

# Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

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## Part I: National standards

### 1. Cells

#### a. Cell space

The general conditions, rights and obligations regarding detainees (including spatial standards) are established in **the Act on execution of detention**<sup>1</sup>. The accommodation area for a person in detention in a locked cell shall be at least 4m<sup>2</sup> and in a non-locked cell 3,5m<sup>2</sup>; if the number of persons in the detention institution increases excessively, the accommodation area may be reduced for the time strictly necessary<sup>2</sup>.

#### b. Access to natural light and fresh air, cell equipment, furniture, and facilities

According to Article 12 of the Act on execution of detention, there is a bed in the cell for each person with a mattress, a pillow, a blanket, bed linen and a chair. The cell shall have a table, a washbasin with drinking water, a radio, electric lighting and a signalling device.

Each cell must comply with the conditions for day and electric lighting, requirements for heat-humidity microclimate, heating and ventilation according to the Article 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)<sup>3</sup>.

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 cabinet<sup>4</sup>.

#### c. Video-surveillance of cells

For the purpose of protecting the life and health of persons in detention, members of the police force and other persons, a video surveillance system may be installed in the compensation room, security cells and cells in which:

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<sup>1</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, actual version valid from January 2023.

<sup>2</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), Article 12, 15 March 2006, actual version valid from January 2023.

<sup>3</sup> Slovakia, [Act no. 355/2007 on Protection, support and development of public health](#), (Zákon č. 355/2007 o ochrane, podpore a rozvoji verejného zdravia), Article 20, 31 July 2007, version valid from 1 April 2024.

<sup>4</sup> Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), Article 14a, 26 June 2006, version valid from 1 January 2024.

(a) a disciplinary punishment of placement in a disciplinary punishment cell or a disciplinary punishment of placement in solitary confinement under is carried out,

(b) a person who is an endangered witness or protected witness is placed,

(c) a person is placed individually.

The provision of a cell with a CCTV system shall be notified to the person concerned<sup>5</sup>.

#### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

According to the 2022 Annual Report of the Public Defender of Rights (ombudsman), persons in detention often complain of undignified conditions in detention, such as inadequate cell space, the cold, lack of daylight and poor hygiene standards. When examining the conditions of detention in one of the facilities, the Public Defender of Rights found that the most common insufficiencies were the very small size of the cell (just over 3m<sup>2</sup>), the toilet near the table with no ventilation, the location of the water source above the toilet, and the lack of daylight and fresh air. The detention facility in question corrected some of the shortcomings immediately, others it undertook to change after the allocation of funds as part of repairs or capital actions.<sup>6</sup>

According to information provided by the Public Defender of Rights, access to natural light is limited in some institutions, where a plastic barrier is mounted on the windows, preventing contact with the outside, but also preventing natural airflow and limiting natural light in the cell. The Ombudsman have repeatedly called for the removal of these plastic barriers. Recently, the Public Defender has been contacted by complainants who object to the lack of light during the morning wake-up call to carry out morning hygiene (e.g. shaving), making the bed or getting dressed. A small desk light, which the detainee would regulate himself, is not a standard part of the equipment in the cells/rooms<sup>7</sup>.

The cell area is not monitored by CCTV as standard. Such monitoring is not even desirable according to the case law of the ECtHR. From the Public Defender's own activities, they are aware that some facilities are piloting a specific system of camera monitoring of selected cells, but without recording. This system is to replace the need to open the target during night searches and thus ensure better fulfilment of the right to undisturbed sleep for the persons in detention<sup>8</sup>.

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<sup>5</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 62.

<sup>6</sup> Slovakia, The Public Defender of Rights (Verejný ochranca práv) (2023) `[Správa o činnosti verejného ochrancu práv za rok 2022](#)` , p. 18.

<sup>7</sup> Information provided by the Office of Public Defender of Rights upon request via email on 22 April 2024.

<sup>8</sup> Information provided by the Office of Public Defender of Rights upon request via email on 22 April 2024.

## 2. Allocation of detainees

### a. Geographical allocation

The accused may be taken into detention only on a written order issued by the court on the basis of the decision to take him/her into custody and after his/her identity has been verified. No specific provisions for geographic allocation are in place.<sup>9</sup>

### b. Allocation within detention facilities

The following groups are allocated to the cells separately:

(a) women from men,

(b) minors from adult detainees,

(c) accused persons who are in collusion detention (collusion detention is a type of detention in which the reason for taking the accused into detention is the fear that he or she will exert his or her influence on co-accused persons or witnesses, or possibly obstruct the evidence and the investigation itself),

(d) accused persons who are prosecuted for particularly serious crimes against life and health from other accused persons; the above shall not apply to minors who are prosecuted for particularly serious crimes,

(e) accused persons whose offences are related to each other or whose offences are the subject of joint proceedings, if they are in collective detention,

(f) accused persons suspected of being infected,

(g) accused from those who have been finally convicted<sup>10</sup>.

Detainees who behave aggressively, violate the constitutional order, endanger the security of the institution or who may be sentenced to life imprisonment are generally placed in so called security cells<sup>11</sup>.

Detainees who endanger their health or life by their uncontrolled aggressive behaviour shall be placed in the compensation cell; such placement shall be decided by the director of the detention institution, or the officer designated by the director of the detention institution. At the latest after the completion of the placement referred to in the preceding sentence and whenever such placement lasts more than eight hours, the detainee shall be subjected to a medical examination<sup>12</sup>.

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<sup>9</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 6.

<sup>10</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 7.

<sup>11</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 7.

<sup>12</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 7.

### c. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

According to information provided by the Public Defender of Rights, the court shall decide on the placement of the accused in a detention facility in its order. Similarly, the prosecutor, the court decides on the change of the detention facility in which the accused is detained. Therefore, the Public Defender of Rights is not approached by the detainees (given the competence of the Public Defender of Rights) with objections to the transfer. This type of complaint is mainly addressed to the Public Defender of Rights by convicted persons<sup>13</sup>.

## 3. Hygiene and sanitary conditions

### a. Access to toilets

According to the Article 12 of the Act on execution of detention, the cell must be equipped with separate sanitary facilities<sup>14</sup>.

### b. Access to showers and warm and running water

The detainee has the right to shower at least twice in a calendar week. If the work to which the detainee is assigned or other circumstances require so, he shall be allowed to shower as necessary<sup>15</sup>.

If, for operational or other reasons, it is temporarily impossible to provide the detainee with a shower, the institution shall ensure that the detainee is able to wash in warm water at least twice in a calendar week. Supervision of the showering shall be exercised by a member of the same gender. Unless the law enforcement authority has requested that the appearance of the detainee remain unchanged for the sake of the criminal proceedings, the detainee's hair, beard and chin may be trimmed at his request. The detainee shall be given a haircut free of charge as required; the detainee shall keep his hair and beard clean<sup>16</sup>.

### c. Access to sanitary products

The person in detention has the right to the basic necessities of personal hygiene.

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<sup>13</sup> Information provided by the Office of Public Defender of Rights upon request via email on 22 April 2024.

<sup>14</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 12.

<sup>15</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 16.

<sup>16</sup> Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), 26 June 2006, Article 21.



If the detainee has no monetary means and has not made purchases in the previous calendar month from a shop established in the institution, the institution will provide the detainee with other personal hygiene products. The detainee is obliged to pay for the funds provided by the institution for additional personal hygiene needs out of the funds registered in his account. If the detainee has no funds at the time of his/her release from detention or after the last remuneration has been accounted for, the funds spent by the institution for additional personal hygiene needs, or part thereof, shall become non-refundable<sup>17</sup>.

According to legislation:

a) basic personal hygiene items shall mean soap, toilet paper and a towel; in the case of female detainees persons, sanitary towels,

b) other personal hygiene items shall mean a hair comb, toothbrush, toothpaste, hair shampoo and shaving equipment<sup>18</sup>.

If the detainee has no personal hygiene needs on admission to detention, they shall be issued immediately upon admission. The facility will issue the detainee with basic personal hygiene items and other personal hygiene items in accordance with section 16(6) of the Act, as required and according to specified standards, on the basis of a verifiable request by the detainee. The cost to the facility for the provision of additional personal hygiene items shall be debited to the detainee's account<sup>19</sup>.

#### d. Hygienic conditions in cells

**Cleaning/cleanliness of the cells** - there are no national standards regarding the cleaning and cleanliness of sanitary facilities.

**Clothing**<sup>20</sup> - the detainee is provided with clothing, underwear and footwear appropriate to the climatic and microclimatic conditions and ensuring protection of his/her health against the adverse effects of those conditions. The facility also provides the detainee with other items of equipment in accordance with specified patterns and standards.

The detainee has the right to use his or her own clothing, underwear and footwear, which are clean and the replacement of which the detainee shall arrange at his/her own expense; otherwise, he or she shall use institutional clothing, institutional underwear and institutional footwear. The change of his/her own clothing, underwear and footwear may be carried out by individual delivery to the institution at a time and date determined by the director of the facility.

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<sup>17</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 16.

<sup>18</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 16.

<sup>19</sup> Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), 26 June 2006, Article 21 (5).

<sup>20</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 14.

