

**Subcommittee on Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment**

**ADVANCED UNEDITED VERSION**

**Visit to Hungary undertaken 21 to 30 March 2017:  
observations and recommendations addressed to the  
national preventive mechanism**

**Report of the Subcommittee\* \*\***

**Addendum**

**Replies of the national preventive mechanism**

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\* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the national preventive mechanism on 08.12.2017. On 4 June 2018, the national preventive mechanism requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

\*\* The present document is being issued without formal editing.

## I. Recommendations relating to legal, institutional and structural issues

### A. Structure and independence

1. As regards the recommendation made in Clause 17 of the report (CAT/OP/HUN/R.2.) of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter the Subcommittee) on its visit to Hungary, I consider that the prevailing legal frameworks duly ensure the essential conditions enabling the Commissioner for Fundamental Rights, responsible to the Parliament, to efficiently perform the tasks of the National Preventive Mechanism (hereinafter the NPM), specified in the Optional Protocol (hereinafter the OPCAT) .

2. Acting on the recommendation made in **Clause 18** of the Subcommittee's report, the NPM has carried out a mapping exercise to assess the range of activities it ought to undertake in accordance with the OPCAT, Paris Principles, NPM Guidelines, SPT Assessment Tool<sup>1</sup> and compared it against the current structure and activities of the NPM. The exercise has shown that, in performing the tasks of the NPM, more attention has to be paid and more resources have to be allocated to education on the prohibition of torture and other types of ill-treatment.

3. Education and information on the prohibition of torture are not included in the education and training of persons working in the social and healthcare sectors and persons participating in the deprivation of people of their liberty. Police personnel with degrees in law and public administration do possess such knowledge; however, the less educated lower ranks of police personnel do not receive any education on this subject.<sup>3</sup> In the course of its visits to various places of detention, the NPM has already uncovered the aforementioned deficiencies and recommended their elimination.

4. Over the last three years, the NPM has regularly examined if the staff members of the visited places of detention possess knowledge of the prohibition of torture; however, the curricula of educational institutions have not been analysed yet.<sup>2</sup> It is for consideration in what form and within what frameworks the NPM should efficiently tackle this issue. Before a final decision is taken, the NPM is going to consult the members and staff of other national preventive mechanisms with a broad range of expertise, operating in the region.

5. Neither the Commissioner for Fundamental Rights performing the tasks of the NPM nor his colleagues authorized to act on his behalf have received any threats of reprisal yet.<sup>3</sup> The Commissioner for Fundamental Rights has to report to the Parliament on his activities, including his performance of the tasks of the NPM.<sup>4</sup> Should the Commissioner for Fundamental Rights or his colleagues authorized to carry out the tasks of the NPM receive any threat of reprisal, in addition to lodging a criminal complaint or initiating other official proceedings, the Commissioner has to apprise the Parliament thereof.

6. The NPM's structure is based on the notion that the tasks of the NPM shall be performed by the Commissioner for Fundamental Rights as the National Human Rights Institution<sup>5</sup> of the UN. When performing the tasks of the NPM, the Commissioner for Fundamental Rights may proceed, within his discretion, either personally, or through his colleagues authorized by him to carry out tasks related to the NPM. The Commissioner for Fundamental Rights shall authorize at least eleven staff members to perform the tasks related to the NPM. The authorized public servant staff members shall have outstanding knowledge

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<sup>1</sup> Optional Protocol to the Convention against Torture and other Inhuman or Degrading Treatment or Punishment, promulgated by Act CXLI of 2011  
<sup>2</sup> Analytical assessment tool for national preventive mechanisms (CAT/OP/1/Rev.1).  
<sup>3</sup> NPM Assessment Matrix for NPMs 1.  
<sup>4</sup> NPM Assessment Matrix for NPMs 45  
<sup>5</sup> NPM Assessment Matrix for NPMs 171

in the field of the treatment of persons deprived of their liberty or have at least five years of professional experience.<sup>6</sup>

