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DH-DD(2024)1177

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Meeting: 1514th meeting (December 2024) (DH)

Communication from an NGO (Hungarian Helsinki Committee) (04/10/2024) in the case of GUBACSI v. Hungary (Application No. 44686/07).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'une ONG (Comité d'Helsinki Hongrois) (04/10/2024) dans l'affaire GUBACSI c. Hongrie (requête n° 44686/07) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



4 October 2024, Budapest

Council of Europe

**DGI – Directorate General of Human Rights and Rule of Law
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Subject: NGO communication with regard to the execution of the judgments of the European Court of Human Rights in the *Gubacsi v. Hungary* group of cases

Dear Madams and Sirs,

The Hungarian Helsinki Committee (HHC) hereby respectfully submits its observations under Rule 9(2) of the “Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements” regarding the execution of the judgments of the European Court of Human Rights in the *Gubacsi v. Hungary* (Application no. 44686/07, Judgment of 28 June 2011) group of cases.

The HHC is an independent human rights watchdog organisation, with one of its aims being to challenge the impunity of law enforcement for torture and ill-treatment through monitoring, research, advocacy and litigation. The HHC’s attorneys have represented applicants successfully before the European Court of Human Rights in relation to ill-treatment by the police and the lack of an adequate investigation in this respect in several cases, including applicants in the group of cases in question, namely in *Gubacsi v. Hungary*, *Réti and Fizli v. Hungary*, *Tarjáni v. Hungary*, *Csonka v. Hungary*, *Nagy v. Hungary* and *Csúcs v. Hungary*.

The HHC already submitted six communications under Rule 9(2) in relation to the execution of the judgments in question, at the turn of 2014 and 2015,¹ in 2018,² in 2020,³ in 2021,⁴ and in 2022.⁵ The present communication concerns the suggested general measures as included in the decision of the Committee of Ministers from December 2022⁶ and the Group Action

¹ DH-DD(2014)1528, [http://hudoc.exec.coe.int/eng?i=DH-DD\(2014\)1528E](http://hudoc.exec.coe.int/eng?i=DH-DD(2014)1528E); DH-DD(2015)232, [http://hudoc.exec.coe.int/eng?i=DH-DD\(2015\)232E](http://hudoc.exec.coe.int/eng?i=DH-DD(2015)232E)

² DH-DD(2018)770, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808cc89e

³ DH-DD(2020)394, [http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)394E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)394E)

⁴ DH-DD(2021)1121, [https://hudoc.exec.coe.int/ENG?i=DH-DD\(2021\)1121E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2021)1121E); DH-DD(2021)1174, [https://hudoc.exec.coe.int/ENG?i=DH-DD\(2021\)1174E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2021)1174E)

⁵ DH-DD(2022)1202, [https://hudoc.exec.coe.int/eng#f%22display%22:\[2\],%22execidentfier%22:\[%22DH-DD\(2022\)1202E%22\]](https://hudoc.exec.coe.int/eng#f%22display%22:[2],%22execidentfier%22:[%22DH-DD(2022)1202E%22]); DH-DD(2022)1202-add, [https://hudoc.exec.coe.int/eng#f%22execidentfier%22:\[%22DH-DD\(2022\)1202-addE%22\]](https://hudoc.exec.coe.int/eng#f%22execidentfier%22:[%22DH-DD(2022)1202-addE%22])

⁶ CM/Del/Dec(2022), [https://hudoc.exec.coe.int/eng#f%22execidentfier%22:\[%22CM/Del/Dec\(2022\)1451/H46-16E%22\]](https://hudoc.exec.coe.int/eng#f%22execidentfier%22:[%22CM/Del/Dec(2022)1451/H46-16E%22])

Plan of 27 October 2023 submitted by the Government of Hungary (hereafter: Group Action Plan).⁷ It shall be noted that the Group Action Plan has been submitted with a considerable delay, as the deadline given for the Hungarian government in this regard by the Committee of Ministers was 31 March 2023.

The HHC is of the view that **the latest Group Action Plan, although it is more detailed than the previous ones, still does not cover key areas and continues to fail to address systemic deficiencies**, and that the Hungarian government has **failed to comply with the guidance provided by the decision of the Committee of Ministers**. To prevent, investigate and sanction police ill-treatment adequately and more effectively, Hungary should address outstanding deficiencies in the following key areas:

- no sign of strong determination from the government on zero-tolerance towards police ill-treatment, no comprehensive plan for prevention, no focused training in the subject-matter;
- legal and practical deficiencies in relation to the video recording of police work;
- shortcomings in law-enforcement bodies' training, interrogation techniques, and assessment of police work;
- lack of independent and adequate medical examination of detainees claiming ill-treatment;
- substantive shortcomings in the investigations into ill-treatment and low rates of indictments;
- judicial leniency towards law enforcement officers with regard to sentencing;
- eligibility for service of convicted law enforcement officers;
- lack of reopening investigations after violation established by the European Court of Human Rights, no extension of the prescription period;
- difficulties in receiving compensation for victims; and
- the lack of effective monitoring of detention by the police and the functioning of procedural safeguards that also prevent torture.

Below, we elaborate on the deficiencies in these areas, following the structure of the Committee of Ministers' latest decision as regards to the recommended general measures, and, finally, we provide recommendations on how to address them, including **a recommendation for the consideration of issuing an interim resolution regarding this group of cases** taking into account that ill-treatment by law-enforcement officers continues to be a serious problem in Hungary without visible commitment of the government to effectively tackle it.

⁷ DH-DD(2023)1296 , [https://hudoc.exec.coe.int/eng#f22execidentifier%22:%22DH-DD\(2023\)1296E%22](https://hudoc.exec.coe.int/eng#f22execidentifier%22:%22DH-DD(2023)1296E%22) }

1. Continuing lack of zero tolerance message

The Committee of Ministers in its last decision⁸ *“strongly reiterated their call on the authorities to communicate, at the highest possible level, a zero tolerance message towards ill-treatment in law enforcement”* (Point 7.). It shall be noted that, despite the repeated calls of the Committee of Ministers, **the Group Action Plan did not address this subject at all.** As far as we are aware, there has been no statement by a Hungarian government official since 2010 that police violence is unacceptable.

