

**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/3)**

SLOVAKIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

8. The Committee is concerned that detained persons do not enjoy, in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, in particular after arrest by police, and that minors can undergo initial questioning without the presence of their lawyers, parents or other trusted persons (arts. 2, 12, 13 and 16).

The State party should take effective measures to guarantee that all detained persons, including minors, are afforded, in practice, all fundamental legal safeguards from the outset of their deprivation of liberty, in accordance with international standards, including:

- (a) To be informed, both orally and in writing, in a language that they understand, about the charges against them and about their rights, and to sign a paper confirming that they have understood the information provided to them;**
- (b) To have prompt access to a lawyer from the very outset of deprivation of liberty and, if necessary, to legal aid, including during the initial interrogation;**
- (c) To have immediate access to an independent medical examination, free of charge and not in the presence of police officers;**
- (d) To notify a family member or any other person of their own choice of their detention, immediately after apprehension and not only after they have seen a judge.**

(...)

Excessive use of force by law enforcement officials, including violence against Roma

11. The Committee is concerned:

- (a) At reports alleging cases of excessive use of force by law enforcement officials, including against minors, mostly immediately after apprehension, which may amount to ill-treatment or torture;
- (b) At the low number of complaints, prosecutions and convictions in such cases;
- (c) That investigations into allegations of ill-treatment by police officers are carried out by the Control and Inspection Service Department of the Ministry of the Interior, which is a department within the same structure employing the alleged perpetrators;
- (d) That no charges were brought against police officers who participated in the raid on 19 June 2013 on the Roma settlement of Moldava nad Bodvou in eastern Slovakia, which resulted in the apprehension of 15 persons, a number of whom reportedly were seriously ill-treated by the police during their apprehension and subsequent detention;
- (e) That all 10 policemen who physically abused and inflicted degrading treatment on six Roma juveniles in the city of Košice on 21 March 2009 were acquitted in the first instance judgement by the Košice II District Court on 27 February 2015, since the court refused to admit the video recording of the incriminating act as a legally obtained piece of evidence (arts. 2, 12-14 and 16).

The State party should:

- (a) **Carry out prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed;**
- (b) **Provide the Committee with information on the number of cases of excessive use of force by law enforcement officials that have been investigated, disaggregated by age, gender and ethnic or national origin of the victims; the number of perpetrators who have been prosecuted for acts of torture and ill-treatment; and the penalties applied to those found guilty;**
- (...)
- (g) **State at the highest political level that there will be no tolerance for excessive use of force against persons deprived of**

their liberty by law enforcement officials, including against members of ethnic minorities;

(...)

Follow-up procedure

20. The Committee requests the State party to provide, by 14 August 2016, follow-up information in response to the Committee's recommendations relating to the following: ensuring fundamental legal safeguards; carrying out investigations into allegations of the excessive use of force; providing data on such investigations; and publicly stating a policy of zero tolerance of the excessive use of force, as contained in paragraphs 8, 11 (a), 11 (b) and 11 (g), respectively, of the present document.

(...)
