

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SVK/CO/2)

SLOVAKIA

(...)

C. Principal subjects concerns and recommendations

(...)

Non-refoulement and risk of torture

8. The Committee is concerned that, according to section 13 of the asylum law, persons considered to be a threat to national security or a danger to the community are not protected by the principle of non-refoulement, which may expose them to a risk of torture or other cruel, inhuman or degrading treatment or punishment. It is also concerned at the very low rate of successful asylum applications (art. 3).

The State party should adopt urgently the measures, especially legal ones, necessary to ensure protection of the rights of all asylum-seekers and persons seeking refugee status. Furthermore, the State party should apply the non-refoulement principle without any discrimination or exception.

(...)

Allegations of torture and ill-treatment in police custody

13. The Committee is concerned about significant allegations of ill-treatment of detainees by law enforcement officers, including slaps, punches, kicks or blows with hard objects, as well as of the death of a man in 2001 after brutal police questioning. It is also concerned about the practice of handcuffing detainees for extended periods to fixtures in corridors or offices (arts. 12 and 16).

The State party should take appropriate measures to ensure that all allegations of torture or cruel, inhuman or degrading treatment are promptly and impartially investigated, perpetrators duly prosecuted and, if found guilty, convicted to penalties taking into account the grave nature of their acts, and that the victims are adequately compensated, including their full rehabilitation. It should also end the practice of handcuffing detainees for extended periods and any other ill-treatment of suspects while they are in detention.

(...)

Sterilizations of Roma women

14. The Committee is deeply concerned about allegations of continued involuntary sterilization of Roma women.

The State party should:

(a) Take urgent measures to investigate promptly, impartially, thoroughly and effectively all allegations of involuntary sterilization of Roma women, prosecute and punish the perpetrators and provide the victims with fair and adequate compensation;

(b) Effectively enforce the Health-care Act (2004) by issuing guidelines and conducting training of public officials, including on the criminal liability of medical personnel conducting sterilizations without free, full and informed consent, and on how to obtain such consent from women undergoing sterilization.

(...)

The Roma minority

15. The Committee is concerned about reports of mistreatment of Roma by police officers during arrest and while in custody. It is also concerned about the high percentage of Roma children in schools for children with mental disabilities. It is further concerned about discrimination against the Roma minority, which has led to violations of the rights protected under the Convention (arts. 10 and 16).

In the light of its general comment No. 2 on the implementation of article 2 (CAT/C/GC/2), the Committee recalls that the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party's obligations under the Convention. In this respect, the State party should:

(a) Strengthen its efforts to combat ill-treatment of Roma detainees by ensuring the exercise of their legal rights from the outset of detention;

(b) Enforce the School Act No 245/2008 by ensuring that Roma children are admitted to mainstream education, unless a proper assessment concludes that the child has a mental disability and the child's legal guardian has requested placement in a special school. In particular, it should decouple the term "socially disadvantaged" from the term "mental disability".

(...)

26. The Committee requests the State party to provide, within one year, information in response to the Committee's recommendations contained in paragraphs 8, 13, 14 and 15 above.

(...)