2. Pressures on the police potentially contributing to ill-treatment

In the context of institutional culture, it has to be reiterated that **institutional pressures** that can incentivize ill-treatment continue to prevail in the Hungarian police force. For example, **the assessment of police work in Hungary is still primarily based on a statistical approach.**⁹ Quantitative performance quotas are established for police units annually, and the National Police Chief also establishes “professional performance indicators” for police units. These indicators include such quantifiable elements as the “success rate” of police measures, investigations, etc.¹⁰ Even though there are no exact target numbers established to be reached for an individual police officer in terms of measures taken, arrests made, etc., these numbers still have a significance at the end of the day when the performance of the police unit is assessed. **This puts pressure on individual police officers to “contribute” to the unit reaching the quota and score high on the indicators,** which may be conducive to the use of unlawful measures or disproportionate action in order to achieve results quickly.

The assessment of police performance is not based on the internationally recognized PEEL system¹¹, therefore it lacks the two necessary indicators (legitimate operation and cost-efficiency) and exclusively focuses on the third type of indicator: the statistical results¹². Although scientific studies have been available for a long time concerning the possible reform of the assessment systems in Hungary, no changes have been introduced.¹³ Today, experts’ criticism further shows that the police assessment system is not reliable, overcomplicated and lacks transparency.

This is coupled with a **general staff shortage**¹⁴ and **considerable fluctuation** in the Hungarian police force.

⁸ <https://rm.coe.int/0900001680a9377b>

⁹ Vince Vári, *A RENDŐRSÉG TELJESÍTMÉNY- ÉS HATÉKONYSÁGMÉRÉSÉNEK KERETEI ÉS A MÉRÉS INDIKÁTORAI* [The framework and indicators of police achievements and effectiveness assessments] Nemzeti Közszerzői Egyetem, 2020, available at: <https://nkerepo.uni-nke.hu/xmlui/bitstream/handle/123456789/16271/A%20rendorseg%20teljesitmeny-%20es%20hatekonysagmeresenek%20keretei.pdf%3B%3Fsessionid=8DF50FCC7F8276A6741727D210DB1FEB?sequence=1>, p. 69-70.

¹⁰ For the detailed rules, see: Decree 26/2013. (VI. 26.) BM of the Minister of Interior on the Recommended Elements of Assessing the Performance of Service Members of Armed Forces under the Command of the Minister of Interior, on the Procedural Rules of Applying the Recommended Elements, on the Order of Evaluation, and on the Organisational Performance Assessment

¹¹ <https://hmicfrs.justiceinspectorates.gov.uk/peel-assessments/what-is-peel/>

¹² See: Vári above.

¹³ See: Sallai et al.: A „jó rendészet” közpolitikai kapcsolódási lehetőségei [The public policy interface of “good policing”] https://www.uni-nke.hu/document/uni-nke-hu/2016_-evi-31_-szam-a-jo-rendeszet-kozpolitikai-kapcsolodasi-lehetosegei.original.pdf

¹⁴ <https://telex.hu/belfold/2023/08/02/rendorseg-rendorhiany-vegrehajto-jaror-fizetes-buncselekmeny>
<https://dailynewshungary.com/labour-shortage-budapest-police-misses-more-than-300-foot-patrols/>

3. Continuing lack of a comprehensive human rights training

In Point 7. of its December 2022 decision, the Committee of Ministers also *“invited the authorities to take the necessary steps to identify and adopt the measures required to promote an institutional zero tolerance culture towards ill-treatment by focusing on prevention notably through systematic training, awareness raising activities and psychological support to low-ranking officers faced with challenging situations of policing.”*

Despite the invitation of the decision, the Group Action Plan **does not include any reference to the provision of psychological support** for low-ranking officers faced with challenging situations of policing, **nor does it mention any awareness raising activity delivered.**

It gives rise to concerns that in spite of the invitation in the decision of the Committee of Ministers (Point 11.), the Group Action Plan **fails to provide any meaningful information on the frequency/extent and the curricula of the respective training of police patrols, border patrols and police officers, i.e. low-ranking officers.** According to Point 81. of the Group Action Plan, *„the National Police Headquarters have not provided central training on proceedings related to police ill-treatment. The regional bodies conduct their own trainings independently, and we have no information on actual trainings on the issues raised in the request.”* The wording of the response suggests that there is no specialised post-college training for police officers in the topic of ill-treatment. The information received from the National Police Headquarters¹⁵ and the Ministry of Interior¹⁶ by the HHC for its requests, confirms the same.

In its FOI request the HHC asked the National Police Headquarters to share the lectures of the new curriculum referred to at the Round Table in October 2022 (see Point 11. of the CM decision). In its answer, the police sent several curricula¹⁷ of the regular police school education which gives qualification to perform the different duties or positions (for example: police patrol, school police, border guard, etc.) in the police, but **none of the curricula offer specialised knowledge in relation to the prevention of ill-treatment.** The HHC also requested the lectures dealing with ill-treatment issues and their course materials but, the police have not provided any response in relation to this question.

From these responses by the police one must conclude that training on the issue is only available for police college students, but specific education on ill-treatment and torture prevention is not provided. Furthermore, **for practising officers no training of any kind is available** based on the information received. This is highly problematic because **the front-line officers and investigators are the ones who come in direct daily contact with persons subjected to police measures, defendants, witnesses, etc.,** and the lack of their training addressing exactly the prohibition of torture, coercive interrogation and cruel, inhuman or degrading treatment raises serious concerns whether they possess the necessary skills and knowledge to be able to prevent these acts.

¹⁵ Data provided by the National Police Headquarters upon the HHC’s FOI requests (29000-197/71 -24/2024.KOZA 27 September 2024)

¹⁶ Data provided by the Ministry of Interior upon the HHC’s FOI requests (BM/24106/2024., 27 September 2024)

¹⁷ <https://rokk.hu/dokumentumok/felnottkepzesel-kapcsolatos-dokumentumok/>,
<https://mrvt.hu/kepzesek/rendorjaror-kepzes>, <https://mrvt.hu/kepzesek/alapkepzesek>,
<https://mrvt.hu/kepzesek/rendorjaror-szakkepzesre-epulo-tiszthelyettes-szakmai-oktatas>

With regard to Point 78. of the Group Action Plan, we would like to point out that the **purpose of the daily briefings is not to educate police officers** on legal or other subjects, but to organise the service and assign the daily tasks.

