courts exercised extensive jurisdiction and could in particular decide in criminal cases concerning officers of the Court Guard. She would like some explanation in that respect. Noting that judges were no longer elected by the National Council of the Slovak Republic upon a proposal by the Government, but instead appointed and removed by the President of the Republic (para. 110), she enquired whether that change did not place judges in a subordinate position with respect to the executive. Lastly, she asked whether Roma living in the State party were Slovak nationals and, if so, whether they enjoyed the same rights as other nationals. She asked what the purpose was of sterilizing Roma women, with or without their consent, and whether all women giving birth were offered that type of operation or whether such measures were intended for a particular category of women.

24. Mr. Mariño Menéndez said that the fact that discrimination was not listed among possible reasons of torture in the definition given in the State party's Criminal Code constituted a substantial omission, especially since the Convention was not directly applicable by the Slovak courts. He would welcome clarification by the delegation in that respect.

25. Since the State party was a member of the European Union and belonged to the Schengen space, it would be interesting to know whether a person who had been granted refugee status under the terms of the 1951 Convention in one of the Schengen countries and who was on Slovak soil could be extradited to a third country that was not a member of the European Union. In other words, could the provisions of the 1951 Convention – which were valid *erga omnes* – be invoked against Slovakia? If possible, the delegation might give some examples of extradition cases in which that issue had arisen. He would also like to know what had happened to the Palestinian refugees who had been placed in the emergency transit centre set up in July 2009. Had they remained in Slovakia or had they been transferred elsewhere?

26. With regard to article 3 of the Convention, he asked the delegation to comment on the contradiction between Act No. 48/2002 on stay of aliens and Act No. 480/2002 on asylum, the effect of which was in some cases to allow the expulsion of an alien under the first Act but not under the second. He also asked whether an alien under order of expulsion could appeal to the Public Defender of Rights and whether the latter could ask the Constitutional Court to delay execution of the expulsion order in the event that the person concerned was in danger of being tortured in the return country. Some practical examples of the use of that form of appeal, if any, would be welcome.

27. Lastly, considering that Slovakia shared common borders with several States and that, more than any other country, it was exposed to the illegal entry of migrants to its territory, it would be interesting to know whether the border police could refuse entry to allegedly undesirable aliens in Slovakia and whether each case was checked to ensure that the alien did not run the risk of being tortured in the country to which he or she was to be sent back.

28. Mr. Kovalev, referring to information received from UNHCR, was surprised that there were not more than 234 asylum seekers in the State party. He wondered whether that low figure could be explained by the fact that Slovak law did not encourage the grant of refugee status, or perhaps by the fact that the Slovak authorities prevented asylum seekers from entering Slovak territory and sent them back to their countries of origin. Further details on that question would be welcome.

29. Ms. Gaer said that the Committee noted that significant progress had been achieved in Slovakia and that the country was moving in the right direction, which was why she was concerned that certain problems still persisted. Turning to the question of the shortage of data, she said that the State party, in response to many of the questions asked in the list of issues to be considered, particularly questions concerning the numbers of detainees, their ethnic group and the type of sentences handed down, had replied either that it had no data or that the data available were not broken down. That was particularly the case, for example, with question 6, in which the Committee had asked the State party to provide disaggregated statistical data with respect to cases of expulsion or return (refoulement), and question 16, in which it had asked for statistical information about the number of pre-trial and convicted prisoners, disaggregated by crime, gender and ethnicity. The CPT, in its report on Slovakia, had also raised the problem of insufficient data, concerning not only detention, but also remand and other situations.

30. In question 29, the Committee had asked the State party for data on human trafficking and commercial sexual exploitation, including the number of Witness Protection Visas issued to victims of trafficking. According to the most recent report (2009) of the United States State Department on trafficking, there was a domestic problem in Slovakia with regard to the trafficking of Roma women and girls for purposes of sexual exploitation. The State Department also reported that trafficked Roma children were sent to Austria, Italy and Germany, where they were forced to beg, which raised the question of the tacit consent of certain public officials. She asked whether there was any procedure in the

Slovak Republic for monitoring the situation of Roma women and children subjected to trafficking, and she expressed surprise at the fact that the State party could combat that practice and assist victims if it did not have the relevant statistics. In its written reply to question 29, the Government had stated that it had identified 11 cases of human trafficking and that 12 perpetrators had been prosecuted for the offences; it did not give any details, however, concerning the precise offences for which those persons had been prosecuted, or how many had effectively either served prison sentences, or paid a fine or been given suspended sentences. Since the Committee was aware that suspended sentences were frequently handed down in such cases, she wondered whether the Slovak courts were prepared to deal with those kinds of cases.

