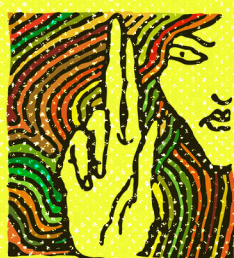
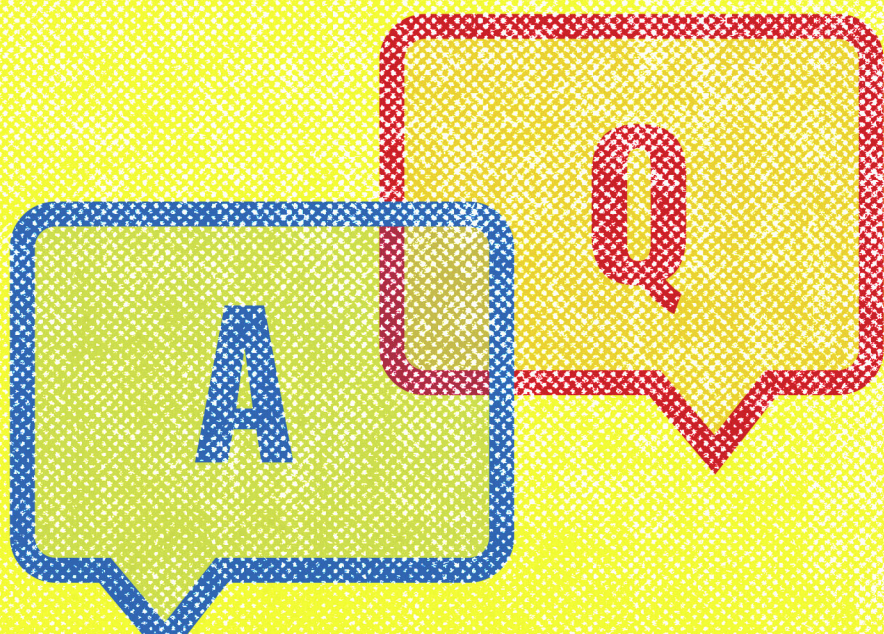


THE HUNGARIAN HELSINKI COMMITTEE'S ANSWERS TO QUESTIONS ABOUT THE LOCKDOWN RULES



HUNGARIAN
HELSINKI
COMMITTEE





Hungarian Helsinki Committee

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The Hungarian Helsinki Committee's Answers to Questions about the Lockdown Rules

9 April 2020

The Hungarian Helsinki Committee strongly recommends that everyone who is able to stay home should stay home! This is exactly what we are also doing, because this is how responsible citizens act now. Cooperating with the police and the other authorities is always a crucial obligation, but during the present emergency, it is even more crucial than usual. Below we have collected the most important information regarding the lockdown rules and answered the most common questions asked.

The government passed a decree on 27 March 2020 about the lockdown rules, and many have already written about its rules in detail. The decree lists the reasons based on which we are allowed to leave our homes, or the place where we usually spend most of our time. On 9 April 2020 Prime Minister Viktor Orbán made a statement, saying that these rules will be prolonged for an indefinite time. The justification for the prolongation will be reviewed every week. **Mayors are allowed to pass stricter regulations for Saturdays and Sundays. Therefore, it is important that you always check the relevant local rules of your place of stay!**

According to the decree, the police and other authorities (the prison authorities, the National Tax and Customs Administration, and the military police) controls that everybody follows the regulations, and that citizens leave their homes only for well justified reasons. It is important to know that the rules about police measures have not changed: the police can still use handcuffs, weapons, can perform ID checks or can take someone to police stations based on the same rules as before. The police can only apply any measures if they are necessary and these measures cannot cause greater damage than necessary.

Remedies against police measures have not ceased to exist, therefore you can still file complaints against unlawful measures, handcuffing or arrests. If you think that you had a well justified reason to leave your home but the police still fined you or took you to a police station, let us know by writing an e-mail to our contact address here: **koronavirus@helsinki.hu**.

