



# Report of Various Size – Fieldwork research (FRANET)

## Criminal Detention in the EU – Conditions and Monitoring

### Country Report Hungary

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|--------------------|---------------------|
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## 1. Cell space

- a) What is the national standard for cell space available to prisoners in m<sup>2</sup>? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

### **Please cite any relevant sources**

Article 121(1) of Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute of monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbírság helyébe lépő elzárás végrehajtásának részletes szabályairól*) (hereinafter: **Detention Decree**)<sup>1</sup> stipulates that cells should grant at least six cubic metres space per prisoner in all three types of prisons in the Hungarian penal system (jail (*fogház*)<sup>2</sup>, correctional institution (*börtön*)<sup>3</sup>, penitentiary institution (*fegyház*)<sup>4</sup>) and in all detention regimes (e.g. police detention). In cases where the cell is meant to accommodate one prisoner, it has to provide at least six square metres of living space for the prisoner. In cases where the cell can accommodate more prisoners, its size has to be at least four square metres per prisoner. When calculating cell sizes, the bathroom and the toilet do not count towards the stipulated minimum size of the cell.

Article 186(2) of the Detention Decree provides different rules on cell size for prisoners kept in pre-trial detention. In pre-trial detention facilities, each detainee is entitled to have a minimum of ten cubic metres and a minimum of four square metres of space in the cell.<sup>5</sup>

<sup>1</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute of monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbírság helyébe lépő elzárás végrehajtásának részletes szabályairól*), 1 January 2015, Article 121(1), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>2</sup> Jail (*fogház*) is the less severe form of imprisonment in Hungary. The lives of the prisoners in jails are lightly regulated, their leaves for short periods may be authorised. Offenders who were found guilty of less serious criminal offences (e.g. theft, minor forms of assault and battery) are detained in jails.

<sup>3</sup> In a correctional institution (*börtön*), which is a stricter form of imprisonment, the prisoners' lives and schedules are mostly regulated and the management may authorise prisoners to leave the institution for short periods under exceptional circumstances (e.g. death of a relative). Offenders who were found guilty of serious crimes (e.g. embezzlement, tax fraud, serious forms of assault and battery, false testimony) are detained in correctional institutions.

<sup>4</sup> In a penitentiary institution (*fegyház*), which is the most severe form of imprisonment, the prisoner is under constant surveillance and control (except when he/she uses sanitary facilities). Prisoners can neither get engaged in work activities outside the institution, nor can they leave the institution, even under exceptional circumstances. Offenders who were found guilty of the most serious crimes (e.g. intentional homicide, rape, terrorist act, kidnapping, money laundering, armed robbery) are detained in penitentiary institutions.

<sup>5</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute of monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbírság helyébe lépő elzárás végrehajtásának részletes szabályairól*), 1 January 2015, Article 186(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

The report of the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosa*) that is the National Preventive Mechanism (hereinafter: NPM) in Hungary found during his visits to detention facilities in 2017 and 2018 that cells in several penitentiary institutions in Hungary (Central Holding Facility of the Budapest Metropolitan Police Headquarters, Sátoraljaújhely prison), did not meet the statutory minimum size per capita of living space.<sup>6</sup> In the case of the Central Holding Facility of the Budapest Metropolitan Police Headquarters, the NPM's observations regarding the violation of the statutory rules on living space in 2017 were disregarded and no improvements were identified during the NPM's follow-up visit in 2018.<sup>7</sup> The NPM recommended the following: 'Due to the inadequate lighting of premises, the dirty, mouldy walls, the worn furniture, and the degraded courtyard, the Central Holding Facility should be completely renovated'.<sup>8</sup>

Civil society organisations often report on the Hungarian prisons being overcrowded. The Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), an NGO in Hungary that carried out more than two thousand prison monitoring visits between 1995 and 2017, reported the capacity of penal institutions in the country (including all forms of detention) amounted to 13,774 places on 6 January 2017, while altogether 18,023 people were detained in these institutions on that day.<sup>9</sup> It is worth mentioning the Hungarian authorities terminated cooperation agreements with the Hungarian Helsinki Committee and denied access to police detention, prisons and immigration detention facilities on 20 October 2017. Therefore, the Committee can no longer monitor detention conditions and the enforcement of human rights in detention facilities. The authorities did not give a reason to the unilateral cancellation of the cooperation agreements.<sup>10</sup>

