



European Court of Human Rights
Council of Europe
Ivana Jelić
Honoured President of the I Section
67075 Strasbourg Cedex
France

Application nos.	Our No.	Contact Person	Bratislava
20475/23	4934/2026	Roman Lysina	15.07.2026
20477/23		+421 02/323 63 718	
18056/23		roman.lysina@vop.gov.sk	

Intervention as a third party

Honoured President of the Chamber,

By letter of 20 June 2026, granting leave to intervene, the Court invited written observations from the Public Defender of Rights of the Slovak Republic. These submissions concern the cases of *Dávid Krátky v. Slovakia* and others, including application no. 33651/24, and address issues arising under Articles 3 and 8 of the Convention in relation to the use of specific restraint measures during prison transfers, namely the use of dark glasses, headphones, and chain restraints attached to a belt or applied in a combined manner.

The present intervention is submitted in the interest of the proper administration of justice. It aims to assist the Court by presenting findings from the activities of the Public Defender of Rights as an independent national human-rights institution and as a component of Slovakia's National Preventive Mechanism. As the Public Defender of Rights, I am mandated to protect the fundamental rights and freedoms of natural persons in proceedings before public authorities and other bodies exercising public power. In addition, under the relevant domestic framework, my Office forms part of Slovakia's National Preventive Mechanism under the Optional Protocol to the Convention against Torture.

The present observations are based on the Office's examination of individual complaints, systemic findings from visits to places of detention, and engagement with the applicable domestic legal and regulatory framework. The purpose of this intervention is not to express a view on the ultimate outcome of the present applications, but to provide the Court with factual and systemic context drawn from the direct experience of a human-rights institution established by the Constitution of the Slovak Republic that has examined analogous practices.

I. Article 3 - Use of dark glasses and headphones during transfers

The deliberate obstruction of a detained person's sight and hearing during transfer is not a neutral security technique, but it is a measure that strikes at the core of human dignity. A person who cannot see where they are being taken, cannot hear what is happening around them, and cannot anticipate what will occur next is reduced to a state of enforced helplessness. This is precisely the condition that the prohibition of inhuman and degrading treatment exists to prevent. In its 2023 report following a visit to Slovakia, the CPT expressed concern about the use of opaque goggles during prison

escorts and recommended that such practices be discontinued except where strictly justified on an individual basis and properly documented.¹

The CPT's concern echoes the finding of the Public Defender of Rights in 2021, when my predecessor examined a complaint from a person in collusive custody who had repeatedly been transported over long distances while wearing dark glasses and headphones. In examining this complaint concerning the use of opaque glasses and noise-blocking headphones during prison transfers, the Public Defender of Rights concluded that these measures amount to a deliberate suppression of sensory orientation that engages the core of the prohibition of inhuman treatment under art. 3. In this case, the elements of inhuman treatment were met because the escorts were frequent, they lasted for a prolonged period, the use of opaque glasses was planned. According to international standards, such measures can cause psychological suffering. The concern is not merely that sight and hearing are temporarily obstructed, but it is that the person is rendered artificially helpless, unable to perceive surroundings, anticipate events, or orient in time and space. This induced helplessness intensifies fear, dependency, and humiliation. The PDR therefore found these practices incompatible with the state's duty to ensure that persons in its custody are treated with respect for their inherent dignity.

Standards applied to justify legitimate aim

The essential concern was that these measures were not merely technical security arrangements. By their nature, they deprive the person concerned of orientation in the outside environment, suppress normal sensory perception, and intensify feelings of dependence, vulnerability, and humiliation. When used during transfer, especially in combination with other forms of restraint, they may amount to treatment that exceeds what is strictly necessary for legitimate security purposes. Following that examination, the **Public Defender concluded** that the use of opaque glasses and headphones for the purpose of obstructing sight and **hearing was incompatible with international detention** standards and with the right to protection against torture and inhuman or degrading treatment under Article 3 of the Convention.²

In reaching that conclusion, the PDR applied the principle that any coercive measure must be strictly necessary, proportionate, and the least intrusive means capable of achieving a legitimate security aim. The authorities justified the measures by reference to the need to conceal transfer routes and protect the identity of escorting officers. The PDR accepted those aims as legitimate in principle **but found that they could be achieved by alternative means**, such as tinted vehicle windows, varied routing, or officer anonymisation, that do not require stripping the detained person of basic sensory awareness. Where a less intrusive alternative exists and is practicable, reliance on sensory-deprivation measures cannot satisfy the necessity test.

