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PERMANENT MISSION OF HUNGARY TO THE OSCE

14/HUN/2012/OSCE

Vienna, 15 April 2012

NOTE VERBALE

The Permanent Mission of Hungary to the OSCE presents its compliments to all Missions and Delegations of the participating States of the Organization for Security and Co-operation in Europe and to the OSCE Conflict Prevention Centre and in accordance with Decisions 4/03 and 2/09 of the Forum for Security Co-operation has the honour to submit Hungary's Annual Information Exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Hungary to the OSCE avails itself of this opportunity to renew to all Missions and Delegations of the participating States of the Organization for Security and Co-operation in Europe and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.



Attachment

To

**All Missions and Delegations of the participating States  
of the Organization for Security and Co-operation in Europe**

**OSCE Conflict Prevention Centre**

**Vienna**

**OSCE Code of Conduct on the Politico-military Aspects of Security**

**Annual information exchange on the  
implementation of the  
Code of Conduct**

**Hungary**

**Valid as of 15 April 2012**

## **Section I. Inter-State elements**

### **1. Account of measures to prevent and combat terrorism**

#### ***1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?***

Hungary condemns all acts of terrorism whatever their motives are and is not willing to make any kind of concessions to terrorists and is committed to ensuring that terrorists do not benefit from their acts.

To this end Hungary works together bilaterally with other governments and multilaterally through international organisations such as the United Nations, the Council of Europe, NATO and the European Union.

#### **UN – Multilateral Conventions**

The work of the United Nations in the area of international counter-terrorism is fully supported by Hungary. The country has signed and ratified all 13 conventions and protocols on terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (promulgated by Law-decree no. 24 of 1971);
- Convention on for Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16 December 1970 (promulgated by Law-decree no. 8 of 1972);
- Convention on for Suppression of Unlawful Acts Against the Safety of Civilian Aviation, signed at Montreal on 23 September 1971 (promulgated by no. 17 of 1973);
- International Convention against the Taking of Hostages, adopted at New York on 17 December 1979 (promulgated by Law-decree no. 27 of 1987);
- Convention on the Suppression of Terrorist Bombings concluded at New York on 15 December 1997 (promulgated by Act XXV of 2002);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (promulgated by Law-decree no. 22 of 1977);
- International Convention for the Suppression of Financing of Terrorism, adopted by the general assembly of the United Nations on 9 December 1999 (promulgated by Act LIX of 2002);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (effective for Hungary from 21 June 1998);
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (promulgated by Law-decree no. 8 of 1987)
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,

signed at Montreal on 24 February 1988. (promulgated by Act XXXVII of 2004)

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988. (promulgated by Act LXVIII of 2003)
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988. (promulgated by Act LXVIII. of 2003)
- International Convention for the Suppression of Acts of Nuclear Terrorism, New York, 13 April 2005 (promulgated by Act XX of 2007)

### **Council of Europe Conventions:**

Hungary is fully committed to the Council of Europe's work to combat terrorism. The list of instruments drawn up in the Council of Europe which have been signed or ratified by Hungary is attached below. Work is currently underway in Hungary to enable the ratification of the remaining instruments, especially the Council of Europe Convention on the Prevention of Terrorism (ETS 196).

<b>Hungary</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	3/5/1996	6/5/1997
Amending Protocol (ETS 190)	15/5/2003	
European Convention on Extradition (ETS 24)	19/11/1991	13/7/1993
First Additional Protocol (ETS 86)	19/11/1991	13/7/1993
Second Additional Protocol (ETS 98)	19/11/1991	13/7/1993
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	19/11/1991	13/7/1993
First Additional Protocol (ETS 99)	19/11/1991	13/7/1993
Second Additional Protocol (ETS 182)	15/1/2003	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	8/11/2001	-
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	8/11/2001	-
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	6/11/1997	2/3/2000
Convention on Cybercrime (ETS 185)	23/11/2001	4/12/2003
Council of Europe Convention on the Prevention of Terrorism (Warsaw, 2005)	16/5/ 2005	
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	-	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	10/10/2007	-
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	14/4/2009	14/4/2009

**Other international treaties relating to terrorism:**

Hungary is a party to the following international conventions and treaties relating to terrorism and cross-border cooperation of law enforcement authorities:

1. The 1995 Europol Agreement (announced by the Act XIV of 2006);
2. Agreement on the cooperation in the fight against cross-border crime in the framework of the Southern European Cooperative Initiative (SECI) signed in Bucharest, on 26<sup>th</sup> June 1999 (announced by the Act CXV of 2000);
3. The 1990 Convention on the application of the Schengen Agreement of 14 June 1985 between the governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the gradual abolition of checks at their common borders;
4. Interpol Agreement (concluded between the International Criminal Police Organisation (Interpol) and the European Police Office (Europol));
5. The 29 May 2000 Convention, adopted by the EU Council of Ministers on Mutual Assistance in Criminal Matters and its Protocol of 16 October 2001 (announced by the Act CXVI of 2005);
6. The Treaty of Prüm on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (Act CXII of 2007);

These agreements, inter alia, allow for the exchange of information and intelligence between law enforcement authorities, in order to strengthen the co-operation in the fight against terrorism.

**Bilateral Conventions:**

As Hungary is a committed participant of the fight against terrorism, several bilateral agreements have been concluded with other states on cooperation to fight against terrorism, organized crime and illicit trafficking of drugs in the last decade. Among others, Hungary has bilateral agreements in this field with Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, China, Cyprus, the Czech Republic, Egypt, Estonia, France, Greece, Croatia, the United Kingdom, the United States, Ukraine, Ireland, Israel, Jordan, Kazakhstan, Kuwait, Poland, Latvia, Lithuania, Italy, Malta, Morocco, the Netherlands, Romania, Russia, Slovenia, Slovakia, South-Africa, Serbia, Switzerland, Spain, Sweden, Turkey, Tunisia and Vietnam.

***1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?***

The Hungarian promulgation of the concerned international agreements see above, just following the names of the agreements, at paragraph 1.1, in brackets.

According to Article 70 of Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation (NDA), participation in military tasks of combat against international terrorism is one of the new tasks of the Hungarian Defence Forces.

As the basic legal document of the European Union, the Lisbon Treaty (promulgated by Act CLXVIII of 2007) entered into force in Hungary on 1st December 2009.; all its provisions - including those dealing with the prevention and suppression of terrorism, cooperation in this field, active solidarity with the attacked - are to be implemented by different internal legislative measures.

***1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?***

The prevention and combating terrorism in peacetime is a sole responsibility of the Ministry of Interior (MoI) of Hungary.

The Defence Forces of Hungary may participate in certain counter-terrorism tasks of the Police and other MoI organizations only in a declared emergency situation, if the situation could not be properly handled by the aforementioned primarily responsible organizations.

***1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:***

- *Financing of terrorism;*
  - *Border controls;*
  - *Travel document security;*
  - *Container and supply chain security;*
  - *Security of radioactive sources;*
  - *Use of the Internet and other information networks for terrorist purposes;*
  - *Legal co-operation including extradition;*
  - *Safe havens and shelter to terrorists and terrorist organizations*
- Act II of 2003 further detailed the existing definition of terrorist acts in Article 261 of Act IV of 1978 on Criminal Code thus criminalizing several other types of terrorist activities other than hostage taking;
  - Other criminal law regulations also have specific rules in relation to terrorist activities and the perpetrators thereof;
  - Act LXXXIII of 2001 on Combating Terrorism, on Tightening up the Provisions on Impediment of Money laundering and on the Ordering of Restricting Measures;
  - The Act CXXV of 1995 on national security services also contains provisions in relation to counter-terrorist activities;
  - Anti-terrorism National Action Plan, Enclosure 1 to the Governmental Decree 2112 of 2004 on Actual Assignments of Fight Against Terrorism;
  - Governmental Resolution 3008 of 2004 (III. 10.) Counter-activities and tasks against aerial vehicles hijacked (RENEGADE) with the aim of terrorism and to be utilised as weapon.
  - The Act II of 2011 on the promulgation of the “Council of Europe Convention on the Prevention of Terrorism” issued in Warsaw, 16 May 2005 and signed by the Parliament of Hungary 21 February 2011.



## **2. Stationing of armed forces on foreign territory**

### ***2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.***

Hungary is a Party to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951 (ratified and promulgated by Act CXVII of 1999). The Republic of Hungary signed the Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace (PfP), done in Brussels on 19 June 1995 (ratified and promulgated by Act CII of 1995). The implementation is facilitated by Act LXVII of 1995 on the implementation and codification of the Framework Agreement of the Partnership for Peace Program concluded with the North Atlantic Treaty Organisation. These international agreements and the related national acts provide for the settling of problems arising during stationing and transit of forces on the territory of NATO and PfP countries.

