



Report of Various Size – Fieldwork research (FRANET)

Criminal Detention in the EU – Conditions and Monitoring

Country Report Slovakia

FRANET Contractor: Centre for the research of ethnicity and culture
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Final Submission: June 2018

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1. Cell space

- a) What is the national standard for cell space available to prisoners in m²? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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a) The general conditions, rights and obligations regarding prisoners (including spatial standards) are established in **The Act on Execution of detention**¹ available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701> and the **Regulation on Detention order**² available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>. A prisoner is accommodated in a cell with minimum **3,5m²** of space. In case of an excessive increase of prisoners, the cell space can be temporarily decreased for the necessary period of time.³ The temporary decrease of cell space is allowed up to 6 months per single decision and can be repeated if necessary. **Women and juveniles** are entitled to **4m²** of cell space, whereas the **space for pregnant women cannot be decreased**.⁴

The size of an accommodation area is counted from the total area of the cell deducting the cumulative area for separate hygienic/toilette area, window/door recess, area of the inbuilt furniture, area with light level lower than 1,3 m.⁵

b) Detention is executed based on two level differentiation, e.g. standard regime of detention, and reduced regime of detention. **Minimal spatial standards are not differentiated in relation to these regimes**.⁶

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

2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?

¹ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

² 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), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

³ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 12, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁴ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 48 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁵ 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), § 14a) (2), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

⁶ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 2 (4), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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a) All prisoners have access to toilets without undue delay. **Every cell** must be equipped with sink with water suitable for drinking and **separate hygienic facility providing privacy to prisoners.**⁷ This is valid as well for cells of disciplinary punishment.⁸

b) Prisoner is entitled to shower minimum twice per calendar week. Women are entitled to shower on a daily basis. If there are specific needs or the character of assigned work requires it, prisoners are allowed to shower as needed.⁹ Detention institution is obligated to provide shower at min. 2 hours per week with hot water in case of operational/technical obstacles. In terms of privacy, it is obligatory that a prison officer of the same sex attends the procedure.¹⁰

c) The provision of sanitary facilities is provided by **The Act on Execution of detention**¹¹ available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701> and the **Regulation on Detention order**¹² available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>.

Beyond of what is stated in b), legislative documents and daily schedules do not explicitly deal with cleanliness of the facilities.

d) Access to sanitary facilities is not differentiated in relation to the detention regimes.¹³

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

3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

⁷ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 12, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁸ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 40 c (3), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁹ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 16 (6), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

¹⁰ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 21 (2), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

¹¹ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

¹² 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), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

¹³ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) a. time spent in the outdoor area

Prisoners within both regimes 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.¹⁴ 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.¹⁵

- b. time spent out of cell indoors

Time out of cells indoors is not explicitly stated in any of the relevant legislative, policy documents or daily schedules, with the exception of detention under reduced regime, see d). It is compulsory for prisoners to stay in their cell from "lights off" until "wake-up". During the day, the rules for time out of cell cannot be generalised, since there are various possible reasons allowing a prisoner to leave his cell, such as criminal proceedings, visits, medical treatment, walk, education etc.¹⁶

- b) Prisoners (within both regimes of detention) are offered to participate on educational, recreational, cultural and sport activities. Prisoners are entitled to education through individual study and to access to non-fiction literature. Prisoners within the reduced detention regime may participate in short-term group educational and cultural activities.¹⁷

Detailed rules are set by the Directive of the general director of Prison and Judicial Corps n. 7/2009 on education and organisation of recreational activities of accused and convicted available at

http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf.¹⁸

The list of possible opportunities for education, sport and recreational activities is established by the detention institution. To this end, the designated prison officer provides and updates the list on regular basis, at least once a month.¹⁹ Prisoners can be as well assigned a job/work based on their request in order to maintain, develop and use their skills and to help them deal with negative impact of the detention. Following types of courses

¹⁴ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 16a, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

¹⁵ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), §20, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