In relation to the **training of prosecutors**, it is important to note that based on the data provided by the Chief Prosecutor's Office upon the HHC's FOI request on 25 September 2024,¹⁸ the training courses referred to in Points 87., 88. and 89. of the Group Action Plan presumably do not include lectures on the subject of violent crimes committed by public officials or on the specificities of the investigation of such crimes. In October 2022, 6 prosecutors participated at the conference organised by the Ministry of Justice and the CoE; and in November 2022, the Chief Prosecutor's Office organised a conference on the lessons-learned at the October conference containing lectures (3 hours all together) for prosecutors working in the criminal divisions. This means that in the past 5 years, apart from the CoE conference merely a short conference was held on the topic.

Point 4. of the General Measures of the CM Note of 1451st meeting, 6-8 December 2022 contains the statement in relation to the Central Investigative Prosecution Service and five regional investigative prosecuting authorities that *"within the prosecution, designated instructors share with younger colleagues their theoretical and practical knowledge in this field, including on the collection of evidence, the investigative techniques and tactics."* The data provided by the Chief Prosecutor's Office upon HHC's FOI request on 25 September 2024 show that the Central Investigative Prosecution Service employs 108 prosecutors all together. Among them, there are 16 instructor prosecutors, who are responsible for the training of 19 young professionals (15 trainee prosecutors, 3 assistants and 1 deputy-prosecutor). There is no available information on the conditions of appointment, the necessary qualifications or expertise and the duties of the instructors. **The data provided do not show that instructors have specialised knowledge in the investigation of ill-treatment**, it is more probable that the instructors train the young professionals in the framework of the obligatory training scheme.

The data provided by the prosecution suggest that prosecutors train trainee prosecutors in the framework of their mandatory professional training, without any special focus on the prevention of ill-treatment. The data also gives rise to the conclusion that **there is no systemic specialised training organised for practising prosecutors**.

The Group Action Plan might lead to the perception that training is provided for the deputy prosecutors or those prosecutors who are specialised in ill-treatment cases, but based on the information provided to the HHC, it seems that what the Action Plan refers to is merely the training of trainee prosecutors which **is not at all focused on the prevention of ill-treatment**.

For the reasons cited above, we do not see that the Hungarian government has taken the necessary steps to identify and adopt the measures required to promote an institutional "zero tolerance" culture towards ill-treatment.

4. The eligibility for service of convicted law enforcement officers

According to Point 58. of the Group Action Plan *"there are seven professional staff members of the Police Service who were found unfit for service in court convictions for the offence of ill-*

¹⁸ Data provided by the Chief Prosecutor's Office upon the HHC's FOI request (ABOIGA//1-354/2024., 24 September 2024)

treatment in official proceedings, but upon their requests the Minister of Interior decided to refrain from establishing their unfitness.”

In HHC’s view, the Hungarian government’s response is unclear, as it only shows how many individuals convicted of the offence of ill-treatment in official proceedings are currently in the police service. **The number of police officers convicted of the offence of ill-treatment in official proceedings whose establishment of unfitness has been refrained by the Minister of Interior may be higher**, as some of them may have left the police service in the meantime, taking into account the high fluctuation rate within the police force. The HHC does not have information on how many police officers convicted of the offence of ill-treatment in official proceedings in each year have made such an application and how many of these have been approved by the Minister of the Interior, as the Ministry of Interior has repeatedly refused to disclose data on the types of criminal offences the affected law enforcement officers were convicted of.¹⁹ Furthermore, those officers who were not sentenced to imprisonment (but to a fine, for instance) can remain on the force without a special exemption, and their number also does not appear in the Group Action Plan.²⁰

Despite the Committee of Ministers’ recommendations, the legislator has not reviewed the respective legal provisions, and the Minister of Interior is still entitled to reinstate the eligibility of law enforcement officers (police officers, penitentiary staff, etc.) sentenced to suspended imprisonment, and so to **allow e.g. police officers to continue their work even if they were convicted for ill-treatment**.²¹

The Minister of Interior used this power several times in the past years: since 2012 (when reinstatement became possible again), **59.2% of convicted law enforcement officers submitting a request for their eligibility to be restored (45 out of 76) remained on the job**.²² Data from the past years also show that requests were submitted mostly by police officers: in 2020, all four requests were submitted by police officers; in 2021, five out of six requests were submitted by police officers; while in 2022 until 7 October, two out of two requests were submitted by them. Since 7 October 2022, HHC has no information on how many of the applications were submitted by police officers, as the Ministry of Interior failed to reply to this question when responding to our latest data request in 2024.²³

Year / No. of decisions	Requests submitted	Requests granted
2012	10	3
2013	4	2
2014	3	2
2015	12	9
2016	12	8
2017	9	5

¹⁹ Responses of the Ministry of Interior to the HHC’s FOI requests (BM/14094-10/2021., 12 October 2021; BM/15077/2022., 17 October 2022; BM/15149/2024., 12 June 2024)

²⁰ See the EBD2018. M.12. leading judgment concluding that only the conviction for imprisonment constitutes an obstacle to serve as a police officer, lighter sentences do not qualify disqualifying condition

²¹ Legal basis up until 1 July 2015: Act XLIII of 1996 on the Status of Members of the Armed Forces, Article 56(6a); legal basis since 1 July 2015: Act XLII of 2015 on the Service Status of the Professional Members of Law Enforcement Services, Article 86(10).

²² Data provided by the Ministry of Interior upon the HHC’s FOI requests (BM/12680-4/2018., 18 July 2018; BM/33994/2020., 26 February 2020; BM/15077/2022., 17 October 2022; BM/15149/2024., 12 June 2024). For the same data for the years 2012–2016, see the HHC’s previous Rule 9(2) communications.

²³ Response of the Ministry of Interior to the HHC’s FOI requests, BM/15149/2024., 12 June 2024

2018	2	2
2019	5	3
2020	4	1
2021	6	4
2022	3	2
2023	2	1
2024*	4	3
Total:	76	45

* Until 22 May, 2024

This points into the direction of factual impunity, and raises serious concerns with regard to the service of the affected law enforcement officers, especially taking into consideration the high proportion of those official persons convicted for ill-treatment who are sentenced to suspended imprisonment.

It has to be strongly underlined that the Minister of Interior may only decide on the reinstatement of an ill-treating police officer if they are sentenced to suspended prison sentence. It means that those officers whose criminal act is sanctioned by fine or community work can continue their service without any further permission.

The courts have the possibility to disqualify the convicted person from their profession regardless of the kind of the sentence the person received. Such a punishment would automatically deprive the person to serve as a police officer and the Minister of Interior would not have the possibility to allow the person to continue the job. Based on the data received, the ban to continue the profession is hardly used by the courts (see the data under Section 9 in the present report).