7. The administration and preparation related to the tasks of the Commissioner for Fundamental Rights, including those of the NPM, shall be performed by the Office of the Commissioner for Fundamental Rights (hereinafter the Office).<sup>7</sup> Pursuant to the Organizational and Operational Rules of the Office, established by way of a normative instruction<sup>8</sup> by the Commissioner for Fundamental Rights, solely responsible for the performance of the NPM's tasks, the staff members of the Office authorized on a permanent basis to carry out tasks related to the NPM shall perform their work within the frameworks of a separate organizational unit, the OPCAT National Preventive Mechanism Department.<sup>9</sup>

8. Within the Office, the performance of the NPM's tasks is separated not only organizationally, but also functionally. The recruitment and selection of staff members authorized to perform tasks related to the NPM are conducted in accordance with the special provisions of Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter the Ombudsman Act).<sup>10</sup> To obtain access to classified data necessary for the performance of their tasks, staff members authorized to perform the tasks related to the NPM shall have the personal security clearance certificate of the required level.<sup>11</sup> Data storage media containing confidential information gathered by the NPM are stored in the Office separately, in accordance with special rules of procedure.<sup>12</sup>

9. As a general rule, members of the OPCAT National Preventive Mechanism Department do not conduct inquiries into complaints. However, submissions containing data or information on the infringement of the provisions of Article 21, Paragraph 1 of the OPCAT on the prohibition of sanctions are investigated by the staff members of the Department authorized to perform tasks related to the NPM.<sup>13</sup>

10. The NPM conducts its visit based on a schedule of visits adopted during the previous year. When proceeding in person, the Commissioner for Fundamental Rights shall notify the management of the place of detention and the detainees held therein that he is proceeding within the competence of the NPM. In his absence, the commission letter of the multidisciplinary visiting delegation shall clarify that the members thereof are authorized to perform tasks related to the NPM. The commission letter of the visiting delegation also reminds the places of detention and the authorities of the aforementioned prohibition stipulated in Article 21, Paragraph 1 of the OPCAT.<sup>14</sup> It is also indicated on the cover and in the text of the reports on the visits that they are published by the Commissioner for Fundamental Rights proceeding in the capacity of the NPM.

11. The Commissioner for Fundamental Rights has to report to the Parliament on his performance of the tasks of the NPM.<sup>15</sup> The Parliament shall debate the report of the

<sup>6</sup> Article 30 of the Fundamental Law; Section 40, Subsection (2), Paragraph b) of Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter the Ombudsman Act)

<sup>7</sup> See Article 18, Paragraph 4 of the OPCAT

<sup>8</sup> Section 39/D, Subsection (3) of the Ombudsman Act

<sup>9</sup> Section 41(1) of the Ombudsman Act

<sup>10</sup> See Section 23, Subsection (4), Paragraph f) of Act CXXX of 2010 on Legislation and Section 41(3) of the Ombudsman Act

<sup>11</sup> By virtue of section 26(2) of Act CXXX of 2010 on Legislation, the normative instruction on the Organizational and Operational Rules of the Office of the Commissioner for Fundamental Rights, containing my directive on the establishment of the OPCAT National Preventive Mechanism Department, shall be published in the Hungarian Official Gazette.

<sup>12</sup> Section 39/D, Subsections (3) and (4) of the Ombudsman Act

<sup>13</sup> Section 39/D, Subsection (2) of the Ombudsman Act

<sup>14</sup> Article 21. Paragraph 2 of the OPCAT

<sup>15</sup> E.g., Case № AJB-3680/2017

<sup>16</sup> *"No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way."*

<sup>17</sup> Section 40(2)a) of the Ombudsman Act

Commissioner for Fundamental Rights within the year of its submission.<sup>16</sup> Pieces of information related to the performance of the tasks of the NPM are regularly published on the dedicated section of the homepage of the Office.<sup>17</sup> The reports on the NPM's visits and the annual comprehensive report on the NPM's activities are also published on the dedicated section of the homepage of the Office.