¹⁶ Slovakia, General Directorate of Prison and Judicial Corps of the Slovak Republic, information request via email, 30 May 2018

¹⁷ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

¹⁸ Slovakia, the Directive of the general director of Prison and Judicial Corps no. 7/2009 on education and organisation of recreational activities of accused and convicted, 28 January 2009 (Zbierka rozkazov generálneho riaditeľa Zboru väzenskej a justičnej stráže, ročník 2009, rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009)

http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf

¹⁹ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), §33 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

(clubs) are created: sport, technical, art, other (aquarist, gardening, readers club, etc.) and language courses.
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Further, for a prisoner who was attending a middle school or a university education at the time of his/her detention, the institution must enable per request to continue in such education. Detailed rules and conditions are established in the Directive of the general director of Prison and Judicial Corps of the Slovak Republic.²¹

c) Time spent in cells is regulated by the following:

- The Act on execution of detention²²
- The regulation issuing the Detention Order²³
- Daily schedules of the detention institutions²⁴

d) Under **reduced regime of detention**, usually, prisoners must be locked in their cell from „lights out“ to „wake-up“.²⁵ The prisoners are free to move and interact with co-prisoners within their division.²⁶ The division with reduced detention regime consists of cells and space for educational, sport and recreational activities.²⁷

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

4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

²⁰ Slovakia, the Directive of the general director of Prison and Judicial Corps no. 7/2009 on education and organisation of recreational activities of accused and convicted, 28 January 2009 (Zbierka rozkazov generálneho riaditeľa Zboru väzenskej a justičnej stráže, ročník 2009, rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009), §10 (7),

http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf

²¹ Slovakia, the Directive of the general director of Prison and Judicial Corps no. 7/2009 on education and organisation of recreational activities of accused and convicted, 28 January 2009 (Zbierka rozkazov generálneho riaditeľa Zboru väzenskej a justičnej stráže, ročník 2009, rozkaz č. 7 o vzdelávaní a organizovaní záujmových aktivít vo voľnom čase obvinených a odsúdených z 28. januára 2009), §10 (7)

http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf

²² Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

²³ 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), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

²⁴ Daily schedules for individual detention institutions,

http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf

²⁵ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 42 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

²⁶ Slovakia, General Directorate of Prison and Judicial Corps of the Slovak Republic, (generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky), information request via email, 30. 5. 2018

²⁷ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 37 (1)-(2), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

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a) 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.²⁸ If prisoner is issued another disciplinary punishment during period of the one already in execution, the maximum time spent in solitary confinement or cell of disciplinary punishment is 15 days. The rest of the next punishment is served after min. 5 days.²⁹ 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.³⁰

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.³¹

Juveniles as well cannot be placed into solitary confinement. They can be placed into a cell of disciplinary punishment up to 5 days per single case. If there was issued another disciplinary punishment, the placement period can be prolonged up to 8 days in a row, the rest of the punishment is served after min 5 days.³²

The Act on Execution of Detention further recognizes a security cell and a compensation room. 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. Compensation room on the other hand, is not an accommodation room. It is used to confine a prisoner with threatening behaviour for necessary period of time. The construction and equipment of the compensation room is such as to prevent a prisoner from self-harm.³³

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

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

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.

²⁸ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40 (e)-(f), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

²⁹ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40c (6), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

³⁰ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 40c (5), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

³¹ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 48, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

³² Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 46 (5) – (6), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

³³ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 12 (6) – (7), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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a) **Prisoners have access to medical care both internally and externally.** Medical care for prisoners 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.³⁴ Further “If even such hospital does not meet requirements of the needed medical care, the detention is provided in other medical facility for the necessary period of time.”³⁵

General medical care is provided by general medical practitioner or general medical practitioner for children and juveniles. The **specialized care** is provided mainly in **stomatology, psychiatrics**, intern medicine, neurology, gynaecology and surgery.³⁶ **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. In case of an emergency and/or need of immediate care that cannot be provided within the detention institution, the emergency rescue is called.³⁷

According to detention schedules³⁸, general and dental care is provided directly in all of the detention institutions, psychiatric care is explicitly stated in detention institutions in Banská Bystrica, Leopoldov, Nitra, Prešov and Žilina, dermatologist is present in Žilina, Nitra and Banská Bystrica.