Systemic deficiency

The PDR's finding was not limited to the individual complaint but identified a systemic deficiency. At the time, **the legal framework permitted these measures without adequate safeguards against routine or disproportionate use**. Therefore, in 2021, the PDR submitted a recommendation to the Ministry of Justice to amend the applicable regulations.³ The official response of the Ministry of Justice, received in November 2021, accepted these concerns only in part. The domestic approach did not eliminate the possibility of using such measures altogether but rather contemplated their

¹ Report to the Slovak Government on the visit carried out by the Committee on Prevention of Torture from 19 to 28 March 2018, CPT/Inf (2019) 20, para. 50.

² Annual report of the Public Defender of Rights for 2021, published in February 2022, link: https://vop.gov.sk/wp-content/uploads/2022/03/VOP_VS21_SK_Digital-2.pdf, p. 28.

³ Ibid, p. 28.

continued use on an exceptional basis and under stricter conditions. Accordingly, the Ministry proposed to retain a statutory authorisation for these devices as a measure of last resort, confined to persons convicted of particularly serious offences. In parallel, it suggested tightening the safeguards governing their application by: (i) limiting their use strictly to the period of transport inside a vehicle or helicopter; (ii) conditioning their application on the escorted person being fastened with a safety belt; and (iii) requiring continuous audio-visual recording for the entire duration of their use. This last **safeguard is essential for subsequent verification of legality, necessity, and proportionality**. In this respect, I would like to note that my office did not have information as to whether such camera recordings were in fact made and preserved in the present cases. From the perspective of my Office, this partial response did not fully remove the underlying human-rights concern that such measures, by their very nature, carry a substantial risk of degrading treatment.

This experience is relevant to the present proceedings because it shows that a Slovak national human-rights authority has already assessed the use of dark glasses and headphones in the context of prison escorts and has identified the practice as problematic under Article 3. It also indicates that the issue is not isolated to a single applicant's subjective account, but forms part of a broader domestic concern previously raised at institutional level. In addition, the period during which the applicants in the present case allege they were subjected to these measures coincides with the timeframe examined by the PDR, when the domestic framework permitted such practices without adequate safeguards and when the PDR identified this as a systemic deficiency requiring legislative reform.

II. Article 3 and Article 8 - Use of chain restraints and the need for individualised assessment

Chain restraints that simultaneously restrict the movement of arms and legs do not merely limit mobility, but they fundamentally alter the person's relationship to their own body. The restrained individual cannot walk naturally, cannot protect themselves from falling, cannot perform basic acts of self-care without assistance. This enforced dependency is experienced not only physically but psychologically, where the person is made to feel that they are regarded as so dangerous, so uncontrollable, that near-total immobilisation is considered necessary.

Individual assessment standard

The Nelson Mandela Rules are unambiguous on this point stating that instruments of restraint shall never be used as punishment, shall be applied only when no lesser form of control would be effective, and shall be imposed for the shortest time necessary based on an individual assessment. Where such restraints are combined with sensory-deprivation devices, as alleged in the present applications, the cumulative effect is a compounding of vulnerability that demands the most rigorous scrutiny. The question is not whether security considerations may ever justify restraints, but whether the specific measures applied to these applicants were necessary, proportionate, and individually justified at the time they were imposed.