12. Acting on the recommendation made in **Clause 19** of the Subcommittee's report, the NPM has carried out an internal review of the existing legal acts stipulating the functioning of the mechanism in order to have a full overview of all aspects that need to be revised to enable it to carry out its mandate effectively. In close cooperation with the Ministry of Justice, the NPM is going to take steps to participate in preparing statutory amendments aimed at increasing the NPM'S efficiency and independence.

## **B. Human and financial resources**

13. In connection with the recommendation made in **Clause 24** of the Subcommittee's report, it has to be pointed out that, in Hungary, the tasks of the NPM are performed by the Commissioner for Fundamental Rights. The administration and preparation related to the tasks of the NPM shall be performed,<sup>18</sup> and the costs of the performance of those tasks shall be borne by the Office.<sup>19</sup> The budget of the Office is allocated, in an act, by the Parliament electing the Commissioner for Fundamental Rights. As the Office is not a budgetary organ under the Government's management and supervision,<sup>20</sup> reducing the total of its revenue and expenditure falls within the exclusive competence of the Parliament.<sup>21</sup> The Office has to prepare annual reports to the Parliament on the utilization of its budgetary resources.

14. Pursuant to the Public Finances Act, a legal regulation defining a public function shall also provide for the means of and the financial resources necessary for performing that public function.<sup>24</sup> As the chapter-by-chapter explanatory memorandum enclosed with the draft act on the central budget expressly mentions the obligation to perform the tasks of the NPM, the costs thereof shall be covered by the central budget. These budgetary resources do cover the implementation of the annual plan of visits by the NPM, including the use of external experts, as well as the organization of regular training sessions.<sup>25</sup>

15. There is no physician among the staff members of the Office authorized on a permanent basis to carry out tasks related to the NPM.<sup>22</sup> The Act defining the legal status of public servants,<sup>23</sup> employed in the Office, does not rule out *ab ovo* the employment of a physician as a public servant. Should anybody meeting the statutory requirements<sup>24</sup> apply for the position of physician, the NPM could hire them. In Hungary, healthcare activity may be conducted by a person who has the professional qualifications and has undergone the necessary professional training that authorize for practising said activity, and who is listed in the operations registry of healthcare workers.<sup>25</sup> Should a registered healthcare worker, due to his/her performing a public function specified by the law, including filling the position of a public servant participating, on a permanent basis, in the performance of the tasks related to

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<sup>18</sup> Section 40(3) of the Ombudsman Act

<sup>19</sup> <http://www.ajbh.hu/opcat>

<sup>20</sup> Section 41(1) of the Ombudsman Act

<sup>21</sup> Section 41(4) of the Ombudsman Act

<sup>22</sup> Section 1, Paragraph 11 of Act CXCV of 2011 on Public Finances

<sup>23</sup> Section 18(3a) of Act C of 2017 on the 2018 Central Budget of Hungary

<sup>24</sup> Section 3/A(3) of Act CXCV of 2011 on Public Finances

<sup>25</sup> For details, see Paragraph 26 herein.

<sup>26</sup> Section 39/D, Subsection (4) of the Ombudsman Act

<sup>27</sup> Section 39, Subsection (1) and (6) of Act CXCV of 2011 on Public Servants

<sup>28</sup> As stated in Section 39/D(3) of the Ombudsman Act: "*experts with a graduate degree and have an outstanding knowledge in the field of the treatment of persons deprived of their liberty or have at least five years of professional experience.*"

<sup>29</sup> Section 110(2) of Act CLIV of 1997 on Healthcare

the NPM, suspends his/her healthcare activities for a period of five years or more, his/her name shall be deleted from the operations registry of healthcare workers.