Institutional care is provided in (prison) hospital:

- if the medical condition requires consecutive care for more than 24 hours,
- in cases with diagnostic complexity that cannot be provided on ambulatory basis
- in case of threat of infection diseases and based on judicial decision.³⁹

³⁴ Slovakia, Regulation no. 447/2006 of the Ministry of Justice on organization of provision of medical care within the Prison and Judicial Corps, 26 June 2006 (Vyhláška 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky z 26. júna 2006 o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže),

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/447/20060901>

³⁵ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 3 (3), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

³⁶ Slovakia, Directive no. 6/2008 of the general director of Prison and Judicial Corps of the Slovak Republic on provision of medical care to the accused and convicted, 24 January 2008 (Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008) §5 (2)-(3), http://www.zvjs.sk/dokumenty/legislativa/2016/marec2016/Pr%C3%ADloha%20%C4%8D_%203%20-%20RGR%20%C4%8D_%206_2008%20-%20%C4%8Das%C5%A5%201.pdf

³⁷ Slovakia, Directive no. 6/2008 of the general director of Prison and Judicial Corps of the Slovak Republic on Provision of medical care to the accused and convicted, 24 January 2008 (Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008) §6 (5), http://www.zvjs.sk/dokumenty/legislativa/2016/marec2016/Pr%C3%ADloha%20%C4%8D_%203%20-%20RGR%20%C4%8D_%206_2008%20-%20%C4%8Das%C5%A5%201.pdf

³⁸ Daily schedules for individual detention institutions, available at http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf.

³⁹ Slovakia, Directive no. 6/2008 of the general director of Prison and Judicial Corps of the Slovak Republic on Provision of medical care to the accused and convicted, 24 January 2008 (Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008) §9, http://www.zvjs.sk/dokumenty/legislativa/2016/marec2016/Pr%C3%ADloha%20%C4%8D_%203%20-%20RGR%20%C4%8D_%206_2008%20-%20%C4%8Das%C5%A5%201.pdf

The (prison) hospital provides institutional care at internal department (including treatment of infection diseases) surgery, psychiatric, pneumology and ftizeology, neurology departments and other specialized departments providing institutional care mainly in neurology, otorhinolaryngology, dermatovenerology, urology, gynaecology, orthopaedics, physiatry and rehabilitation, **ophthalmology** and stomatology.⁴⁰

b) Concerning long-term sickness, addicts and mentally ill, there aren't any explicit specific provisions beyond measures stated in A). The specialized medical care is provided based on regional availability of these specializations, whereas psychiatric care is among those usually provided. Other care is provided in civic medical institutions using medical escort.⁴¹

c) the access to healthcare is regulated by the following:

- **The Act no. 221/2006** on Execution of detention, 15 March 2006, 15 March 2006 (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*)
- **Regulation no. 447/2006** of the Ministry of Justice on organization of Provision of medical care within the Prison and Judicial Corps, 26 June 2006 (*Vyhláška 447/2006 Z.z. Ministerstva spravodlivosti Slovenskej republiky z 26. júna 2006 o organizácii poskytovania zdravotnej starostlivosti v Zbore väzenskej a justičnej stráže*),
- **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*),
- **Directive** Slovakia, Directive no. 6/2008 of the general director of Prison and Judicial Corps of the Slovak Republic on Provision of medical care to the accused and convicted, 24 January 2008 (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008*)
- Daily schedules for individual detention institutions, which inform prisoners on working hours for particular doctors available at http://www.zvjs.sk/dokumenty/legislativa/2014/legislativnenormy/RGR7_2009.pdf.

d) There are no distinctions concerning the access to and quality of medical care regarding the detention regimes.⁴²