31. Concerns had often been expressed regarding acts of violence against persons belonging to ethnic minorities and others perpetrated by groups such as skinheads or by individuals. The Committee had noted with interest the information provided by the Slovak delegation concerning the relevant legislation. The United States State Department's report on human rights mentioned, however, that many aggressions were committed against members of minority groups. She would like to cite three cases of such aggressions, which showed how important it was to have the necessary data. The first case concerned an American basketball player of African descent, who had recently been assaulted; the case had been brought to court and the perpetrator had been given a two-year suspended prison sentence. The second case concerned a British doctor of African descent, who had been visiting the country and who had been attacked and insulted by a 24-year-old man, who had been given a one-year suspended prison sentence for causing a public disturbance. The third case concerned a Nigerian national, a Mexican national and a Vietnamese national, who had all been assaulted. None of the cases had been followed by a prison sentence. When he had lodged a complaint, the Nigerian national had been accused of assault and had been detained by the police. Further details would be welcome. In view of the frequent use of suspended sentences, she asked whether there was any means of monitoring the way the police dealt with that type of case and how the courts reacted. The Committee would also welcome proposals regarding possible preventive measures in that area.

32. Mr. Gallegos Chiriboga welcomed the significant progress achieved by Slovakia, not only from the point of view of bringing its legislation into line with international law, but also regarding its reform of domestic legislation. The main concerns expressed in the reports received by the Committee were related to gender equality, violence against women, especially those belonging to minorities, trafficking, both internal and cross-border, women – a major issue which would be returned to – child trafficking, violence against children and persons with disabilities. He would also like to draw attention to reports received regarding the treatment to which certain groups such as transsexuals and homosexuals were subjected. The issue most frequently raised was discrimination and violence against Roma. A special effort should be made in that respect to improve education and awareness, in order to ensure that the legislative improvements introduced by the Government led to a change of attitudes in society. The violence practised by certain marginal groups against minorities was unacceptable, and any effort by the Government and by institutions that was conducive to a better understanding of other cultures would be welcome.

33. More attention should be paid to the question of protecting human rights defenders and making a greater effort in that respect. Coordination with non-governmental organizations and other institutions should be improved, and the establishment of a national institution for the protection of human rights in accordance with the Paris Principles would be a welcome step forward.

34. Ms. Sveaass, referring the paragraph 104 of the State party's report, giving data on the number of patients admitted to psychiatric hospitals, said that she had been struck by

the fact that the data came from the Ministry of Justice. She wondered whether the psychiatric hospitals were run by that Ministry and she asked what role the Ministry of Health played in that respect. She would also like to have data as up to date as possible on the number of forced hospitalizations and on the proportion of voluntary hospitalizations and internments.

35. Ms. Gaer also asked for more details concerning redress and compensation measures taken for the benefit of victims of treatments prohibited by the Convention. She particularly wanted to know whether redress and compensation programmes had been set up for victims of forced sterilization. According to the written replies, the Criminal Code had been amended in order to solve that problem; yet the replies also referred to “alleged forced sterilizations”, which raised the question of whether, alongside the measures it had taken to prevent the practice, the State party recognized that the victims had been wronged and ensured that they received compensation and assistance.

36. She welcomed the frankness with which the Slovak delegation had referred to certain problems of violence that arose in the country, especially on the part of the police force. A young Roma had actually died as a result of such violence and she asked the delegation for information concerning the situation of the person’s family.

37. Concerning the question of the physical and psychological rehabilitation of torture victims, the Committee would like more precise information concerning programmes specifically designed to deal with the problem, especially with respect to whether they depended on public or private health establishments, non-governmental organizations or other bodies. The State party had provided detailed information regarding the action plan to prevent domestic violence, especially violence against women, but she would like to know whether any programmes or awareness campaigns were more specifically targeted at minorities, such as refugees or Roma, who, because they were more exposed to ill treatment, might be more prone to domestic violence. Were there programmes designed to prevent that type of violence, to punish those responsible and to offer compensation to victims?

38. The Chairperson was pleased to note that international law and the Convention took precedence over Slovak domestic law. The new definition of torture given in section 420 of the Criminal Code applied to “any act by which severe pain or suffering, whether physical or mental, was inflicted on a person”. The term “inflicted” was, however, ambiguous. It needed clarifying, particularly by specifying whether it covered the notion of instigation and explicit or tacit consent.

39. With reference to section 28 of the Criminal Code, the State party indicated that acts of torture perpetrated against a close relative were forbidden. He wished to know whether the State party had in mind domestic violence, what connection it intended between that provision and the definition of torture given in the Convention and whether cases of that kind had arisen.

40. In the written reply to question 2, it was stated that persons who were detained must be advised of his/her rights “as soon as practicable”. That expression appeared very vague, and he wondered how it was interpreted in practice. He asked who decided on the meaning and whether any complaints had been lodged in that respect.

