

Criminal Detention in the EU Conditions and Monitoring

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Part I: National standards

1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling¹ observed?

The general conditions, rights and obligations regarding prisoners (including spatial standards) are established in **the Act on Execution of detention**² and **the Regulation on Detention order**³. A prisoner is accommodated in a cell with minimum **3,5m²** of space. In case of an excessive increase of prisoners, the cell space can be temporarily decreased for the necessary period of time⁴. There is no official limit for the decrease of space. The temporary decrease of cell space is allowed up to 6 months per single decision and can be repeated if necessary. Women and juveniles are entitled to 4m² of cell space, whereas the space for pregnant women cannot be decreased⁵.

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

In cell, each detainee must have a bed with a mattress, pillow, blanket, bed sheets and a chair. There must be table, sink with a drinking water, radio, electric lighting and signalling call device. The cell must be equipped with a separated hygienic facility. A locker must be provided to each detainee to store his/her personal belongings, clothing and bed sheets⁶.

Each cell must comply with the conditions for day and electric lighting, requirements for heat-humidity microclimate, heating and ventilation according to the paragraph 20 by the law on public health (this law does not specify detailed conditions, only states that each public building must comply with the appropriate conditions)⁷.

The detainee has the right to an appropriate aesthetic treatment of the cell. The director of the detention institution or a member of the corps appointed by him decides on the method of adjusting the cell, bed and lockable cabinet⁸.

¹ For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*).

³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*).

⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 12.

⁵ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48 (1).

⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 14a.

⁷ Slovakia, [Act no. 355/2007 on Protection, support and development of public health](#), 31 July 2007, (*Zákon č. 355/2007 o ochrane, podpore a rozvoji verejného zdravia*), § 20.

⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), § 14a, 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*).

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

To ensure the protection of life and health of detainees, prison officers and other persons, some cells can be equipped with the video surveillance systems⁹:

- a) compensation rooms - the compensation room is a room specially adapted so that the detainee cannot cause harm to his health. The detainee is placed in the compensation room only for the limited period of time until the symptoms of uncontrollable behaviour have ended.
- b) disciplinary cells.
- c) cells for the protected witnesses, endangered witnesses and other detainees who are in special regime under the Penal code.

Information on video surveillance must be provided to the detainee in advance.

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

There are no national standards regarding the cleanliness of the cells. According to the act on Execution of detention, the detainee has duty to keep the cell clean¹⁰. The detainees have also right to get all relevant cleaning stuff from the detention institution.

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Detention is executed based on two level differentiation, e.g. standard regime of detention, and reduced regime of detention. Minimal spatial standards are not differentiated in relation to these regimes¹¹.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

There is no specific mechanism available that would enable the detainees to raise complaints in case of breach or violation of the standards mentioned in chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.¹² The legislation names the

⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), § 62, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 62.

¹⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), §30, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 62.

¹¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 2 (4).

¹² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3).

most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows: ¹³

- UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
- European institutions such as ECHR, CPT, ODIHR, etc.
- International institutions such as Amnesty International, FIDH, IGFM, etc.

However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).

2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.¹⁴
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.¹⁵ If the detainee requests a meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.¹⁶ Director of the detention institution immediately examines every piece of information concerning a violation of detainee's rights and adopts measures to prevent further violation.¹⁷
4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service¹⁸. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant¹⁹. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the

¹³ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 38 (3).

¹⁴ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38 (1).

¹⁵ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (2).

¹⁶ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(1).

¹⁷ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(2).

¹⁸ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65da.

¹⁹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dc.

Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)²⁰. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated, which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)²¹. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed²². The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints²³.

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

2. Sanitary conditions

a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

All detainees have access to toilets without undue delay. Every cell must be equipped with sink with water suitable for drinking and separate hygienic facility providing privacy to detainees.²⁴ This is valid as well for cells of disciplinary punishment.²⁵

²⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65db.

²¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dj.

²² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

²³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

²⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 12.

²⁵ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40 c (3).

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Every detainee is entitled to shower minimum twice per calendar week. Women are entitled to shower on a daily basis. If there are specific needs or the character of assigned work requires it, prisoners are allowed to shower as needed.²⁶ Detention institution is obligated to provide shower at min. 2 hours per week with hot water in case of operational/technical obstacles. In terms of privacy, it is obligatory that a prison officer of the same sex attends the procedure.²⁷

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

There are no national standards regarding the cleaning and cleanliness of sanitary facilities. According to information provided by the Prison and Court Guard Service, the detainees have the obligation to follow the instructions and commands of the employees of guard service (also in case of cleaning of sanitary facilities). Accordingly, the detainees may participate in the cleaning of sanitary facilities on a voluntary basis and thus have the right to disciplinary remuneration²⁸.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Access to sanitary facilities is not differentiated in relation to different detention regimes.²⁹

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

There is no specific mechanism available that would enable the detainees to raise complaints in case of breach or violation of the standards mentioned in chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.³⁰ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows: ³¹

²⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 16 (6).

²⁷ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 21 (2).

²⁸ Information provided by the Prison and Court Guard Service office upon request on 25 May 2021.

²⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*).

³⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3).

³¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 38 (3).

- UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFM, etc.
- However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).

2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.³²
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.³³ If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.³⁴ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.³⁵
4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service³⁶. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant³⁷. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)³⁸. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint

³² Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 38 (1).

³³ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (2).

³⁴ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(1).

³⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(2).

³⁶ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65da.

³⁷ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dc.

³⁸ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*) § 65db.

must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)³⁹. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed⁴⁰. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints⁴¹.

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?

a. Outdoors (within the boundary of the prison)
Detainees within both regimes (standard and reduced) are entitled to spend time in the **outdoor area on a daily basis at least for one hour**. This right can be cancelled or limited due to justified reasons (such as abusing institutional rules, threatening behaviour, etc.) by the director of the detention institution or the prison officer.⁴² The outer area has to be equipped with places to sit and sports area. It as well must provide conditions for a walk even in bad weather conditions.⁴³

b. Indoors in the common area

³⁹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dj.