16. During the period following the SPT Delegation's departure, physicians authorized on a case-by-case basis participated in the NPM's visits. These physicians authorized on a case-by-case basis carried out their work<sup>26</sup> and were remunerated<sup>27</sup> on the basis of civil law contracts, in accordance with the legal provisions on forensic medical experts. The ad hoc employment of physicians participating in the visits makes it possible to select them, upon the recommendation of the Civil Consultative Body, in accordance with the specifics of a given place of detention (e.g., psychiatrist, paediatric psychiatrist, internist, geriatrician etc.). The aforementioned solution efficiently ensures the diverse professional background<sup>28</sup> advocated in the NPM Guidelines. Against this background, the NPM intends to turn to the Government in connection with the amendment of the legal regulation<sup>29</sup> on the physician positions.

17. In accordance with the recommendations set forth in **Clauses 25 and 26** of the Subcommittee's report, the Office maintains regular, constructive dialogue with the staff of the Ministry for National Economy in order to ascertain what is needed by the Commissioner for Fundamental Rights to permit him to properly fulfil his legal mandate, including the performance of the tasks of the NPM. This dialogue provides the basis for the chapter of the draft budget relative to the Office.<sup>34</sup>

### C. Cooperation with the Civic Consultative Body (CCB)

18. In accordance with the recommendation made in **Clause 29** of the Subcommittee's report, the NPM maintains communication in a collaborative manner with the CCB not only at the regular meetings but also through other channels of communication, e.g., correspondence, ad hoc consultations, conferences etc. The staff members authorized to perform tasks related to the NPM also consult the members of this body when preparing the annual schedule of visits and prior to the inspection.

19. The NPM applies unambiguous, transparent methods both when conducting investigations and in its cooperation with the members of the CCB. In preparing and conducting visits, preparing reports, and following up recommendations, the NPM proceeds in accordance with Normative Instruction 3/2015. (XI. 30.) AJB of the Commissioner for Fundamental Rights on the professional rules and methods of his/her inquiries.<sup>30</sup>

20. The frameworks of cooperation with civil society organizations are regulated by the prevailing legal regulations on the one hand, and by the Rules of Procedure<sup>31</sup> of the CCB on the other.

21. Cooperation with civil society organizations outside the CCB is conducted as required. The CCB may review the NPM's working methods, reports, info materials, and other publications; discuss the training plan designed for developing the capabilities of the staff members authorized to perform the tasks related to the NPM; participate in conferences, workshops, exhibitions, and other events organized by the NPM.<sup>32</sup> Within the framework of their cooperation, the NPM and the civil society organizations mutually benefit from each other's knowledge and professional experience.

<sup>30</sup> See Act XXIX of 2016 on Judicial Experts

<sup>31</sup> See Minister of Justice Decree 3/1986. (II. 21.) IM on the remuneration of judicial experts

<sup>32</sup> Clause 20 of CAT/OP/12/5

<sup>33</sup> Section 39/D, Subsection (4) of the Ombudsman Act

<sup>34</sup> For details, see Paragraph 14 herein.

<sup>35</sup> See Chapter X (Tasks related to the OPCAT National Preventive Mechanism) of Normative Instruction 3/2015. (XI. 30.) AJB of the Commissioner for Fundamental Rights on the professional rules and methods of his/her inquiries

<sup>36</sup> Normative Instruction 3/2014. (IX. 11.) of the Commissioner for Fundamental Rights on the establishment and the rules of procedure of the Civil Consultative Body

<sup>37</sup> Section 6 of Normative Instruction 3/2014. (IX. 11.) of the Commissioner for Fundamental Rights on the establishment and the rules of procedure of the Civil Consultative Body

22. In accordance with the recommendation made in **Clause 30** of the Subcommittee's report, the experts recommended by the civil society organizations regularly participate in the visits of the NPM. Physicians participated in 13, and dietitians in 9 of the 17 visits conducted so far (on some occasions both a physician and a dietitian joined the visiting delegation). Experts recommended by the civil society organizations participated in seven of the eight visits conducted in 2017; such experts participated in every visit up to the 31<sup>st</sup> of May in 2018. The conclusions, critical remarks, and recommendations contained in the participating experts' written opinions are incorporated in the NPM's reports.