## 2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- e) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

<sup>6</sup> Commissioner for Fundamental Rights: Summary of Case AJB-496/2018 Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Headquarters, available at: [http://www.ajbh.hu/documents/14315/2809072/496-Központi\\_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7](http://www.ajbh.hu/documents/14315/2809072/496-Központi_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7); Summary of Case Report AJB-679\_2017 OPCAT visit to the Sátoraljaújhely prison, available at: [http://www.ajbh.hu/documents/14315/2611959/679\\_2017\\_SUH\\_Summary\\_3.pdf/49c47158-0c99-4d69-a25d-c3fd7b19ff13](http://www.ajbh.hu/documents/14315/2611959/679_2017_SUH_Summary_3.pdf/49c47158-0c99-4d69-a25d-c3fd7b19ff13).

<sup>7</sup> Commissioner for Fundamental Rights: Summary of Case AJB-496/2018 Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Headquarters, available at: [http://www.ajbh.hu/documents/14315/2809072/496-Központi\\_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7](http://www.ajbh.hu/documents/14315/2809072/496-Központi_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7).

<sup>8</sup> Commissioner for Fundamental Rights: Summary of Case AJB-496/2018 Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Headquarters, page 2, available at: [http://www.ajbh.hu/documents/14315/2809072/496-Központi\\_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7](http://www.ajbh.hu/documents/14315/2809072/496-Központi_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7).

<sup>9</sup> Hungarian Helsinki Committee: Communication from the Hungarian Helsinki Committee concerning the cases Istvan Gabor Kovacs and Varga and others v. Hungary, 5 June 2017, available at: [https://www.helsinki.hu/wp-content/uploads/HHC\\_communication\\_Varga\\_and\\_Others\\_062017.pdf](https://www.helsinki.hu/wp-content/uploads/HHC_communication_Varga_and_Others_062017.pdf).

<sup>10</sup> Hungarian Helsinki Committee: Authorities terminated cooperation agreements with the HHC, 20 October 2017, available at: <https://www.helsinki.hu/en/authorities-terminated-cooperation-agreements-with-the-hhc/>.

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The Detention Decree provides the same rules for sanitary facilities in all detention regimes. Article 120(2) of the Detention Decree stipulates that each cell should have a sink with running water and a separated toilet. The separation requirement for the toilet is not specified further by the law. In some detention facilities, a wall separates the toilet from the cell, however, in others, a curtain is meant to provide the function of separation.<sup>11,12</sup> The toilet should have self-ventilation if it is technically possible in the institution. In security cells and cells for solitary confinement the toilet does not have to be separated; however, it has to be available inside the cell. In case the prisoner is accommodated in a quarter instead of a cell (a quarter means a type of prison accommodation where there are no security mechanisms installed on the doors and windows, therefore, prisoners may walk freely within the wing), the sink and the toilet may be located outside of the living space. In all cases, however, showers are located outside the cell/quarter.<sup>13</sup>

Article 131 of the Detention Decree orders detention facilities to provide adequate conditions for sanitary purposes and to request personal hygiene from all prisoners.<sup>14</sup> Article 132 of the Detention Decree grants prisoners the right to use showers at least three times a week, for women prisoners and prisoners who work in the institution, every day. The showers have to provide hot water for all prisoners. Women prisoners are also entitled to use hot water in between the daily showers in the sink located in the cell.<sup>15</sup> The law, however, does not provide rules on cleaning the showers, and does not guarantee privacy to prisoners who use them.