In the field of stationing, the Government of Hungary concluded a bilateral Agreement in 1997 with the Government of the United States of America on the activity of the Armed Forces of the United States of America to be carried out in the territory of Hungary (Act XLIX of 1997) which regulates the legal status of the American military personnel in Hungary thus further articulates the provisions of the NATO SOFA.

The Fundamental Law of Hungary regulates the stationing. According to Article 47:

„ (1) The Government shall decide on any cross-border manoeuvre of the Hungarian Defence Forces and foreign armed forces.

(2) With a two-thirds majority of the votes of its members present, Parliament shall decide on any foreign or domestic deployment and foreign stationing of the Hungarian Defence Forces and on any deployment of foreign armed forces in Hungary or departing from Hungary, except for the cases defined by Paragraph (3).

(3) The Government shall decide on any deployment of the Hungarian Defence Forces and foreign armed forces under Paragraph (2) based on the decision of the European Union and the North Atlantic Treaty Organisation, and on any other manoeuvre of the same.

(4) The Government shall immediately report to Parliament, and notify the President of the Republic of, any decision made under Paragraph (3) or made to authorise the participation of the Hungarian Defence Forces in any peacekeeping or humanitarian activity in a foreign operational area.”

The definition of stationing is specified by the Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation. According to this definition, stationing is a lasting foreign presence of the Hungarian Defence Forces – or in the case of foreign armed forces presence on the territory of Hungary – exceeding the time necessary for the units to pass through the country as well as the period of an exercise and the border crossing related to it.

In 2008, ten NATO nations (Bulgaria, Estonia, Hungary, Lithuania, the Netherlands, Norway, Poland, Romania, Slovenia, and the United States) and two Partnership for Peace (PfP) nations (Finland and Sweden) signed the SAC Memorandum of Understanding (MOU) on Strategic Airlift Capability, which entered into effect on 23 September 2008, and establishes a

*C-17 Strategic Airlift Capability (SAC)* consortium overseen by the a SAC Steering Board to exercise overall responsibility for the guidance and oversight of the SAC Program, and a multinational operational unit, *the Heavy Airlift Wing (HAW)*, located at *Pápa Airbase*, Hungary. Within the framework of the SAC program, 3 Boeing C-17 aircraft operate under Hungarian flagging in order to meet the operational airlift needs of the members of the program in connection with their international (UN, NATO, EU) commitments. The *NATO Centre of Excellence for Military Medicine - NATO MILMED COE*. is located in Budapest, Hungary, it won accreditation on 12 October 2009. The mission of the Centre is to support and assist the Strategic Commands, other NATO entities, nations, other civil and military bodies by supporting the transformation of the Alliance and thereby improving medical support to operations and to provide subject matter expertise in the following areas: medical training and evaluation leading to certification, medical LL focusing on tactical aspects, standards development and custodianship.

In the reporting year the Defence Forces of Hungary participated in the following operations and missions on the soils of other participating States:

- UNFICYP in the Republic of Cyprus (led by the United Nations Organization)
- EU Monitoring Mission in the Republic of Georgia (led by the European Union)
- EUFOR in Bosnia and Herzegovina (led by the European Union)
- KFOR in Kosovo (led by NATO)
- NATO Military Liaison Officer in the Republic of Serbia (led by NATO)
- Multinational Forces and Observers in the Sinai peninsula (MFO)
- ISAF mission in Afghanistan, led by NATO
- EUFOR missions in Somalia/Uganda

### **3. Implementation of other international commitments related to the Code of Conduct**

***3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.***

Hungary offers four extra Vienna Document 1999 Evaluation Visit quotas to Participating States in order to provide greater transparency.

The inspectors conducting inspection within a specified area in accordance with the provisions of the Vienna Document 1999 are always offered the possibility to visit the units within the area during the Specified Area inspections. They receive information on the units' designation, subordination, equipment, on-going activities and their questions are openly answered.

***3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.***

Based on Chapter X. "REGIONAL MEASURES" of the Vienna Document 1999 Hungary established bilateral agreements with Ukraine and Serbia, and bilateral cooperation with Montenegro and Cyprus. Based on these agreements and cooperation the Participating States



have additional possibilities to conduct inspections within a specified area, evaluation visits and to invite representatives to observe certain military activities below VD 1999 thresholds.