⁴⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

⁴¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

⁴² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 16a.

⁴³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), §20.

<p>Time out of cells indoors is not explicitly stated in any of the relevant legislative, policy documents or daily schedules, with the exception of detention under reduced regime (see section f) of this chapter).</p>
<p>b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?</p>
<p>Legislation stipulates that the detainees are offered to participate in educational, recreational, cultural and sport activities by the detention institution.⁴⁴ The Act on Execution of Detention defines that outer area must be equipped for sporting.⁴⁵ Detention institutions have facilities/premises designated for recreational activities and sports. Such premises are equipped depending on the activity that they are designated for. Rooms and outer areas designated for sports are equipped with body building equipment and equipment for various ball games.⁴⁶</p> <p>In relation to the first wave of the Covid-19 pandemic, premises for recreational activities and sport were closed and re-opened as of 2 June 2020.⁴⁷</p>
<p>c) Is there a national standard for time spent in cells? If so, what does it require?</p>
<p>There is no national standard for time spent in cells. Daily schedules are governed by each institution's order. In reduced regimes, detainees can move freely and associate with other detainees in a specific time of day.⁴⁸</p>
<p>d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?</p>
<p>Legislation does not define activities that should be available to detainees when they are outside their cells. It only stipulates types of activities and their organisation that should be available to the detainees in general. Some of them (e.g. participation in individual study programmes) do not necessarily need to take place outside detainees' cells.</p> <p>Legislation stipulates that the detainees are offered to participate in educational, recreational, cultural and sport activities by the detention institution. They can choose from a list of possible opportunities for education, sport and recreational activities provided by the detention institution.⁴⁹ Lists are prepared by a designated member of</p>

⁴⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 26(3).

⁴⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 20(1).

⁴⁶ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 34(1).

⁴⁷ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', press release, available at <https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

⁴⁸ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic, (*Generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

⁴⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 26(3).

the Prison and Court Guard Service for the upcoming month.⁵⁰ The lists are published in print usually on notice boards to which all detainees have access.⁵¹

Detention institutions organize central activities and/or activities for detainees placed in divisions. Activities organized centrally are usually those requiring special material and/or spatial equipment.⁵² Activities usually include various sports, technical activities (e.g. maintenance, modelling, IT), arts (painting, music, drama etc.), literature, gardening etc.⁵³

Aforementioned activities may be co-organised and co-funded by registered churches and religious communities and by civic associations upon previous agreement with the detention institution's director. Detainee and his/her relatives (or other close persons) may also financially and materially participate in his/her individual activities.⁵⁴

During the first wave of the Covid-19 pandemic, such activities were suspended. As of 6 May 2020, all activities resumed but without participation of external organisations/entities.⁵⁵ Participation of external organisations/entities were allowed as of 1 June 2020.⁵⁶

Formal education takes place in all detention institutions and is governed by the same legislation as regular education outside detention institution (i.e., by the Schooling Act).⁵⁷ If at the moment of admission, a detainee is enrolled in high school or a university programme the detention institution will enable him/her to continue his/her studies in a distant form upon his/her request.⁵⁸

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

⁵⁰ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 33(1).

⁵¹ Slovakia, [the Directive of the general director of Prison and Court Guard Service No. 7/2009 on education and organisation of recreational activities of accused and convicted](#), 28 January 2009 (*Rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009*), § 5(4).

⁵² Slovakia, [The Directive of the general director of Prison and Court Guard Service No. 7/2009 on education and organisation of recreational activities of the accused and convicted](#), 28 January 2009 (*Rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009*), § 10(4)(5).

⁵³ Slovakia, [The Directive of the general director of Prison and Court Guard Service No. 7/2009 on education and organisation of recreational activities of the accused and convicted](#), 28 January 2009 (*Rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009*), § 10(7).

⁵⁴ Slovakia, [The Directive of the general director of Prison and Court Guard Service No. 7/2009 on education and organisation of recreational activities of the accused and convicted](#), 28 January 2009 (*Rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009*), § 10(10).

⁵⁵ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', press release, available at <https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

⁵⁶ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', press release, available at <https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

⁵⁷ Slovakia, [The Directive of the general director of Prison and Court Guard Service No. 7/2009 on education and organisation of recreational activities of the accused and convicted](#), 28 January 2009 (*Rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009*), § 2(1)(2).

⁵⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 33(4).

Under **reduced regime of detention**, usually, detainees must be locked in their cell from „lights out“ to „wake-up“.⁵⁹ Detainees are free to move and interact with co-detainees within their division.⁶⁰ Divisions with reduced detention regime consists of cells and space for educational, sport and recreational activities.⁶¹

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

There is no specific mechanism available that would enable detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. In order to exercise and protect their rights, detainees have the right to submit requests, complaints and suggestions to relevant state authorities of the Slovak Republic as well as to relevant international authorities and international organisations that are authorized to deal with human rights issues.⁶² Detainees send their complaints addressed to relevant state authorities and to relevant international authorities and organisations by postal service.⁶³ The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.⁶⁴ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:⁶⁵
 - UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFM, etc.However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).
2. Detainees can submit their complaints and comments addressed to a supervising prosecutor using a locked box for complaints which must be placed in a commonly accessible place. Contents of the box are collected by the supervising prosecutor when he/she is performing monitoring visit on the site.⁶⁶
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for

⁵⁹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 42 (1).

⁶⁰ Slovakia, General Directorate of Prison and Court Guard Service of the Slovak Republic, (*Generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 30 May 2018.

⁶¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 37 (1)-(2).

⁶² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29(1).

⁶³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38(2).

⁶⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (1)-(3).

⁶⁵ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 38 (3).

