

43rd session of the Committee Against Torture
Consideration of the 2nd periodic report of Slovakia (3 and 4 November 2009)
Opening remarks by the head of delegation of Slovakia
H. E. Fedor Rosocha, Ambassador, Permanent Representative of Slovakia to the UNOG

Mr Chairman, Distinguished Members of the Committee,

I consider it a great honour to address the Committee against Torture, whose work the Slovak Government highly appreciates. The monitoring of compliance with the Convention against Torture is in our view vital for its effective implementation, whereas the recommendations of the Committee play a crucial role.

Before touching upon some issues related to the consideration of the 2nd periodic report of Slovakia, allow me to introduce the members of the Slovak delegation who are ready to answer your questions. Taking into account the wide range of areas covered by the Conventions, we have our delegation composed of experts from several governmental institutions.

1. Mr. Eudovít GALBAVÝ

Plenipotentiary of the Government of the Slovak Republic for Roma Communities
Office of the Government of the Slovak Republic

2. H. E. Mr. Peter PROCHÁČKA

Ambassador
Human Rights Department, Ministry of Foreign Affairs of the Slovak Republic

3. Ms. Mária KRESLOVÁ

Director General of the Corps of Prison and Court Guard of the Slovak Republic
Ministry of Justice of the Slovak Republic

4. Mr. Ladislav CŠEMI

Director of the Police Detention Center for Foreigners in Medved'ov
Ministry of Interior of the Slovak Republic

5. Mr. Matej SUDOR

Director of Department of Criminal Law Legislation and Prison Service
Ministry of Justice of the Slovak Republic

6. Ms. Miroslava VOZÁRYOVÁ

Department for International Relations and European Affairs
Ministry of Interior of the Slovak Republic

7. Ms. Renáta BRENNEROVÁ

Department for Children and Family Social Protection
Ministry of Labour, Social Affairs and Family of the Slovak Republic

8. Ms. Zuzana ČAHOJOVÁ

Department of International Relations
Ministry of Defense of the Slovak Republic

9. Mr. Slavomír KANTOR

Human Rights Department
Ministry of Foreign Affairs of the Slovak Republic

10. Mr. Martin KAŠPAR

Human Resources Department
General Directorate of the Corps of Prison and Court Guard

11. Mr. Matej POLÁČEK

Department of Control
Presidium of the Police Corps of the Slovak Republic

Last but not least the representatives of the Permanent Mission of Slovakia in Geneva, Mr. Branislav Lysak, Deputy Permanent Representative and Ms. Ivana Kasarova are members of the delegation as well.

Mr Chairman, Distinguished Experts,

The Slovak Republic is a sovereign and democratic country governed by the rule of law. It ratified all basic human rights instruments, and its human rights legislation is up to the highest internationally recognised standard. The prohibition of torture, inhuman or degrading treatment is guaranteed, besides the Constitution of the Slovak Republic, also by the international treaties that take precedence over the laws of the Slovak Republic. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter "the Convention"), to which the Slovak Republic acceded by succession in 1993, can be considered as one of the most fundamental international instruments in the area of torture prevention.

In accordance with Article 19 of the Convention, the Slovak Republic submitted its consolidated initial report and its second periodic report in 2001. However, the Committee against Torture (hereinafter "the CAT Committee") qualified it strictly as an initial report. In line with the recommendation of the CAT Committee, the second periodic report was subsequently submitted in a formal manner in February 2007 (hereinafter "the report").

Distinguished Members of the Committee,

We are aware of the delay in submitting the report. The delay was mainly due to the recodification of Slovakia's criminal law framework and adoption of the related legal provisions aimed at improving the way in which the commitments under the Convention are fulfilled.

In terms of chronological coverage, the report contains information on the measures adopted in the period between 1 January 2001 and 31 December 2006 (hereinafter "the reporting period"). Let me now shortly emphasise the most important measures taken in the reporting period.