The detainee may use his or her own underwear, socks in a specified quantity and footwear even if he or she uses institutional clothing, institutional underwear and institutional footwear.

If the detainee has been admitted to detention in clothing and footwear which do not correspond to the climatic conditions, he/she shall, on request, be allowed to receive a parcel of suitable clothing and footwear by delivery to the facility or to receive a parcel of suitable clothing and footwear through the postal service; in other justified cases, the director of the institution or a member of the staff designated by him may authorise the receipt of suitable clothing and footwear.

**Bedding** - According to Article 12 of the Act on execution of detention there is a bed in the cell for each detainee with a mattress, a pillow, a blanket, bed linen and a chair<sup>21</sup>.

#### e. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

According to information provided by the Public Defender of Rights, access to toilets varies from one detention centre to another, also depending on the detention regime (standard or moderate). In general, however, the toilet is accessible either in the cell or in the corridor, together with a washbasin. The detainee buys his/her own hygiene products from the prison shop, or they are provided free of charge by the detention institution.

Showers are generally provided twice a week. The Public Defender of Rights has repeatedly recommended the Prison and Court Guard Service to increase the frequency of showering for both detainees and convicted persons. For operational and capacity reasons, the Prison and Court Guard Service has not complied with these recommendations. The possibility of showering twice a week complies with minimum international standards<sup>22</sup>.

## 4. Nutrition

### a. Quality and quantity of food

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 detainee. There must be no more than seven hours between meals in one day.<sup>23</sup>

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

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<sup>21</sup>Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), 15 March 2006, Article 12.

<sup>22</sup> Information provided by the Office of Public Defender of Rights upon request via email on 22 April 2024.

<sup>23</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 13.

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.<sup>24</sup>

The detainee shall have the right to purchase food from a store set up in the institution at least once a calendar week on a specified working day in reasonable quantities and taking into account the possibility of storing it safely in a cupboard and in accordance with the conditions for ensuring the health safety of the foodstuffs.<sup>25</sup>

#### b. Drinking water

The cell must have, among other requirements, a sink with drinking water.<sup>26</sup> The detainee who is not allowed to make coffee or tea in his/her cell or kitchen is provided with hot water for making drinks at least twice a day.<sup>27</sup>

#### c. Dietary requirements

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),

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<sup>24</sup> 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*), Article 14.

<sup>25</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 25 (1).

<sup>26</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 25 (1).

<sup>27</sup> 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*), Article 14.

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.<sup>28</sup>

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 detainee 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 detention less than a month before the start of Ramadan). The “Ramadan” diet is provided exclusively during this Muslim religious holiday.<sup>29</sup>

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.<sup>30</sup>

When a detainee is on hunger strike, food shall be provided as directed by a doctor.<sup>31</sup>

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<sup>28</sup> 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, Article 8 (2).

<sup>29</sup> 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, Article 9.

<sup>30</sup> 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*), Article 14.

<sup>31</sup> 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*), Article 27 (5).

#### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Public Defender of Rights is primarily contacted by the detainees with objections concerning the quantity or quality of the food. Objections concerning the type of diet (religious/health reasons) are sporadic.

The Public Defender of Rights and the staff regularly inspect the area of nutrition on a targeted basis, both on complaints and as part of the long-term monitoring. The Public Defender of Rights did not observe any major deficiencies, neither in terms of quantity nor quality of the meals. However, the detention institutions have long drawn attention to the low financial limit for meals set by the Ministry of Justice of the Slovak Republic per one detainee. In view of the long-term high inflation, the financial limit currently set may give rise to violations of the fundamental rights and freedoms of the detainees.<sup>32</sup>

### 5. Time spent outside the cell and outdoors

#### a. Time spent outdoors

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.<sup>33</sup> 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.<sup>34</sup>

#### b. Time spent indoors

The time spent outside the cell in the indoor areas is regulated only in relation to the relaxed detention regime. The detainee in the relaxed detention regime shall be free to move around and associate with the detainees detained in that section at the designated times.<sup>35</sup>

#### c. Recreational facilities

Premises with the necessary equipment for sports and other recreational activities are available to the detainees. The rooms for leisure activities are equipped according to the type of activity; the rooms and outdoor areas for sports activities are equipped in particular with weight-training equipment,

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<sup>32</sup> Information provided by the Public Defender of Rights via email on 22 April 2024.

<sup>33</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 16a, effective of 1 January 2023.

<sup>34</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023), Article 20, effective of 1 January 2024.

<sup>35</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 37(2), effective of 1 January 2023.

equipment for actual physical exertion and equipment for ball games.<sup>36</sup> Sports clothing and equipment is to be used by the detainees exclusively for sporting activity, their wearing outside the time reserved for sporting activity is not be permitted; this does not apply in open ward during the detainee's non-working hours.<sup>37</sup>

Recreational activities are carried out in groups and/or individually.<sup>38</sup> Detainees can benefit from the following types of recreational activities: sports (e.g. volleyball, football, chess, etc.), technical (e.g. maintenance, modelling, computer), artistic (art, music, etc.) and other (gardening, reading, foreign language conversation, etc.).<sup>39</sup>

#### d. Educational activities

Education is carried out in all detention facilities.<sup>40</sup> Formal education is governed by the same legislation as regular education outside detention institution (i.e., by the Schooling Act<sup>41</sup>). 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.

Classrooms, detached classes (it is a class that is remote from the school and is located directly in the detention facility) and practical classes shall be set up for the purpose of education.<sup>42</sup> The detention centre concludes agreements with local schools for the provision of education for the detainees. For the purpose of education of adults, the detention facility also concludes an agreement with the local Labour, Social Affairs and Family Office.<sup>43</sup> If necessary, the detention facility shall arrange for the detainee to

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<sup>36</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023*), Article 34, effective of 1 January 2024.

<sup>37</sup> Slovakia, 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*), Article 17.

<sup>38</sup> Slovakia, 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*), Article 10(2).

<sup>39</sup> Slovakia, 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*), Article 10(7).

<sup>40</sup> Slovakia, 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*), Article 2(1).

<sup>41</sup> Slovakia, [Act No. 245/2008 Coll. the Schooling Act as amended by the Act No. 506/2023 Coll.](#) (*Zákon č. 245/2008 Z.z. o výchove a vzdelávaní /školský zákon/ v znení zákona 506/2023 Z.z.*), effective of 23 December 2023.

<sup>42</sup> Slovakia, 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*), Article 2(3).

<sup>43</sup> Slovakia, 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*), Article 3(1).

attend exams outside the detention facility. The detainee may sit the exam accompanied or unaccompanied by a member of the Prison and Court Guard Service, as the officer in charge decides.<sup>44</sup>

Detainees have the right to education in the form of individual study and access to literature. Detainees may also take part in short-term group education and awareness-raising activities. Detainees may receive, through the postal service, a parcel containing study materials, literature and items for leisure and sporting activities.<sup>45</sup>

Detainees have the right to subscribe to the daily press and magazines at their own expense and to order books, except those which promote national, racial, ethnic or religious intolerance, fascism or other movements aimed at suppressing the rights and freedoms of citizens, violence, cruelty, threaten the morality and order of the constitution or describe the production and use of addictive substances, poisons, explosives, weapons and ammunition. Detainees have the right to borrow books of his own choice from the detention library.<sup>46</sup> For the purposes of individual education, detainees may be permitted to use audio players to play educational texts, relaxation texts and music.<sup>47</sup>

As part of cultural and educational activities, detainees may be allowed to watch television, usually until the time of the curfew, exceptionally until 24:00.<sup>48</sup> The detainees may also choose from the educational activities offered by the detention facility, a list of which is prepared once a month by the staff member in charge.<sup>49</sup>

#### e. NPM assessment

There are no relevant reports by the National Preventive Mechanism.

According to the Ombudsperson, detainees spend 2-4 hours a day outside their cells. The amount of time spent outside the cell or room also depends on the detainees' classification as a relaxed or standard

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<sup>44</sup> Slovakia, 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*), Article 3(5).

<sup>45</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (*Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.*), Article 26, effective of 1 January 2023.

<sup>46</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (*Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.*), Article 27, effective of 1 January 2023.

<sup>47</sup> Slovakia, 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*), Article 9(4).

<sup>48</sup> Slovakia, 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*), Article 5(5).

<sup>49</sup> Slovakia, 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*), Article 8.



regime detainee. The amendment to the Act on execution of detention<sup>50</sup> has created a legal environment that makes it easier to place detainees in the relaxed regime.<sup>51</sup>

## 6. Solitary confinement

### a. Placement in 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.<sup>52</sup> 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 14 days. The rest of the next punishment is served after min. 10 days.<sup>53</sup> 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.<sup>54</sup>

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.<sup>55</sup>

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 rest of the punishment is served after min. 7 days since the execution of the previous disciplinary punishment.<sup>56</sup>

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. 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 (for a maximum of 24 hours). The construction and equipment of the compensation room is such as to prevent a prisoner from self-harm.<sup>57</sup>

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<sup>50</sup> Slovakia, 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*).

<sup>51</sup> Information provided by the Office of the Public Defender of Rights via email on 22 April 2024.