#### External experts participating in the NPM's visits in 2017<sup>33</sup>

No	Name of the visited institution	Date of the visit	External expert
1.	Central Holding Facility of the MPHQoB	08 February 2017	0
2.	Márianosztra Strict and Medium Regime Prison	13-14 March 2017	one psychiatrist one dietitian
3.	Budapest Remand Prison Unit I	28 March 2017	one psychiatrist one dietitian
4.	Platán Integrated Social Institution of Bács-Kiskun County	16-17 May 2016	one psychiatrist one dietitian
5.	Psychiatric Ward of the Balassa János Hospital of Tolna County	31 May and 1 June 2017	one psychiatrist one dietitian
6.	Nagymágocs Castle Home of the Aranysziget Integrated Retirement Home of Csongrád County	12-14 September 2017	one physician (geriatrician) one dietitian
7.	Holding facility of the Fejér County Police Headquarters	19 October 2017	one psychiatrist one dietitian
8.	Szabolcs-Szatmár-Bereg County Remand Prison	28-30 November 2017	one psychiatrist one dietitian
<b>Total:</b> In 2017, external experts participated in 7 visits, i.e., in 87.5 % of all visits			<b>seven physicians and seven dietitians</b>

23. On 11 April 2018, within the frameworks of a workshop held in the Office, the NPM met with non-lawyer experts who participated in previous visits, with prospective expert participants, and the representatives of the members of the CCB. In order to increase the efficiency of cooperation, the participants of the workshop discussed the lessons of the visits conducted so far.

24. The recommendation made in **Clause 31** of the Subcommittee's report was implemented during the meeting of the CCB held on 5 September 2017. The participants of the meeting discussed the recommendations of the representatives of civil society organizations, presented on 22 March 2017, during the joint meeting of the NPM, the Subcommittee, and the CCB. As regards the number of visits, it was mentioned that the fundamental-rights-related analyses contained in the NPM's reports serve as an example for the entire profession; therefore, their significance goes far beyond the places of detention concerned. It should also be recalled that, on an annual basis, the reports published in the capacity of the NPM contain nearly one-third of the legislative proposals put forward by the Commissioner for Fundamental Rights, requiring thorough theoretical preparations.

25. So far, more than one-third of the places of detention on the NPM's schedule of visits have been chosen on the recommendation of the members of the CCB. As far as follow-up visits are concerned, the NPM and the member organizations of the CCB de facto follow up

<sup>38</sup> The psychologists participating in the visits were all public servants of the Office authorized to perform the tasks related to the NPM under Section 39/D, Subsections (1) and (4) of the Ombudsman Act.

one another's visits. The participants also discussed the possibility of holding the CCB's meetings outside the Office.

26. The NPM conducts its visits following pre-defined, standard operational and procedural rules, in accordance with the recommendation made in **Clause 32** of the Subcommittee's report.<sup>34</sup> During the meeting on 11 April 2018, in order to solidify and further develop uniform rules of procedure, the NPM also discussed its working methods with the participants.

27. In accordance with the recommendation made in **Clause 33** of the Subcommittee's report, the more experienced members of the NPM team hold regular training sessions on interviewing techniques to the new colleagues. The NPM's colleagues regularly participate in domestic and international training sessions discussing technical issues related to certain types of institutions. On 12-13 March 2018, one of them attended a training session on monitoring homes for the elderly, organized by the Council of Europe, held with the cooperation of the German and the Austrian NPMs; the program also included practical issues related to interviewing techniques. The NPM will do everything, in the future as well, to use the most efficient interviewing techniques in the course of its investigations ensuring the detection of signs of ill-treatment