⁶⁶ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38(1).

supervision of lawfulness in the institution when they are present there.⁶⁷ If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.⁶⁸ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.⁶⁹

4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service⁷⁰. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant⁷¹. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)⁷². The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)⁷³. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the

⁶⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (2).

⁶⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(1).

⁶⁹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(2).

⁷⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65da.

⁷¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dc.

⁷² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65db.

⁷³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dj.

complaint handling cannot be appealed⁷⁴. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints⁷⁵.

- g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

4. Solitary confinement

- a) What are the national standards regarding solitary confinement?

The legislative act distinguishes two types of accommodation/placement that can result in a solitary confinement: a **cell of disciplinary punishment and solitary confinement**. Both are used for the purpose of disciplinary punishment, where in both cases, a prisoner can be confined up to 10 days via single punishment.⁷⁶ If the prisoner is issued another disciplinary punishment during the period of the one already in execution, the maximum time spent in solitary confinement or cell of disciplinary punishment is 15 days. The rest of the next punishment is served after min. 5 days.⁷⁷ Prisoners under disciplinary punishment are entitled to spent time in the outdoor area separately from the rest of the prisoners on a daily basis for 1 hour.⁷⁸

Special measures are established for **juveniles and women**. Pregnant women cannot be placed into solitary confinement or cell of disciplinary punishment. The maximum period for confinement for a woman is 14 consecutive days; the necessary distance from two confinements is 10 days.⁷⁹

Juveniles as well cannot be placed into solitary confinement. They can be placed into a cell of disciplinary punishment up to 5 days per single case. If there was issued another disciplinary punishment, the placement period can be prolonged up to 8 days in a row, the rest of the punishment is served after min. 5 days.⁸⁰

⁷⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

⁷⁵ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

⁷⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40 (e)-(f).

⁷⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40c (6).

⁷⁸ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40c (5).

⁷⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48.

⁸⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 46 (5) – (6).

The Act on Execution of Detention further recognizes a security cell and a special isolation cell. The security cell is an accommodation cell with the same basic equipment and facilities as standard cell with addition of security measures such as security door, bar system, attachment of the equipment to the ground or wall, etc. The security cell usually accommodates 1-2 prisoners. A special isolation cell (modified to prevent self-harm) on the other hand, is not an accommodation room. It is used to confine a prisoner with threatening behaviour for necessary period of time. The construction and equipment of the compensation room is such as to prevent a prisoner from self-harm.⁸¹

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

The disciplinary segregation cell shall be equipped with a bunk bed fixed to the floor or to the wall, a chair and a table fixed to the floor or to the wall, a shelf for storing things fixed to the wall, a sanitary facility, a washbasin with drinking water, electric lighting and a call sign. According to § 62 of Act No. 221/2006 Coll. on the purpose of protecting the life and health of detainees, prison officers and other persons, a compensating room and cells may be equipped with CCTV. The accused shall be informed about the installation of CCTV in their cell.⁸²

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There is no distinction in solitary confinement regarding the regimes of detention.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

There is no specific mechanism available that would enable to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three options:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.⁸³ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:⁸⁴
 - UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFM, etc.

However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).

⁸¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 12 (6) - (7).

⁸² Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic, (*Generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

⁸³ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3).

⁸⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 38 (3).

2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.⁸⁵
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.⁸⁶ If the detainee requests meeting with the detention institution's director, the meeting should take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.⁸⁷ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.⁸⁸
4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service⁸⁹. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant⁹⁰. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)⁹¹. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)⁹². The written record must be delivered to the complainant who has

⁸⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38 (1).

⁸⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (2).

⁸⁷ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(1).

⁸⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(2).

⁸⁹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65da.

⁹⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dc.

⁹¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65db.

⁹² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dj.

the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed⁹³. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints⁹⁴.

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

5. Access to healthcare

5. What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Detainees have access to medical care both internally and externally. Medical care for detainees is provided in medical facilities within the detention institutions on ambulatory basis and in the hospital for prisoners (presently in Trenčín) on both ambulatory and institutional basis.⁹⁵ Further "*If even such hospital does not meet requirements of the needed medical care, the detention is provided in other medical facility for the necessary period of time.*"⁹⁶

General medical care is provided by general medical practitioner or general medical practitioner for children and juveniles. The **specialized care** is provided mainly in stomatology, psychiatrics, intern medicine, neurology, gynaecology and surgery.⁹⁷

⁹³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

⁹⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

⁹⁵ Slovakia, [Regulation No. 447/2006 of the Ministry of Justice on organization of provision of medical care within the Prison and Court Guard Service](#), 26 June 2006 (*Vyhláška č. 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky z 26. júna 2006 o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže*).

⁹⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 3 (3).

⁹⁷ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No.

Ambulatory care with the presence of a doctor is provided usually from 7:00-15:00 during workdays and the nursing care from 6:00-15:00 during workdays.

According to detention schedules⁹⁸, general and dental care is provided directly in all of the detention institutions, psychiatric care is explicitly stated in detention institutions in Banská Bystrica, Leopoldov, Nitra, Prešov and Žilina, dermatologist is present in Žilina, Nitra and Banská Bystrica.

Institutional care is provided in (detention) hospital:

- if the medical condition requires consecutive care for more than 24 hours,
- in cases with diagnostic complexity that cannot be provided on ambulatory basis
- in case of threat of infection diseases and based on judicial decision.⁹⁹

The (detention) hospital provides institutional care at internal department (including treatment of infection diseases) in surgery, psychiatric, pneumology and phthisiology neurology departments and other specialized departments providing institutional care mainly in neurology, otorhinolaryngology, dermato-venerology, urology, gynaecology, orthopaedics, psychiatry and rehabilitation, ophthalmology and stomatology.¹⁰⁰

After the Covid-19 outbreak, the detention hospital in Trenčín reprofiled hospital beds in pneumology and phthisiology wards and earmarked them for potential Covid-19 patients. The hospital also planned to provide only emergency care on all other wards and the number of medical personnel was to be minimalized.¹⁰¹

Emergency health care

If needed detention institution calls emergency rescue service or first aid medical service.¹⁰²

6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) §5 (2)-(3).

