

Women in Prison: Slovakia

Analysis from the National Preventive Mechanism

| September 2024



Slovakia¹



UNCAT Ratification

28 May 1993

OPCAT Ratification

19 September 2023

National Preventive Mechanism (NPM)

Three institutions : Public Defender of Rights (as Coordinator), the Commissioner for Persons with Disabilities and the Commissioner for Children.

NPM legal framework

Act No.110/2023 Coll. amending Act No. 564/2001 Coll. on the public defender of rights as amended and amending other acts.
Act No. 176/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities

NPM operationalisation

Since May 2023

NPM structure

Multiple body NPM

NPM composition

- Public Defender of Human Rights: 5 staff members (4 women)
- Office of the Commissioner for Persons with Disabilities: 6 staff members (6 women)
- Office of the Commissioner for Children: 4 staff members (3 women)

I. Facts and Figures

Prison population

Total prison population

9,753

Women in prison (total)

754 | 7.73%

Women serving a sentence

651

Women in pre-trial detention

103

Source: [Prison and Court Guard Service, 1 April 2024](#)

Women in prison - Characteristics

Foreign women

23

Foreign women serving a sentence

17

Foreign women in pre-trial detention

6

Source: [Prison and Court Guard Service, 31 December 2023](#)

Prisons for women

Total number of women's prisons

5

Women-only prison²

2

Mixed prisons with special unit for women³

3

Source: [Prison and Court Guard Service, 31 December 2023](#)

¹ Report prepared on the basis of the submission by the Public Defender of Rights, one of the three institutions comprising the NPM.

² Prisons in Levoča and Nitra-Chrenová

³ Prisons in B. Bystrica-Kráľová, Nitra and Sučany

II. Recommendations

Body searches

- + The law shall include that body searches shall be carried out following an individual risk assessment and using a two-step method.

Solitary confinement, isolation

- + The law shall stipulate a maximum duration of placement in high security units.
- + Women with psychosocial disabilities shall be placed in appropriate detention facilities and not into solitary confinement.

Pregnant and nursing women

- + The law shall include reasons for suspension of pre-trial detention of pregnant women or mothers of young children.
- + Sufficient financial resources shall be allocated to build detention units for mothers with children.

III. Detention Issues

Body searches

a) Legal and regulatory framework

Body searches of women prisoners are governed by regulations applicable also to the general prison population, i.e. by the Prison and Court Guard Service Act⁴, the Execution of Prison Sentences Order⁵ and the Order of the Minister of Justice No. 2/2024. In very few instances, these regulations include provisions specifically aimed at women prisoners.⁶ However, there is no specific legislation that would govern body searches of women prisoners.

a) In practice

The Prison and Court Guard Service Act stipulates, in Section 5 Article 13b, that women prisoners should be searched by women prison staff. National legislation differentiates between preventive and thorough body search, the latter one being more intrusive, as it involves undressing of the prisoner. The preventive search is carried out by thorough examination of the inmate's body (without the obligation to undress), clothes and personal belongings.⁷

During the thorough body search, inmates first take off their clothes but keep their underwear. Then a guard carries out an examination of their body, including hair, mouth, armpit, palms and feet. After that, the inmate has to strip naked for no longer than necessary. During this time, a guard conducts a visual inspection of their body, including genitals and anus. Undressing is carried out behind a curtain, in a cell or other suitable space designated by the prison director so that the inmate is not exposed to the looks of other prisoners. The inspection of clothing is carried out by thorough examination and with

⁴ Prison and Court Guard Service Act: [4/2001 Z.z. - Zákon o Zbore väzenskej a justičnej... - SLOV-LEX](#)

⁵ Execution of Prison Sentences Order: [368/2008 Z.z. - Vyhláška Ministerstva spravodlivost... - SLOV-LEX](#)

⁶ According to Article 41 Section 3 of the Order of the Minister of Justice's no. 2/2014 a preventive search of an accused or a sentenced women following her return from workplace shall be carried out only in justified cases.