Please find the questions and answers about the lockdown rules below:

Q+A on the Lockdown Rules



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Q	What can the police do if I violate the rules of the lockdown?
A	<p>If you violate the rules of the lockdown, you commit a petty offence, and you can be fined up to 500.000 HUF.</p> <p>If the authorities order you to stop violating the lockdown rules but you continue violating them, the authorities also have the right to take you to a police station. Such cases include when despite the police's order, you do not move further away from other people than 1,5 meters. Police can also take you to a police station if you are shopping in a food store during the opening hours when you cannot do that and you do not leave the food store despite an order telling you that you should leave.</p>
Q	How can the police find out if I left my home for an important reason?
A	<p>Police can stop you, ask you to identify yourself and ask you where you are going. You are obliged to inform the police about where you are going and what you are doing on the street. Based on the law, it is not clear how the police will decide whether you violated the lockdown rules. However, if you are informing the police in a cooperative manner, the police should be able to assess the situation adequately.</p>
Q	How can I justify that I left my home for a well-justified reason?
A	<p>Always have your ID card and your address card on you! If you cannot identify yourself, the police can take you to a police station. This is not an emergency regulation, but the rule all times.</p> <p>We suggest that you always have all those documents on you which can help you justify why you left your home and where you are going. If you are heading to a doctor's appointment, have the referral on you. If you are going to work, have a document on you which proves where you work. Even though it is not compulsory to have official certificates on you proving your employment, if you have such certificates on you signed by your employer, it does make the job of the police easier.</p> <p>However, do not worry if you cannot justify why you left your home with a document, just simply tell the police why you left your home. The police has the right to check the validity of your statements.</p>
Q	Can I go on a hike/jogging with my car?
A	<p>Yes you can, although it is recommended not to jog or hike in frequent places where many people are and try to keep the appropriate distance from others. However, as mayors may enact stricter rules for Saturdays and Sundays, it is important that you always check the relevant local rules of your place of stay.</p>
Q	Can I go to my holiday home with my car and come back from there?



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A	<p>The rules are not clear on this. If we interpret the law literally, it does not mention the holiday home visit as a well-justified reason to leave your home. You can only go to your holiday home if there is any further, substantial reason for that. But leisure activities are listed among the specific reasons under which one can leave home. Therefore, visiting our own holiday home while complying with the restriction of keeping 1,5 meters distance does not go against the primary purpose of the lockdown rules: reducing the number of social contacts. Thereby it seems legitimate. Nevertheless keep it in mind that you are not allowed to do other substantial activities (e.g.: grocery shopping) in the surroundings of your holiday home if that is not your primary place of residence. However, as mayors may enact stricter rules for Saturdays and Sundays, it is important that you always check the relevant local rules of your place of stay.</p>
Q	<p>What happens if someone older than 65 has to go to the pharmacy in an emergency, between noon and 9 am? Is he/she going to be served? Is it allowed for the elderly to visit 0-24 pharmacies during that time period?</p>
A	<p>People older than 65 cannot visit any pharmacies between noon and 9 am. They can ask a younger person to buy medicine for them or use the services of web-pharmacies. In case of an emergency it is recommended to call the ambulance.</p>
Q	<p>The lockdown applies primarily to the people younger than 65, it does not contain that a person older than 65 cannot visit supermarkets in the afternoon. Although I saw it on internet that many people interpret it differently. Namely that shops are not allowed to serve people older than 65 in the afternoon and evening. What is the proper interpretation of this rule?</p>
A	<p>Only people older than 65 and employees can enter the stores between 9 am and noon. It does not violate the law to serve people younger than 65 outside the stores in the morning. Following the same logic it is also possible to serve people older than 65 outside the stores (e.g.: pharmacies) before 9 am and in the afternoon.</p> <p>However, the aim of the regulation is to avoid that people above 65 are exposed to the danger of getting infected. This aim is met if people older than 65 do not get in contact with younger people before 9 am and after 12 am.</p>
Q	<p>If my place of accommodation is not a registered address and I walk in the neighborhood how can I prove that I live there? Do I need a temporary address card? Shall I keep my apartment rent contract with me?</p>
A	<p>According to the law it is not compulsory to prove your place of address, which has been confirmed by the Crisis Unit as well. Nevertheless, in case you have the opportunity we suggest to keep documents on you which can help you prove your place of address, such as an address card, apartment rent contract or a statement from the owner that you use the property.</p>