⁹⁸ Daily schedules for individual detention institutions, available at http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf.

⁹⁹ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*), §9.

¹⁰⁰ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) §10.

¹⁰¹ Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*) (2020), 'Koronavírus ohrozuje aj väzňov. V trenčianskej nemocnici sú na boj s ochorením pripravení', press release, 21 March 2020, available at <https://bit.ly/2SFQzev>

¹⁰² Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 16(4) and Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*), § 7.

6. Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

Health care is provided by health care professionals that can either be members of the Prison and Court Guard Service or its employees.¹⁰³ These are either doctors, dentists, nurses, health care assistants, dental technicians or other health care workers.¹⁰⁴ General health care is provided by general practitioners for adults and general practitioners for children (in case of young detainees).¹⁰⁵ Specialized health care is provided by doctors with specialisation in dentistry, psychiatry, internal medicine, neurology, gynaecology and surgery.¹⁰⁶

Doctors are available at the premises usually from 7:00 – 15:00 during workdays and nurses are available from 6:00 – 15:00 during workdays.¹⁰⁷

7. Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

Detainees are obliged to undergo medical examination upon admission to the detention institution.¹⁰⁸ Detainees are also obliged to undergo examination for the presence of narcotics if it seems they are under influence of drugs.¹⁰⁹ In case of female detainees, initial medical examination includes gynaecological examination whose main aim is to either rule out or confirm pregnancy.¹¹⁰

¹⁰³ Slovakia, [Regulation No. 447/2006 of the Ministry of Justice on organization of provision of medical care within the Prison and Court Guard Service of the Slovak Republic](#), 26 June 2006 (Vyhláška č. 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky z 26. júna 2006 o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže), § 2(1).

¹⁰⁴ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) §3(1).

¹⁰⁵ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 5(2).

¹⁰⁶ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 5(3).

¹⁰⁷ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 6(5).

¹⁰⁸ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 6(6).

¹⁰⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 30(1h).

¹¹⁰ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) §24.

Initial medical examination consists of detainee's medical history, epidemiological examination, somatic examination, dental examination, and other examinations if necessary.¹¹¹

In September 2020, detention facilities started with isolation of newly admitted detainees. Every detainee had to undergo a 10-day quarantine in admission divisions. Newly admitted detainees were mandatorily tested using a PCR Covid-19 test if they returned from a country outside the EU prior to being admitted to the detention institution. Other newly admitted detainees were tested depending on the risk of them carrying and spreading Covid-19.¹¹²

8. Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

Specialist health care is provided in health care facilities of the Prison and Court Guard Service, in a hospital and other health care facilities. It is provided by doctors specializing primarily in dentistry, psychiatry, internal medicine, neurology, gynaecology and surgery.¹¹³

Specialist health care is provided to detainees based on general practitioner's recommendation or based on order of the detention institution's director.¹¹⁴

If the detainee's health condition requires hospitalisation health care is provided in an inpatient ward which is part of every health care facility of the Prison and Court Guard Service.¹¹⁵

The (detention) hospital provides institutional care at internal department (including treatment of infection diseases) in surgery, psychiatric, pneumology and phthiology neurology departments and other specialized departments providing institutional care mainly in neurology, otorhinolaryngology, dermato-venerology, urology, gynaecology, orthopaedics, physiatry and rehabilitation, ophthalmology and stomatology.¹¹⁶

¹¹¹ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 15-24.

¹¹² Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', press release, available at <https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

¹¹³ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 5(3)(4).

¹¹⁴ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 6(2).

¹¹⁵ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 8(1).

¹¹⁶ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No.

If the detainee gets serious incurable illness or serious mental illness that cannot be treated within health care facilities of the Prison and Court Guard Service, attending physician submits an expert opinion assessing the detainee's medical fitness for detention.¹¹⁷ Based on this opinion director of the detention facility notifies the supervising prosecutor or court.¹¹⁸

With respect to chronic illnesses legislation only mentions health care provided to convicted prisoners with chronic illnesses such as diabetes and tuberculosis.¹¹⁹

9. Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

For the duration of detention detainees are deprived of their right to choose medical facility or doctor.¹²⁰

10. Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes. Health care is provided equally to all detainees regardless of the detention regime (standard or reduced).¹²¹

11. Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

There is no specific mechanism available that would enable detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. In order to exercise and protect their rights, detainees have the right to submit requests, complaints and suggestions to relevant state authorities of the Slovak Republic as well as to relevant international authorities and international

6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 10.

¹¹⁷ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 49; and Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 22.

¹¹⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 22.

¹¹⁹ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) § 8(3).

¹²⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 2a(2).

¹²¹ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

organisations that are authorized to deal with human rights issues.¹²² Detainees send their complaints addressed to relevant state authorities and to relevant international authorities and organisations by postal service.¹²³ The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.¹²⁴ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:¹²⁵

- UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
- European institutions such as ECHR, CPT, ODIHR, etc.
- International institutions such as Amnesty International, FIDH, IGFM, etc.

However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).

2. Detainees can submit their complaints and comments addressed to a supervising prosecutor using a locked box for complaints which must be placed at a commonly accessible place. Contents of the box are collected by the supervising prosecutor when he/she is performing monitoring visits on the site.¹²⁶
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.¹²⁷ If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.¹²⁸ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.¹²⁹
4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service¹³⁰. The complaint

¹²² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29(1).

¹²³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38 (2).

¹²⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (1)-(3).

¹²⁵ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 38 (3).

¹²⁶ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38 (1).

¹²⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (2).

¹²⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(1).

¹²⁹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(2).

¹³⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65da.

must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant¹³¹. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)¹³². The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)¹³³. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed¹³⁴. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints¹³⁵.

5. Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

6. Special measures in place to protect young detainees

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

¹³¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dc.

¹³² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65db.

¹³³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dj.