41. He noted that the CPT had found, after its visit to Slovakia in 2005, that the obligation for police officers to inform the family of a detained person of that person’s arrest was not applied and that, in many cases, the police did not fulfil their obligation to inform detainees of their rights. The State party had not commented on that gap between current legislation and practice. The CPT had also found that although detainees were examined by a doctor at the outset of their detention, in some cases their medical file bore the mention “no sign of violence”, whereas the detainee showed visible traces of ill

treatment at the time of the initial medical examination, a fact which was even sometimes mentioned in the medical report. Would the State party like to comment on that fact? He also wished to know whether detainees enjoyed a right of access to personal data recorded by the police at the time they were placed in detention, or at least to data entered in their medical report.

42. According to some reports, the President of the police tribunal had received 146 complaints in 2008 concerning ill treatment inflicted on detainees and persons held on remand, 118 of which had been rejected on the grounds that they were not sufficiently substantiated, while nine police officers had been prosecuted for abuse of public authority. He would like to point out in that respect that some countries tended to sidestep the problem of torture by accusing alleged perpetrators of acts of torture of a less serious offence, such as abuse of authority. A considerable proportion of complaints were moreover rejected. How did the State party explain that situation? Did it consider that the existing procedure for examining complaints was effective?

43. In its written reply to question 4, the State party indicated that the principle of separate placement of accused minors in remand establishments was stipulated in the relevant legislation, but that in justified cases a procedure different from the principles of separate placement might be applied, in view of the fact that the numbers of minors placed in remand establishments were very low. The Committee failed to see how minors on remand, and therefore presumed innocent, could be locked up with adults, and invited the delegation to provide some explanation of that fact. Furthermore, the CPT had found that under Slovak law juveniles held on remand could be placed in solitary confinement for up to ten days. Did the State party consider that such a provision was compatible with international law?

44. With regard to the case in which a Roma had been killed, it would be interesting to know whether the relatives of the victim had obtained redress or compensation and had been granted rehabilitation measures in accordance with article 14, and whether the case had led to a court judgment.

45. According to the State party, the women who had been sterilized had given their consent in writing prior to the operation. Yet for such consent to be "informed", a condition for validity, the women would have needed to be fully informed of the details of the operation and its consequences and the form they had been asked to fill in should have met certain precise requirements. He asked the delegation to provide clarification on the subject, as well as some indication of the educational standard and socioeconomic situation of the women concerned.

46. Amnesty International had noted in a report that in some schools for children suffering from mental disabilities 99.5 per cent of the children were Roma. As the State party had indicated that legislation had been adopted in 2008 to remedy that situation, it would be interesting to know what effects had been achieved and whether specific action had been taken to enable children placed for no valid reason in such schools to be transferred to ordinary schools.

47. Out of 909 asylum applications, only 22 had been accepted, which was probably the smallest proportion that the Committee had ever come across, at a time when the number of asylum seekers in the world was constantly increasing. That situation raised many questions regarding the way decisions were taken concerning the access by asylum seekers to the necessary information and to the services of an interpreter, in particular.

48. With regard to the *Ramzy v. Netherlands* case, the Slovak Republic had indicated, with reference to article 3 of the Convention, that asylum seekers who posed a threat to the security of the State needed to prove that they would be in danger of torture or ill treatment if they were returned to their country of origin and that the evidence required was more demanding for them than for other asylum seekers. Yet there was nothing in article 3 to authorize the application of different treatment to certain categories of persons. The delegation might explain its position in that respect.

49. The State party had indicated that it continued to accept diplomatic assurances from the Russian Federation and Algeria, subject to the receipt of additional information. The Committee would like to know what such additional information consisted of, whether the information was public and how it was verified. The Committee would also like to know whether, in the event that an asylum seeker was detained, the State party informed the home country of the asylum seeker and, if so, under what law.

50. With regard to the protection of witnesses, he asked whether the State party took steps to protect persons who reported offences or who cooperated with the police. Where human trafficking was concerned, according to a study by the United Nations Office on Drugs and Crime, 86,000 illegal immigrants had entered Slovakia between 1998 and 2007. No victim of human trafficking had been reported during that period, however, which cast doubts on the detection methods used, because it seemed odd that the country should have been completely free of the practice during all those years. In 2008, moreover, 11 cases of trafficking had been reported, which might be the sign of improved detection methods. Could the delegation indicate whether the authorities cooperated with NGOs, international organizations or other States in the fight against human trafficking?

51. It appeared, lastly, that patients interned in psychiatric establishments were asked to give their written consent prior to being admitted. Was it informed consent in such cases and were patients told by medical staff of the coercive methods employed in such establishments?

52. *The Slovak delegation withdrew.*

The first part (public) of the meeting closed at 5.10 p.m.