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

6. Special measures in place to protect juvenile prisoners.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?

⁴⁰ Slovakia, Directive no. 6/2008 of the general director of Prison and Judicial Corps of the Slovak Republic on Provision of medical care to the accused and convicted, 24 January 2008 (*Rozkaz generálnej riaditeľky Zboru väzenskej a justičnej stráže č. 6 o poskytovaní zdravotnej starostlivosti obvineným a odsúdeným z 28. januára 2008*) §10, http://www.zvjs.sk/dokumenty/legislativa/2016/marec2016/Pr%C3%ADloha%20%C4%8D_%203%20-%20RGR%20%C4%8D_%206_2008%20-%20%C4%8Das%C5%A5%20l.pdf

⁴¹ Slovakia, General Directorate of Prison and Judicial Corps of the Slovak Republic, (generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky), information request via email, 30 May 2018

⁴² Directorate General of the Prison and Judicial corps of the Slovak Republic, (generálne riaditeľstvo Zboru väzenskej a justičnej stráže Slovenskej republiky), information request via email, 30 May 2018

- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

a) Juveniles are accommodated separately from adult prisoners. In exceptional cases, a juvenile can be placed into a cell with an adult prisoner if it is in his/her interest. Such placement cannot be a threat to juvenile's health, the adult shall not have negative impact on the juvenile or abuse his presence. Both the juvenile and the adult must consent to such placement. Prosecutor responsible for supervision of law in the detention institution must be informed if a juvenile is placed in a cell with an adult.⁴³ The prosecutor together with the director of the institution re-evaluates the justification for this exceptional placement on regular basis at least once in three months.⁴⁴

The detention institution may establish a separate division with the reduced regime for juveniles if spatial conditions allow it. If not, juveniles are put to general population with adults under the reduced regime.⁴⁵ Selecting the adult to be placed with a juvenile into a common cell is a key factor for decision making, whereas it must be beneficial not only for the juvenile but as well for the adult prisoner. The General Directorate of Prison and Judicial Corps issued guidance on 13 January 2014 promoting the idea of "mentorship" when placing a juvenile and an adult prisoner into a common cell. The guidance recommends to provide support to these "mentors" and help them prepare for this role.⁴⁶

As mentioned earlier, juveniles are entitled to 4m² of cell space, which is 0,5m² more than for adult prisoners.⁴⁷

All juveniles are assigned a public prosecutor that represents and helps them with legal matters regarding their detention.

Juveniles have softer limits for disciplinary punishments (for example they may participate in educational activities even if placed into the cell for disciplinary punishment, etc.) And as mentioned earlier, juveniles cannot be placed into solitary confinement.⁴⁸

⁴³ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 7 (2) b), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁴⁴ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 7 (7), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁴⁵ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 50 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

⁴⁶ General Directorate of the Prison and Judicial Corps of the Slovak Republic (Generálne riaditeľstvo Zboru väzenskej a justičnej stráže), information request, via email, 30 May 2018

⁴⁷ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 46 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁴⁸ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 46 (4), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

The detention institution is responsible for provision of compulsory education and obligatory tests. If taking the test is allowed within school/vocational institution, the juvenile participates in civil clothing without a prison label.⁴⁹

Regarding the time spent out of cell/outdoors walk and sport activities, there is a specific list of possible activities for juveniles, where as minimum 4 hours out of cell are taken into account.⁵⁰

b) The Penal Code defines a juvenile as the person who at the time when the crime was committed reached 14th year and did not pass the 18th year of life. A juvenile younger than 15 years, at the time when the crime was committed, did not reach such level of rational and moral development that that would enable him/her to recognize illegality of his/hers actions or control them is not criminally liable.⁵¹

c) There are no distinctions concerning detention of juveniles regarding the detention regimes.

