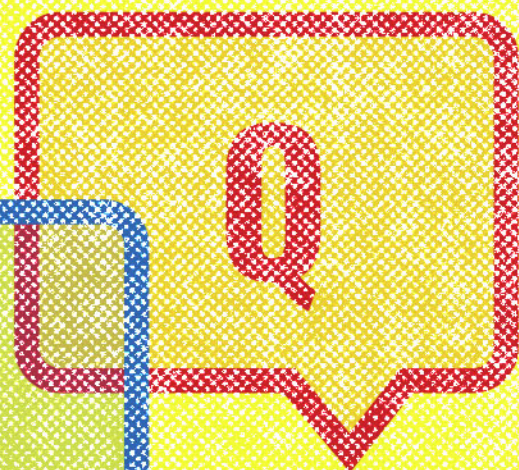
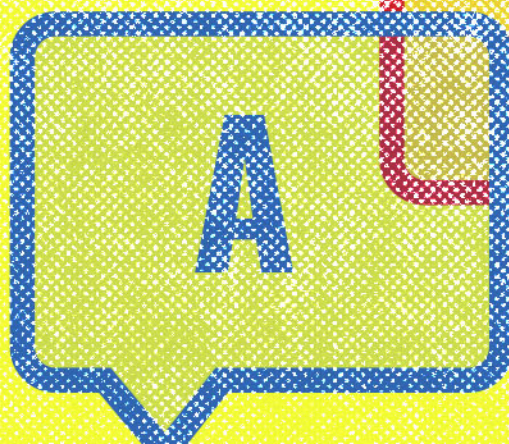


# THE HUNGARIAN HELSINKI COMMITTEE'S ANSWERS TO QUESTIONS ABOUT THE LOCKDOWN RULES 29 MAY 2020



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HELSINKI  
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### INFORMATION LEAFLET ABOUT THE RESTRICTIONS AIMING TO PREVENT THE SPREADING OF THE PANDEMIC

20 May 2020

The Hungarian Helsinki Committee strongly recommends that **everyone should follow the rules which are aiming to prevent the spreading of the pandemic. 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.

The rules regarding the lockdown have changed in the past two months several times, always following the trends of the pandemic. The rules in place in Budapest and Pest county have differed from the rest of the country. **Since 18 May however, the rules** – with a few number of exceptions, which we will detail below – **have become the same in the whole country**. The most important change is that **the government lifted the rules of the lockdown** based on which we had to stay home. Now we can all leave our homes in the whole country. **Still, there are rules which we all need to follow**, e.g. the opening hours of shops and restaurants, or the regulations of using the public transport.

In the present information leaflet we have collected the most important information regarding the lockdown rules and answered the most common questions asked.

#### **About the rules in general**

**Violating the rules presented in this leaflet is a petty offence in the entire country, and the authorities can fine those violating the rules from 5000 up to 500.000 HUF.**

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 the authorities have fined you unjustly, let us know by writing an e-mail to our contact address here: **[koronavirus@helsinki.hu](mailto:koronavirus@helsinki.hu)**.

#### **We need to respect the following rules:**

- People need to keep a distance of 1.5 meters from each other (safety distance). People living in the same household do not need to keep this distance. People using public transport also



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have to respect this rule. Restaurants also need to sit their guests by tables which are 1.5 meters away from each other.