## **Section II.**

### **1. National planning and decision-making process**

#### ***1.1 what is the national planning and decision making process in determining/approving military posture and defence expenditures in your State?***

##### **the military posture:**

Defence is a national priority. Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation contains detailed provisions concerning the role of the Parliament, the Defence and Internal Security Committee of the Parliament, the President of the Republic, the Government, the Minister of Defence, the Minister of Public Administration and Justice, Minister of Local Government and Regional Development and other Ministers and heads of national authorities in the control of national defence.

Based on the proposals submitted by the Government the Parliament determines the basic principles of national defence in order to fulfil the defence objectives, as well as the conditions and direction of the accomplishment of duties prescribed in them, the guidelines of the long term upgrade and personal strength of the armed forces, the main military equipment upgrades and the required financial resources. The President of the Republic approves the armed defence plan proposed by the Government and prepared by the Ministry of Defence. The Government is responsible for the determination of the duties of the authorities participating in the national defence and for the co-ordination of the work of the ministries and other national authorities. The Minister of Defence as a member of the Government is responsible for the implementation of the defence policy. It is the responsibility of the Minister and the Ministry of Defence to prepare and arrange plans for the development, the preparation, the equipment and the deployment of the defence forces. The decision-making capacity of the Ministry and the Minister of Defence is restricted by law.

##### **defence expenditure:**

Defence expenditures, as part of the central budget of Hungary, are presented by the Government in a way that they amount to a certain percentage of the Gross Domestic Product. The annual budget proposal concerning defence expenditures is compiled along the lines of a "Planning Document" published by the Ministry of National Economy. The (defence part of the) Central Budget Act is submitted to the Parliament where it is discussed in the appropriate committees and at plenary sessions of the House. After considering amendment proposals the Parliament approves defence expenditures as a chapter of the Central Budget Act.

**1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

The Government of Hungary considers NATO as the cornerstone of Trans-Atlantic security. A dynamic development of the EU's Common Security and Defence Policy is within the interest of Hungary, and in the same time we are strengthening the strategic partnership between EU and NATO. Hungary is a constructive member of the European Union and NATO. An important task of the Hungarian defence policy is to support new member countries and those with a chance for integration. Therefore, extending - and increasing the efficiency of - bilateral and multilateral military cooperation with neighbouring countries is in the strategic interest of Hungary. In addition to the pre-eminent role of the United Nations (UN), Hungary attaches great importance to the Organisation for Security and Cooperation in Europe (OSCE) from the aspect of maintaining international peace and security, and participates in the actions and international operations conducted by them.

## **2. Existing structures and processes**

***2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?***

### **armed forces**

As of 1 September 2001 the General Staff has been integrated into the Ministry of Defence. The Chief of Defence heads the General Staff, at the same time is the highest military commander of the Hungarian Defence Forces, but is subordinated to the Minister of Defence with reporting and informing obligation. The Fundamental Law of Hungary and Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation prescribe wide-ranging obligations for the Minister and the Government to inform and report to the plenary session and the Defence and Internal Security Committee of the Parliament, which completes the effectiveness of democratic control. Defense expenditures are approved by the Parliament as a chapter of the annual Central Budget Act.

### **paramilitary forces**

Hungary does not have paramilitary forces.

### **internal security forces**

Hungary has no internal security forces

### **intelligence services**

Hungary has four national security services. The statutory basis for all the five bodies is the Act CXXV of 1995 on the national security services. The national security services specified by the National Security Act are the Information Office, the Constitution Protection Office, the Special Service for National Security (hereinafter: civil security services), the Military National Security Service .

All the national security services are organisations operating with independent budget and nationwide jurisdiction under the direction of the Government. As budget planning authorities, all of them are authorized to make own decisions on the application of the material and financial resources allocated.

The governmental direction of the national security services is exercised through a designated Minister (Minister of Foreign Affairs for the Information Office; Minister of Interior for the Constitution Protection Office, the Special Service for National Security; Minister of Defence for the Military National Security Service.

The Parliament exercises oversight over all the national security services through its Committee on National Security (NSC). The chairman of the Committee on National Security has to be an MP of an opposition party.

The civil security services are merely accountable to the National Security Committee, while both parliamentary committees (NSC, DC) are competent authorities concerning the Military National Security Service.

The national security services may carry out covered information collection activities and use secret methods, in certain cases subject to external authorisation granted by a judge or the Minister of Public Administration and Justice.