The NPM found in its 2016 annual report that police detention facilities often disregard the rules on providing separate toilets in the cells, and the commonly used sanitary units are 'plagued with leaks, dirt and mould.'<sup>16</sup> In the Central Holding Facility of the Budapest Metropolitan Police Headquarter, the NPM found in 2018: 'There was no toilet in the cells of the detainees; the guards let them out there. According to the detainees, the guards reacted with significant delay to their signals'. Based on the findings, the NPM recommended: 'The renovation may not be postponed. According to the 2016 Annual Report of the Budapest Metropolitan Police, the sanitary units were worn and covered in limescale; they required renovation. Partial refurbishment works have been

<sup>11</sup> Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*): Report on the visit to the correctional and penitentiary institution in Márianosztra on 26-27 April and 5 May 2016 (*Jelentés a márianosztrai fegyház és börtönben 2016. április 26-27-én és május 5-én tett látogatásról*), page 3, available at: [https://www.helsinki.hu/wp-content/uploads/MHB\\_jelentes\\_Marianosztrai-fegyhazi\\_2016\\_vegleges.pdf](https://www.helsinki.hu/wp-content/uploads/MHB_jelentes_Marianosztrai-fegyhazi_2016_vegleges.pdf).

<sup>12</sup> In the Márianosztra Correctional and Penitentiary Institution, the Hungarian Helsinki Committee found only 36 cells in which walls separated the toilet from the living space, while in 65 cells, a curtain meant to provide the function of separation in 2016. Source: Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*): Report on the visit to the correctional and penitentiary institutions in Márianosztra on 26-27 April and 5 May 2016 (*Jelentés a márianosztrai fegyház és börtönben 2016. április 26-27-én és május 5-én tett látogatásról*), page 3, available at: [https://www.helsinki.hu/wp-content/uploads/MHB\\_jelentes\\_Marianosztrai-fegyhazi\\_2016\\_vegleges.pdf](https://www.helsinki.hu/wp-content/uploads/MHB_jelentes_Marianosztrai-fegyhazi_2016_vegleges.pdf).

<sup>13</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól*), 1 January 2015, Article 120(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>14</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól*), 1 January 2015, Article 131, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>15</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) *IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól*), 1 January 2015, Article 132, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>16</sup> Commissioner for Fundamental Rights: Annual Report of the OPCAT NPM 2016, pages 83 and 85, available at: <http://www.ajbh.hu/documents/14315/2682477/2016+Annual+Report+of+the+OPCAT+NPM.pdf/9e2a3e9a-8d27-ff95-f853-fe91dce15f5a>.

done; nonetheless, the Central Holding Facility has to be completely renovated. According to the information provided to the NPM, HUF 320 million have been reserved for the renovation of the Central Holding Facility'.<sup>17</sup>

On 10 March 2015, the European Court of Human Rights (hereinafter: **ECtHR**) delivered a pilot judgment in the case of *Varga and others v. Hungary* resulting mainly from a detected structural problem of widespread overcrowding in the Hungarian detention facilities. The ECtHR concluded that the limited personal space available to all the six detainees in the case (the plaintiffs), aggravated by the lack of privacy when using the lavatory, inadequate sleeping arrangements, insect infestation, poor ventilation and restrictions on showers or time spent away from their cells, had amounted to degrading treatment as per Article 3 of the Convention.<sup>18</sup>

As a result of the ECtHR's judgment, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról) (hereinafter: **Penitentiary Code**)<sup>19</sup> was amended, and starting from 1 January 2017, a special type of complaint mechanism against the inhuman conditions of detention was introduced.<sup>20</sup> According to the new rules on complaints, the prisoner and his/her attorney may lodge a complaint in writing against the conditions of detention that violate fundamental rights. The complaint must be addressed to the head of the detention facility. It must be investigated within 15 days, and the head of the facility has to make a formal decision about the outcome of the procedure. In case the decision states the complaint was well-founded, it must contain measures to end the inhuman conditions. In case the complaint is based on the lack of necessary facilities (e.g. living space, sanitary conditions) in the detention institution, the head of the institution must reach out to the head of the Hungarian Penitentiary System to transfer the complainant to another institution where adequate conditions are available to him/her.<sup>21</sup> The complainant may appeal against the formal decision of the head of the detention facility to the court.<sup>22</sup>

### 3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
  - a. Outdoors (within the boundary of the prison)?
  - b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most

<sup>17</sup> Commissioner for Fundamental Rights: Summary of Case AJB-496/2018 Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Headquarters, page 2, available at: [http://www.ajbh.hu/documents/14315/2809072/496-Központi\\_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7](http://www.ajbh.hu/documents/14315/2809072/496-Központi_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7).

