



**SLOVAK NATIONAL CENTRE  
FOR HUMAN RIGHTS**

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**INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN  
RIGHTS CONCERNING THE CAUSES AND HUMAN RIGHTS  
IMPLICATIONS OF OVER-INCARCERATION AND  
OVERCROWDING, AND WAYS TO REMEDY SUCH  
SITUATIONS, INCLUDING ALTERNATIVES TO DETENTION  
AND OTHER RELEVANT GOOD PRACTICES AND  
EXPERIENCES**

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*The Slovak National Centre for Human Rights (the Centre) is a national human rights institution established in the Slovak Republic, accredited with status B by the International Coordinating Committee of National Human Rights Institutions. As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act) the Centre acts also as the only Slovak equality body. As an NHRI and Equality Body, the Centre performs a wide range of tasks in the area of human rights and fundamental freedoms including the rights of the child and observance of the principle of equal treatment. The Centre among other powers:*

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;*
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;*
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;*
- 4) provides legal assistance to victims of discrimination a manifestations of intolerance;*
- 5) issues expert opinions on matters of the observance of the equal treatment principle;*
- 6) performs independent inquiries related to discrimination;*
- 7) prepares and publishes reports and recommendations on issues related to discrimination;*
- 8) provides library services and services in the area of human rights.*



Depriving person of its personal liberty (either by taking it into custody or imprisoning) is the most severe form of affecting personal freedom of an individual. Pursuant to Article 17(2) of the Constitution of the Slovak Republic, a person can be only deprived of personal liberty on legal grounds. In accordance with Article 17(5) of the Slovak Constitution, a person can only be placed in detention on legal grounds and for a time stated in law upon court decision. The further legislative regulation is set in the Code of Criminal Procedure, which among other regulates a process of taking persons into custody by law enforcement bodies and lays down that regulation of serving detention is provided in a specific act. Operation of prisons is in the competence of the Ministry of Justice of the Slovak Republic. Legislatively, this area is primarily regulated in the:

- **Act No. 300/2005 Coll. the Criminal Code**
- **Act No. 301/2005 Coll. the Code of Criminal Procedure**
- **Act No. 68/2014 Coll. on Serving the Sentence of Imprisonment**
- **Act No. 221/2006 Coll. on Serving Detention.**

Both, the Act on Serving Detention and Serving the Sentence of Imprisonment regulate accommodation of charged/imprisoned persons. A charged person is accommodated in cells while an area for one person placed in cell is at least 3,5 m<sup>2</sup>. In case a number of charged or convicted persons rises excessively, the minimum area can be temporarily set lower (until it is necessary in order to accommodate every convicted and charged person). The overall capacity of prison and detention facilities in Slovakia is currently 11 318 places. The available statistics show that by the end of March 2015, there were 10 204 detained and imprisoned persons in Slovakia. This number means that the capacity of the prison facilities and facilities for serving detention were used at 90,2 %. Several facilities have exceeded 100% usage of their capacities.<sup>1</sup>

The Ministry of Justice of the Slovak Republic predicts that by the end of 2016, the number of imprisoned and detained persons will increase by 1400 people. It builds this hypothesis on the past statistics as well as prognosis of development of criminality in Slovakia and takes into account the number of convicted persons who have not yet start to serve their sentence.

Pursuant to the International Centre for Prison Studies, Slovakia holds the 12th position among European countries concerning the number of imprisoned or detained persons. Taking into account statistics from 2012 the International Centre for Prison Studies states that Slovakia has 205 imprisoned persons for each 100-thousand inhabitants. To compare, in 2008, there were 153 imprisoned persons for each 100-thousand inhabitants. Since 2008 the number constantly increases. It must be stated that after the analysis of the International Centre for Prison Studies was conducted, the former president of Slovakia granted amnesty to 793 people.

Alternative sanctions to the sentence of imprisonment as recognised by the Criminal Code of the Slovak Republic are: house arrest, financial sentence, service of work, conditional postponement of

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<sup>1</sup> Monthly statistics are available in Slovak at:  
[http://www.zvjs.sk/index.php?po%E8ty\\_obvinen%FDch\\_a\\_ods%FAden%FDch](http://www.zvjs.sk/index.php?po%E8ty_obvinen%FDch_a_ods%FAden%FDch).



## SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS

serving the sentence of imprisonment, conditional postponement of serving the sentence with probation and ban of participation at public events.

Recently, the National Council of the Slovak Republic passed a new Act No. 78/2015 Coll. on Controlling of Execution of Selected Decisions by Technical Means, which entered into force on 17 April 2015. This Act establishes legislative conditions for realisation of electronic monitoring of persons through the so called electronic bracelets. This project represents one of the biggest modernisation changes in the system of imprisoning in Slovakia and creates preconditions for significant improvement in preventing various types of criminality, including domestic violence or spectator violence.

Electronic system of personal monitoring will support further application of alternative convictions, in particular of sentence of a house arrest. This sentence has been defined in the Criminal Code before the recent amendment. However, due to the abstention of technical means for controlling of its observance, this institute faces insufficient application in practice.

The new project will decrease costs of imprisonments and will have further positive impacts on society. The most importantly, it will reduce the human rights impacts of imprisonments, particularly the severe interference with personal liberty. Indisputably, the project will also benefit to prevention of domestic violence and stadium criminality by more effective control of the sentence of ban of participation in public events and other forms of limits including the ban to approach a specific person as well as banning a violent person to enter house.

The project itself enters into its pilot phase from 1 July 2015. First persons enrolled in the project will be convicted persons allocated to serve their sentence within open sections of particular facilities for serving the sentence of imprisonment. In its full operational capacity, the system should be running from 1 January 2016. The project in the amount of 22,04 mil. EUR is co-financed through the European Regional Development Fund within Operational programme information society.

The act also aims to implement selected recommendations of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment with regards to serving the sentence of imprisonment and detention. The amendment introduces a technology of a reputable and reliable control of serving a sentence, which will support realisation of alternative forms of sentences in practice.

Imposing a sentence of house arrest has an increasing tendency. However, the number of persons serving this sentence remains very low (from 2006-2012 it was altogether served by 222 convicted persons) as compared to the number of imprisoned persons. A considerable number of convicted imprisoned persons could serve less severe forms of sentence such as house arrests.

Further information of the Slovak National Centre for Human Rights concerning the observance of human rights in prisons can be found in the Report on the Observance of Human Rights Including



**SLOVAK NATIONAL CENTRE  
FOR HUMAN RIGHTS**

the Observance of the Principle of Equal Treatment and the Rights of the Child in the Slovak Republic for the Year 2013.<sup>2</sup>

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<sup>2</sup> Available in English at:

[http://snslp.sk/CCMS/files/REPORT\\_ON\\_THE\\_OBSERVANCE\\_OF\\_HUMAN\\_RIGHTS\\_INCLUDING\\_THE\\_PRINCIPLE\\_OF\\_EQUAL\\_TREATMENT\\_AND\\_THE\\_RIGHTS\\_OF\\_THE\\_CHILD\\_IN\\_THE\\_SLOVAK\\_REPUBLIC\\_FOR\\_THE\\_YEAR\\_2013.pdf](http://snslp.sk/CCMS/files/REPORT_ON_THE_OBSERVANCE_OF_HUMAN_RIGHTS_INCLUDING_THE_PRINCIPLE_OF_EQUAL_TREATMENT_AND_THE_RIGHTS_OF_THE_CHILD_IN_THE_SLOVAK_REPUBLIC_FOR_THE_YEAR_2013.pdf).