

Summary of Case No. AJB-6421/2020

On 25 September 2020, the Commissioner for Fundamental Rights, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (hereinafter referred to as: the "NPM") and several of his staff members paid a visit to the Tamási Police Department (hereinafter referred to as: the "Facility"). With regard to the state of epidemiological preparedness declared by Government Decree No. 238/2020. (VI. 17.), the NPM announced the visit in advance.

The purpose of the visit was to check the measures taken with regard to the prevention of the human epidemic threatening life and property, causing a rapid spread of disease to a large number of people (hereinafter referred to as: the "epidemic") and the aversion of the consequences thereof, as well as to examine the impact of the restrictions ordered due to the state of danger on the rights of the police detainees.

The members of the visiting group inspected the custody unit and the official premises of the Facility and conducted interviews with some of the staff members.

The established rules of client management and client entry, body temperature measurement and hand sanitising, providing disposable protective gloves and masks for newly arrived persons, as well as the executive measures aimed at protecting the health of the staff were in compliance with the requirements set out in the rules of procedure on the health preservation and public health police tasks issued by the National Police Headquarters (hereinafter referred to as: "ORFK") for the senior officials of the police force, serving as professional guidelines.

At the time of the visit, there were no detainees at the Facility. No persons with suspected coronavirus infection were taken to the Facility in the framework of a police measure taken after the declaration of the state of danger. Responding to the challenges posed by the health crisis situation, the management of the Facility fulfilled the requirements aimed at the protection of both the detainees and the staff in the premises affected by the escorting of the detainees, and they appropriately ensured the conditions for the enforcement of the rights of those escorted to the Facility even in the circumstances of the health crisis situation.

Personal contact is unavoidable during the performance of the tasks of the policemen who take the measures and personally perform the procedural actions of the police. The masks, gloves, sanitising devices and protective equipment necessary for the safe performance of the police tasks were available to the staff working at the Facility, and the necessary devices were applied by the staff in accordance with the requirements set out in the police health protection protocols.

The special hygienic conditions for the safe transportation of the detainees, regarding the use of the service cars, were ensured at the Facility, and the devices necessary for protection against the infection were provided both for the police staff and the persons escorted to the Facility.

The staff of the Facility was able to ensure the enforcement of the rights of the detainees to keeping contact during the epidemic as well.

The NPM established a circumstance suggesting an impropriety with regard to a fundamental right in connection with the medical examination of the detainees, and he also raised objections regarding the administration of the measures restricting personal liberty.