## II. Recommendations on visit methodology

### A. Working plan, reporting, and follow-up

28. A preventive monitoring visit by the NPM, by necessity, also means a practice-oriented review of the legal regulations relevant to the operation of a given place of detention. In accordance with the recommendation in **Clause 35** of the Subcommittee's report, when planning a visit, the NPM, in addition to the type and geographical location of the place of detention, the categories of detainees held there, and the thematic objectives of the visit, automatically identifies and reviews the legal regulations determining the operation of the suggested site. The NPM *"may make proposals for the amendment or making of legal rules affecting fundamental rights and/or the expression of consent to be bound by an international treaty."*<sup>35</sup> Through publishing its conclusions and impressions regarding the visits, and making legislative recommendations based on the critical assessment thereof, the NPM facilitates domestic legislation.<sup>36</sup>

29. The NPM has no legislative powers; however, it shall give an opinion on the draft legal rules and legal concepts affecting its tasks and competences.<sup>37</sup> When reviewing a draft legal regulation, the NPM pays special attention to determining if the text suggested as a result of its legislative recommendation is suitable for remedying and preventing the problematic treatment. In the case of legislative concepts and draft bills relative to the application of which it has no investigative experience, the NPM draws the attention of those responsible for the codification to the risks of ill-treatment and to the measures required for the prevention thereof.<sup>38</sup> When reviewing draft legislation, the NPM, depending on its future visits and the conclusions of its future investigations, reserves the right to initiate the amendment or annulment of regulations which will have in the meantime entered into force.

30. The critical analysis of the NPM's activities, using the assessment tool mentioned in **Clause 36** of the Subcommittee's report, has been completed. The areas that are not properly covered are detailed in Paragraphs 2 through 4.

<sup>39</sup> See the relevant provisions of the Ombudsman Act, and Chapter X (Tasks related to the OPCAT National Preventive Mechanism) of Normative Instruction 3/2015. (XI. 30.) AJB of the Commissioner for Fundamental Rights on the professional rules and methods of his/her inquiries

<sup>40</sup> Section 2(2) of the Ombudsman Act

<sup>41</sup> In its reports published in 2017, the NPM made altogether 17 legislative recommendations.

<sup>42</sup> Section 2(2) of the Ombudsman Act

<sup>43</sup> In his capacity as NPM, the Commissioner for Fundamental Rights reviewed 212 draft bills in 2016, and 219 in 2017.

<sup>44</sup> Section 30(4) of the Ombudsman Act

31. In accordance with Article 23 of the OPCAT and the recommendation made in **Clause 40** of the Subcommittee's report, it is a constitutional obligation of the Commissioner for Fundamental Rights to annually submit a report to the Parliament on his activities, including the performance of the tasks of the NPM as well.<sup>44</sup> The Parliament shall debate the report of the Commissioner for Fundamental Rights, also covering his performance of the tasks of the NPM, within the year of its submission.<sup>39</sup> The report of the Commissioner for Fundamental Rights, also covering his performance of the tasks of the NPM, is first debated in the competent Committees, then on the plenary session of the Parliament. *"The report of the Commissioner for Fundamental Rights shall be published on the website of the Office after the Parliament has passed a resolution on it."*<sup>40</sup>

32. Engaging in a continuous and constructive dialogue aimed at following up the implementation of recommendations, as suggested in **Clause 41** of the Subcommittee's report, is a statutory obligation of not only the NPM but also the heads of places of detention, authorities and other organs concerned. The dialogue between the NPM and the recommendations' addressees is conducted using the report as a platform. The ways of following up recommendations, including the time limit for responding, are regulated in detail by the law.<sup>41</sup>

33. In accordance with Article 22 of the OPCAT and the recommendation made in **Clause 42** of the Subcommittee's report, in order to discuss the implementation of its recommendations, the NPM conducts constructive dialogue with the competent authorities not only in writing but also holding direct meetings and in the form of follow-up visits.

34. It is the statutory obligation of the Commissioner for Fundamental Rights to publish his annual report on his activities,<sup>42</sup> as well as the comprehensive annual report on the performance of the tasks of the NPM<sup>43</sup> on the Office's website after the Parliament has passed a resolution thereon. The NPM shall notify, in writing, the major detention authorities, the heads of the visited places of detention, the members of the CCB, the Subcommittee, and the media of the publication of the report on the Office's website.