5. Measures on the video recording of police work

5.1. Absence of legislative measures extending the scope of instances where video recording is mandatory, and absence of increasing the thirty-day statutory period of storage of video-recording

The Committee of Ministers in Point 9. of its last decision *“reiterated their call on the authorities to adopt, in line with the recommendations made by the CPT, legislative measures extending the scope of instances where video recording of police work is mandatory, and increasing the thirty-day statutory period of storage of video-recording.”* However, Chapter II, Point 1. of the Group Action Plan, under the heading "Legislative measures", only lists the Hungarian legislation currently in force in these fields.

The scope of instances where video recording of police work is mandatory has not been extended in Hungarian legislation, and there has been no change in the law regarding the statutory period of storing recordings. The response given in the Group Action Plan, which only quotes the current legislative texts, implies that the Hungarian state does not intend to change the current legislation.

5.2. Recording devices in police detention facilities still not obligatory

The legal framework regarding recording devices in police detention also remained the same: under the law, the police *may* install cameras recording only images or images and sound in the lobbies of police custody suites (*“előállító egység”*), but not in the police custody suites (*“előállító helyiség”*) themselves, and in the police holding facilities (*“rendőrségi fogda”*), but not in the police holding cells (*“zárka”*).²⁴ Thus, it is still **not obligatory by law to install cameras in all police detention facilities.**

It is to be welcomed that **there was a significant increase in the number of recording devices installed in police detention facilities.** According to the response of the National Police Headquarters to the HHC’s freedom of information request on 13 May 2024²⁵, there were altogether 596 custody suites in the country, out of which 405 were equipped with a camera (which is 67.9% of all custody suites), while in 2020 there were altogether 297 custody suites in the country, but there were only 114 cameras in these that were capable of recording (38.3% of all custody suites at that time).²⁶ In May 2024, all 20 holding facilities were equipped with a camera capable of recording image and sound.²⁷

5.3. No progress in the law regarding the video recording of interrogations

The Hungarian government has **failed to extend the scope of instances where video recording of interrogations is mandatory.** Thus, the respective legal framework has remained the same, and the video recording of interrogations is still not obligatory in Hungary in all criminal proceedings.²⁸ Furthermore, it remains the rule that it is obligatory to record a procedural act upon the request of the defendant, the defence counsel or the victim only if they advance the costs of such a recording.²⁹ This rule continues to **deprive indigent suspects of their rights** by virtue of their economic status, which was also criticised by the UN Human Rights Committee already in 2010.³⁰ It should also be noted that a suspect whose interrogation was not preceded by a summons but by apprehension cannot request in advance his interrogation to be recorded, because for such a suspect there is no time before the immediate interrogation during which they can request the recording.

The National Police Headquarters submitted in its 24 May 2024 reply³¹ to the HHC’s freedom of information request that there are altogether 3,479 interrogation rooms available to the Police, out of which there are 372 interrogation rooms where the image and sound recording of interrogations is possible. This means that **the video recording of interrogations is possible in approximately 10.6 % of the interrogation rooms.** However, in the Group Action Plan, the government stated that stand-alone fixed cameras have been installed in 212 premises and

²⁴ Article 42(5c) of Act XXXIV of 1994 on the Police. Persons taken into custody by the police can spend a maximum of 12 hours in police custody suites. Holding cells are used to detain e.g. defendants in 72-hour detention, pre-trial detainees (as an exception), and persons in petty offence confinement.

²⁵ Response of the National Police Headquarters to the HHC’s FOI request, 29000-197/49 -41/2024.KOZA, May 2024

²⁶ Response of the National Police Headquarters to the HHC’s FOI request, 29000-197/19-70/2020.KOZA, March 2020

²⁷ Response of the National Police Headquarters to the HHC’s FOI request, 29000-197/49 -41/2024.KOZA, May 2024

²⁸ For more details about the respective legal rules, see the HHC’s communication from April 2020:

[http://hudoc.exec.coe.int/eng?i=DH-DD\(2020\)394E](http://hudoc.exec.coe.int/eng?i=DH-DD(2020)394E), pp. 3–4.

²⁹ Act XC of 2017 on the Code of Criminal Procedure, Article 358(4)

³⁰ *Concluding observations of the Human Rights Committee – Hungary*, CCPR/C/HUN/CO/5, 16 November 2010

³¹ Response of the National Police Headquarters to the HHC’s FOI request, 29000-197/49 -41/2024.KOZA, May 2024

192 fixed telecommunication endpoints have been installed. It is not clear what the reason for the different data is, and nor is it clear what is exactly meant by the different terms.

We would like to draw attention to the contradiction between Point 45. and Point 53. of the Group Action Plan. In Point 53. the government states that visual and audio recording of interrogations is possible at all procedural acts and at any location, since 512 handheld cameras are also available to the investigation authorities, while in Point 45. it states that due to the limited number of the available technical devices, in determining the motion for recording preference shall be given to the statutorily mandatory cases of recordings over the request for recording made in the motion of the parties in the criminal procedure.

The National Police Headquarters provided data on the number of investigative actions recorded on cameras, the data show a significant increase in the number of recorded witness hearings and defendant interviews.

Year / no of acts	Witness hearing	Defendant interview	Confrontation	On-site interv.
2022	3,621	2,423	383	26
2023	4,510	2,927	468	33
2024 until 31 July (estimated for full year)	6,646 (11,393)	2,567 (4,400)	345 (591)	15 (26)

To sum up, it can be stated that the law still does not stipulate the mandatory recording of interrogations and that the number of video cameras increased but it is presumed that their number is not satisfactory.

5.4. Progress in the number of cameras available for use in police vehicles and as body cameras

It is to be welcomed as well that there was an increase in the number of police vehicles equipped with recording devices and police body cameras.