There are additional methods of the parliamentary control that are exercised by Ombudsman. The previous Office of the Parliamentary Commissioner – including the Office of the Parliamentary Commissioner for Citizen Rights, the Office of the Parliamentary Commissioner for national and Ethnic Minorities Rights, and the Office of the Parliamentary Commissioner for Future Generations – has been replaced by the Office of the Commissioner for Fundamental Rights, by the new Act CXI of 2011, as of 01 January 2012.

### **police**

Democratic control of the police (including the border guard, which has been integrated into the police structure in 2007) ensured by the Fundamental Law of Hungary. According to the Fundamental Law of Hungary, the basic task of the police is to protect internal security and public order. The border guard in their policing duty provide for the protection of the national border, the control of border traffic and the maintenance of order on the borders. It has been granted by the adoption of Act XXXIV of 1994 on the police that ensures its oversight by the Parliament, local governments and the public.

The Minister of Interior as a member of the Government is accountable to the Parliament for all issues concerning the police and the border guards. The Minister accounts to the Parliament including appearance, as requested before the plenary session of the Parliament and before the relevant parliamentary committees. The Parliament accepts the budget of the police and the border guards annually in separate titles under the chapter of the Ministry of Interior.

According to section 4 of paragraph 8 of the Act on the police the head of the local police on demand reports annually to the local governing authority (council) on the public safety situation of the area of jurisdiction, on measures taken to the benefit of public safety, on the duties connected as well as relations between the police and the local council. The Act on the police provides numerous other opportunities for the co-operation of the police and the local government:

- The body of representatives can make observations concerning the decisions, measures of the police or their omission;
- The local government can conclude contracts with the head of local council especially to perform duties concerning the local public security to enhance the co-operation between local authorities and the police to establish, enlarge and upgrade the local police;
- The heads of the local police and the local government can establish a crime prevention and public safety committee to assist and oversee the duties connected to public safety;

***2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?***

The Commander in Chief of the Armed Forces is the President of the Republic. In war the National Defence Committee is to be established, which is headed by the President of the Republic, and consist of the Speaker of the Parliament, the Prime Minister, the ministers, the leaders of the parties represented in the Parliament and the Chief of General Staff with the right of consultation.

***2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?***

**military**

The mission of the armed forces is to defend the territory, independence, citizens and material wealth of the country against external attack, to guard and defend the borders of the country, to fulfil military obligations deriving from alliance and international agreements, to participate in military tasks of combat against international terrorism and in international crisis management efforts, guard installations of defence importance that require enhanced protection, accomplish civil protection tasks, disaster relief, provide humanitarian aid/relief, etc. The Government and the Ministry of Defence are subject to the authorisation, control and reporting provisions defined by the The Fundamental Law of Hungary and Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation; these regulations ensure that the military acts solely within the constitutional framework.

**paramilitary forces**

Hungary does not have paramilitary forces.

**security forces**

Hungary does not have internal security forces.

### **3. Procedures related to different forces personnel**

***3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?***

Members of the armed forces have the same legal and administrative procedures and opportunities to protect their rights that are at the disposal of civilians. Additional regulations mentioned before contain measures of guarantees and remedial procedures to enforce their rights in special situations related to actions in service.

These regulations are incorporated in acts of Parliament, such as the Act XCV of 2001 on the status of members of the Defence Forces, and the Act XLV of 1996 on the status of persons liable to military service (conscripts). Both Acts provide for the protection of rights within the forces and by civilian organisations outside of the forces and the right to appeal to courts as well. Both Acts ensure the right for the organised way of protecting rights through trade unions and representation of interests.

- **military**

The general compulsory conscript system – except in emergency situation and in preventive defence situation described above – has been abolished in Hungary since November 2004. According to Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation (NDA) active military service personnel include professional, contract and voluntary reservist soldiers, a new category of voluntary reservists in peacetime. The introduction of the voluntary reserve system is an ongoing process. We built up 6000 voluntary reserve status these status capability of fill up in the Army will be ready by the end of June 2014. The reserves status are different, consist of voluntary defence reserve, voluntary tactical reserve, civilian reserve, these statuses are for peace time readiness.

Other two categories of reserve the trained reserve and potencial reserve (compulsory conscript) for the war time readiness Any Hungarian citizen who is a graduate of a civilian or military high school can voluntarily apply for a professional officer rank in military service. The contract soldier serves professionally and voluntarily for a definite period of time.

The defence reservists - a recently introduced military category - in active military duty have the same limit for service age as the professional officers.