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Q	I do not feel comfortable to give my ID card to the police, since they touched many people's documents. What can I do? Am I allowed to refuse handing it over?
A	No, you are not allowed to do that. Although according to the law, citizens are obliged to present an ID (which can be a passport, driving license or other photo identification document), if the police asks you to hand over the document you have to comply with the request. Another person can also identify you, but in that case that person has to identify him/herself with a photo identification document.
Q	Is the police officer allowed to get closer to me than 1,5 meters?
A	Yes. The police officer is allowed to come as close as she/he finds necessary when performing her/his duties.
Q	Am I obliged to talk to the police officer if she/he does not wear a face mask / protective equipment?
A	Yes, in case of any police measure you are obliged to cooperate with the police officer and follow the instructions if the measure is lawful. The lawfulness of the measure can be questioned only if the unlawfulness is indisputable with no doubt.
Q	Are police officers allowed to ask me to take my mask off?
A	Yes, they are. In case of an ID-check you have to present a photo identification document and the police officer has to check that the person on the document is the same person who presents the document.
Q	What can I do if the police handcuffed me without wearing protective equipment?
A	You can file a complaint about any unlawful police measure, but using handcuffs without wearing protective equipment is not in itself unlawful.
Q	I was taken into a police station, I had to wait with several people inside the police jail / on the corridor. Is that lawful? I am afraid of getting infected.
A	Short-term arrest is a police measure that you are obliged to comply with unless the unlawfulness of the arrest is indisputable with no doubt. However, more people being arrested or waiting in the same place is not a legal basis for resisting an arrest, refusing to wait on the corridor or in a police jail. Actively resisting a police measure even falls under the category of committing a crime. Did the police unlawfully check your identity, handcuff or arrest you? Write us to koronavirus@helsinki.hu .
Q	Is the shopkeeper allowed to ask for my ID to check my age in a shop?



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A	<p>You are not required to show your ID in a shop, but the store has the duty to serve only people in a certain age-group in certain time-frames. Accordingly, if someone does not prove his/her age, the staff of the shop can deny serving you. We suggest that you always have your ID on you and show it when requested. You do not have to hand over the document and no one can make a copy of it without permission.</p>
Q	<p>Shall I call the police if someone goes close to people in my shop, although requested to keep the 1,5 meters distance?</p>
A	<p>We believe that a civilized request is the most effective way to solve the situation. If someone does not comply with the restriction of keeping the 1,5 meters distance you are not obliged to call the police, but you can. Since shopkeepers are responsible for making sure the rules are followed, they can call upon customers violating the rules to leave their shops.</p>
Q	<p>If I cannot pay the fine, can the authorities oblige me to do community service during the pandemic?</p>
A	<p>Since 6 April 2020 nobody is obliged to start community service or reparations work, neither those who got these in a criminal procedure, nor those who got these in a petty offence procedure. If somebody has already started community service or reparations work, these will be interrupted and continued after the emergency is over. These are also the rules if somebody is obliged to perform community service because he/she was not able to pay the fine.</p>
Q	<p>Somebody came closer than 1,5 meters to me on the street. My neighbour attends house parties/organises house parties at home. Should I report these cases to the police? Somebody filed a complaint to the police, accusing me of not respecting the 1,5 meters rule. However, this is a false allegation. How should I prove it?</p>
A	<p>Anybody can file a complaint to the police, but nobody is obliged to. If you do, you have to prove your allegations. You can do it in simple ways. e.g. by attaching a photo to the complaint. However if you make false allegations about a person, accusing her/him of committing a petty offence, you commit the crime of false accusation. We do not recommend reporting such cases to the police, as they are overburdened anyways. In <u>Germany</u> the police itself asked citizens not to file complaints.</p>
Q	<p>The rules allow people to visit hairdresser's shops and beauty salons. How can we respect the 1,5 meters rule in these places?</p>
A	<p>This rule cannot be respected in a hairdresser's shop or a beauty salon. However, according to the wording of the rule, we need to keep 1,5 meters away from one another "if it is possible".</p>
Q	<p>As a shopkeeper, do I commit a petty offence if I serve a person younger than 65 inside the shop at 11:00 am when there is nobody else in the shop?</p>



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A	Yes, you do. According to the rules, nobody younger than 65 can stay in the shop at 11:00 am (except for employees of the shop).
Q	If police wants to check my alcohol level, am I obliged to blow into a breathalyser even if I am not sure whether the police sanitised it?
A	Blowing into a breathalyser on the spot of the police check is always voluntary. However, if the driver does not want to blow into the breathalyser, the police can decide to take the driver to a medical examination, and if the police decides so, the driver must comply. At the same time you can ask the police if the breathalyser has been properly sanitised, and only blow into it if the police officer says yes. However you cannot oblige the police officer to sanitise the breathalyser, therefore you can propose to sanitise it if you have sanitiser in your car and if the police officer permits this.
Q	I am a foreigner living in Hungary. Should I always carry a written paper in Hungarian with me? If we cannot talk to the police do they have the right to fine us?
A	You are definitely advised to keep all the permits and contracts with you. Most of the police officers in bigger cities speak basic English but, as in every country they are not obliged to communicate in every foreign language.

We would also like to ask everyone to cooperate with the police, to carry on with your duties in a calm way, and to leave your homes only if strictly necessary!