The entry into effect on 1 January 2006 of the new criminal codices – Criminal Code No. 300/2005 (hereinafter “the Criminal Code”) and the Code of Criminal Procedure No. 301/2005 (hereinafter “the Code of Criminal Procedure”) – completed the recodification of criminal law in the Slovak Republic. These new legislative acts represented a significant step towards fulfilling the commitments arising from the Convention and recommendations of the CAT Committee.

By way of example, let me mention the new definition of torture which goes beyond the scope of the Convention in that it does not limit torture only to the purposes of obtaining information from or punishing suspects. According to the new definition, torture means any conduct inflicting severe pain of suffering, whether physical or mental.

The Criminal Code also offers protection against the abuse of the means of coercion by members of the police corps by defining the criminal offence of ‘abuse of power by public officials’. Every complaint of ill-treatment filed with an investigator or another police officer in the course of criminal procedure must always be referred to the Inspection Service Office of the Police Corps. In the interest of eliminating ill-treatment of detainees, the Inspection Service Office of the Police Force presents annual reports on police crime to the Ministry of the Interior of the Slovak Republic. Since 2002 annually, the Minister of the Interior informs the Government about the situation in this area. The comparison of statistics from previous years reveals a declining trend in the number of submissions registered by the Inspection Service Office.

Another important legislative change was introduced by adoption of Act No. 475/2005 on the Execution of Custodial Sentences and Act No. 221/2006 on the Execution of Remand in Custody. The two legislative acts, adopted in reaction to the recommendations of both the CAT Committee and the Council of Europe CPT Committee, created the necessary legal conditions for humanising the Slovak prison system. Compliance with the rules applicable to the places holding remand prisoners, sentenced prisoners, persons under court-ordered protective treatment, protective care, institutional treatment or institutional care is supervised by the prosecution service. The prosecution service exercises similar supervisory powers also with respect to police officers not only during criminal proceedings, but essentially in all cases when the police act as a public authority vis-à-vis the citizens.

The adoption of Act No. 90/2001 amending the Constitution of the Slovak Republic represented another important step in the legislative structural reform. The changes introduced by the amendment include the creation of the institution of the public defender of rights (the ombudsman) who may be called upon by any person who believes that his or her fundamental rights and freedoms have been violated by a public authority. The ombudsman's office started to operate in Slovakia in 2002 and has received over 17,980 submissions until now (October 2009). More than 100 of them were filed by the persons remanded in custody or serving custodial sentence who complained about living conditions in penitentiary establishments.

Under Constitutional Amendment No. 92/2006 the ombudsman's powers were expanded to include the standing to initiate proceedings before the Constitutional Court in matters involving violations of the fundamental rights and freedoms afforded to natural or legal persons under the generally binding legal provisions, or where the ombudsman believes that a generally binding legal provision is liable to encroach upon the human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic.

Distinguished Experts,

I think I can confidently state that even the best legislation on combating torture is ineffective without appropriate and regular training of the public authorities that apply it in practice. In this regard, an irreplaceable vehicle for ensuring compliance with the law is the training of members of the police force, the Corps of Prison and Court Guard, members of the armed forces, healthcare personnel and any other persons acting on behalf of the state in the premises used to hold persons subject to a restriction of their fundamental human rights and freedoms.

The Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Related Intolerance (hereinafter "the Action Plan") is the core document of the Slovak Government in the area of training provided to members of professional groups. The Action Plan is a systematic instrument for the prevention and reduction of negative phenomena in society, including torture and other cruel, inhuman or degrading treatment or punishment.

The programme document for the Action Plan has been regularly prepared since 2000. Priority areas of the 2006–2008 Action Plan focused mainly on enhancing the level of awareness among Slovak citizens of human rights and non-discrimination, on effective implementation of anti-discrimination legislation, on addressing the status of migrants in Slovakia, and on other specific activities in the area of prevention of intolerance, discrimination, racism, xenophobia and anti-Semitism. These priorities were expanded in 2008 to also include activities aimed at preventing extremism, mainly in the form of training for professional groups. Extensive educational activities were also carried out in the framework of the UN Decade for Human Rights Education.