In examining complaints concerning chain restraints during escorts, the PDR applied a standard derived from the state's positive obligations where restraints may only be used where **an individualised risk assessment establishes a specific, current, and documented security need** relating to the person concerned. The assessment must be recorded in a manner that permits subsequent review by the person, by legal counsel, and by oversight bodies. Where restraints are applied on the basis of offence category, prisoner classification, or generalised security protocols

without reference to the individual's actual conduct and current risk profile, the justification is insufficient and the interference disproportionate.

Cumulative effect of restraint measures

Where multiple restrictive measures are combined, such as chain restraints together with dark glasses and headphones, the interference with dignity and integrity is qualitatively different from the sum of its parts. The person is simultaneously immobilised and sensory-deprived, a combination that maximises dependence and vulnerability. The PDR considers that such cumulative measures demand an especially rigorous proportionality assessment: authorities must demonstrate not only that each element was necessary, but that their combined effect remained within the bounds of what is strictly required. **Routine or undifferentiated resort** to the full package of available restraints is incompatible with this standard.

In one complaint examined by the PDR in 2024, the complainant alleged that throughout the escort he had been restrained by means affecting both his arms and legs, and that prison officers were present during his medical examination. In that matter, the Public Defender did not conclude that the use of restraints itself violated the complainant's rights. The material examined by my Office showed that the prison had carried out an individualised risk assessment and had relied on concrete, case-specific reasons, including the complainant's personal profile, physical condition, and the nature of the offence for which he had been convicted. In those circumstances, the justification presented for the use of restraints was considered sufficiently specific and non-arbitrary.

That case is important because it demonstrates that the Public Defender of Rights does not proceed from any presumption that the use of restraints is inherently unlawful in every circumstance. Where the authorities can demonstrate a genuine and individualised assessment of necessity and risk, my Office may conclude that no violation occurred. At the same time, the case also illustrated that the cumulative use of security measures requires especially strict scrutiny. Even where one coercive measure may be justified, the addition of further restrictive elements can significantly increase the severity of the interference with dignity, bodily integrity, and private life.

This point is directly relevant to the present applications. Where chain restraints are used together with dark glasses and headphones, the Court is not faced with one isolated measure but with a **cumulative package of restraints and sensory restrictions. The combined effect of such measures may be substantially more severe than the sum of its individual parts.** Assessment under Article 3 therefore requires close attention not only to each measure in isolation, but to their cumulative impact on the person concerned. The same cumulative effect may also be relevant under Article 8. Measures that suppress sight and hearing, restrict bodily movement, and expose the person to heightened dependency during transfer may affect physical and psychological integrity in a manner that calls for especially weighty justification.

III. Cases in which no violation was found and what follows from them

In another case examined by my Office in 2024, the complainant alleged degrading treatment during escort while restrained by chains attached to a belt and claimed that he had to handle baggage in a humiliating manner. After reviewing video material from several escorts, the Public Defender did not find that the alleged conduct had been established in the manner described by the complainant. The available material showed that the handling of baggage did not involve the degree of difficulty or humiliation alleged, and the threshold of severity required under Article 3 was not reached.

Firstly, this **confirms the objectivity of the Office's approach.** My intervention does not seek to endorse all allegations made by detained persons as such but rather, it reflects the conclusions drawn from examination of evidence in individual cases.

Secondly, it highlights a distinction of principle that the compatibility of restraint measures with the Convention depends on the specific context, the existence of concrete justification, and the actual manner in which the measures are applied. It is therefore not enough for the authorities to rely on general security formulas or routine practice. What is required is an assessment that is individual, demonstrable, and proportionate.

The cases in which the PDR did not find a violation shared common features such as the prison authorities had carried out a documented risk assessment referring to the specific person's profile, conduct, and current circumstances; the measures applied were proportionate to the identified risk; and the authorities were able to demonstrate these facts when challenged. Conversely, the cases in which the PDR found a violation were characterised by absence of individualisation, reliance on categorical rules, or failure to record the reasons for applying restrictive measures. The distinction is instructive, understanding that compliance with fundamental rights does not require the abandonment of security measures, but it does require that those measures be justified, documented, and reviewable in each case.