35. After having sent the NPM's annual report to the members of the CCB, and its English translation to the Subcommittee and the CCB, the Commissioner for Fundamental Rights also publishes the report on the OPCAT NPM section of the Office's homepage. The comprehensive reports on the performance of the tasks of the NPM for the years 2015 and 2016 have already been submitted to the Subcommittee. Those reports may be accessed on the Subcommittee's website as well.<sup>44</sup> The Parliament has not debated yet the 2017 Annual Report of the Commissioner for Fundamental Rights. The 2017 Comprehensive Annual Report on the performance of the tasks of the NPM will be published on the Office's website after the Parliament has passed a resolution thereon, and its English translation, following the practice of recent years, will be submitted to the Subcommittee.

36. During the visits, the colleagues of the NPM introduce themselves to the interviewees in accordance with the recommendations in **Clause 46** of the Subcommittee's report.

37. The NPM performs its tasks deriving from Article 19 of the OPCAT in accordance with the recommendations in **Clauses 50 and 51** of the Subcommittee's report. The NPM's activities related to the legislative process are described in detail in Paragraphs 27 and 28.

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<sup>45</sup> Section 40(3) of the Ombudsman Act

<sup>46</sup> Section 40(4) of the Ombudsman Act

<sup>47</sup> Sections 31 through 38 of the Ombudsman Act

<sup>48</sup> Section 40(4) of the Ombudsman Act The reports of the Commissioner for Fundamental Rights may be found at: [www.ajbh.hu/eves-beszamolok](http://www.ajbh.hu/eves-beszamolok)

<sup>49</sup> Section 39/C of the Ombudsman Act The comprehensive annual reports of the NPM may be found at: [www.ajbh.hu/opcateves-jelentesek](http://www.ajbh.hu/opcateves-jelentesek)

<sup>50</sup> [www.ohchr.org/EN/HRBodies/OPCAT/Pages/AnnualreportsreceivedfromNPM.aspx](http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AnnualreportsreceivedfromNPM.aspx)

<sup>51</sup> The letter has been filed by the Office under № AJB-791/2018/13.

## B. Final recommendations

38. Regarding the recommendations made in **Clause 52** of the Subcommittee's report, the NPM considers that the Commissioner for Fundamental Rights, due to his and his colleagues' professional knowledge, the practical experience gathered during their visits to various places of detention, the assistance received from the external experts participating in the visits, and the adequate budgetary resources is capable of efficiently perform the tasks of the NPM.

39. The planning of the financial resources covering the NPM's activities and the ways of making budgetary proposals are described in detail in Paragraphs 13-14 and 17, respectively.

40. In accordance with the recommendation made in **Clause 53** of the Subcommittee's report, the NPM has been participating in the activities of the South-East Europe NPM Network since 2014 as an observer and since 2016 as a full member. Furthermore, in order to strengthen their capacities and develop their working methods necessary for the performance of their tasks, the NPM and its staff members have regular bilateral meetings with the Czech, Austrian, and Slovenian national mechanisms during which they exchange information and experience.

41. In the spirit of the recommendation made in **Clause 54** of the Subcommittee's report, in order to improve its operability, the NPM intends to continue cooperation with the Subcommittee, the South-East Europe NPM Network, and the National Preventive Mechanisms of other countries.

42. In order to benefit from the Subcommittee's mandates under Article 11(b) and the advantages provided by Article 26 of the OPCAT, the NPM intends to avail itself of the opportunity to request and receive technical assistance and practical advice from the Office of the UN High Commissioner for Human Rights on how to strengthen its activities aimed at preventing torture and ill-treatment and how to efficiently implement the common objective of prevention in practice.

43. Having implemented the recommendation made in **Clause 58** of the Subcommittee's report, the Commissioner for Fundamental Rights has published the Subcommittee's report, both in the English and the Hungarian languages, on the OPCAT NPM section of the Office's website, and, on 3 April 2018, informed the Chairperson of the Subcommittee thereof.<sup>51</sup>