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

7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.)..
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmby-regions-and-countries/>

Please cite any relevant sources

- a) Prisoners are supervised by the members of the Prison and Judicial Corps of the Slovak Republic.⁵² Prisoners have right for protection against unjustified/unauthorized violence and all acts of humiliation. This constitutes the basic principle for execution of detention and is provided by the following:
 - Every cell is equipped with emergency button meant to be used by prisoners in case of a need.
 - Prison guards are obliged to inform the director of the detention institution about every threat or violation of this right.

⁴⁹ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhľadávka Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), 50 (4), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

⁵⁰ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (Vyhľadávka Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby), § 50 (2), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

⁵¹ Slovakia, The Act no. 300/2005 Penal Code, 20 May 2005, (Zákon č. 300/2005 Trestný zákon z 20. mája 2005) § 94 (1), § 95 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/20180101>

⁵² Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (Zákon č. 221/2006 z 15. marca 2006 o výkone väzby), § 4, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

- Prisoner has the right to raise complaints and initiatives regarding the protection of 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.⁵³
- A locked box for complaints addressed to the supervising prosecutor must be placed at commonly accessible place. The supervising prosecutor takes the correspondence within his visit of the detention institution.⁵⁴
- Prisoner is per request allowed to meet with the director of the detention institution or the prison officer, as well with persons/representatives of institutions responsible for supervision of lawfulness in the institution when they are present there (for the list, see part 8).⁵⁵

The legislation names the most probable institutions prisoners can address regarding the protection of their rights and they can be categorized as follows:⁵⁶

- 1) UN institutions such as UNHCR, CHR, OHCHR, CRC, CAT, etc.
- 2) European institutions such as ECHR, CPT, ODIHR, etc
- 3) International institutions such as Amnesty International, FIDH, IGMF, etc

b) There are no specific measures regarding protection LGBTI prisoners. The principle of the same treatment is as well among basic principles of execution of detention.⁵⁷ All rights of prisoners established by the law are guaranteed to all regardless of sex, religion, nationality, ethnicity, medical disability, age, sexual orientation, marriage and family status, skin colour, political opinions, etc., thus the Prison and Judicial Corps does not collect data on sexual orientation of the prisoners.⁵⁸

c) Measures to protect prisoners from violence are regulated by the following:

- Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>
- 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*), available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

d) There is no distinction regarding the regimes of detention.

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

8. Responsible authorities

⁵³ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (1)-(3), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁵⁴ Slovakia, The Regulation no. 437/2006 of the Ministry of Justice of the Slovak Republic on Detention order, 26 June 2006, (*Vyhláška Ministerstva spravodlivosti Slovenskej republiky 437/2006 z 26. júna 2006, ktorou sa vydáva Poriadok výkonu väzby*), § 38 (1), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/437/20150701>

⁵⁵ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 29 (2), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁵⁶ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 38 (3), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁵⁷ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 2 (3), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>

⁵⁸ General Directorate of the Prison and Judicial Corps of the Slovak Republic (Generálne riaditeľstvo Zboru väzenskej a justičnej stráže), information request, via email, 30 May 2018

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

Please cite any relevant sources

a) There is no central authority providing information under Article 15 of the EAW Framework Decision. The responsible authority is the prosecutor of the regional prosecutor office within which the concerning person has been detained. Particular contact information can be found at <https://www.genpro.gov.sk/kontakty-a-uradne-hodiny-12cb.html>⁵⁹

b) Supervision of law provides a designated prosecutor. Control over the execution of the detention is provided by

- *National Council of the Slovak Republic*
- *Ministry of justice of the Slovak Republic*
- *General Director of Prison and Judicial Corps of the Slovak Republic*
- *private and legal entities established with particular regulation or international agreement to which the Slovak Republic is committed.*⁶⁰

Monitoring conditions of detention and putting forward recommendations to the government is not explicitly stated in any relevant documents.

⁵⁹ Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*), information request, via email, 21 May 2018

⁶⁰ Slovakia, The Act no. 221/2006 on Execution of detention, 15 March 2006, (*Zákon č. 221/2006 z 15. marca 2006 o výkone väzby*), § 59-60, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20160701>