<sup>52</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 40 (e)-(f).

<sup>53</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 40c (6).

<sup>54</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 40c (5).

<sup>55</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48.

<sup>56</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 46 (4) – (5).

<sup>57</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 12 (6) – (7).



Placement in special isolation cell shall be decided by the director of the detention facility or the officer designated by the director. At the latest at the end of the placement and whenever the placement lasts more than eight hours, the detainee shall be subjected to a medical examination.<sup>58</sup>

#### b. Monitoring of detainees

In order to protect the life and health of the detainee, members of the corps and other persons, the special isolation cell, security cells and cells in which a disciplinary punishment of a full day's placement is carried out may be equipped with a camera system. The equipment of the cell with a camera system shall be communicated to the detainee.<sup>59</sup>

The special isolation cell is usually equipped with internal communication equipment and a waterproof security camera. It may be equipped with a fire sensor. The equipment shall be installed in special isolation cell in such a way as to prevent it from being rendered inoperable by the person placed in the special isolation cell. If the special isolation cell is equipped with equipment, it shall be in operation for the entire period of the detainee's placement in the special isolation cell so that he or she can be visually and audibly monitored.<sup>60</sup>

#### c. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

In this area, the Ombudsman has not provided any assessment.<sup>61</sup>

### 7. Work and education of detainees to promote social reintegration

#### a. General measures to promote social reintegration

If detainee requests assistance in dealing with his/her adverse living situation, the detention facility shall provide detainee with social counselling and assistance.<sup>62</sup>

Social work is carried out in detention as a targeted, coordinated and professional activity aimed, among other things, at preparing the detainee for a normal life after release from detention. The aim is to promote and develop in the detainees a sense of responsibility, reality and leading a life without

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<sup>58</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 7 (5).

<sup>59</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 62 (1).

<sup>60</sup> Slovakia, Order of the Minister of Justice No. 16/2015 on the treatment of convicted and accused persons - Annex Minimum requirements for the establishment of a compensation room (*Rozkaz ministra spravodlivosti č. 16/2015 o zaobchádzaní s odsúdenými a obvinenými - príloha Minimálne požiadavky na zriadenie kompenzačnej miestnosti*).

<sup>61</sup> Information provided by the Public Defender of Rights via email on 22 April 2024.

<sup>62</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 28.

committing crime. The social worker provides self-help assistance to the detainees, guides them to independence and motivates them to lead an orderly life without committing criminal offences.<sup>63</sup> Social counselling is provided to the detainee on the basis of a request for the provision of a social service.<sup>64</sup>

#### b. Access to work

Work activities in the detention facility are allowed with the consent of the detainee. The detainee may be allowed to engage in work activities in the detention facility which aim to meaningfully preserve, develop and use the detainee's abilities and to cope with the negative effects of detention.<sup>65</sup> When assigning the detainee to work, his/her state of health and the possibilities of using his/her work qualifications shall be taken into account.<sup>66</sup> Placing a detainee in work is a special relationship between the detention facility and the detainee, which does not create an employment relationship or any other similar employment relationship. Detainee's work placement may be terminated by the detention facility at any time, even without giving any reason. The detention facility shall fulfil the obligations of an employer towards the detainee. The detainee shall be entitled to remuneration according to the type of work performed, the time worked or the standard of labour consumption. The detainee shall not be entitled to compensation for the time when he/she has not worked. The basic amount of the worker's remuneration shall be 40 % of the amount of the minimum wage.<sup>67</sup>

#### c. Access to education

The Act on the execution of detention in the section on education, leisure activities, sports activities and other activities states that the prison shall offer the detainee the opportunity to participate in educational, awareness-raising, leisure and sports activities while in detention. The detainee has the right to education in the form of individual study and access to specialist literature; he/she may also participate in short-term group educational and awareness-raising activities.<sup>68</sup>

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).<sup>69</sup> If at the moment of

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<sup>63</sup> Slovakia, [The Directive of the General director of Prison and Court Guard Service No. 38/2019 on social work](#), 28 January 2009 (*Rozkaz č. 38 o sociálnej práci vo výkone väzby a výkone trestu odňatia slobody zo dňa 25. septembra 2019*), Article 2.

<sup>64</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 3 (5).

<sup>65</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 26 (6).

<sup>66</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 32.

<sup>67</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 32 (2).

<sup>68</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 26 (1-4).

<sup>69</sup> 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*), Article 2(1)(2).

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.<sup>70</sup>

#### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

In his response, the Public Defender of Rights stated that only a minimal number of detainees are employed in practice - an average of 23 detainees in 2023. The average length of detention of the detainee, as well as the unpredictability of the termination of detention, must also be taken into account in resocialization and educational activities. Both of these factors enter significantly into the planning of resocialization and educational activities.<sup>71</sup>

### 8. Healthcare (note – section 11 contains specific questions concerning female detainees)

#### a. Access to healthcare

**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.<sup>72</sup> If the detainee's health requires medical care that cannot be provided within the detention institution or hospital, detention shall be carried out in another medical facility for the time strictly necessary; guarding of the detainee shall be carried out by the Prison and Court Guard Service.<sup>73</sup>

**General medical care** is provided by general medical practitioner or general medical practitioner for children and juveniles.

General outpatient care is provided to detainees at their request. Specialised outpatient care is provided on the recommendation of a doctor or on the order of the director of the detention institution. General

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<sup>70</sup> 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*), Article 33(4).

<sup>71</sup> Information provided by the Public Defender of Rights via email on 22 April 2024.

<sup>72</sup> Slovakia, [Regulation No. 447/2006 Coll. of the Ministry of Justice of the Slovak Republic on the organisation of the provision of health care in the Prison and Court Guard Service](#) (*Vyhláška č. 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže*), effective of 1 September 2006.

<sup>73</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (*Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.*), Article 3(3), effective of 1 January 2023.

and specialised outpatient medical care is provided in accordance with approved hours.<sup>74</sup> 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.<sup>75</sup>

### **Emergency care**

In the event of acute illness or threat to the life of the detainee who is in need of urgent medical care and it cannot be provided by a doctor from the detention institution, the institution calls emergency medical service.<sup>76</sup>

### **Institutional health care**

Institutional care in detention is provided in accordance with the Health Care Act<sup>77</sup> in hospitals and other health care facilities if:

- (a) the detainee's health requires continuous provision of medical care for more than 24 hours,
- b) in diagnostically complex cases which cannot be provided on an outpatient basis,
- (c) in cases where an infectious disease is suspected, or
- (d) where a court so decides.<sup>78</sup>

The (detention) hospital provides institutional care at internal department (including treatment of infection diseases) in surgery, psychiatric, pneumology and phthysiology, neurology departments and other specialized departments providing institutional care mainly in neurology, otorhinolaryngology,

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<sup>74</sup> 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. 8/2023 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. 8/2023*), Article 6.

<sup>75</sup> 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. 8/2023 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. 8/2023*), Article 6(5).

<sup>76</sup> 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. 8/2023 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. 8/2023*), Article 7(1).

<sup>77</sup> Slovakia, [Act No. 576/2004 Coll. on on health care and services related to the provision of health care as amended by the Act No. 40/2024 Coll](#) (Zákon č. 576/2004 Z.z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti v znení zákona č. 40/2024), effective of 15 March 2024.

<sup>78</sup> 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. 8/2023 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. 8/2023*), Article 9.

dermato-venerology, urology, gynaecology, orthopaedics, psychiatry and rehabilitation, ophthalmology and stomatology.<sup>79</sup>

#### b. Availability of medical staff

Health care for the detainees is provided by health care professionals in the following categories:

- (a) physician,
- (b) a dentist,
- (c) nurse,
- (d) assistant,
- (e) dental technician; and
- (f) another health professional.<sup>80</sup>

#### Medical examination upon admission

The medical examination upon admission is carried out at the latest on the first working day after of admission to the detention institution. The purpose of the initial medical examination is to ascertain the state of health of detainee, to ensure an assessment of the medical fitness for detention, to determine medical fitness of the detainee for work and to establish a plan for further medical treatment and prevention measures, if necessary.<sup>81</sup>

The initial medical examination consists of a medical history, an epidemiological examination, physical and dental examination, and any other necessary additional examinations.<sup>82</sup> The medical history consists of family, personal, allergic, drug, epidemiological, occupational history, gynaecological history

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<sup>79</sup> 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. 8/2023 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. 8/2023*), Article 10.

<sup>80</sup> 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. 8/2023 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. 8/2023*), Article 3(2).

<sup>81</sup> 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. 8/2023 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. 8/2023*), Article 15(1).