¹³⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dk.

¹³⁵ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dl.

Juveniles are accommodated separately from adult prisoners in the same facilities/buildings. In exceptional cases, a juvenile can be placed in a cell with an adult detainee or prisoner if it is in his/her interest. Such placement cannot be a threat to juvenile's health, the adult shall not have negative impact on the juvenile or abuse his presence. Both the juvenile and the adult must consent to such placement. Prosecutor responsible for supervision of law in the detention institution must be informed if a juvenile is placed in a cell with an adult.¹³⁶ The prosecutor together with the director of the institution re-evaluates the justification for this exceptional placement on regular basis at least once in three months.¹³⁷

The detention institution may establish a separate division with the reduced regime for juveniles if spatial conditions allow it. If not, juveniles are put to general population with adults under the reduced regime of detention.¹³⁸

Juveniles are entitled to 4m² of cell space, which is 0,5m² more than for adult prisoners.¹³⁹

The legislation does not stipulate any details on separation of juveniles and adults in common areas.

Regarding the time spent out of cell/outdoors walk and sport activities, there is a specific list of possible activities for juveniles, whereas minimum 4 hours out of cell are taken into account¹⁴⁰.

There are no rules for the separation of young detainees from adults in common areas like a canteen for instance since the food for all detainees (including young detainees) is provided directly to the cells¹⁴¹. The law does not specify any rules regarding the other common areas.

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

The Penal Code defines a juvenile as the person who at the time when the crime was committed reached 14th year and did not pass the 18th year of life. A juvenile younger than 15 years, at the time when the crime was committed, did not reach such level of rational and moral development that that would enable him/her to recognize illegality of his/her actions or control them is not criminally liable.¹⁴²

¹³⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 7 (2) b).

¹³⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 7 (7).

¹³⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 50 (1).

¹³⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 46 (1).

¹⁴⁰ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 50 (2).

¹⁴¹ Slovakia, Prison and Court Guard Service (Zbor väzenskej a justičnej stráže), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 8 (2).

¹⁴² Slovakia, [The Act no. 300/2005 Penal Code](#), 20 May 2005, (Zákon č. 300/2005 Trestný zákon z 20. mája 2005) § 94 (1), § 95 (1).

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no distinctions concerning the detention of juveniles in the different detention regimes.

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

There is no specific mechanism available that would enable the young detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.¹⁴³ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:¹⁴⁴
 - UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFM, etc.However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).
2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.¹⁴⁵
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.¹⁴⁶ If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.¹⁴⁷ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.¹⁴⁸

¹⁴³ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (1)-(3).

¹⁴⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 38 (3).

¹⁴⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38 (1).

¹⁴⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (2).

¹⁴⁷ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(1).

¹⁴⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(2).

4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service¹⁴⁹. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant¹⁵⁰. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)¹⁵¹. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)¹⁵². The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed¹⁵³. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints¹⁵⁴.

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

¹⁴⁹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65da.

¹⁵⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dc.

¹⁵¹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65db.

¹⁵² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dj.

¹⁵³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dk.

¹⁵⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dl.

National Preventive Mechanism has not been established in Slovakia so far¹⁵⁵.

7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Detainees have the right to protection against all kinds of unjustified violence or any form of degradation of human dignity.¹⁵⁶

Detainees are supervised by members of the Prison and Court Guard Service.¹⁵⁷ Every person applying for a job with the Prison and Court Guard Service must undergo a psychological examination focused on his/her intellectual capacities, performance and personality prerequisites. Risk factors in family, personal, social and professional history are also analysed. A member of the Prison and Court Guard Service manifesting behaviour raising doubts about his/her reliability and trustworthiness is ordered a one-off control psychological examination. Members of the Prison and Court Guard Service undergo continuous education which also contains socio-psychological trainings.¹⁵⁸

Each cell is equipped with an emergency button.¹⁵⁹

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

There are no special measures in place that would be explicitly aimed at protecting detainees against violence from other detainees. However, there are measures in place focusing on behaviour modification towards positive interactions and relationships.

Detention institutions use various forms and methods of treating the detainees aiming to mitigate or eliminate inappropriate and uncalled-for behaviour, to foster positive changes in detainees' behaviour and to support their mental health. The methods include community, social-psychological trainings and other (e.g. psychotherapy, re-education, special pedagogy).¹⁶⁰

¹⁵⁵ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2021), [Report on the Activities of Public Defender of Rights for 2020](#) (*Správa o činnosti Verejného ochrancu práv za obdobie roka 2020*), p. 87.

¹⁵⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 11(3).

¹⁵⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 4.

¹⁵⁸ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

¹⁵⁹ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

¹⁶⁰ Slovakia, Directive No. 16/2015 of the Minister of Justice of the Slovak Republic on treatment of the accused and convicted, 21 December 2015 as amended by the Directive No. 8/2020 of the Minister of Justice of the

Community is based on group interactions, open communication, social learning and participation of detainees on decision making. There are two types of communities: organisational and interactional. The latter is focused on relationships and interactions among detainees and between detainees and members of the Prison and Court Guard Service.¹⁶¹

Social-psychological trainings aim to improve detainees' social skills and competencies and their social communication skills.¹⁶²

Re-education methods aim to develop and reinforce detainees' autoregulation mechanisms, foster their positive behaviour and improve their skills to overcome stressful situations.¹⁶³

Furthermore, each cell is equipped with an emergency button.¹⁶⁴

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

There are no special measures in place to protect LGBTI detainees against violence. Equal treatment (pursuant to Act on Equal Treatment No. 365/2004 Coll.) applies to all detainees. Human dignity of all detainees must be respected, and cruel, inhuman or degrading treatment is strictly forbidden.¹⁶⁵

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Same standards are applicable in all detention regimes.¹⁶⁶

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

Slovak Republic (*Rozkaz ministra spravodlivosti Slovenskej republiky č. 16/2015 o zaobchádzaní s obvinenými a odsúdenými v znení rozkazu ministra spravodlivosti Slovenskej republiky č. 8/2020*), § 5.