The 2009–2011 Action Plan is the fifth in a row since 2000, building on the results achieved in the previous periods. Its focus reflects the current needs and tasks of society as regards improvements in the legislative, application, theoretical and practical frameworks. At the same time, it serves as a tool to develop effective mechanisms aimed at suppressing various expressions of hatred and intolerance in different settings, in particular through the implementation of preventive measures. Moreover, long-term objectives of the Action Plan include fulfilment of international commitments aimed at building a tolerant and democratic state and enhancing its multicultural character.

An important priority of the 2009–2011 Action Plan is to ensure systematic training of those professional groups which, through the performance of their profession, have an impact on preventing all forms of discrimination, racism, xenophobia, anti-Semitism and related intolerance; the training includes regular courses for and examinations of the police force, prison and court guards, and members of the armed forces, in the application of the principle of equal treatment. One of the specific objectives of the Action Plan is to ensure effective social integration of the persons belonging to national minorities or ethnic groups, including persons coming from socially disadvantaged environments, as well as the social integration of aliens.

Concerning the ratification of the Optional Protocol to the Convention against Torture let me inform you that the Slovak Republic conducts an analysis of the provisions of the Optional Protocol with the aim to identify the necessary legislative amendments in respective national law, as far as their conformity with other international law instruments covering these issues. I am confident that already in short future we will be able to start the obligatory legislative procedure leading to becoming one of the contracting parties of the Optional Protocol.

Distinguished Experts,

I do recognise that in spite of the Slovak Government's efforts and measures taken, there had been reports of cases involving elements of torture or other cruel or inhuman treatment.

As an example I could mention the police action taken in Košice against six Roma juveniles and minors in March 2009. We admit that the police conduct in this specific case involving Roma citizens was incompatible with the mission, powers and the code of ethics of police officers, and it was therefore immediately condemned by the Ministry of Interior.

Immediately after the facts of the case had been established, six members of the Police Force directly involved in the action were suspended and eventually dismissed from the police; proceedings against one policewoman are still pending on account of her illness. Based on the results of examination of the circumstances underlying the case, motions are being prepared to dismiss three more policemen who were present in the premises of the local police department at the time of the incident. Moreover, criminal proceedings have been initiated and indictments filed against seven police officers for the crime of abusing power of a public official and the crime of extortion committed in complicity.

On 17 September 2009, the Supreme Court of the Slovak Republic issued a final judgment in the case of the tragic death of Karol Sendrei, a member of the Roma national minority. The first-instance court handed down a guilty verdict against seven policemen already on 28 February 2008. They were convicted of participation in the violent death of Karol Sendrei who died in early July 2001 at the local police department in Revúca after brutal questioning by the police.

The appellate court upheld the judgments of the first-instance court. A total of 6 imprisonment sentences ranging from 2 to 8.5 years were issued in the case against former police officers who are no longer with the police; four of the sentences were given for the criminal offence of torture and other inhuman or cruel treatment. After this tragic event, the Government instructed the Minister of the Interior to urgently propose measures for restoring confidence in the Slovak police corps as guardians of law and order.

I am convinced that, in spite of these regretful cases, isolated failures of individuals are not the fault of society as a whole. I am confident that the Slovak system of crime investigation and of the imposition and execution of sentences is based on solid foundations and I can declare, with full responsibility, that the Slovak Government will do its best to bring the perpetrators of similar offences to justice in conformity with the international legal standards binding on the Slovak Republic.

Mr Chairman, Distinguished Members of the Committee,

Let me please conclude by thanking you for the opportunity to start the consideration of our second periodic report by informing you on the progress we have recently achieved in addressing the issue of torture and other cruel, inhuman or degrading treatment. We are open to dialogue and we are prepared to take on board the recommendations you may wish to address to us.

Thank you.