

THE COMMISSIONER FOR FUNDAMENTAL RIGHTS OF HUNGARY  
THE NATIONAL HUMAN RIGHTS INSTITUTION OF THE UNITED NATIONS

## NATIONAL PREVENTIVE MECHANISM



Menacing shadows

### **NPM – against torture and other cruel, inhuman or degrading treatment or punishment**

#### **What is the National Preventive Mechanism; NPM – against torture?**

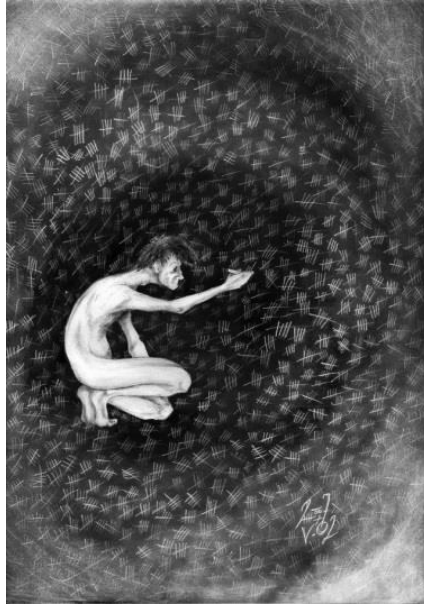
The Commissioner for Fundamental Rights acts as National Preventive Mechanism, proceeding, with the cooperation of his colleagues and within his special procedural rights and competences, in the interests of preventing people held in various places of detention from being subjected to torture and other cruel, inhuman or degrading treatment or punishment.

#### **What is torture?**

Any act by which pain, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him a confession, punishing him, when such pain or suffering is inflicted by or at the instigation of or with the acquiescence of a public official or other person acting in an official capacity.

#### **When can we speak of cruel, inhuman or degrading treatment?**

When someone tries to project and increase domination through intimidating, humiliating, physically or emotionally hurting a detainee.



Tally marks

**What can be considered as a place of detention?**

We use this term in a broader than usual sense. Places of detention include, in addition to penitentiary institutions and police detention facilities, any and all places where inmates, inpatients and detainees have to stay by order of any judicial, administrative or other authority, and which the persons residing therein are not permitted to leave at will and at any time, and where they are forcibly taken back to in the event they try to leave without authorization.



Behind bars

**The tasks of the National Preventive Mechanism are as follows:**

- **preventive and complaint-driven visits to places of detention,**
  - interviewing detainees,
  - inspecting the documentation,
- **providing feedback,**
- **consulting with the authorities,**
- **making recommendations.**
- **publishing reports.**

**Is the scheduling of visits known in advance?**

No, the National Preventive Mechanism shall not publish its schedule in advance.

**Who participate in the activities of the National Preventive Mechanism?**

- lawyers, psychologists and physicians working at the OPCAT NPM Department, established within the Office of the Commissioner for Fundamental Rights; and occasionally
- outside experts, recognized authorities of a given topic.



Shadow family

**What is the Civil Consultative Body?**

The Civil Consultative Body (CCB) is a body established by the Commissioner for Fundamental Rights, comprising the representatives of various civil organizations with outstanding practical and theoretical knowledge in the field of the treatment of persons deprived of their liberty. Its activities are aimed at assisting the National Preventive Mechanism with its suggestions and comments.

**Who are the members of the CCB?**

Organizations invited by the Commissioner:

- Hungarian Dietetic Association
- Hungarian Medical Chamber
- Hungarian Psychiatric Association
- Hungarian Bar Association
- Hungarian Catholic Church
- Evangelical Lutheran Church in Hungary
- Reformed Church in Hungary
- Federation of Hungarian Jewish Communities (MAZSIHISZ)

Organizations selected as a result of a public call:

- Together for Fundamental Rights Foundation
- Hungarian Helsinki Committee
- Hungarian Civil Liberties Union (TASZ)
- Hungarian Association for Persons with Intellectual Disability
- Mental Health Interest Forum
- Pressley Ridge Hungary Foundation
- Streetlawyer Association

### **Statutory background**

The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment became part of the domestic legal system as a result of **Legislative Decree 3 of 1988**.

The Parliament adopted **Act CXLIII of 2011** on the promulgation of the **Optional Protocol to the Convention against Torture** and other Cruel, Inhuman or Degrading Treatment or Punishment (**OPCAT**) on October 24, 2011.

In Hungary, as of **January 1, 2015**, the Commissioner for Fundamental Rights shall proceed as National Preventive Mechanism either personally or with the cooperation of his colleagues.

The special procedural rights and competences of the Commissioner for Fundamental Rights and his colleagues acting as National Preventive Mechanism are stipulated in **Chapter III/A of Act CXI of 2011** on the Commissioner for Fundamental Rights.



Branded by cross-bars

## Contacts

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### **Opening hours:**

**Monday:** 08:00 – 16:00 (16:00 – 18:00 for those with a prearranged appointment)

**Tuesday – Thursday:** 08:00 – 16:00

**Friday:** 08:00 – 12:00

If you want to visit the Client Service Office **in person**, please indicate it in your submission or **ask for an appointment in advance** on the phone.

**Important:** The National Preventive Mechanism may disclose the **identity** and personal data of complainants only upon their **explicit request**. People sharing information may not be prejudiced in any way.

In addition to those concerned, anyone may turn to the National Preventive Mechanism in the event they learn of any impropriety.