<sup>82</sup> 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. 8/2023 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. 8/2023*), Article 16.

in women, current health problems, identification of use of substances and details of the doctor with whom the detainee had a signed agreement for the provision of general outpatient health care.<sup>83</sup>

The initial medical examination shall include an instruction to the detainee about the risks, possibilities of acquiring and ways to prevent sexual and other infectious diseases during detention. The detainee signs an informed consent which then remains part of the medical documentation.<sup>84</sup>

Physical-somatic examination, in addition to a detailed examination of all organ systems, also focuses on detecting signs of physical violence and external physical signs for the purpose of identification of persons.<sup>85</sup> An examination of the teeth and oral cavity is carried out by a dentist.<sup>86</sup>

If, during the initial medical examination, the doctor finds traces of physical violence or injury on the body of the detainee or discovers that the detainee is pregnant, the detention institution notifies the court which decided on the detention and the public prosecutor who supervises the observance of legality in the institution.<sup>87</sup>

Apart from the initial medical examination, control examinations are also carried out:

(a) before the planned transfer of the detainee to another institution,

(b) upon admission of the transferred detainee, not later than the first working day after admission. The purpose of the health check is to verify detainee's health and to rule out damage to health caused by escort.<sup>88</sup>

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<sup>83</sup> 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. 8/2023 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. 8/2023*), Article 17.

<sup>84</sup> 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. 8/2023 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. 8/2023*), Article 17 (4).

<sup>85</sup> 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. 8/2023 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. 8/2023*), Article 18.

<sup>86</sup> 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. 8/2023 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. 8/2023*), Article 19.

<sup>87</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (*Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.*), Article 6(2), effective of 1 January 2023.

<sup>88</sup> 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. 8/2023 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. 8/2023*), Article 25.



### c. Preventive care

Preventive medical examinations are carried out during detention as:

- (a) preventive examinations under public health insurance,
- (b) periodic medical examinations - preventive examinations in relation to work<sup>89</sup>

Periodic medical examinations are provided to detainees assigned to work. The frequency of periodic medical examinations is determined by the classification of the workplace.<sup>90</sup> If the detainee is assigned to work in a hazardous workplace with an increased risk of occupational disease, industrial poisoning or other damage to health, the medical examination shall be carried out in accordance with a special regulation.<sup>91</sup>

Preventive dental care is provided to the detainees in accordance with the Act No. 577/2004 Coll. on the Extent of Health Care Covered by the Public Health Insurance.<sup>92</sup>

Director of the detention institution in organising preventive medical examinations ensures in particular:

- (a) the timely presentation of detainees for medical examinations as required by the physician,
- (b) implementing the conclusions of preventive medical examinations or the doctor's recommendations

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<sup>89</sup> 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. 8/2023 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. 8/2023*), Article 30.

<sup>90</sup> Slovakia, [Act No. 355/2007 Coll. on protection and support of public health as amended](#) (Zákon č. 355/2007 Z.z. o ochrane a podpore verejného zdravia v znení aktuálnych predpisov), Article 30(5), effective of 1 April 2024; 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. 8/2023 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. 8/2023*), Article 33.

<sup>91</sup> 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. 8/2023 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. 8/2023*), Article 35; Slovakia, [Act No. 577/2004 Coll. on the scope of health care reimbursed under public health insurance and on reimbursement for services related to the provision of health care as amended by the Act No. 285/2023 Coll.](#) (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 v znení zákona č. 285/2023 Z.z.), Article 2, Annex 2, effective of 1 January 2024.

<sup>92</sup> 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. 8/2023 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. 8/2023*), Article 47(1).

resulting from such examinations.<sup>93</sup>

#### d. Specialised care

Health care to detainees is provided in the health care facility of the detention institution, where a health care facility is also understood to be an outpatient clinic for specialised health care.<sup>94</sup> Specialised outpatient care is provided to detainees on the basis of a doctor's recommendation or an order of the director of the detention institution.<sup>95</sup> The **specialized care** is provided mainly in stomatology, psychiatrics, intern medicine, neurology, gynaecology and surgery.<sup>96</sup>

Specialised outpatient care is provided in the medical facilities of the Prison and Court Guard Service, in the hospital and in other medical facilities.<sup>97</sup>

#### e. Treatment of the detainee's choosing

There are no national standards with regards to a medical treatment of the detainee's own choosing.

#### f. NPM assessment

There are no relevant NPM reports.

According to the Ombudsperson, access to health care is one of the most frequent complaints that detainees bring to the Office of the Public Defender of Rights. In particular, long waiting times for examinations by specialists are a problem. At the same time, due to the legislative absence of an obligation for civilian healthcare providers to conclude agreements with detention facilities, detention facilities sometimes have difficulty finding a doctor to examine the detainee in their outpatient clinic.

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<sup>93</sup> 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. 8/2023 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. 8/2023*), Article 40.

<sup>94</sup> Slovakia, [Regulation No. 447/2006 Coll. of the Ministry of Justice of the Slovak Republic on the organisation of the provision of health care in the Prison and Court Guard Service](#) (*Vyhláška č. 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže*), Article 1, effective of 1 September 2006.

<sup>95</sup> 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. 8/2023 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. 8/2023*), Article 6.

<sup>96</sup> 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. 8/2023 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. 8/2023*), Article 5.

<sup>97</sup> 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. 8/2023 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. 8/2023*), Article 5(4).



However, the problems of accessibility, as well as long waiting times, mirror systemic problems in the health sector that have long been present and publicly discussed in the Slovak Republic (e.g. the general shortage of medical staff).<sup>98</sup>

## 9. Prevention of violence and ill-treatment

### a. Protection from violence by prison staff

In detention, the human dignity of the detainee shall be respected and cruel, inhuman or degrading treatment or punishment shall not be used.<sup>99</sup>

Detainees have the right to protection against all kinds of unjustified violence or any form of degradation of human dignity.<sup>100</sup>

Detainees are supervised by members of the Prison and Court Guard Service.<sup>101</sup>

In the performance of duty, a member of the Prison and Court Guard Service is obliged to respect the honour, dignity of detainees and not to allow any unjustified harm to be caused to detainees or any interference with detainee's rights and freedoms to exceed the extent necessary.<sup>102</sup>

Applicants for employment with the Prison and Court Guard Service must undergo a psychological examination to determine intellectual, performance and personality qualifications for the service. The examination also identifies risk factors in personal, family, social, and work history for service in the Prison and Court Guard Service.<sup>103</sup> Risk factors include, among others, low level of rational regulation of behaviour, emotional lability, increased predispositions to aggressive behaviour, risky behaviour in stressful situations (impulsivity, anxiety reactions, etc.), problematic interpersonal behaviour, negativism, irritability, readiness to verbal aggression.<sup>104</sup>

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<sup>98</sup> Information provided by the Office of the Public Defender of Rights via email on 22 April 2024.

<sup>99</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 2(2), effective of 1 January 2023.

<sup>100</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 29(3), effective of 1 January 2023.

<sup>101</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 4, effective of 1 January 2023.

<sup>102</sup> Slovakia, [Act no. 4/2001 Coll on the Prison and Court Guard Service as amended by the Act No. 187/2023 Coll.](#) (Zákon č. 4/2001 Z.z. o Zbore väzenskej a justičnej stráže v znení zákona č. 187/2023 Z.z.), Article 6(1) effective of 1 July 2023.

<sup>103</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálneho riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024), Article 8.

<sup>104</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálneho riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024), Annex 4.

Director of the detention institution or the Chief Executive Officer of the Prison and Court Guard Service may order a psychological review of a member of the Prison and Court Guard Service who has begun to exhibit behavioural changes that call into question his or her reliability and fitness for duty.<sup>105</sup>

#### b. Protection from violence by other detainees

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).<sup>106</sup>

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.<sup>107</sup>

Social-psychological trainings aim to improve detainees' social skills and competencies and their social communication skills.<sup>108</sup>

Re-education methods aim to develop and reinforce detainees' autoregulation mechanisms, foster their positive behaviour and improve their skills to overcome stressful situations.<sup>109</sup>

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<sup>105</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (*Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024*), Article 9.

<sup>106</sup> 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. 18/2023*), Article 4, Article 5, Article 6, Article 7, Article 8.

<sup>107</sup> 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. 18/2023*), Article 6.

<sup>108</sup> 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. 18/2023*), Article 7.

<sup>109</sup> 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. 18/2023*), Article 8.

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 (for details, please, refer to chapter 18).

### c. NPM assessment

There are no relevant NPM reports.

Ombudsperson considers the acquisition of body cameras to monitor the course of duty activities of the members of the Prison and Court Guard Service as an important measure that can significantly help in the prevention of ill-treatment. The Service is currently in the procurement phase of this camera system.

Possible ill-treatment of detainees by Prison and Court Guard Service officers is investigated by the Office of the Inspection Service at the level of criminal proceedings. Despite the fact that the Public Defender of Rights does not have the competence to review the decisions of law enforcement authorities, he points to the need for a systematic reorganisation of the inspection service, both at a systematic level and due to the repeated serious failures of the Office of the Inspection Service.<sup>110</sup>

## 10. Contact with the outside world

### a. Visits

National standards regulating visits of detainees are established in the Act No. 221/2006 on the Execution of detention<sup>111</sup> and in the Act No. 339/2022 amending Act No. 221/2006 on Execution of detention<sup>112</sup>, which is applicable from 1 January 2023. According to this Act the detainees have the right to meet his/her lawyer or any other person representing him/her in proceedings before a court without the presence of a third party. Meetings can be conducted by personal meeting or by video transmission. The time, range and method of the video call should be determined by the Director of the Institute.

