

## Summary of Case No. AJB-2638/2020

On 7 May 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 two of his staff members paid a visit to the Martonvásár Police Station of the Gárdonyi Police Department (hereinafter referred to as: the "Facility"). With regard to the state of danger declared by Government Decree No. 40/2020. (III. 11.), 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 four of the staff members.

The hand sanitiser dispenser set up at the entrance to the Facility, the hygienic condition of the toilet designated for the detainees, the personal protective equipment and sanitising devices placed in the boot of the service car 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 in the building. 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 state of danger.

Personal contact is unavoidable during the performance of the tasks of the policemen who take the measures and those who personally notify the detainees. The masks, sanitising devices and protective equipment were available both in the building of the Facility and in the service car used for the safe transportation of the detainees.

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.

No improprieties were established with regard to the appropriate hygienic condition and the level of equipment of the premises used by the detainees but a circumstance suggesting an impropriety with regard to fundamental rights was established by the supervising staff with regard to an unsuitable bench placed in the custody unit.

The bathroom designated for the detainees needs renovation. Furthermore, the visiting group expressed their concerns related to the condition and size of the staff changing room and the lack of civilised circumstances for changing clothes and they did not find the conditions of the staff toilets appropriate either.