⁷ Article 41 Section 2 of the Minister of Justice's order no. 2/2024.

the use of detection means. Clothes can also be examined with the help of a dog trained to search for substances with a specific smell.⁸

The Order of the Minister of Justice No. 2/2024 further defines that a thorough body search is to be carried out only when the same purpose cannot be achieved by using a body scanner. However, it must be added in this regard that the women's prison visited by the NPM in 2024 did not have a body scanner that could be used in substitution for the strip search. The Order of the Minister of Justice No. 2/2024 specifies 16 situations when an inmate is obliged to undergo a thorough body search and 2 scenarios when they might be subjected to such a search. For instance, a strip search is carried out upon admission to the prison or pre-trial facility and prior to release, before their transfer to a court hearing or to a hearing at the Office of the Prosecutor, every time inmates have open visit, when they go and return from work, during regular examinations of their cells which happens at least once in every 3 months, before the transfer to a different prison facility, etc.⁹ The respective rules do not contain any provisions on individual risk assessment and every prisoner has to undergo the strip search in the situations provided for by the internal order. Accordingly, strip searches appear to be carried out quite routinely, which has also been confirmed during the NPM monitoring.

NPM findings also revealed that during a strip search, prisoners, including women, are often asked to make a squat. However, the obligation to squat is not laid down in the law nor in the internal rules and appears to have developed only in practice.

In several prisons, the NPM has encountered that, when carrying out a strip searches, some guards, apply the two-step method. However, since this is not required by the law, the practice significantly differs from one prison to another. Therefore, in the course of the recent amendment of the Execution of prison sentences act, the Ombudsman has recommended to introduce the two-step method as a matter of legal requirement. Unfortunately, this recommendation has remained unanswered by the Ministry of Justice. The NPM has not received any complaints that strip searches are conducted by an officer of opposite sex. Body searches are not being recorded, unless the guards find a forbidden item. Then they shall document this fact. Visitors undergo only the preventive search and are not subjected to strip searches.

Solitary confinement, isolation

a) Legal and regulatory framework

In Slovakia, the law contains different forms of prisoners' segregation. Pursuant to the Execution on prison sentences Act, which applies to both men and women, an inmate can be placed in (i) a closed unit, which can also include a cell for solitary confinement or in (ii) a high security unit.¹⁰ The closed unit is a specialized area within a prison facility designed with cells that run in a stricter regime and in which inmates are placed to carry out a disciplinary sanction.¹¹ Placement in a high security unit can be used for disciplinary purposes but also for preventive security-related grounds.¹²

In order to ensure the safety of prisoners subjected to placement in closed unit and in solitary confinement, the law stipulates that prior to placement a doctor must examine the prisoner and determine that they are physically and mentally fit to undergo the placement.¹³ Furthermore, in the course of the placement they must be examined by a doctor at least once every three days to assess

⁸ Article 13b Section 6 of the Prison and Court Guard Service Act.

⁹ Article 42 Section 1 (a)-(p) of the Order of the Minister of Justice No. 2/2024.

¹⁰ Article 8 section 5 of the Execution on prison sentences Act, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/475/20220101>.

¹¹ Article 83 section 1 of the Execution on prison sentences Act.

¹² According to Article 81 of the Execution on prison sentences Act a prisoner can be placed in a high security unit when he repeatedly violates prison internal rules, endangers safety of others or his own, tries to escape or has committed serious crimes.

¹³ Article 54 section 3 of the Execution on prison sentences Act.

their ability to cope with the sanction.¹⁴ Inmates can also lodge a complaint with the prison director against their placement in either of the units.¹⁵

In the past, the law used to include a possibility of lodging an administrative action, but this provision has been abolished. This must be considered as a setback in terms of the protection of human rights in Slovakia. Placement in a high security unit shall be reviewed at least once every three months by the prison director and the prosecutor.¹⁶ An inmate can also lodge a complaint with the Public Prosecution Service to review the legality of the measure, but the effectiveness of this remedy has been criticized by the European Court of Human Rights.¹⁷

b) The use of solitary confinement in practice

As concerns the regime, in all three cases, prisoners are locked in their cells for 23 hours a day and cannot meet other prisoners. They are not allowed to participate in cultural and educational activities and leisure activities. They cannot purchase food, personal items and other items other than basic personal hygiene needs and basic correspondence needs. They are not allowed to make phone calls, to smoke, to keep cigarettes, tobacco, tobacco products and to rest on their beds outside the time determined by the prison internal rules.¹⁸ They have a right for outdoor exercise for 1 hour per day. When in solitary confinement, inmates are always accommodated alone. On the other hand, in a closed unit, they can be accommodated in a cell with up to 3 other inmates and in the high security unit with 1 more prisoner.