¹⁶¹ Slovakia, Directive No. 16/2015 of the Minister of Justice of the Slovak Republic on treatment of the accused and convicted, 21 December 2015 as amended by the Directive No. 8/2020 of the Minister of Justice of the Slovak Republic (*Rozkaz ministra spravodlivosti Slovenskej republiky č. 16/2015 o zaobchádzaní s obvinenými a odsúdenými v znení rozkazu ministra spravodlivosti Slovenskej republiky č. 8/2020*), § 6.

¹⁶² Slovakia, Directive No. 16/2015 of the Minister of Justice of the Slovak Republic on treatment of the accused and convicted, 21 December 2015 as amended by the Directive No. 8/2020 of the Minister of Justice of the Slovak Republic (*Rozkaz ministra spravodlivosti Slovenskej republiky č. 16/2015 o zaobchádzaní s obvinenými a odsúdenými v znení rozkazu ministra spravodlivosti Slovenskej republiky č. 8/2020*), § 7.

¹⁶³ Slovakia, Directive No. 16/2015 of the Minister of Justice of the Slovak Republic on treatment of the accused and convicted, 21 December 2015 as amended by the Directive No. 8/2020 of the Minister of Justice of the Slovak Republic (*Rozkaz ministra spravodlivosti Slovenskej republiky č. 16/2015 o zaobchádzaní s obvinenými a odsúdenými v znení rozkazu ministra spravodlivosti Slovenskej republiky č. 8/2020*), § 8.

¹⁶⁴ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

¹⁶⁵ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

¹⁶⁶ Slovakia, Directorate General of the Prison and Court Guard Service of the Slovak Republic (*generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky*), information request via email, 25 May 2021.

There is no specific mechanism available that would enable detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. In order to exercise and protect their rights, detainees have the right to submit requests, complaints and suggestions to relevant state authorities of the Slovak Republic as well as to relevant international authorities and international organisations that are authorized to deal with human rights issues.¹⁶⁷ Detainees send their complaints addressed to relevant state authorities and to relevant international authorities and organisations by postal service.¹⁶⁸ The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.¹⁶⁹ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:¹⁷⁰
 - UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFM, etc.However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).
2. Detainees can submit their complaints and comments addressed to a supervising prosecutor using a locked box for complaints which must be placed at a commonly accessible place. Contents of the box are collected by the supervising prosecutor when he/she is performing monitoring visits on the site.¹⁷¹
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.¹⁷² If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.¹⁷³ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.¹⁷⁴

¹⁶⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29(1).

¹⁶⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38(2).

¹⁶⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (1)-(3).

¹⁷⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 38 (3).

¹⁷¹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 38(1).

¹⁷² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 29 (2).

¹⁷³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(1).

¹⁷⁴ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 39(2), available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service¹⁷⁵. The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant¹⁷⁶. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)¹⁷⁷. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)¹⁷⁸. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed¹⁷⁹. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints¹⁸⁰.

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

¹⁷⁵ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65da.

¹⁷⁶ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dc.

¹⁷⁷ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65db.

¹⁷⁸ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dj.

¹⁷⁹ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dk.

¹⁸⁰ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov), § 65dl.

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

The existing legislation on criminal detention applies to female detainees unless it is not specified otherwise.

Specific measures for women in detention involve:

Cell space and accommodation

- The space available for women in detention must be at least 4m², in case the woman is pregnant the space of cell cannot be temporarily reduced¹⁸¹.
- The women in detention are placed in separated part of the detention facility. As far as it concerns the reduced regime of detention, a separate department is established for women in reduced regime of detention¹⁸².

Hygiene standards

- Women are allowed to take shower with warm water on daily basis (men only twice a week)¹⁸³.
- The personal clothing that detainees are allowed to keep in detention is specified in detail whereas the needs of women are reflected¹⁸⁴. During the pandemic, the possibility for detainees to use their own personal clothes was temporarily cancelled because it was not possible to verify the hygienic safety of the clothes¹⁸⁵. This measure has been relaxed with a better pandemic situation and introduced again once the situation has worsened.
- Beside other hygiene products, women are entitled to get menstrual hygiene products¹⁸⁶.

Disciplinary punishment

- A female detainee may get a disciplinary punishment in a form of placement in a cell of disciplinary punishment or solitary confinement, both up to 10 days. The necessary distance from two confinements is 10 days. If a woman gets disciplinary

¹⁸¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 48 (2).

¹⁸² Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 52 (1).

¹⁸³ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 52 (3).

¹⁸⁴ Slovakia, Prison and Court Guard Service (Zbor väzenskej a justičnej stráže), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 11 (1).

¹⁸⁵ Slovakia, Prison and Court Guard Service (Zbor väzenskej a justičnej stráže), 'Zbor dbá o zdravie zamestnancov, príslušníkov a väzňov. Toto sú ochranné opatrenia, ktoré zavádza.', available at: <https://lnk.sk/hlpp>

¹⁸⁶ Slovakia, Prison and Court Guard Service (Zbor väzenskej a justičnej stráže), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 15 (1).

punishment during the time of confinement, the total number of days of her confinement cannot exceed 14 days¹⁸⁷.

Pregnant women

- A pregnant woman cannot be placed into solitary confinement or cell of disciplinary punishment¹⁸⁸. She also cannot be punished by a ban of the purchase of food and other personal items¹⁸⁹.
- The cell space for pregnant women cannot be temporarily reduced¹⁹⁰.
- The director of the detention facility must inform the respective prosecutor or the court of the pregnancy of a woman detainee. The respective prosecutor who oversees the criminal proceeding must be informed in any case. The pregnancy is evidenced by the medical report¹⁹¹.
- The daily schedule of a pregnant woman as well as her time out of cell can be adjusted based on the recommendation of the medical practitioner¹⁹².