<sup>18</sup> European Court of Human Rights, Case of *Varga and others v. Hungary* no. 14097/12, 10 March 2015, available at: [https://hudoc.echr.coe.int/eng#{"appno":\["14097/12"\],"itemid":\["001-152784"\]}](https://hudoc.echr.coe.int/eng#{).

<sup>19</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>20</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Article 144/B, available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>21</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Article 144/B(5), available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>22</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Article 144/B(6), available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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The Penitentiary Code and the Detention Decree provide the same basic rules for time out of cell in all detention regimes.

Article 122 of the Penitentiary Code<sup>23</sup> grants all prisoners in jails, correctional and penitentiary institutions the right to spend at least an hour outside of their cells in fresh air every day. The law, however, does not regulate time spent in common areas inside the institution, and it also does not regulate time spent in cells.

Article 116-117 of the Detention Decree provides mainly declarative rules on educational and recreational activities. The detention facilities have to promote education for all prisoners in order to assist their future reintegration into society upon release.<sup>24</sup> Also, the detention facilities promote sports and cultural activities and self-learning in the institution.<sup>25</sup> The detention facilities have to allow private and church organisations to provide education to prisoners.<sup>26</sup> Certificates and diplomas received during the time of detention, cannot refer to the fact they were obtained in prison.<sup>27</sup> Basic education (e.g. elementary school studies) is granted to all prisoners who do not already have it.<sup>28</sup> All study materials for basic education are provided by the detention facility or its subcontractor.<sup>29</sup> In prisons and correctional institutions, the head of the institutions may allow the prisoner to visit educational institutions outside the prison/correctional institution.<sup>30</sup> If the prisoner works, in respect to

<sup>23</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Article 122, available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>24</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 116(1), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>25</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 116(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>26</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 117(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>27</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 117(4), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>28</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 117(3), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>29</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 117(5), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>30</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 117(7), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

his/her studies, he/she is entitled to work privileges (one hour off from work per day of education).<sup>31</sup> Also, detention facilities must have libraries, sports facilities, gyms, and classrooms.<sup>32</sup>

In its 2016 annual report, the NPM found open-air sports activities outdated and without renovation in several detention facilities, while the NPM stresses ‘the importance of recreational and sports activities in fighting against deprivation in detention’.<sup>33</sup>

#### 4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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The Penitentiary Code provides the same rules on solitary confinement for all detention regimes. Articles 146 and 147 of the Penitentiary Code provide a list of cases in which the prisoner may be placed into solitary confinement:

- the prisoner seriously endangers or violates the internal rules of the institution;
- the prisoner was engaged in a group rebellion;
- the prisoner refuses to comply with instructions from the prison staff;
- the prisoner’s behaviour is a threat to himself/herself or to the public.<sup>34</sup>

In solitary confinement, the following restrictions apply to all types of detention regimes:

- the prisoner is under constant surveillance;
- the prisoner’s cell is locked at all times;
- the prisoner can move and stay inside the prison with supervision;
- the prisoner cannot attend group, social, sports and educational activities;
- the prisoner cannot wear his/her own clothes;
- the personal belongings the prisoner may keep can be heavily restricted.<sup>35</sup>

<sup>31</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 119(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>32</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 127, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>33</sup> Commissioner for Fundamental Rights: Annual Report of the OPCAT NPM 2016, page 85, available at: <http://www.ajbh.hu/documents/14315/2682477/2016+Annual+Report+of+the+OPCAT+NPM.pdf/9e2a3e9a-8d27-ff95-f853-fe91dce15f5a>.