In its response of 17 October 2022 to the HHC's freedom of information request,³² the National Police Headquarters submitted that the overall number of police vehicles was 8,709, and out of those, 124 were equipped with recording devices capable of recording both image and sound (1.4%). (According to the National Police Headquarters, there were no such recording devices that were only capable of recording image.) According to their 24 May 2024 reply,³³ the Police had 8,270 police vehicles at their disposal, out of which 681 were equipped only with image recording equipment, and 620 of these were actually in use. This means that **7.4% of police vehicles are actually equipped with a functional camera.**

According to the data provided by the National Police Headquarters in their 17 October 2022 reply³⁴ to the HHC's freedom of information request, in 2022 altogether 70 body cameras were available for the entire Hungarian police force. According to the 24 May 2024 reply,³⁵

³² Response of the National Police Headquarters to the HHC's FOI request, 29000-197/38-12/2022.KOZA, 17 October 2022

³³ Response of the National Police Headquarters to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, May 2024

³⁴ Response of the National Police Headquarters to the HHC's FOI request, 29000-197/38-12/2022.KOZA, 17 October 2022

³⁵ Response of the National Police Headquarters to the HHC's FOI request, 29000-197/49 -41/2024.KOZA, May 2024

344 body cameras are currently at the disposal of the Police, of which 308 are actually in service. The geographical distribution of the cameras is not proportionate with the number of inhabitants in the area. Nevertheless, **a significant rise can be seen in the number of body cameras**. The main purpose of using the body cameras - according to the Group Action Plan (1.2. Point) - is the control of the traffic checks.

6. Deficiencies in relation to detainees' access to a doctor

6.1. Continuing lack of independent and adequate medical examination of detainees

Despite the call of the Committee of Ministers in Points 10. (i) and (ii) of its latest decision and against the recommendations of the UN Human Rights Committee,³⁶ there is no reference in the Group Action Plan that would indicate that the authorities have taken or undertaken any measures to improve the quality of the medical examination of detained persons in police holding facilities complaining of ill-treatment.

In Point 66. of the Group Action Plan, the Hungarian government still **refuses to establish an independent medical examination body** mandated to examine alleged victims of ill-treatment. Thus, it continues to be the case that physicians employed by the police are the ones who examine detainees before their placement in the police detention facilities and record their health status, including potential injuries. Also these physicians examine the detainees in case of an ill-treatment complaint. According to Article 34(1) of Decree 56/2014. (XII. 5.) BM of the Ministry of Interior on the Order of Police Cells, the medical service of the police is responsible for the aforementioned task. If it is not operating or not available, the state or municipal health service contracted by the police has to perform its tasks. **Detainees making allegations of ill-treatment by police officers do not have the right to be examined by an independent medical expert or physician**, and the right to access an external doctor during detention in general is not formally guaranteed.

Doctors do not receive training on the Istanbul Protocol, so they lack knowledge how to appropriately document injuries. Lawyers of the HHC often experience that the first medical reports are not thorough enough and shortcomings might not be possible to handle in a later stage of the procedure.

6.2. Presence of police officers at medical examinations of detainees still a main rule

Despite the call of the Committee of Ministers as included in Point 10. (iii) of its last decision, the Hungarian government **has not ensured the full confidentiality of detainees' medical examinations** in practice. The answer given in Point 59. of the Group Action Plan by the Hungarian government implies that the Hungarian government refuses to change the current legislation.

This means that **the presence of police officers at medical examinations of detainees remains the main rule**,³⁷ and, contrary to what is stated in the Group Action Plan, it is not at the request of the doctors (in the letter case it would be acceptable according to the principles laid down

³⁶ See: *Concluding observations on the sixth periodic report of Hungary*, CCPR/C/HUN/CO/6, 9 May 2018, § 36(c).

³⁷ Section 8 of Instruction 22/2010. (OT 10.) ORFK of the National Police Chief on Implementing the Recommendations of the CPT sets out the following: *"If it does not violate the requirements of the safety of guarding and of personal safety, upon the request of the doctor or the detainee, it shall be arranged that the medical examination or treatment be out of the hearing and – if possible – out of the sight of police officers."*

by the CPT). This rule and practice, which hinders the fair and independent medical examination of torture allegations and may strongly contribute to the latency of ill-treatment cases and may prevent police officers committing ill-treatment being called to account, was criticized both by the UN Human Rights Committee³⁸ and the CPT.³⁹

7. Deficiencies in the effectiveness of the national preventive mechanism

Even though the Committee of Ministers invited the Hungarian authorities in Point 10. (iii.) of its latest decision *to provide information on measures taken or foreseen to strengthen the role of the Commissioner for Fundamental Rights in performing its NPM function, the Group Action Plan does not contain any information about the requested measures or on the NPM's operation.*

The Hungarian NPM **visited 8 police detention facilities in 2023,⁴⁰ but the monitoring reports of these have not been published** yet. In 2024, until 30 September, the NPM visited 4 police stations, but no further information on these visits is currently available,⁴¹ reports about the monitoring visits have not been published yet.⁴²

In 2023, the NPM published 2 reports⁴³ including visits to 8 police detention facilities to which the monitoring visits were carried out considerably earlier, in 2019 and in 2020. It also means that **no information by the NPM has been made available on police detention facilities in the past 4 years.** The length of time to produce the reports suggests that **the NPM does not have the necessary human resources** to carry out its tasks effectively. The delay in publishing the reports significantly decreases the weight of the findings and their preventive effect.

It is to be welcomed that, according to the above-mentioned reports, the institutions were not informed in advance of these visits, that the monitors interviewed several detainees and the views of the detainees are included in the reports, which contain relevant findings. Both reports stated that the right to the protection of personal data was violated by the fact that in case of a complaint or injury, the confidential communication between the doctor and the detainee during a medical examination was overheard by the police officers. The reports raised concerns about the **huge level of workload** of police officers and their poor working conditions, which, given that police officers have to work under increased mental pressure, also affects the way they treat detainees. However, it is problematic concerning the reports that, despite the identification of **systemic problems, they only make recommendations for the local level and not for the national level**, even though it is clear that, as there are not only individual but a systemic violation of detainees' rights, it is the obligation of the National Police Headquarters and the government to address it.

³⁸ *Concluding observations of the Human Rights Committee – Hungary*, CCPR/C/HUN/CO/5, 16 November 2010, § 14; *Concluding observations on the sixth periodic report of Hungary*, CCPR/C/HUN/CO/6, 9 May 2018, § 35.

³⁹ *Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 29 November 2018*, CPT/Inf (2020) 8, § 37.