IV. Systemic concern: transparency and effective review of the escort regime

The protection of fundamental rights presupposes that the rules governing interferences with those rights are accessible to the persons affected and to oversight bodies. Where the norms, authorising coercive measures, are contained in classified internal orders, detained persons cannot know in advance what treatment they may face, and cannot effectively challenge measures applied to them. The PDR encountered this difficulty directly, when in examining complaints about escort practices, the Office was unable to review the full text of certain operational regulations because of their security classification. This structural gap undermines both the foreseeability of the law and the effectiveness of independent oversight.

Where the practical rules governing the application of coercive measures are not fully accessible even to a national human-rights authority, there is an evident risk that external review of necessity, proportionality, and legality becomes weakened.

Such **lack of transparency** matters not only substantively, as it may contribute to a practice in which restrictive measures are applied routinely or on the basis of broad categories rather than an adequately individualised assessment. But also procedurally, as it may limit the effectiveness of domestic remedies and the capacity of oversight bodies to verify whether a given interference had a sufficiently clear legal basis and whether it was applied only where strictly necessary.

The opacity of the normative framework also affects the availability and effectiveness of domestic remedies. If a detained person cannot identify the rule under which a measure was imposed, and if oversight bodies cannot verify compliance with that rule, administrative or judicial challenge becomes largely theoretical. The PDR considers this a systemic deficiency. The state cannot satisfy its positive obligations under Articles 3 and 8 while maintaining a framework in which the lawfulness of coercive measures is effectively immune from independent scrutiny. Transparency is not merely a matter of administrative good practice, but it is a precondition for the rule of law in places of detention. In cases concerning Articles 3 and 8, the existence of an accessible, foreseeable, and reviewable framework is of particular importance where the state exercises coercive power over persons who are entirely under its control.

V. Broader detention context and high-risk prisoners

The broader context of prison security practice is also relevant. **Security measures that are designed as exceptions tend, over time, to become embedded as routine.** Classification into a

high-risk category may lead to the routine application of the most restrictive security protocols, without ongoing reassessment of whether those protocols remain necessary for the individual concerned. This normalisation is problematic because it decouples the intensity of the interference from the current risk posed by the person, and because it embeds degrading conditions into the structure of detention rather than treating them as departures requiring justification.

In its March 2025 report on life-sentenced prisoners⁴, the PDR **recommended that classification decisions be accompanied by a written, reasoned assessment specific to the individual**, and that such classifications be subject to periodic independent review. The PDR further recommended that restrictive measures be applied only where the assessment identifies a concrete and continuing security need, and that the reasons for each application be documented contemporaneously. These recommendations reflect the same principles that underlie the PDR's findings in individual cases, which are necessity, proportionality, individualisation, and reviewability. The present applications illustrate what may occur when those principles are not consistently applied.

VI. Conclusion

The findings gathered through the activities of the Public Defender of Rights indicate that the use of dark glasses and headphones during prison transfers raises serious issues under Article 3 of the Convention, particularly because such measures suppress **normal sensory perception and may intensify humiliation and vulnerability**.

My Office has previously identified these **measures as incompatible with human-rights standards** and has called for legislative and practical change.

The casework of my Office also shows that restraint measures must not be assessed in the abstract. Their compatibility with the Convention depends on whether they are based on a genuine and individualised assessment of risk, whether they are proportionate to a legitimate aim, and whether their cumulative effect remains within the bounds permitted by Articles 3 and 8.

Finally, the difficulties in independently reviewing parts of the domestic escort framework point to a broader systemic concern regarding transparency and effective oversight. These observations are offered to assist the Court in its assessment of the general issues raised by the present applications.

Sincerely,

Róbert Dobrovodský
Public Defender of Rights

⁴ Report from the monitoring of the National Preventive Mechanism in Slovakia on Life-sentenced prisoners, carried out on 9 May 2024, 20.-21. May 2024, 10.-11. June 2024, published on 27 January 2025, link: https://vop.gov.sk/wp-content/uploads/2025/03/2025_NPM_odsudeni_na_doivotie_final.pdf, p. 30.