<sup>34</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Articles 146-147, available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>35</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Article 147(7), available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

The cells used for solitary confinement have to meet the same legal standards in terms of cell size, sanitary facilities, living space as applicable to other cells. In case solitary confinement is ordered due to the threat that a prisoner may hurt himself/herself, he/she must be placed in a special cell that – while respecting the size and sanitary requirement – is equipped with protective mechanisms (e.g. rubber walls).<sup>36</sup> The time limit for keeping a detainee in solitary confinement is a maximum of three months.<sup>37</sup>

The NPM's 2016 annual report concludes that the experience of several visits 'raise the suspicion that the practices of segregating persons deprived of their liberty are not always in compliance with the requirements of lawfulness, necessity, proportionality, and accountability in Hungarian detention facilities, and the conditions of solitary confinement is not on par with the minimum requirements the law set out for this type of disciplinary instrument'.<sup>38</sup> The NPM recommended: 'The physician of the Central Holding Facility, in a justified case, can recommend not to place the detainee alone in a cell, which may not be overruled by the body responsible for detention. When placing the detainees, the management should aim, to the extent possible, not be put them in a cell alone, while bearing in mind the requirements of isolation and secure detention.'<sup>39</sup>

## 5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak

<sup>36</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Articles 146(5), available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>37</sup> Hungary, Act CCXL of 2013 on the execution of criminal sanctions and measures, certain coercive measures and detention (2013. évi CCXL. törvény a büntetések, az intézkedések, egyes kényszerintézkedések és a szabálysértési elzárás végrehajtásáról), 1 January 2015, Articles 147(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1300240.tv>.

<sup>38</sup> Commissioner for Fundamental Rights: Annual Report of the OPCAT NPM 2016, page 45, available at: <http://www.ajbh.hu/documents/14315/2682477/2016+Annual+Report+of+the+OPCAT+NPM.pdf/9e2a3e9a-8d27-ff95-f853-fe91dce15f5a>.

<sup>39</sup> Commissioner for Fundamental Rights: Summary of Case AJB-496/2018 Follow-up visit to the Central Holding Facility of the Budapest Metropolitan Headquarters, page 2, available at: [http://www.ajbh.hu/documents/14315/2809072/496-Központi\\_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7](http://www.ajbh.hu/documents/14315/2809072/496-Központi_Fogda-summary-EN.pdf/7d9200a1-f7fb-74c3-f4d6-1ab3070411e7)



egészségügyi ellátásáról) (hereinafter: **Healthcare Decree**)<sup>40</sup> applies to all the different types of detention regimes. The Healthcare Decree orders prisons to have a prison doctor available on site. All prisoners, within 72 hours after their reception, have to go through a general medical check, and they have prompt access to basic medical services (including emergency dentistry services) within the prison.<sup>41</sup> In cases where specialist care is needed for the prisoner, the prison doctor sends the prisoner to the specialist institution (nearby hospital).<sup>42</sup> Pregnant women are transferred to a hospital upon discovering their pregnancies to conduct a check on the mother and the child.<sup>43</sup> Then, the mother is either sent back to prison, or her imprisonment may be suspended. If the pregnant woman's sentence is not suspended, four weeks prior to the expected date of birth, the mother is transferred to the hospital.<sup>44</sup> Prisons have special drug-prevention quarters where a healthcare worker conducts regular checks on the prisoners who are obliged to regularly provide drug tests.<sup>45</sup> In case the prisoner is mentally ill, he/she is accommodated in the psycho-social quarter of the prison and undergoes complex therapy programme. If the mental illness is serious, the prisoner is transferred to the special healing-therapeutic department.<sup>46</sup>

The NPM stated 'medical services available to persons deprived of their liberty, i.e., medical care, nursing, necessary diet, therapeutic appliances and equipment, rehabilitation or any other special form of treatment, shall be provided under the same conditions as they are provided in general to members of society. The barrier-free accessibility, furnishing, and equipment, medical, nursing and technical staff of healthcare institutions servicing persons deprived of their liberty shall also be provided in accordance with the aforementioned requirements.'<sup>47</sup>

## 6. Special measures in place to protect juvenile prisoners.

<sup>40</sup> Hungary, Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak egészségügyi ellátásáról), 1 January 2015, available at: <https://net.jogtar.hu/jogszabaly?docid=A1400008.IM>.

<sup>41</sup> Hungary, Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak egészségügyi ellátásáról), 1 January 2015, Article 72(5), available at: <https://net.jogtar.hu/jogszabaly?docid=A1400008.IM>.