⁴⁰ <https://www.ajbh.hu/web/ajbh-en/opcat-visits-2023>

⁴¹ <https://www.ajbh.hu/opcat-latogatasok-2024>

⁴² <https://www.ajbh.hu/opcat-jelentesek-2024>

⁴³ These reports are available in Hungarian language here:

https://www.ajbh.hu/documents/10180/7490421/AJB_1025_2023_jelent%C3%A9s.pdf/13d6c03e-baec-08ea-ef75-4346a3041c3e?t=1694166503483;

https://www.ajbh.hu/documents/10180/7490421/AJB_1022_2023_jelent%C3%A9s.pdf/a2b7812d-64db-ad9e-74e9-9941c3f2f0bf?t=1694166086293

It has to be recalled that in the spring of 2022, the Commissioner for Fundamental Rights functioning as the NPM was **downgraded from an “A” to a “B” status as a national human rights institution (NHRI)**. The Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (SCA GANHRI) had recommended the downgrade in NHRI status because the Commissioner was “acting in a way that seriously compromises its compliance with the Paris Principles”: it has not been fulfilling its mandate to effectively promote and protect all human rights, and, among others, it has not been effectively carrying out its mandate in relation to vulnerable groups or related to important human rights issues. The SCA GANHRI found that “the failure to do so evidences a lack of independence”.⁴⁴

8. Specialised unit within the prosecution

The Committee of Ministers’ decision noted with interest *“the establishment [of] an Operational and Military Cases Unit within the Budapest Regional Investigative Prosecutor's Office which aims at increasing the prosecution’s ability to react rapidly in police ill-treatment investigations, as well as the promotion of the Council of Europe HELP training courses among the prosecuting authorities and the prompt organisation on 7 November 2022 of a training for prosecutors on ‘Treatment of persons under investigation and legal safeguards’”* under Point 12.

In the relation to the functioning of the Terrorism, Money Laundering and Military Affairs Division of the Chief Public Prosecutor's Office, it has to be pointed out that according to the data provided by the Chief Prosecutor’s Office upon the HHC’s FOI request on 25 September 2024, as opposed to the Group Action Plan, it appears that the **Division lacks prosecutors with the required specialised experience to investigate cases of ill-treatment**. Instead, it employs senior prosecutors with experience in economic crime, corruption, traffic offences and cybercrime.

9. Ineffective investigations; low indictment and conviction rates; lenient sentences

The Committee of Ministers has expressed its **grave concern regarding the low rates of indictments** between 2019 and 2021 following complaints against law enforcement agents (Point 13.). The statistical data acquired by the HHC in this regard shows that these concerns have remained valid in the past 5 years as well.

9.1. Low indictment rates

Based on the data available for 2022 and 2023, the case clearly remains that very few reports of ill-treatment and coercive interrogation result in the pressing of charges. **Between 2019 and 2023, the prosecution decided to file an indictment (bring charges) annually in only 3.6 to 6.4% of the alleged “ill-treatment in official proceeding” cases**, and this ratio was **0% in 3 out of the last 5 years in terms of alleged “coercive interrogation” cases** (there was an increase in the rates of indictments in coercive interrogation cases in 2023, but the number of

⁴⁴ GANHRI Sub-Committee on Accreditation Report – March 2022, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf, pp. 43–47.

cases per year is very low).⁴⁵ Thus, the vast majority of the investigations was closed without any further measure or the reports made by the alleged victims were rejected. In comparison, reports on “violence against an official person” resulted in an indictment in 60.9 to 70.4% of the procedures between 2019 and 2022.^{46 47} (Note that these ratios are calculated based on the number of cases in which a decision was reached by the prosecution in a given year, not on the basis of the number of criminal cases launched in a given year.)

Ill-treatment in official proceeding ⁴⁸									
	Overall case no.	Rejection of the report		Termination of the investigation/procedure		Indictment		Other	
2019	280	53	19%	213	76%	14	5%	-	0%
2020	392	80	20.4%	291	74.2%	14	3.6%	7	1.8%
2021	417	61	14.6%	332	79.6%	19	4.6%	5	1.2%
2022	574	74	12.9%	453	78.9%	37	6.4%	10	1.7%
2023	421	79	18.8%	314	74.6%	23	5.5%	5	1.2%

Coercive interrogation ⁴⁹									
	Overall case no.	Rejection of the report		Termination of the investigation/procedure		Indictment		Other	
2019	45	15	33.3%	30	66.7%	-	0%	-	0%
2020	68	28	41.2%	40	58.8%	-	0%	-	0%
2021	65	19	29.2%	46	70.8%	-	0%	-	0%
2022	71	24	33.8%	45	63.4%	2	2.8%	-	0%
2023	65	27	41.5%	32	49.2%	6	9.2%	-	0%

Violence against an official person ⁵⁰									
	Overall case no.	Rejection of the report		Termination of the investigation/procedure		Indictment		Other	
2019	233	13	5.6%	61	26.2%	142	60.9%	17	7.3%
2020	338	17	5%	78	23%	216	64%	27	8%
2021	341	11	3.2%	69	20.2%	240	70.4%	21	6.2%
2022	443	14	3.2%	83	18.7%	273	61.6%	73	16.5%

9.2. Lenient practice of courts

The conviction rate of the prosecution is lower in ill-treatment cases than the average annual prosecutorial conviction rate. For ill-treatment in official proceeding, the conviction rate ranged from 40 to 91.7% between 2019–2023, while the average conviction rate of the

⁴⁵ Source: data provided by the Chief Prosecutor’s Office upon the HHC’s FOI requests (LFIIGA//259-10/2020, 2 March 2020; LFIIGA//469-2/2021, 5 October 2021; LFIIGA//476-3/2022, 15 October 2022; LFIIGA//310-3/2024, 28 May 2024; ABOIGA//1-354/2024., 24 September 2024)

⁴⁶ There have been no data published on violence against an official person for 2023.

⁴⁷ For the same data for the years 2007–2017, see the HHC’s previous Rule 9(2) communications.

⁴⁸ Act IV of 1978 on the Criminal Code, Article 226; Act C of 2012 on the Criminal Code, Article 301

⁴⁹ Act IV of 1978 on the Criminal Code, Article 227; Act C of 2012 on the Criminal Code, Article 303

⁵⁰ Act IV of 1978 on the Criminal Code, Article 229; Act C of 2012 on the Criminal Code, Article 310

prosecution was above 98% in every year between 2019–2023.⁵¹ (The conviction rate for coercive interrogation ranged from 33.3 to 100%, but there the number of closed cases per year is very low.⁵²) (The numbers in the charts below refer to the number of persons against whom the given measure was applied in the given year.) The above charts show that the range of reports about violence by and against an official person is similar, but huge differences can be detected when examining the number of convictions below (see the coloured sections of the charts) (the comparison could only be rough because the conviction/acquittal comes years after the report).