There are no other measures that would enable a specific approach towards women in criminal detention.

b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?

Women and men are accommodated separately in the detention facility¹⁹³. The women in detention are placed in separated part of the detention facility. As far as it concerns the reduced regime of detention, a separate department is established for women in reduced regime of detention¹⁹⁴.

No further details are set by the national legislation.

c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

Women are allowed to take shower with warm water on daily basis (men only twice a week)¹⁹⁵.

¹⁸⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48.

¹⁸⁸ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48 (3).

¹⁸⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48 (3).

¹⁹⁰ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48 (2).

¹⁹¹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 52 (2).

¹⁹² Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 20 (3).

¹⁹³ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 7 (2a).

¹⁹⁴ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 52 (1).

¹⁹⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 52 (3).

The personal clothing that are detainees allowed to keep in detention is specified in detail whereas the needs of women are reflected¹⁹⁶.

Beside other hygiene products, women are entitled to get menstrual hygiene products¹⁹⁷.

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?

The female detainees are provided with healthcare according to the Act no. 221/2006 on Execution on detention¹⁹⁸ and The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order¹⁹⁹. The health care is also provided based on general legislation regarding health care²⁰⁰ according to which a pregnant woman (including a pregnant detainee) is entitled to regular gynaecological examinations²⁰¹.

All detainees are obliged to undergo medical examination upon admission to the detention institution.²⁰² In case of female detainees, initial medical examination includes gynaecological examination whose main aim is to either rule out or confirm pregnancy.²⁰³

Other specific healthcare for female detainees is not mentioned in existing legislation.

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

In Slovakia, there is no possibility for female detainees to be accommodated with their babies or young children. No special detention facility has been established for this purpose, existing detention institutions do not allow to accommodate female detainees with babies or young children.

The space available for women in detention must be at least 4m², in case the woman is pregnant the space of cell cannot be temporarily reduced²⁰⁴.

¹⁹⁶ Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 11 (1).

¹⁹⁷ Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 15 (1).

¹⁹⁸ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 16.

¹⁹⁹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 19, § 20, § 21, § 22.

²⁰⁰ Slovakia, [Act no. 577/2004 on the scope of health care reimbursed on the basis of public health insurance and on reimbursements for services related to the provision of health care](#), 1 November 2004, (*Zákon č. 577/2004 Z.z. o rozsahu zdravotnej starostlivosti uhrádzanej na základe verejného zdravotného poistenia a o úhradách za služby súvisiace s poskytovaním zdravotnej starostlivosti*).

²⁰¹ Information provided by the Prison and Court Guard Service via e-mail communication on 25 May 2021.

²⁰² Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 6(6).

²⁰³ Slovakia, Directive No. 6/2008 of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 as amended by the Directive No. 6/2021 of the general director of the Prison and Court Guard Service of the Slovak Republic (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6/2021*) §24.

²⁰⁴ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48 (2).

There are no specific measures adopted to maintain the contact between the woman in detention and her children. The same rules allowing contact with close persons apply as in the case of other categories of detainees (men, women without children). Persons in detention are allowed to be visited by close persons once per month for a duration of two hours, they are also allowed to phone close persons twice a month for a duration of 20 minutes. Besides these two possibilities, video visits have been introduced during the coronavirus pandemic and the Minister of Justice allowed to continue in using the video visits after the pandemic is over. Thus, every detainee has the right to have one video visit per month for a duration of 20 minutes²⁰⁵.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply in all detention regimes.

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

There is no specific mechanism available that would enable the female detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.²⁰⁶ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows: ²⁰⁷
 - UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
 - European institutions such as ECHR, CPT, ODIHR, etc.
 - International institutions such as Amnesty International, FIDH, IGFH, etc.However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).
2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.²⁰⁸
3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there.²⁰⁹ If the

²⁰⁵ Information provided by the Prison and Court Guard Service via e-mail communication on 25 May 2021.

²⁰⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3).

²⁰⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 38 (3).

²⁰⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 38 (1).

²⁰⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (2).

detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.²¹⁰ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.²¹¹

4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service²¹². The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant²¹³. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)²¹⁴. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)²¹⁵. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the complaint handling cannot be appealed²¹⁶. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints²¹⁷.

²¹⁰ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(1).

²¹¹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(2).

²¹² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65da.

²¹³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dc.

²¹⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65db.

²¹⁵ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dj.

²¹⁶ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

²¹⁷ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

National Preventive Mechanism has not been established in Slovakia so far²¹⁸.

9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

Each detainee is provided with a meal three times a day, corresponding to recommended dietary intake. It shall take into account the nature and difficulty of performed labour, the age and health of the person in detention. The diet also considers the cultural and religious traditions of the accused. There must be no more than seven hours between meals in one day.²¹⁹ The hygiene along with the quality of food and sanitary conditions of its preparation and serving are checked by a doctor or other healthcare professional. The food is prepared usually in the prison kitchen according to the approved menus, food recipes, budget for food preparation and the number of diners. Dietary allowance means a specified amount of food provided to the detainee on the basis of dietary intake recommended by the Ministry of Health of the Slovak Republic according to age, health status, employment and peculiarities arising from the requirements of cultural and religious traditions. The detainee who is not allowed to make coffee or tea in his cell or kitchen is provided with hot water for making drinks at least twice a day.²²⁰

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

The detainee is provided with food three times a day. There must be no more than seven hours between meals in one day.²²¹

Meals are served according to the time schedule of the day. If, for operational reasons or for reasons of performing labour, it is not possible to observe the time interval between the provision of main meals, the detention institution will ensure the provision of pre-lunch and afternoon snacks.²²²

²¹⁸ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2021), [Report on the Activities of Public Defender of Rights for 2020](#) (*Správa o činnosti Verejného ochrancu práv za obdobie roka 2020*), p. 87.

²¹⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 13.

²²⁰ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 14.

²²¹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 13.

²²² Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 14.