<sup>42</sup> Hungary, Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak egészségügyi ellátásáról), 1 January 2015, Article 9, available at: <https://net.jogtar.hu/jogszabaly?docid=A1400008.IM>.

<sup>43</sup> Hungary, Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak egészségügyi ellátásáról), 1 January 2015, Article 20, available at: <https://net.jogtar.hu/jogszabaly?docid=A1400008.IM>.

<sup>44</sup> Hungary, Decree of the Minister of Justice no. 8/2014 on access to healthcare to prisoners in detention facilities (8/2014. (XII. 12) IM rendelet a büntetés-végrehajtási intézetekben fogvatartott elítéltek és egyéb jogcímen fogvatartottak egészségügyi ellátásáról), 1 January 2015, Article 22(1), available at: <https://net.jogtar.hu/jogszabaly?docid=A1400008.IM>.

<sup>45</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 71, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>46</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Articles 69-70, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>47</sup> Commissioner for Fundamental Rights: Annual Report of the OPCAT NPM 2016, page 41, available at: <http://www.ajbh.hu/documents/14315/2682477/2016+Annual+Report+of+the+OPCAT+NPM.pdf/9e2a3e9a-8d27-ff95-f853-fe91dce15f5a>.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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The Hungarian prison system has special juvenile correctional institutions for young criminal offenders where they are completely separated from adults. In Hungary, offenders under the age of 21 are considered juveniles according to Article 343(6) of the Penitentiary Code. Articles 343-384 of the Penitentiary Code, Articles 148-162 of the Detention Decree, and Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról)<sup>48</sup> provide rules for detention in juvenile correctional institutions that are the only available forms of detention for young criminal offenders. These rules put a significant emphasis on the following aspects:

- cooperation between the juvenile correctional institution and the parents, legal guardian of the offender, and the guardianship authority (family consultation and family group therapy sessions);<sup>49</sup>
- keeping contact with the outside world (letters, phone calls, receiving packages, visitation of family members, leaving the institution for short periods)<sup>50</sup>;
- education;<sup>51</sup>
- reward and disciplinary system.<sup>52</sup>

In juvenile correctional institutions, the offenders are accommodated in living quarters instead of cells. A quarter consists of bedrooms, study rooms, a living room for common use, and sanitary blocks. Living quarters may include a kitchen. There has to be a minimum of five square metres bedroom/study room area granted to each person. The common living room must be at least 30 square metres per quarter.<sup>53</sup> The juvenile correctional institutions have to establish their own house rules regarding the time spent in fresh air, sports activities,

<sup>48</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>49</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Article 36, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>50</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Article 38-39, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>51</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Articles 29-31, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>52</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Article 35, Articles 42-43, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>53</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Article 9, available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

recreational activities, and complaint mechanisms. These rules must respect the rights granted to children in national laws and international documents.<sup>54</sup>

In connection with the detainees' education, the NPM – after visiting the Juvenile Correctional Institution in Tököl in 2016 – emphasised that, 'in order to ensure their long-term social reintegration, illiterate inmates should be encouraged to participate in primary education. Graduation from primary school would provide additional opportunities to young prisoners to reintegrate into society, e.g., to obtain their driving licence. The knowledge acquired by them would give them moral strength, earn them recognition and provide them with an opportunity to escape their earlier, disadvantaged social environment'. The NPM has pointed out that 'maintaining contact is extremely important in the case of juvenile detainees, that is why measures have to be taken in order to let detainees make full use of the time provided for phone communication with the outside world'.<sup>55</sup>

## 7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmby-regions-and-countries/>

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The Detention Decree lays down general rules on granting security to prisoners in all the different types of detention regimes. Article 58 of the Detention Decree calls for the operation of electronic surveillance systems in the territory of the detention facilities – except for toilets and showers – to monitor the activities there, and to prevent violent incidents.<sup>56</sup>

Article 59 of the Detention Decree provides the option to search and inspect the clothes and cells of the prisoners in order to disclose potentially harmful objects.<sup>57</sup>

<sup>54</sup> Hungary, Decree of the Minister of Human Capacities no. 1/2015 on the rules of juvenile correctional institutions (1/2015. (I. 14.) EMMI rendelet a javítóintézetek rendtartásáról), 17 January 2015, Article 5(1), available at: <https://net.jogtar.hu/jogszabaly?docid=A1500001.EMM>.