	Ill-treatment in official proceeding				Coercive interrogation		
	Conviction	Acquittal	Termination		Conviction	Acquittal	Termination
2019	24 (64.9%)	12 (32.4%)	1 (2.7%)		1 (33.3%)	2 (66.7%)	-
2020	8 (40%)	11 (55%)	1 (5%)		-	-	-
2021	11 (91.7%)	1 (8.3%)	-		-	-	-
2022	17 (85%)	3 (15%)	-		2 (100%)	-	-
2023	18 (90%)	2 (10%)	-		-	-	-

	Violence against an official person		
	Conviction	Acquittal	Termination
2022	290 (93.5%)	14 (4.5%)	6 (19.3%)
2023	321 (94.9%)	10 (2.9%)	7 (2%)

The Committee of Ministers also expressed concerns over the reportedly **lenient sentences imposed by courts in ill-treatment cases**. For years, it has indeed been the case that judges sentence law enforcement officers (police officers, penitentiary staff members, etc.) to imprisonment for ill-treatment usually in a much lower proportion than civilians convicted for violence against an official person (when comparing the two most frequently applied sanctions for officials and civilians alike⁵³). As the data acquired from the National Office for the Judiciary shows, **this has also been the case for 2022 and 2023.**⁵⁴

	2019	2020	2021	2022	2023
Ill-treatment in official proceeding					
Imprisonment (no. of suspended sentences out of all imprisonment sentences - proportion of the suspended sentences)	8	3	6 (6 -100%)	6 (4 -66.7%)	8 (7 -87.5%)
Fine	15	5	5	11	10

⁵¹ Source: *Büntetőbíróság előtti ügyész tevékenység főbb adatai [Main Data on Prosecutorial Activity before Criminal Courts – Year 2022]*, Chief Prosecutor's Office, <https://ugyeszseg.hu/az-ugyeszsegrol/statistikai-adatok/buntetobirosag-elotti-ugyeszi-tevekenysegi/>

⁵² Source: data provided by the National Office for the Judiciary upon the HHC's FOI requests (2020.OBH.XII.B.10/8., 23 March 2020; 2021.OBH.XII.B.69/3., 7 October 2021; 2022.OBH.XII.B.61/4., 11 October 2022; 2024.OBH.XII.B.3., 28 May 2024). For the same data for the years 2007–2016, see the HHC's previous Rule 9(2) communications.

⁵³ Accordingly, the table does not include all types of sanctions applied, and it does not include sanctions applicable only against law enforcement officers (e.g. demotion). In addition, the courts may have imposed more types of sanctions on one defendant, and therefore, the number of sanctions applied in a given year can be higher than that of convicted defendants.

⁵⁴ Source of the data in the table: responses of the National Office for the Judiciary to the HHC's FOI requests (2020.OBH.XII.B.10/8., 23 March 2020; 2021.OBH.XII.B.69/3., 7 October 2021; 2022.OBH.XII.B.61/4., 11 October 2022; 2024.OBH.XII.B.3., 28 May 2024).

Coercive interrogation					
Imprisonment	-	-	-	-	-
Fine	1	-	-	2	-

Violence against an official person					
Imprisonment (no. of suspended sentences out of all imprisonment sentences - proportion of the suspended sentences)	264	195	279	241 (159 -65.9%)	269 (169 -62.8%)
Fine	29	23	25	22	23

Imposing suspended imprisonment instead of an effective one has also significance when it comes to the eligibility of service of convicted law enforcement officers, as detailed in the section above: when the imprisonment is suspended and it is not effective, law enforcement officers may be allowed to continue their service.

Following the scenario of typical proceedings, we can conclude that although the number of reports against an official person ill-treating a civilian and a civilian abusing an official person is similar (300-400), but at the end of the whole criminal procedure **8-24 official persons and around 300 civilians are convicted.**

9.3. Disqualification from the profession is hardly applied by the courts

Pursuant the Penal Code courts may use several punishments when convicting a person. Based on section 52, courts may temporarily or definitively **prohibit the convicted person to exercise their professional activity** if the person committed the criminal offence by the violation of the rules of their profession requiring a qualification or if the person intentionally committed the offence by using their profession. Ill-treatment and coercive interrogation are typically those types of crimes which are committed while exercising police (or other official) powers or with the exercise of the police powers.

Data provided by the⁵⁵ the National Office for the Judiciary show that despite of the explicit statutory rules, **the prohibition to exercise professional activity was not all applied by the courts in the past 2 years**: 47 official persons were convicted for ill-treatment or coercive interrogation but none of them was deprived of the right to continue their profession. It means that the courts do not consider such an act incompatible with the police (prison, etc.) officer profession and deem the convicted person appropriate to continue the service.

	Ill-treatment in official proceeding			
	No. of convicts	Imprisonment	Fine	Disqualification from profession
2022	17	6	11	0
2023	28	8	10	0

⁵⁵ Source of the data in the table: responses of the National Office for the Judiciary to the HHC's FOI requests (2024.OBH.XII.B.30/3., 28 May 2024.

	Coercive interrogation			
	No. of convicts	Imprisonment	Fine	Disqualification from profession
2022	2	0	2	0
2023	0	0	0	0

10. Re- examining ill-treatment investigations

The Committee of Ministers in its last decision reiterated their call on the authorities to *consider introducing an ex officio practice of re-examining ill-treatment investigations at an earlier stage of the Convention proceedings and invited the authorities to provide information on whether Section 400 of the Code of Criminal Procedure would allow such practice; called on the authorities to review the domestic legislation to extend or lift the relatively short five-year prescription period for crimes of ill-treatment by law enforcement officers* (Point 14.).

There is no reference to this call in the Group Action Plan, indicating that **the Hungarian government does not intend to introduce an ex officio practice of re-examining ill-treatment investigations, and to extend the prescription period for crimes of ill-treatment by law enforcement officers.**

According to Section 400 (6) of Code of Criminal Procedure, the reopening of the investigation is possible in the following cases: *(a) new evidence or circumstances arise, (b) a false or falsified means of proof has been used; or (c) a member of the prosecution or the investigating authority has breached his or her duty in a manner contrary to criminal law.* The Group Action Plan did not provide information on whether Section 400 of the Code of Criminal Procedure would allow the re-examining of investigations in the government's view. However there is an interpretation of the law according to which the judgement of the European Court of Human Rights may qualify as a new circumstance that **provides a basis for reopening the investigation**, or if ill-treatment is substantiated by the Court, in the HHC's view it might be interpreted as a breach of the criminal law, which can also serve as a reason to reopen a procedure. However, we are not aware of any reopening of the investigation following a judgment of the European Court of Human Rights.