- People need to wear masks in shops or when using public transport. If they do not have masks, they need to cover their mouths and noses with a scarf.
- The government continues to ask people who are at least 70 years old to stay at home.
- People who are at least 65 years old can still only go shopping between 9 and 12 am.
- People can freely visit public spaces, parks, playgrounds, but they need to respect the safety distance rule between each other.
- Municipalities can decide about the opening hours of markets, but they have to reserve a special time when only those people are allowed shopping who are at least 65 years old.
- All shops can be opened and services can be provided.
- Hotels and other accommodations can work again.
- Beaches, open air baths, outdoor museums and zoos can open for visitors, but people also need to follow the safety distance rule within these places as well. Cinemas, indoor museums, theatres and cultural houses can still not open. Open air stages and cinemas, stadiums, swimming pools and circuses can run and can be visited, but only designated seats of the auditorium can be used and outside the auditorium safety distance must be kept. This rule applies to sport events and trainings.
- Religious ceremonies can be held, civic marriages and funerals can also be organised and held. Wedding parties and burial feasts can also be held with up to 200 participants. These rules are in place in Budapest from 15 June, and everywhere else outside of Budapest from 1 June. The safety distance rule still has to be respected during these ceremonies and parties as well.
- Other celebrations and events, especially music and dance events, but also birthday parties, still cannot be organised, regardless of the number of participants. Those people who show up at such events also violate the rules.
- Universities and higher education institutions can reopen. Rectors determine the rules of the teaching and they also have to ensure that people follow the safety distance regulation. Student homes still need to stay closed.
- Restaurants, cafés, confectioneries can open without restrictions. The staff of these places have to wear masks (or otherwise cover their mouths and noses) in the indoor parts. Tables need to be 1.5 meters away from each other.

### **Please read our answers to the general questions below:**

<b>Q</b>	<b>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?</b>
<b>A</b>	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.



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<b>Q</b>	<b>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?</b>
<b>A</b>	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.  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.
<b>Q</b>	<b>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?</b>
<b>A</b>	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).
<b>Q</b>	<b>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?</b>
<b>A</b>	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.
<b>Q</b>	<b>Is the police officer allowed to get closer to me than 1.5 meters?</b>
<b>A</b>	Yes. The police officer is allowed to come as close as she/he finds necessary when performing her/his duties.
<b>Q</b>	<b>Am I obliged to talk to the police officer if she/he does not wear a face mask / protective equipment?</b>
<b>A</b>	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.
<b>Q</b>	<b>Are police officers allowed to ask me to take my mask off?</b>



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<b>A</b>	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.
<b>Q</b>	<b>What can I do if the police handcuffed me without wearing protective equipment?</b>
<b>A</b>	You can file a complaint about any unlawful police measure, but using handcuffs without wearing protective equipment is not in itself unlawful.
<b>Q</b>	<b>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.</b>
<b>A</b>	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 <a href="mailto:koronavirus@helsinki.hu">koronavirus@helsinki.hu</a> .
<b>Q</b>	<b>Is the shopkeeper allowed to ask for my ID to check my age in a shop?</b>
<b>A</b>	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.
<b>Q</b>	<b>Shall I call the police if someone goes close to people in my shop, although requested to keep the 1.5 meters distance?</b>
<b>A</b>	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.
<b>Q</b>	<b>If I cannot pay the fine, can the authorities oblige me to do community service during the pandemic?</b>
<b>A</b>	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.



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<b>Q</b>	<b>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?</b>
<b>A</b>	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 Germany the police itself asked citizens not to file complaints.
<b>Q</b>	<b>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?</b>
<b>A</b>	<p>According to the information provided by the National Police Headquarters, they have issued a guidance on suspending checking people on public roads in higher numbers with a breathalyser. However, the police can still check people with a breathalyser if they think it is necessary. If they ask someone to blow into a breathalyser, they use a disposable tube, thereby avoiding the risk of infection. They have also developed a procedure which orders all police officers how to use protective equipment and sanitisers. We can trust that they follow this procedure when using the breathalyser as well.</p> <p>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.</p>

The Hungarian Helsinki Committee pays special attention to present the rapidly changing regulations of the emergency situation in an easily understandable way. Please find our information leaflets about different issues in several languages here:

- <https://www.helsinki.hu/koronavirus-tajekoztatok/>
- <https://www.helsinki.hu/en/covid-19-information-leaflets/>

During a time of a special emergency situation, our human rights also need to special attention. Our legal aid service operates with an increased capacity. Please contact us by writing to the [koronavirus@helsinki.hu](mailto:koronavirus@helsinki.hu) address.