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

The detainee whose medical condition requires it is provided with:

(a) clinical diet in an institution such as:

1. bland,
2. liquid,
3. soft food/mushy,
4. diabetic,
5. diabetic with a second dinner,
6. with increased nutritional value,
7. gluten-free,
8. special (diabetes – bland, diabetes – no added salt),
9. low protein,
10. low histamine,

(b) diets solely in hospital for detainees such as:

1. basic,
2. special diagnostic,
3. standardized dietary procedures.

The decision to grant clinical nutrition or diet, its type and the duration of its provision is decided by a relevant doctor.

The detainee who has a clinical nutrition determined by a doctor and works for more than four hours during the day, with an increased physical workload or in a harmful environment, may also be provided with an additional food supplement.²²³

The detainee may also request, by filling a special form, the director of the facility to provide food that would consider their cultural and religious traditions – vegetarian diet or pork-free diet. An accused with a granted special meal diet (pork-free or a vegetarian diet), may be provided with a "Ramadan" dietary allowance.

Provision or termination of the provision of vegetarian or pork-free diet is always carried out until the first day of the calendar month following the month in which the accused requested provision or termination. An application for a "Ramadan" meal diet must be made at least one month before the start of the "Ramadan" fasting period (this period does not apply to accused persons taken to custody less than a month before the start

²²³ Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 9.

of Ramadan). The "Ramadan" diet is provided exclusively during this Muslim religious holiday.²²⁴

The composition and nutritional value of special diets, standardized dietary procedures and non-standard dietary requirements according to cultural and religious traditions is usually determined by a nutritionist.²²⁵

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply to all detention regimes.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

There is no specific mechanism available that would enable detainees to raise complaints in case of breach or violation of the standards mentioned in this chapter. Only a general mechanism of raising complaints is available. This mechanism involves three possibilities:

1. The detainee has the right to raise complaints and initiatives regarding the protection of his/her human rights to relevant state bodies and international organisations to which the Slovak Republic is legally committed. The detention institution is obliged to provide forwarding of such correspondence without delay and without inquiry into the identity of the sender.²²⁶ The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:²²⁷

- UN institutions, such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
- European institutions such as ECHR, CPT, ODIHR, etc.
- International institutions such as Amnesty International, FIDH, IGFM, etc.

However, he/she can also turn to relevant domestic public authorities (for instance the Public Defender of Rights).

2. The detainee can address his/her complaints and comments to supervising prosecutor throughout a locked box for complaints which must be placed at a commonly accessible place. The supervising prosecutor takes the correspondence within his visit to the detention institution.²²⁸

3. The detainee is per request allowed to meet with the director of the detention institution as well with persons/representatives of institutions responsible for

²²⁴ Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*), Rozkaz generálneho riaditeľa č. 35/2020, ktorým sa vydáva ústavný poriadok pre obvinených a ústavný poriadok pre odsúdených v znení neskorších predpisov, § 10.

²²⁵ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 14.

²²⁶ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3).

²²⁷ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 38 (3).

²²⁸ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 38 (1).

supervision of lawfulness in the institution when they are present there.²²⁹ If the detainee requests meeting with the detention institution's director, the meeting ought to take place within a week or immediately in urgent matters. Urgency is assessed by the director. If the director is unavailable, the meeting is held by a designated member of the Prison and Court Guard Service.²³⁰ Director of the detention institution immediately examines every piece of information concerning violation of detainee's rights and adopts measures to prevent further violation.²³¹

4. Besides the above-mentioned possibilities to seek remedies, the detainee has also the rights to submit a complaint based on the Act no. 9/2010 Coll on complaints (which regulates the procedure of submitting complaints to public authorities) and the Act no. 4/2001 Coll on the Prison and court guard service (which regulates the procedure of submitting complaints specifically to detention institutions, General Directorate of the Prison and court guard service and Ministry of Justice of the Slovak Republic). Based on this legislation, the detainee has the right to submit a complaint regarding a possible breach of his/her rights by the action or inaction of the organizational unit of the Prison and court guard service²³². The complaint must contain the name, surname and date of birth of the complainant and must be submitted in written format. The complaint must be formulated in a comprehensible way, must clearly name toward whom it is directed and what shortcomings need to be addressed, it also must be signed by the complainant²³³. According to the law, the following public authorities are entitled to handle the complaints: 1. The detention institution (to whose competence falls the action that is challenged), 2. General Directorate of the Prison and court guard service (considers complaints against the employees of detention institutions including the director as well as the employees of the Directorate of the Prison and court guard service), 3. The Ministry of Justice of the Slovak Republic (considers the complaints against the General Director of the Prison and court guard service)²³⁴. The complaint must be resolved within 30 working days and a written record from the investigation of the complaint must be elaborated which also includes the information on the outcome adopted (whether the complaint is reasonable or not, or whether it cannot be evaluated)²³⁵. The written record must be delivered to the complainant who has the right to appeal against the result within 15 working days by submitting a request for investigation of his/her complaint handling. The public authority entitled to deal with the request for investigation of the complaint handling is the General Directorate and the General Director of the Prison and court guard service and the Ministry of Justice (depends on whose action has been challenged). The appealed authority shall deal with the request within 30 working days. The result of the assessment of the request for investigation of the

²²⁹ Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (2).

²³⁰ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(1).

²³¹ Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 39(2).

²³² Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65da.

²³³ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dc.

²³⁴ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65db.

²³⁵ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dj.

complaint handling cannot be appealed²³⁶. The General Directorate of the Prison and court guard service and the Ministry of Justice are entitled to inspect of the handling of the complaints²³⁷.

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There is no NPM established in the Slovak Republic and hence there are no reports available that could be referenced.

²³⁶ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dk.

²³⁷ Slovakia, [The Act no. 4/2001 Coll on the Prison and Court Guard Service as amended](#), 10 January 2001, (*Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení neskorších predpisov*), § 65dl.

Part II: National jurisprudence

No relevant case law could be identified.