The detainees have the right to receive a visit at least once a calendar month for two hours. Time is determined by the Director of the detention facility, or a person designated by him. A two-hour visit can be divided into the hour of personal visit and hour of video visit. No more than five people may be physically present at a time of visit. This number does not apply to the minor children of the detainee. The details about the visitors should be written by the detainee in his/her written request.

### b. Correspondence

According to the Act no. 221/2006 on Execution of detention, the detainees have the right to receive and send letters at their own expense without restrictions. The Director of the detention facility or a

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<sup>110</sup> Information provided by the Office of Public Defender of Rights via email on 22 April 2024.

<sup>111</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 18-19.

<sup>112</sup> Slovakia, [The Act no. 339/2022 amending the Act no. 221/2006 on Execution of detention](#), 4 October 2022, (*Zákon č. 339/2022 zo 4. októbra 2022, ktorým sa mení a dopĺňa zákon č. 221/2006 o výkone väzby*), Article 18-19.

person designated by him have the right to look at the correspondence and acquaint himself with its contents only in a justified case. In the case of communication with the lawyer the acquaintance with contents of a personal correspondence is considered inadmissible. When it is suspected that a correspondence contains unauthorised content or information, the detention facility has the right to detain the correspondence. If the detainee is illiterate or is unable to read or write the letter (e.g. due to visual impairment), he/she may ask to read or write the correspondence.<sup>113</sup>

Communication via phone or video equipment is permitted to the detainees for at least 4 days in a calendar month and for a period of at least 30 minutes, if the condition of the detention facility so allows. The detainee has the right to make a daily phone call with a lawyer for at least 30 minutes. The detention facility is entitled to record the content of the call in order to prevent the violation of the law or prevent the obstruction of the purpose of the detention.<sup>114</sup>

### c. Visits with children

If the detainee has minor children, he or she have the right for another video meeting with them for a period of at least one hour. The visits should take place in the rooms designated for this purpose and under the supervision of a member of the staff. The transmission of any objects is prohibited during the visits except the objects authorised by the Director of the detention facility.<sup>115</sup> When determining the date and time of a visit by a school-bound child of the detainee, the Director of the detention facility should take into account the time, when child is attending the school. A person under the age of 15 may only meet the detainee at a personal meeting in the presence of an adult.<sup>116</sup>

### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Ombudsman assess positively the strengthening and expansion of visits between the detainees and family members and also the right to meet by video-meeting, which replaces physical visits. This can be helpful specially for persons who cannot meet personally due to a long distance. The Public Defender of Rights also favours the extension of the detainee's visits with minor children for 2 hours per month, with an extension of one hour of video visits. The Ombudsman also made proposal some time ago to

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<sup>113</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 20.

<sup>114</sup> Slovakia, [The Act no. 339/2022 amending the Act no. 221/2006 on Execution of detention](#), 4 October 2022, (Zákon č. 339/2022 zo 4. októbra 2022, ktorým sa mení a dopĺňa zákon č. 221/2006 o výkone väzby), Article 21.

<sup>115</sup> Slovakia, [The Act no. 339/2022 amending the Act no. 221/2006 on Execution of detention](#), 4 October 2022, (Zákon č. 339/2022 zo 4. októbra 2022, ktorým sa mení a dopĺňa zákon č. 221/2006 o výkone väzby), Article 19.

<sup>116</sup> Slovakia, [The Regulation no. 510/2022 of the Ministry of Justice of the Slovak Republic amending the Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), 20 December 2022, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 510/2022 z 20. decembra 2022, ktorou sa mení a dopĺňa vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006, ktorou sa vydáva Poriadok výkonu väzby), Article 25-26.

the Directorate of Prison and Court Guard Service to develop guidelines in order to ensure that the minor children's visits will not be so traumatic for them.<sup>117</sup>

## 11. Special measures for female detainees

### a. General conditions of detention for women and girls

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 4m<sup>2</sup>, in case the woman is pregnant the space of cell cannot be temporarily reduced<sup>118</sup>.
- 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 detention<sup>119</sup>.
- Women and men are accommodated separately in the detention facility<sup>120</sup>.

#### Hygiene standards

- Women are allowed to take shower with warm water on daily basis (men only twice a week)<sup>121</sup>.
- The personal clothing that are detainees allowed to keep in detention is specified in detail whereas the needs of women are reflected<sup>122</sup>.
- Beside other hygiene products, women are entitled to get menstrual hygiene products<sup>123</sup>.

#### Pregnant women

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<sup>117</sup> Information provided by the Public Defender of Rights on 22 April 2024.

<sup>118</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48 (2).

<sup>119</sup> 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*), Article 52 (1).

<sup>120</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (2a).

<sup>121</sup> 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*), Article 52 (3).

<sup>122</sup> 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, Article 10 (2).

<sup>123</sup> 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, Article 15 (1).

- A pregnant woman cannot be placed into solitary confinement or cell of disciplinary punishment<sup>124</sup>. She also cannot be punished by a ban of the purchase of food and other personal items<sup>125</sup>.
- The cell space for pregnant women cannot be temporarily reduced<sup>126</sup>.
- The director of the detention facility must inform the respective prosecutor or the court of the pregnancy of a female detainee. The respective prosecutor who oversees the criminal proceeding must be informed in any case. The pregnancy is evidenced by the medical report<sup>127</sup>.
- 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 practitioner<sup>128</sup>.

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

#### b. Separation from men

Women and men are accommodated separately in the detention facility<sup>129</sup>. 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 detention<sup>130</sup>.

No further details are set by the national legislation.

#### c. Hygiene

The national standard for special hygiene conditions and/or hygiene products for female detainees involve:

- Women are allowed to take shower with warm water on daily basis (men only twice a week)<sup>131</sup>.

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<sup>124</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48 (3).

<sup>125</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48 (3).

<sup>126</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48 (2).

<sup>127</sup> 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*), Article 52 (2).

<sup>128</sup> 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*), Article 20 (3).

<sup>129</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (2a).

<sup>130</sup> 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*), Article 52 (1).

<sup>131</sup> 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*), Article 52 (3).



- The personal clothing that are detainees allowed to keep in detention is specified in detail whereas the needs of women are reflected<sup>132</sup>.
- Beside other hygiene products, women are entitled to get menstrual hygiene products<sup>133</sup>.

#### d. Healthcare

The female detainees are provided with healthcare according to the Act no. 221/2006 on Execution on detention<sup>134</sup>, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order<sup>135</sup> and the Directive of the general director of Prison and Court Guard Service of the Slovak Republic on provision of medical care to the accused and convicted<sup>136</sup>. The health care is also provided based on general legislation regarding health care<sup>137</sup> according to which a pregnant woman (including a pregnant detainee) is entitled to regular gynaecological examinations<sup>138</sup>.

All detainees are obliged to undergo medical examination upon admission to the detention institution.<sup>139</sup> In case of female detainees, initial medical examination includes gynaecological examination whose main aim is to either rule out or confirm pregnancy.<sup>140</sup>

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

<sup>132</sup> 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, Article 10 (2).

<sup>133</sup> 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, Article 15 (1).

<sup>134</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 16.

<sup>135</sup> 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*), Article 19, Article 20, Article 21, Article 22.

<sup>136</sup> 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. 8/2023*) Article 24.

<sup>137</sup> 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*).

<sup>138</sup> Information provided by the Prison and Court Guard Service via e-mail communication on 25 May 2021.

<sup>139</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 6(6).

<sup>140</sup> 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 generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 8/2023*) Article 24.

#### e. Pregnancy and women with babies or young children

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 4m<sup>2</sup>, in case the woman is pregnant the space of cell cannot be temporarily reduced<sup>141</sup>.

There are no specific measures adopted to maintain the contact between the women in detention and their children. Opportunities to maintain contact with close persons are equally provided to men and women.

Persons in detention are allowed to receive a visit once per month for a duration of two hours. The visit may take the form of a physical visit or a video-visit (using an equipment for video-conferencing). The person in detention may divide the period of the visit into two one-hour visits, whereby one hour of the visit may only be carried out by video-visit. As regards the rules governing telephoning, the detainee shall have the right to make telephone calls for at least 4 days per calendar month for at least 30 minutes per day by means of a telephone or, if the technical conditions in the detention facility so permit, by means of a videophone installed in the facility at times determined by the director of the facility<sup>142</sup>.

Amendment to Act No. 221/2006 Coll. on the execution of detention, introduced the possibility of one extra visit of one hour in the form of a video visit for persons in detention who have minor children. This possibility is granted to both men and women who have minor children.

#### f. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

With regard to women in detention, the Public Defender of Rights finds it problematic that, unlike a convicted pregnant woman, an accused pregnant woman's detention is not interrupted or otherwise altered so that, for example, after giving birth, she can remain with her child in their natural environment until at least the first year of her child's life.<sup>143</sup>

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<sup>141</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 48 (2).

<sup>142</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 19, Article 21.

<sup>143</sup> Information provided by the Public Defender of Rights on 22 April 2024.



