

## Summary of Case Report No. AJB-634/2021

On 21 January 2021, the Commissioner for Fundamental Rights of Hungary, 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 Ajka Police Department (hereinafter referred to as: the “Facility”) and to the Devecser Police Station (hereinafter referred to as: the “Police Station”).

In consideration of the state of danger declared by Gov. Decree No. 478/2020 (3 November) due to the worsening epidemiological situation, the Commissioner for Fundamental Rights announced his visit in advance.

The purpose of the visit was to check the execution of the measures taken to prevent the spread of the human pandemic threatening the safety of persons and property and causing mass disease (hereinafter: the “pandemic”) and to remedy its harmful effects, as well as to examine the effect of the restrictions ordered due to the state of danger on the rights of persons detained by the police.

The members of the visiting group inspected the custody units and the official rooms of the Facility and the Police Station, and made interviews with the staff members.

The entry system, i.e. the taking of temperature and hand sanitation, supplying those arriving with disposable gloves and masks, as well as the management’s actions taken in order to protect the health of the staff, which were introduced within the Facility and the Police Station, were in compliance with the specifications of the rules of procedure on the health conservation and public health police tasks, a professional guideline issued by the National Police Headquarters for the management of the police.

At the time of the visit, there were no detainees either in the Facility, or at the Police Station. In response to the challenges of the state of danger, the management of the Facility and the Police Station satisfied the requirements aimed at the protection of both the detainees and the staff in the facilities affected by the execution of police apprehension, and adequately ensured the conditions that guaranteed the enforcement of the detainees’ rights even under the circumstances of the pandemic.

Masks, gloves, sanitizing material and protective gear were available for the staff of the Facility and the Police Station ensuring the safe execution of police tasks, and the necessary equipment were used by the staff in accordance with the specifications of the health protection protocols.

In the epidemiological situation, the special sanitary conditions regarding the safe transportation of arrestees were ensured by the management of the Facility and the Police Station when using the official vehicles, and both the police officers and the arrestees were provided with the equipment necessary for sanitary protection.

The staff of the Facility has ensured the enforcement of the detainees’ right to contacts even during the epidemiological state of danger.

The NPM found certain anomalies indicating a fundamental-rights-related impropriety in connection with the medical check-up of the arrestees and the condition of the custody room of the Facility.

The visiting group formulated some objections concerning the administration of measures restricting personal liberty regarding both the Facility and the Police Station, and they also found that the staff of the Police Station was not sufficiently informed about police health protocols.