

The Office of the Public Defender of Rights

How and when can the Public Defender of Rights help you (PDOR)?

Public Defender of Rights (hereinafter PDOR) is the authority protecting basic human rights and freedoms of persons interacting with the public administration authorities.

Competencies of PDOR:

- state authorities (ministries, regional authorities, labour offices),
- local authorities (municipalities, higher self governing regions),
- other institutions, deciding in public administration (Prison and Court Guard Service – hereinafter PCGS, Police, Social insurance office).

PDOR however does not have any competences in criminal proceedings and cannot examine steps and decisions / rulings of:

- courts,
- investigators,
- prosecutors.

PDOR can however investigate undue delays of investigation of criminal acts and court proceedings.

PDOR does neither have any competencies related to:

- National Council of the Slovak Republic,
- Government of the Slovak Republic,
- President of the Slovak Republic,
- intelligence services.

Examples of situations, the PDR can investigate, when someone is detained at the Police station:

- steps taken to restrict personal freedom before detention (i.e. proportionality of the use of means of force),
- upholding the maximal lawful periods for detention in a Preliminary Detention Cell (hereinafter PDC) or other Designated Areas (hereinafter DA),
- conditions in PDCs and DA (food, cell temperature, hygiene, clothing),
- maintaining of your detention rights (possibility of contacting a close person, contacting a lawyer for legal support, telephone calls, walks),
- Access to medical care (the possibility of checks/examinations while being placed into the PDCs or DAs, not whether the right medical care/treatment is provided, or its outcome – this is the competence of the Public Healthcare Surveillance Authority).

Types of cases, where PDOR cannot get involved:

- Where the complaint relevant authority is outside of the scope/competency of PDOR (i.e. criminal court ruling, decision on remand, decision on conditional release, prosecutor's indictment decision, investigator's decision on charge/s),
- Where a court or a prosecutor has already been dealing with the same issue/matter,
- PDOR is not competent to provide legal counselling (i.e. help with appeals, etc..), because this is the competence of lawyers.

WHAT DO YOU NEED TO STATE IN YOUR COMPLAINT, SO THAT THE PDR CAN INVESTIGATE:

- which body/authority are you complaining about,
- what exactly are you complaining about in the activity/steps of the relevant authority, with as detailed description of events as possible, possibly with the specification of witnesses and evidence,
- what are you claiming,
- what bodies/authorities have you already approached with the issue (if any),
- enclose any relevant written documentation, if any.

If a PDOR becomes aware of a fact, that there is a person unlawfully detained in the PDC or other areas, the PDOR will report this fact without delay to the relevant prosecutor, management of relevant facility and the affected person.

Your rights when detained at the Police station

The details and standards of conditions, under which a person can be detained and placed in the PDC, are specified in the Act on Police force [1]. Internal regulation of the Ministry of Interior of the Slovak republic, specifies further details on PDCs [2].

Time period, for which can a person be placed in PDC, is primarily linked to the reason of/ purpose of detention.

UPACEMENT OF A PERSON IN THE PRELIMINARY DETENTION CELL (PDA)

You can only be placed in the PDC on legal grounds. You have to be notified of your rights.

During the placement, the Police must take into regard, whether you are a female or a male, an adult or a minor. The Police also takes into regard and is not placing together persons, where there is a probability of joint criminal proceedings against such person, or their criminal offences are linked.

If a foreigner is placed in the PDC, the director of the relevant Foreigners Police department must be informed by the Police officer.

[1] Zákon č. 171/1993 Z. z. o Polícijnom zbore v znení neskorších predpisov

[2] Nariadenie Ministerstva vnútra Slovenskej republiky č. 92/2015 v znení N MV SR č. 158/2019

DESCRIPTION OF A CELL

The cell must be clean and be adequate for the purpose of detention. The area per person is minimally 8m². There is a requirement for natural light in the cell and the window has to be secured with the steel bars on the outside. Each cell has to be equipped with a bed (affixed to the floor), metal table and metal chair.

CLOTHING

If you don't have the adequate clothing in the cell, or your clothes are not clean, you'll be provided with the appropriate clothing by the relevant Police department.

REGIME IN THE CELL

You have to be notified of the regime in the cell before you are placed there. Cell regime information have to be placed in each cell on a visible place usually in Slovak, German and English languages. You should have access to drinking water and toilet in the cell. If you are placed in the cell overnight, you have to be allowed eight hour sleep.