## 12. Special measures for foreign nationals

### a. General measures for foreign nationals

The detention of foreign nationals is carried out in the same way as the detention of accused persons who are Slovak nationals. However, there are special provisions governing the specific situation of foreign nationals. According to them, upon admission to detention, the foreigner is informed of his/her right to address the diplomatic or consular office of the State of which he/she is a citizen. A stateless person shall be informed by the facility of his/her right to address the diplomatic mission consular or international bodies whose mission is to protect his/her interests<sup>144</sup>.

The detention facility informs foreigner and the stateless person of the right to receive a visit from representatives of the authorities (consular office or diplomatic mission). If the foreigner or stateless person is in collusion detention, the prior consent of the law enforcement authority or the court shall be required for the visit<sup>145</sup>.

Representatives of the diplomatic mission or consular offices may, when visiting a foreigner or a stateless person, deliver to the foreigner or stateless person the daily newspapers, magazines or books<sup>146</sup>.

The diplomatic mission or consular office of the state of which the foreigner is a citizen must be informed of the transfer of the foreigner to another detention facility.<sup>147</sup>

Pursuant to the Act on the Residence of Foreigners, the detention facility and the hospital for the accused and convicted are obliged to immediately inform the respective police department of the foreigner's taking into detention and his release from detention<sup>148</sup>.

### b. Interpretation and translation

The detention facility is obliged to instruct the foreigner and the stateless person on the rights, obligations and conditions of detention in a language he/she understands<sup>149</sup>.

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<sup>144</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), Article 50 (1), 15 March 2006, actual version valid from January 2023.

<sup>145</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), Article 50 (2), 15 March 2006, actual version valid from January 2023.

<sup>146</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), Article 50 (3), 15 March 2006, actual version valid from January 2023.

<sup>147</sup> Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), Article 54(1), 26 June 2006, version valid from 1 January 2024.

<sup>148</sup> Slovakia, [Act No. 404/2011 Coll. on the Residence of Foreigners as amended](#) (Zákon č. 404/2011 Z.z. o pobyte cudzincov v aktuálnom znení), Article 114, 22 November 2011.

<sup>149</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby v znení neskorších predpisov), Article 50 (4), 15 March 2006, actual version valid from January 2023.

When allocating foreigners in detention cells, the detention facility takes into account the requirement that foreigners who speak the same language can communicate with each other<sup>150</sup>.

### c. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Public Defender of Rights is not aware of any specific measures taken in relation to foreigners in detention. His office is currently conducting a survey on the availability of language versions of the most important documents with which the detainees and prisoners come into contact (constitutional order, various applications, etc.). The survey shows that these translations have been prepared by the Prison and Justice Guard Corps, but the translations are outdated and will need to be updated before deployment<sup>151</sup>.

## 13. Special measures relating to detention of children and young adults/juvenile detention regime

### a. Age groups

The Criminal Code defines a juvenile as the person who at the time when the crime was committed reached 14<sup>th</sup> year and did not pass the 18<sup>th</sup> 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.<sup>152</sup>

### b. General measures for detained children and young adults

Specific provisions regarding the juvenile detainees involve:

- Juveniles are entitled to 4m<sup>2</sup> of cell space (Article 46, para 1).<sup>153</sup>
- The juvenile has the right to receive a visit once a week of at least one hour (Article 46, para 2).
- The disciplinary sanction of a prohibition of no more than two purchases of foodstuffs, personal items and other items, excluding basic and other personal hygiene and basic correspondence items, may not exceed two weeks for a juvenile (Article 46, para 3).

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<sup>150</sup> Slovakia, [The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), Article 54(2), 26 June 2006, version valid from 1 January 2024.

<sup>151</sup> Information provided by the Office of Public Defender of Rights upon request via email on 22 April 2024.

<sup>152</sup> Slovakia, [The Act no. 300/2005 Criminal Code](#), 20 May 2005, (Zákon č. 300/2005 Trestný zákon z 20. mája 2005) Article 94 (1), Article 95 (1).

<sup>153</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 46 (1).

- The disciplinary sanction of solitary confinement may not be imposed on a juvenile. The disciplinary sanction of placement in a cell of disciplinary punishment may be imposed on a juvenile for a maximum period of five days (Article 46, para 4). If a juvenile has been re-imposed a disciplinary punishment of a full day's placement in a cell of disciplinary punishment, the execution of the disciplinary punishment may commence at the earliest seven days after the execution of the previous disciplinary punishment (Article 46, para 5).
- The detention facility shall ensure, if necessary, the conditions for compulsory school attendance of the juvenile detainee (Article 46, para 6).
- After the placement of the juvenile to detention, the director of the detention facility shall decide on the appointment of a guardian to represent and assist the juvenile in matters related to the execution of detention. The law further sets out the conditions that this person must fulfil (Article 46, para 7). The legal representative may lodge a complaint against the decision on the appointment of the guardian within 15 days of the delivery of the decision on the appointment of the guardian. The complaint shall be decided by a special committee set up by the director of the detention facility. (Article 46, para 8).

The detention facility 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.<sup>154</sup>

The adult detainee has the right to receive a package once every three months and the juvenile detainee once a month with personal belongings containing photographs, his/her own books, magazines, study materials, correspondence and other personal effects authorised by the director of the detention facility up to a weight of two kilograms<sup>155</sup>.

Educational, sport and awareness-raising activities are carried out for juveniles in detention; account shall be taken of the provision of the juvenile's stay outside the cell for the duration of at least eight hours per day<sup>156</sup>.

Juveniles who are prosecuted for particularly serious offences may also be placed in a reduced detention regime, where they are free to move around at specified times<sup>157</sup>.

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<sup>154</sup> 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*), Article 50 (1).

<sup>155</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 22 (1).

<sup>156</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 45 (2).

<sup>157</sup> 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*), Article 37.

### c. Separation from adults

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 facility must be informed if a juvenile is placed in a cell with an adult.<sup>158</sup> The prosecutor together with the director of the detention facility re-evaluates the justification for this exceptional placement on regular basis at least once in three months.<sup>159</sup>

There are no rules for the separation of juvenile detainees from adults in common areas like a canteen. The food for the detainees (including young detainees) is provided directly to the cells or in the dining room<sup>160</sup>. The situation regarding the method of provision of meals may differ in individual detention facilities. The law does not specify any rules regarding the other common areas.

### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Public Defender of Rights and the Commissioner for Persons with Disabilities have not provided any assessment regarding the measures for children and young detainees.

## 14. Special measures to protect detainees with disabilities or serious medical conditions

### a. Care in detention

#### **Detainees with serious medical conditions**

The detainee is admitted to a detention institution and, if the detainee's health does not permit it, in a hospital or other health care institution where he or she receives inpatient health care.<sup>161</sup> If the detainee has contracted an incurable life-threatening disease or an incurable mental illness which cannot be treated in the conditions of the detention institution, the director of the institution, on the proposal of the doctor, notifies the competent prosecutor or the court of this fact; however, the prosecutor who

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<sup>158</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (2) b).

<sup>159</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (7).

<sup>160</sup> 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, Article 7 (3).

<sup>161</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (*Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.*), Article 6(3), effective of 1 January 2023.

supervises the observance of legality in the institution is always notified. The notification is accompanied by a medical report of the detainee.<sup>162</sup>

The detention institution provides psychological services to the detainee if his/her psychological condition requires the professional assistance of a psychologist and he/she requests or consents to the provision of such services.<sup>163</sup> The psychologist of the detention institution, at the request of the detainee or at the suggestion of a member of the staff or another person with the consent of the detainee, provide the necessary psychological services in a room designated for that purpose; the provision of psychological services shall be recorded.<sup>164</sup> The psychologist will provide the detainee with psychological intervention, crisis intervention, and psychological counselling, psychotherapy and diagnostic interview.<sup>165</sup> In the provision of psychological services, special attention is paid to the elimination of cases of self-harm, suicidal attempts and maladaptive behaviours. Any detected case or attempted self-harm or suicidal attempt shall be dealt with without delay.<sup>166</sup> In the treatment of a detainee with a medium or high risk of suicide, the psychologist prepares a "Program for the provision of psychological services", taking into account the individuality, special features, psychological and health condition of the detainee and determines the form, manner and frequency of the provision of psychological services.<sup>167</sup>

### **Detainees with disabilities**

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<sup>162</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023), Article 22, effective of 1 January 2024.

<sup>163</sup> Slovakia, [Act No. 221/2006 Coll. on the Execution of Detention as amended by the Act No. 339/2022](#) (Zákon č. 221/2006 Z.z. o výkone väzby v znení zákona č. 339/2022 Z.z.), Article 28(1), effective of 1 January 2023.

<sup>164</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023), Article 37(1-2), effective of 1 January 2024.

<sup>165</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (*Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálneho riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024*), Article 14(1).

<sup>166</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (*Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálneho riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024*), Article 15(1).

<sup>167</sup> Slovakia, Directive No. 21/2020 of the general director of Prison and Court Guard Service of the Slovak Republic on psychological activities in the Prison and Court Guard Service, 27 March 2020, as amended by the Directive No. 13/2024 of the general director of the Prison and Court Guard Service of the Slovak Republic of 22 February 2024 (*Rozkaz generálneho riaditeľa Zboru väzenskej a justičnej stráže č. 21 o psychologických činnostiach v Zbore väzenskej a justičnej stráže z 27. marca 2020 v znení rozkazu generálneho riaditeľky Zboru väzenskej a justičnej stráže č. 13/2024 z 22. februára 2024*), Article 15(2), Annex 15.