In the Group Action Plan there is **no reference that the government plans to review the prescription period** for crimes of ill-treatment as recommended by the CM in its decision (Point 14.)

In relation to the **compensation** which could be awarded in a civil procedure to victims of criminal offences (referred to in the CM decision under Point 2.), it should be stressed that it is only possible if the defendant has been finally convicted by the court, and the civil lawsuit can only be filed within the 5-year limitation period. Thus, this is not possible for the cases of the Gubacsi group.

According to Sections 72 (1) and (2) of Act CXXX of 2016 on the Code of Civil Procedure, **legal representation of the plaintiff (the victim) is mandatory** in the procedure. The Group Action Plan states that pursuant to Section 11 (1) of Act LXXX of 2003 on Legal Aid, the State shall provide legal representation for the plaintiff, who is deemed to be indigent, and shall advance or bear the costs thereof on behalf of the party. It must be stressed that this **option is only available to people living in extreme poverty**, apart of whom there are large sections of the population who, although not "poor enough" to qualify for the service, are unable to afford a

lawyer's fees. According to the rules laid down by Sections 5 (1) and 6 of Act on Legal Aid, in 2024, the state pays for legal services on behalf of those who have no real estate or property of higher value and whose net monthly income does not exceed HUF 28,500 (approximately EUR 72); the state advances the fee of the legal services for those whose net monthly income does not exceed HUF 147,493 (approximately EUR 374). Reports from the HHC's clients indicate that most people find the administration difficult, as filling in the form is challenging for people with lower levels of education. Furthermore, since lawyers contracted by the Legal Aid Service are extremely underpaid, the service is understaffed. Therefore, client reports show that legal aid lawyers often carry out a low-quality job without effective representation of the clients' interests. Furthermore clients report to the HHC that it is very difficult to find a lawyer for representation.

11. Recommendations

For the reasons above, which underlie that no satisfactory steps have been taken in order to substantively address the shortcomings related to police ill-treatment cases, the HHC respectfully recommends the Committee of Ministers to continue examining the execution of the judgments in the *Gubacsi v. Hungary* group of cases under the **enhanced procedure**, and, given the length of time this group has been pending implementation, the seriousness of the issue, and the lack of substantive progress, we also ask the Committee of Ministers to consider **issuing an interim resolution** regarding the group of cases.

Furthermore, the HHC respectfully recommends the Committee of Ministers to call on the Government of Hungary to:

1. Establish a **comprehensive national action plan** committed to zero-tolerance and reflecting the recommendations of the Committee of Ministers, including the setting of deadlines for the tasks to be performed and the designation of the responsible body.
2. Take steps to decrease the latency of ill-treatment and **enhance the efficiency of investigations** into ill-treatment cases in order to decrease the number of procedures launched for ill-treatment where the investigation is terminated and the case is closed without indictment due to the lack of evidence, e.g. by issuing **protocols to follow** in related criminal procedures. Clarify the duties and obligations of the freshly established specialised unit in relation to the prevention of ill-treatment.
3. **Revise the performance assessment system of the police**: lighten its statistical approach, and place more emphasis on factors such as crime prevention and the public's trust in the police.
4. Provide systemic **training for police officers, including low-ranked officers and patrols** focusing on the prevention of ill-treatment. Provide **training for physicians and criminal justice stakeholders on the Istanbul Protocol** (UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).⁵⁶
5. **Revise the legal framework** pertaining to the eligibility of police officers convicted and **ensure that officers convicted for ill-treatment in official proceeding or coercive interrogation cannot continue their service**. The revision shall include the abolishing

⁵⁶ Office of the United Nations High Commissioner for Human Rights, Professional Training Series No. 8/Rev.1

- the right of the Minister of Interior's to reinstate the convicted police officer; and introducing in the legal system that as a main rule the court prohibits the convicted police officer to continue their service.
6. Equip **all police vehicles with operational image and sound recording devices**, and further increase the number of available police **body cameras**. Ensure by law that **installing recording devices in all police detention facilities is obligatory**, and that recordings are stored for an adequate period of time.
 7. Widen the scope of instances where the **video recording of interrogations** of defendants and witnesses is **obligatory**, video record the interrogation upon the request of the interrogated person free of charge, and prescribe that the police shall inform persons to be interrogated that they can motion the video recording of their interrogations.
 8. Ensure by law that whenever a person detained by the police presents injuries upon medical examination and makes allegations of ill-treatment, they are promptly **examined by an independent doctor with training in forensic medicine** who should draw conclusions as to the degree of consistency between the allegations of ill-treatment made by the detained person and the objective medical findings. Make it **obligatory to take photographs** of injuries.
 9. Ensure by law that police officers may be present at the medical examination of detainees only under special circumstances, i.e. ensure that **medical examinations** (whether they are carried out in police establishments or in hospitals) **are conducted out of the hearing and** – unless the health-care professional concerned expressly requests otherwise in a given case – **out of the sight of staff with no health-care duties**.
 10. Introduce measures aimed at **protecting detainees who claim that they have been ill-treated**, such as providing them with a safe way to report ill-treatment while detained in the police facility, transferring them to another police facility once a complaint is made, etc.
 11. Ensure that adequate, operational training is established and devoted to the issue of human rights in the course of the training of all criminal justice stake-holders with special attention to inter-professional training. Provide police officers with training on **investigative (non-coercive, non-accusatory) interviewing techniques**, such as the PEACE model.⁵⁷ Make sure that there is a database that makes the frequency and attendance of such training traceable.
 12. **Ensure that criminal proceedings are reopened and consequences are applied** if the European Court of Human Rights established the violation of the Convention in ill-treatment cases.
 13. **Guarantee the full independence of the Hungarian National Preventive Mechanism under the OPCAT, provide it with sufficient resources** to have the capacity to duly and thoroughly perform their tasks with special attention to the most vulnerable groups. Ensure that the National Preventive Mechanism **adequately monitors detention** and the application of procedural torture prevention safeguards.

⁵⁷ Cf. 28th General Report of the CPT, 1 January - 31 December 2018, CPT/Inf(2019)9, §§ 73–81.

14. Ensure that the Hungarian **authorities collect the necessary data to assess the implementation of the judgments** as required by the decisions of the Committee of Ministers, including data on the proportion of interrogations recorded audiovisually, and data broken down by the year of the decision of the Minister of Interior on the offences committed by officers whose eligibility has been restored by the Minister of Interior.

Sincerely yours,



András Kristóf Kádár
co-chair
Hungarian Helsinki Committee