MEALS

You have to be provided with nutritious meals three times per day in the cell, with regards to local conditions, in appropriate time. Meals will be provided taking into consideration your age, health condition and religious needs. The first meal is provided when the restriction of freedom exceeds six hours. If the restriction of freedom does not exceed six hours, a meal is provided only if your health condition, age, or other serious condition, known to the Police officer, applies.

You have a right to refuse the meal, and the Police officer has to write an official record on this.

SHOWER/TOILETRIES

If you ask for it, the Police officer has to allow you to take a shower in warm water at least once per three days. Women and minors have to be allowed to take a shower at least once per two days and pregnant women and women on period as per their needs.

Toiletries in the cell should include 1 soap, toilet paper, 1 package of pads, 1 mattress with washable surface, plastic bags for used material by the persons placed in the cells.

WALKS/ACCESS TO FRESH AIR

If you are in the cell longer than 24 hours, upon asking, you have a right for a walk in a duration of 1 hour at the designated area of the Police department.

CONTACT WITH FAMILY / FRIENDS

Upon arrest, you have a right to ask the Police to inform your family or another person of your arrest. The information will not be provided, should it have a negative effect on the investigation of the case. In case of the arrest of a minor, parents or other legal guardians and social-legal protection of children and youth authorities will be informed without delay.

HEALTH CONDITION OF A PERSON IN PDC

If a Police officer observes, that a person, who is about to be placed in the PDC, is obviously under the influence of alcohol, opiates, psychotropic substances or medicaments, injured, or the person notifies the officer of their serious illness or injury, the officer will arrange for a medical examination and will request a doctor's statement on whether or not can the person be placed in the PDC.

Your rights when being placed in the Designated Area (DA) at the Police station

Designated area is a room, or separated part of a room at the Police station, where you can be placed by the Police officer for a certain period of time upon meeting certain legal requirements.

WHO CAN BE PLACED IN THE DA?

You can only be placed in the DA by the Police officer if you have been custodially detained, arrested, you are a witness, whose personal freedom has been restricted on the basis of a court order, you have been transferred from the remand for processing, or you are about to be transferred to remand or sentence serving facility.

Apart from the above you can be placed in the DA if you have been detained, and in cases, where it is necessary in order to protect life, health, property, rights and freedoms or if there is a substantiated concern of your flee – you can be placed in the DA even if you've only been asked to come the Police station. In such a case, you can only be placed in the DA for a necessary time for the processing of the matter, you have been asked to come about

Being asked to come to the Police station means, that the Police officer will bring you to the Police station for a specific purpose (for example identification check or providing an explanation).

PERIOD OF TIME OF THE PLACEMENT IN THE DA

You can only be placed in the DA for a necessary time. It can never be longer, than a maximal period of time of a placement in the PDC and never overnight.

RECORD OF YOUR PLACEMENT IN THE DA

If a Police officer places you in the DA, they have to write a mandatory official record, in which legal grounds of your placement in the DA, including the exact time of your placement in the DA, are stated. Stating of the exact placement time is crucial for counting the maximal time you can spend in the DA.

SPECIFIC CASES

If you are injured, or notify the Police officer of your serious illness or injury, the officer is obligated to arrange for your medical examination and request the doctor's statement, on whether or not you can be placed in the DA.

The regulations of the Act on Police force apply to the person placed in the DA, specifically:

- confiscating of items, with which could the person placed in the DA endanger their life or health,
- placement with regards to gender, age, custodially detained or arrested persons, where there can be a probability, that joint criminal proceedings will be in place, or their criminal offences are linked,
- hygiene standards of a cell and purpose of the placement of a person in the DA,
- duties of the Police officer to provide first aid and call a doctor, when the detained person becomes sick, injures themselves or attempts to commit a suicide,
- rights of the detained person to submit suggestions, enquiries and complaints.

MAXIMAL DETENTION PERIODS IN PDC OR DA

PURPOSE OF DETENTION	MAXIMAL DETENTION TIME
Identification check detention	24 hours from restriction of freedom
Detention without transfer to another authority	24 hours from restriction of freedom
Detention related to terrorism	48 from restriction of freedom
Custodial detention	48 from detention + 48 hours court hearing
Custodial detention related to terrorism	96 hours from detention+ 72 hours court hearing
Arrest	24 from arrest + 48 hours court hearing
Arrest related to terrorism	24 hours from arrest + 72 hours court hearing

Under no circumstances can the person in a PDC or DA be chained to fixed hooks or handles.

WHERE TO SEND YOUR COMPLAINT:

by post: Office of the Public Defender of Rights,
Grösslingová 35, 811 09 Bratislava

by e-mail: podnet@vop.gov.sk

by phone: +421 232 363 701