According to the Commissioner for Persons with Disabilities, detainees with disabilities are placed in detention in the same way as any other person - they are not identified in any way as a 'vulnerable group'.<sup>168</sup>

#### b. Continuity of care

If, at the time of release from detention, the detainee is in a state in which vital functions are endangered, the detention institute shall arrange for his/her hospitalisation in the nearest medical facility; the detention institution informs the person who decided on the release and next of kin of the detainee.<sup>169</sup>

#### c. Reasonable accommodation and accessibility

The placement of the detainee in a cell shall be determined by the director of the detention institution or the officer designated by him/her. In particular, the age, past detention or imprisonment, health and lifestyle of the detainees, such as smoking, dependence on alcohol or other addictive substances, shall be taken into account when placing him/her in detention.<sup>170</sup>

According to the Office of the Commissioner for Persons with Disabilities, there are no standards for reasonable accommodation of detainees with disabilities. Detainees with disabilities should, according to the Commissioner, always be placed to a non-detention facility after initial screening, although this is often not the case. Depending on the context, initial screenings are either non-existent or may overlook medical handicaps or illnesses.<sup>171</sup>

As stated by the Commissioner for Persons with Disabilities, treatment should also focus on continuity of care after discharge, especially for persons with psychosocial disabilities.<sup>172</sup> However, measures to ensure continuity of treatment have not been identified.

#### d. NPM assessment

There are no relevant NPM reports. It should be noted, however, that there are no statistics for persons with disabilities in the prison and detention system. Therefore, the Office of the Commissioner for Persons with Disabilities has decided as part of the NPM's tasks, to systematically collect data on the

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<sup>168</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>169</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023*), Article 57, effective of 1 January 2024.

<sup>170</sup> Slovakia, [Regulation No. 437/2006 Coll. of the Ministry of Justice of the Slovak Republic on Detention order as amended by the Regulation No. 409/2023](#), (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky č. 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby v znení vyhlášky č. 409/2023*), Article 9(1), effective of 1 January 2024.

<sup>171</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>172</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

number and situation of persons with disabilities in prison and detention and on the conditions of execution of sentences in 2024-2027.<sup>173</sup>

The Office of the Commissioner for Persons with Disabilities stated that there are no standards for reasonable accommodation of the detainees with disabilities. People with physical disabilities in detention face particular risks, especially discrimination in access to services, education, as well as ill-treatment and abuse. They may require special equipment (e.g. hearing aids, crutches, wheelchairs) and services (e.g. accessible living spaces, interpreters). For example, deaf prisoners should have access to sign language interpreters for educational programs, medical consultations, or parole hearings. Similarly, persons with visual impairments should have access to large print materials, audio books, or books in Braille. In practice, it is common for detainees who use wheelchairs to not have equal access to showers or the same regularity or access to the yard or other common recreational areas and/or activities.<sup>174</sup>

It has been documented that detention facilities tend to reinforce pre-existing disabilities. The Commissioner considered the lack of training of detention facility staff to identify and respond to persons with disabilities in detention to be a significant deficiency. This includes, among other competencies, specific training on the identification of psychosocial disabilities, and de-escalation techniques for dealing with detainees.<sup>175</sup>

According to the Commissioner, all persons with disabilities in detention are at higher risk of discrimination and victimization, which can lead to abuse, ill-treatment and violence, including rape, by both staff and other detainees. Detainees with disabilities often lack meaningful activities and may be discriminated against in accessing vocational programmes and training.<sup>176</sup>

In some contexts, restrictions have been used disproportionately and for prolonged periods of time against detainees with psychosocial disabilities. They also face the risk of over-medication as a form of 'chemical restraint'.<sup>177</sup>

### 15. Specific measures to protect detainees with special needs or other vulnerabilities

The Code of Conduct of the Prison and Court Guard Service<sup>178</sup>, in its precise wording, states in Article 4: 'We are against discrimination'.

1) We are opposed to any form of discrimination due to consideration of factors of religion, gender, race, ethnic or national origin, age, physical or mental condition, sexual orientation, political affiliation, social status, class origin or other external factors. We respect the rights of colleagues or prisoners and

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<sup>173</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>174</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>175</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>176</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>177</sup> Information provided by the Office of the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>178</sup> Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*) (2013), [The Code of Conduct of the Prison and Court Guard Service](#), 6 June 2013.



under no circumstances subject them to discrimination or any form of harassment, nor do we attempt to excuse such behaviour.

2) We prevent the use of violence or any form of inappropriate physical or mental treatment of prisoners and will do all we can to prevent such behaviour even among prisoners. The use of coercive means to prevent or eliminate unlawful conduct shall not be considered violence within the meaning of the law.

The rules on the placement of the detainee pursuant to Section 7 of Act No 221/2006 Coll. and Section 9 of Decree No 437/2006 Coll. do not specifically regulate the placement of the detainee according to the race, ethnic origin, religious beliefs and sexual orientation of the detainee, as the principle of equal treatment applies. However, according to the Code of Conduct, when placing an accused, the officer of the Prison and Court Guard Service shall take into account that there shall be no discrimination, harassment, violence and other inappropriate physical or mental behaviour between the detainees based on race, ethnic origin, religious beliefs and sexual orientation.<sup>179</sup>

#### a. Protection of LGBTI detainees

There are no special measures in place to protect LGBTI detainees against violence. The detainee has the right under the law to protection against unjustified violence and any manifestation of degradation of human dignity. If an officer or an employee of the corps discovers a violation or threatened violation of the detainee's right, or if the detainee reports such a case to an officer or an employee of the corps, the officer shall take the necessary measures to prevent such an act and report the case to the director of the detention facility or other authorised superior.<sup>180</sup>

#### b. Protection of trans detainees

There are no special measures in place to protect LGBTI detainees against violence. The detainee has the right under the law to protection against unjustified violence and any manifestation of degradation of human dignity. If an officer or an employee of the corps discovers a violation or threatened violation of the detainee's right, or if the detainee reports such a case to an officer or an employee of the corps, the officer shall take the necessary measures to prevent such an act and report the case to the director of the detention facility or other authorised superior.<sup>181</sup>

#### c. Protection of other vulnerable detainees

The law states that detainee is prohibited from engaging in an activity that threatens or degrades human dignity. It is also prohibited to possess printed matter or objects promoting national, racial, ethnic or

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<sup>179</sup> Information provided by the General Directorate of the Prison and Court Guard Service via email on 7 May 2024.

<sup>180</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as Amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 29 (3-4).

<sup>181</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as Amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 29 (3-4).



religious intolerance, fascism or other movements aimed at suppressing the rights and freedoms of citizens, violence, cruelty and endangering morality .<sup>182</sup>

The detainee has the right under the law to protection against unjustified violence and any manifestation of degradation of human dignity. If an officer or an employee of the corps discovers a violation or threatened violation of the detainee's right, or if the detainee reports such a case to an officer or an employee of the corps, the officer shall take the necessary measures to prevent such an act and report the case to the director of the detention facility or other authorised superior.<sup>183</sup>

#### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Public Defender of Rights has not investigated this area, nor have the LGBTI detainees approached him.<sup>184</sup>

## 16. Specific measures to address radicalisation in prisons

### a. General measures to prevent radicalisation

According to the Ministry of Justice, the measures to prevent radicalisation in detention facility involve<sup>185</sup>:

- The detention facility or the Directorate-General shall be entitled to monitor and record the content of the call of the detainees for the purpose of carrying out tasks in the field of combating terrorism and organised crime<sup>186</sup>,
- In accordance with section 7(7) of the Act on execution of detention, the person in detention under the age of 18 years may be accommodated with an adult only if there is no other juvenile in the detention institution with whom he or she may be placed, and only in case if the adult detainee has not previously served a custodial sentence, or the adult detainee has not been charged with a deliberate offence against life and health, an offence against liberty and human dignity, an offence against the family and youth, an offence against other rights and freedoms, an offence against peace and humanity, or offences of terrorism and extremism, and the personality condition of the adult detainee does not prevent this<sup>187</sup>.

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<sup>182</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 27 (3).

<sup>183</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 29 (3-4).

<sup>184</sup> Information provided by the Public Defender of Rights via email on 22 April 2024.

<sup>185</sup> Information provided by the Ministry of Justice of the Slovak Republic on 25 April 2024 via e-mail.

<sup>186</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 21 (5).

<sup>187</sup> 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*), Article 9 (4).

### b. Risk assessments

There are no national standards setting rules for carrying out initial assessments in case of detainees suspected of committing an extremist offence, the same goes also for any other assessment during the time the person is in the detention.