<sup>55</sup> Commissioner for Fundamental Rights: Summary of the visit to the Juvenile Penitentiary Institution, A/B-685/2017, available at: [http://www.ajbh.hu/documents/14315/2611959/685-2017\\_Tokol\\_utovizsgalat\\_osszefoglaló+EN.pdf/ce6be3c5-3299-16af-ef3c-92f59f10ecce](http://www.ajbh.hu/documents/14315/2611959/685-2017_Tokol_utovizsgalat_osszefoglaló+EN.pdf/ce6be3c5-3299-16af-ef3c-92f59f10ecce).

<sup>56</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 58, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>57</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 59, available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

Article 60(2) of the Detention Decree calls for regular (daily) security checks to find prohibited items in the cells, community areas and other places inside the detention facilities that might endanger or violate the security of prisoners. A security check may be performed at any time of the day; however, the staff members of the detention facilities must respect the prisoners' rest period. Therefore, security checks can only be performed in rest periods if there is an immediate danger.<sup>58</sup>

There are, however, no special rules and measures regulated in legal instruments to protect LGBTI prisoners, or on emergency call button, on special training for the prison guards or on the operation of special complaint mechanisms for prisoners.

The NPM's 2016 annual report stated that some detainees claimed to have been abused by their fellow inmates during several visits of the NPM to detention facilities. The NPM pointed out to the management of the institutions that the 'guards were obliged to protect inmates from each other as well'. Following the NPM's recommendation, training programmes were held for the staff of several institutions in order to reduce the ill-treatment of and violence among the detainees.<sup>59</sup>

## 8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? (*Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?*)
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

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In Hungary, the Budapest-Capital Regional Court (*Fővárosi Törvényszék*) has exclusive jurisdiction to make the surrender decision and serves as the issuing authority responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision.<sup>60</sup>

Website: <https://fovarositorvenyszek.birosag.hu/english>

Physical address: 27 Markó str., Budapest, 1055, Hungary

Email: no email address is made available to the public, emails may be sent through their website:

<https://fovarositorvenyszek.birosag.hu/leveleslada>

Phone: +36-1-354-6000

The authority that is responsible for monitoring conditions of detention and putting forward recommendations is the Commissioner for Fundamental Rights (*Alapvető Jogok Biztosa*).<sup>61</sup>

<sup>58</sup> Hungary, Decree of the Minister of Justice no. 16/2014 on the detailed rules on the execution of imprisonment, detention, pre-trial detention, and detention as a substitute for monetary fines (16/2014. (XII. 19.) IM rendelet a szabadságvesztés, az elzárás, az előzetes letartóztatás és a rendbíróság helyébe lépő elzárás végrehajtásának részletes szabályairól), 1 January 2015, Article 60(2), available at: <https://net.jogtar.hu/jogszabaly?docid=a1400016.im>.

<sup>59</sup> Commissioner for Fundamental Rights: Annual Report of the OPCAT NPM 2016, page 81, available at: <http://www.ajbh.hu/documents/14315/2682477/2016+Annual+Report+of+the+OPCAT+NPM.pdf/9e2a3e9a-8d27-ff95-f853-fe91dce15f5a>.

<sup>60</sup> Hungary, Act CLXX of 2012 on cooperation in criminal matters with the Member States of the European Union (2012. évi CLXX. törvény az Európai Unió tagállamaival folytatott bűnügyi együttműködésről), 8 December 2012, Article 4, available at: <https://net.jogtar.hu/jogszabaly?docid=A1200170.TV&searchUrl=/gyorskereso%3Fpagenum%3D2>.

<sup>61</sup> Hungary, Act CXI of 2011 on the Commissioner for Fundamental Rights (2011. évi CXI. törvény az Alapvető Jogok Biztosáról), 1 January 2012, Article 2(6), available at: <https://net.jogtar.hu/jogszabaly?docid=A1100111.TV>.