Women can be placed in a closed unit or in a solitary confinement for maximum of 14 days, even in cases of repeated disciplinary punishments.¹⁹ It is prohibited to place pregnant women and juvenile girls into solitary confinement.²⁰ This prohibition applies both to pre-trial detention and to the execution of sentences.²¹ So far, the Ombudsman has not received complaints that this prohibition is not respected in practice.

During its visits, the NPM team has observed that women placed in a closed unit as a disciplinary sanction did not have access to a mattress during the day. The mattress was locked behind bars in the corner of the cell. While it is understood that this practice is based on the law,²² the NPM does not see any legitimate aim pursued by this measure. The cells were under constant video surveillance, but the cameras did not capture the sanitary facilities.

As for keeping records on the use of the different forms of confinement described above, the NPM has not found any irregularities in the documentation examined during its visit and the reasons for imposition of solitary confinement were properly documented.

c) Women with mental health conditions

The law does not determine a maximum duration for placement in the high security unit. The NPM considers this very problematic given its very strict regime. Moreover, during its visit to a women's prison in March 2024, the NPM team observed that women with mental health conditions and behavioral issues were frequently segregated from the rest of the prison population by being placed in these units. They were detained alone both as a punishment for inappropriate behavior and sometimes

¹⁴ Article 54 section 4 of the Execution on prison sentences Act.

¹⁵ Article 65da of the Prison and Court Guard Service Act.

¹⁶ Article 81 Section 5 of the Execution of Sentences Act.

¹⁷ Maslák v. Slovakia (no.2), no. 38321/17 and 8 other applications, 31.3.2022.

¹⁸ Article 54 section 1 of the Execution on prison sentences Act.

¹⁹ Article 74 section 3 of the Execution on prison sentences Act.

²⁰ Article 63 section 2 and article 72 section 5 of the Execution on prison sentences Act.

²¹ Sections 46 and 48 of the Pre-trial detention act,
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/221/20230101>.

²² Article 54 section 1 of the Execution on prison sentences Act.

also for their own safety as a protection measure from self-harm. The decision was taken by the prison director upon the recommendation of an educator working with the inmate, together with the consent of a psychologist and the preventive-security department. The woman concerned did not participate in the decision-making process.

Given their mental health condition, these women should be placed in more suitable institutions, such as detention centers or psychiatric facilities. However, these facilities are either lacking in Slovakia or they do not have enough places to accept new users. This constitutes a serious problem, as the stay of such women in prison might worsen their mental health conditions. Moreover, placing women with mental health conditions in high security units cannot be considered as an appropriate solution.

IV. Women in a special situations of vulnerability

Women with their children in prison

Another issue identified by the Ombudsman relates to the persisting absence of detention units for mothers with children. Although the establishment of such units in one of the Slovakian women's prisons has long been envisaged, there has not been any real progress in this regard. This is even more regrettable, as it follows from the 2023 yearbook of the General Directorship of the Prison and Court Guard Service that they have already obtained all building permits. However, they do not have enough financial resources to start with the realization of the project.

V. Alternatives to detention

One of the issues identified by the Ombudsman concerns the lacking provisions on the possible suspension of detention of pregnant women in pre-trial detention.

The execution of sentence of a pregnant woman or of a woman who just gave birth or whose child is younger than 1 year shall, according to the relevant legislation, always be suspended for the duration of 1 year.²³

There are, however, no rules on suspension of the pre-trial detention. Given that in certain circumstances the conditions of pre-trial detention can be harsher than the conditions of sentenced women, coupled with the reluctance of the domestic courts to apply alternative measures, the Ombudsman finds this situation highly problematic.

In a letter to the Ministry of Justice, the Ombudsman therefore recommended to amend the current legislation so that it lays down reasons for the suspension of pre-trial detention of pregnant women and mothers of small children in a similar manner as in the case of sentenced women.

VI. Other relevant NPM information on women in prison

+ [2023 Annual Report](#)

This report is part of the Global NPM report on Women in Prison.
Access the full report here: www.apt.ch/global-report

²³ Article 408 Section 2 and Article 409 Section 3 of the Code of Criminal Procedure Article 80bis of the Code of Criminal Procedure, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/301/20240320>.