As for the separation of various categories of persons in detention, the existing legislation sets following rules<sup>188</sup>:

They shall be placed separately:

- a. women from men,
- b. juveniles from adult detainees,
- c. accused persons who are in collusive detention (according to the section 71(1)(b) or (3)(b) of the Code of Criminal Procedure) from other accused persons,
- d. accused persons who are prosecuted for particularly serious crimes against life and health from other accused persons; the above shall not apply to juveniles who are prosecuted for particularly serious crimes,
- e. accused persons whose offences are related or whose offences are the subject of joint proceedings, if they are in collusive detention,
- f. accused persons suspected of being infected from other accused persons,
- g. accused from those who have been finally convicted.

There are no other national standards regarding the persons in detention suspected of committing terrorist or extremist offence.

### c. Training of staff

No information about the training for staff members to prevent and recognise signs of radicalisation identified. The policy document Concept of the Prison System of the Slovak Republic for the years 2022 to 2030<sup>189</sup> provides for the establishment of an analytical unit in the General Directorate of the Prison and Court Guard Service for the prevention and detection of illicit activities, crime, radicalisation, extremism and suicide prevention and detection, dedicated to this area. However, the reports on the implementation of the Concept do not indicate that this task has been accomplished. Information on

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<sup>188</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (2).

<sup>189</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2022), [Konceptia väzenstva Slovenskej republiky na roky 2022 – 2030](#) (Concept of the Prison System of the Slovak Republic for the years 2022 to 2030), approved by the Government on 26 May 2022.

staff members training is also contained in the yearbook of the Prison and Court Guard Corps<sup>190</sup>, but this document also contains no mention of staff training in this area.

#### d. Deradicalisation measures

No information on the deradicalisation measures concerning the persons in detention identified.

#### e. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

The Public Defender of Rights does not provide any assessment on the measures to address the radicalisation in prison since they have no experience in this area. Neither has the Commissioner for Persons with Disabilities provided any assessment<sup>191</sup>.

## 17. Inspections and monitoring

### a. Inspections

The Act on the execution of detention<sup>192</sup> and the Regulation on the detention order<sup>193</sup> set out certain details concerning the exercise of control and supervision in detention facilities.

The law states that:

- Supervision over the observance of legality in the detention facility shall be exercised by the prosecutor (Article 59),
- Control over the execution of detention in a detention facility shall be exercised by (Article 60):

(a) the National Council of the Slovak Republic,

(b) the Minister of Justice of the Slovak Republic and persons authorised by him,

(c) the Director General (of the Prison and Court Guard Service) and persons authorised by him,

(d) legal persons or natural persons, if it is provided by a special regulation or an international convention to which the Slovak Republic is bound (for instance the Notification of the Ministry of Foreign

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<sup>190</sup> Slovakia, Prison and Court Guard Service (*Zbor väzenskej a justičnej stráže*) (2024), [Ročenska Zboru väzenskej a justičnej stráže za rok 2023](#) (The yearbook for the Prison and Court Guard Corps for 2023).

<sup>191</sup> Information provided by the Public Defender of Rights and Commissioner for Persons with Disabilities on 22 April 2024.

<sup>192</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 7 (2).

<sup>193</sup> 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*).

Affairs of the Slovak Republic No. 26/1995 Coll. on the accession of the Slovak Republic to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment).

The Prison and Court Guard Service within the scope of its competence carries out its own control activities.

The Public Defender of Rights has the power to carry out unannounced monitoring visits to detention facilities as part of the National Preventive Mechanism<sup>194</sup>.

#### b. Access to detention facilities by national authorities

Please see the section above.

#### c. Access to detention facilities by international bodies

The existing legal regulation do explicitly mention the possibility for the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to have access to the detention facilities. The law does not mention the members of the European Parliament or representatives of other international bodies, however, the law states that control may also be carried out by legal persons or natural persons if a special regulation or an international convention to which the Slovak Republic is bound so provides<sup>195</sup>.

#### d. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

Information provided by the Public Defender of Rights<sup>196</sup>: *"The Public Defender of Rights conducts unannounced visits to all detention facilities. In the long term, the approach of the Prison and Court Guard Service to providing space for the full exercise of the Public Defender's powers of inquiry is correct. The Public Defender of Rights has full access to documentation concerning the detainees as well as to their medical records. The Public Defender of Rights and his staff are able to conduct interviews with any detainee without the presence of third parties.*

*The Public Defender of Rights shall have limited access to documents under a classified regime. In practice, the Public Defender of Rights encounters situations where, due to inadequate technical security, CCTV footage is no longer available at the time of Public Defender's examination of a complaint.*

*Public Defender of Rights is also aware from their own activities that the Prison and Court Guard Service currently procures body cameras for most of their officers, which should record the performance of*

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<sup>194</sup> Slovakia, The [Act no. 564/2001 Coll. on Public Defender of Rights as amended](#) (Zákon č. 564/2001 Z.z. o verejnom ochrancovi práv v znení neskorších predpisov), 4 December 2021, Article 3 (3).

<sup>195</sup> Slovakia, [The Act no. 221/2006 on Execution of detention](#), 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), Article 60.

<sup>196</sup> Information provided by the Public Defender of Rights on 22 April 2024 via e-mail.

*official activities. The provision of these records should also help to objectify the Public Defender's inquiries."*

## 18. Access to remedy

### a. Legal remedies

A general mechanism for the detainees of raising complaints is available. This mechanism involves three possibilities:

- 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.<sup>197</sup>
- 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.<sup>198</sup>
- 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.<sup>199</sup> 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.<sup>200</sup> 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.<sup>201</sup>

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

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<sup>197</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as Amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 29 (1)-(3).

<sup>198</sup> 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*), Article 38 (1).

<sup>199</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as Amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 29 (2).

<sup>200</sup> 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*), Article 39(1).

<sup>201</sup> 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*), Article 39(2).

service<sup>202</sup>. 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 complainant<sup>203</sup>.

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)<sup>204</sup>. 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)<sup>205</sup>. 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 appealed<sup>206</sup>. The General Directorate of the Prison and Court Guard Service and the Ministry of Justice are entitled to inspect of the handling of the complaints<sup>207</sup>.

#### b. Legal assistance

The person in detention has the right to communicate in person with the defence counsel without the presence of a third person. The detainee shall also have the right to communicate with a lawyer or other person representing him/her in proceedings before a court or other public authority.

The conversation between the detainee and the defence counsel, lawyer or other person may take the form of a physical conversation or, if the technical conditions in the institution so permit and the detainee agrees, a video-transmission at a time, to the extent and in a manner determined by the director of the institution.<sup>208</sup>

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<sup>202</sup> 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*), Article 65da.

<sup>203</sup> 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*), Article 65dc.

<sup>204</sup> 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*), Article 65db.

<sup>205</sup> 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*), Article 65dj.

<sup>206</sup> 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*), Article 65dk.

<sup>207</sup> 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*), Article 65dl.

<sup>208</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 8 (2-3).

The detainee may speak by telephone with the defence counsel or the lawyer representing him/her in another legal matter for at least 30 minutes per day.<sup>209</sup>

#### c. Request and complaints

Please see section Legal remedies.

#### d. Independent authority

The conditions in detention facilities, whether on the basis of a complaint or in connection with the performance of the tasks of the NPM, are inspected and assessed by the Public Defender of Rights. Pursuant to Article 11 of Act No 564/2001 Coll. on the Public Defender of Rights, as amended, the Public Defender of Rights may be contacted by anyone who believes that fundamental rights and freedoms have been violated in the proceedings, decision-making or inaction of a public authority in violation of the rule of law or the principles of a democratic and legal state. Pursuant to Article 3(2) and (3), the Public Defender of Rights performs the tasks of the national preventive mechanism under international treaties to which the Slovak Republic is bound in the capacity of a coordinating body. For the purpose of carrying out the tasks under the preceding sentence, the Public Defender of Rights shall carry out systematic visits, on his own initiative or on his own initiative, to places where persons deprived of their liberty by public authorities are or may be found, with a view to strengthening the protection of such persons against torture, cruel, inhuman, degrading or punitive treatment or punishment and other ill-treatment.<sup>210</sup>

#### e. NPM assessment

No National Preventive Mechanism's reports regarding the situation in detention facilities have been published in the reporting period. CPT visit to Slovakia took place in November/December 2023, however, the report from the visit has not been published yet.

According to the Public Defender of Rights, the statistics of the Prison and Court Guard Service show that detainees and convicts use the complaint mechanism under the provisions of Section 65da of Act No. 4/2001 Coll. on the Prison and Guard Service, as amended. Compared to convicted persons, the detainees file about 6 times fewer complaints than the convicted persons, also due to their lower overall number. As for the effectiveness of the complaint mechanism, it is questionable in the case of the detainees, as since 2017 not a single complaint from a detainee has been assessed as justified by the Prison and Court Guard Service. However, the Public Defender of Rights has not investigated the accuracy of the investigation of the detainee's complaints by the detention facility. The Public Defender of Rights considers it problematic that the law excludes judicial review of decisions on disciplinary misconduct.<sup>211</sup>

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<sup>209</sup> Slovakia, [The Act no. 221/2006 on Execution of detention as amended](#), 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), Article 21(4).

<sup>210</sup> Information provided by the Commissioner for Persons with Disabilities via email on 22 April 2024.

<sup>211</sup> Information provided by the Public Defender of Rights via email on 22 April 2024.