**Nowadays, only professional and contracted soldiers and voluntary reservists serve in the Hungarian Defence Forces, this system was significantly reformed and developed after the change of the Hungarian governmental structure in result of the parliamentary elections in spring of 2010.**

- **paramilitary forces**

Hungary does not have paramilitary forces.

- **security forces**

Hungary does not have internal security forces.

### *3.2 What kind of exemptions or alternatives to military service does your State have?*

Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation determines the cases of exceptions from military service:

Exceptions from military service e.g. (Article 5)



the person below 18 years of age;  
the person not capable for military service;  
the person takes care three or more children, or takes care his/her relative alone, or provides for his/her child under 18 years of age alone; or takes care of his/her relative in the direct ascending line or spouse, unmarried partner reliant on care alone;  
professional or contracted soldier of the Hungarian Defence Forces, or the Police;  
his/her spouse/partner carries out military service;  
takes care of his/her dependants living under his roof alone; the person has accomplished the civilian service, the person has been registered as candidate for parliamentary, European parliamentary, municipal representative, mayor, minority representative or elected as such (until the duration of nomination or mandate expires);  
on the 31st day December of the year in which the person who is potential for military service reaches the age of 40.  
The Hungarian Defence Forces started to set up a Volunteer Reserve Force in 2010 with the authorization of the Parliament.

Before this decision the HDF had very few soldiers in reserve. The major step towards setting up a reservist system was taken last December when the National Defence Act No CV of 2004. (NDA) was replaced by Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation. The NDA was amended in other fields (defence university, elements of legal status of the personnel, re-introduces administrative secretary and deputy secretary positions, structure of the General Staff, means of regulation etc.) as well, in result of the new governmental structure set up by different new acts, following the parliamentary elections of 2010.

The military training of the reservists had already been started last November. The new typed Volunteer Reserve System was officially established in Hungary on 1 January, 2011. By end of 2010 the number of reservists guarding the Hungarian barracks has increased to over two-thousand. At fifty-seven barracks and military establishments of the HDF security guards have been replaced by defence reservists, a new category soldiers.

By setting up this volunteer reserve system, disaster recovery tasks and protection of the military 'critical infrastructure' can be effectively accomplished. In emergency situations the reservists can be immediately deployed. Moreover they can carry out host nation support tasks. By setting up the mentioned system, the force protection capabilities will also be improved in Hungary.

Over the past year the red sludge disaster and floods in Hungary revealed that there was a great need for reservists. By setting up a reserve system HDF will be able to accomplish spatial, disaster management. Moreover the guarding military facilities and the so-called military 'critical infrastructure' protection can be implemented more effectively in the future.

As a result the security of the objects has already improved. Currently the reservists are practicing the tasks to be implemented in emergency situations.

Introducing the system Hungary has taken an important step to fulfil its commitments to the EU and NATO.

***3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?***

Members of the armed forces have the same legal and administrative procedures and opportunities to protect their rights that are at the disposal of civilians. Additional regulations mentioned before contain measures of guarantees and remedial procedures to enforce their rights in special situations related to actions in service.

These regulations are incorporated in acts of Parliament, such as the Act XCV of 2001 on the status of members of the Defence Forces, which provide for the protection of rights within the forces and by civilian organisations outside of the forces and the right to appeal to courts as well. Both Acts ensure the right for the organised way of protecting rights through trade unions and representation of interests.

**4. Implementation of other political norms, principles, decisions and international humanitarian law**

***4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?***

Pursuant to the Geneva Conventions of 1949 the armed forces of Hungary implement the dissemination of the Geneva Conventions as well as other applicable rules of international of humanitarian law. The training programs vary based on the age, qualifications, rank and responsibilities of the trainees. In military higher education there are various levels of training programs, including undergraduate and postgraduate programs, reserve officers' training courses, BSc and MSc levels, accordingly to the Bologna process. The curriculum of these is organized to provide an extensive understanding of the rules of the armed conflicts.

Military officers are required to take a course on the rules of the armed conflicts. At the university level the students take separate courses dedicated to international law and the rules of the armed conflicts. In addition, special courses for high-ranking military officers focus on the theoretical questions of security policy and national security, including the enforceability of the rules of the armed conflicts and the role of senior officers in their enforcement.

The ministries concerned with the issues of international humanitarian law have regular contacts with each other, and have close relations with other governmental or non-governmental organisations such as the National Advisory Committee on the Dissemination of the International Humanitarian Law, the Hungarian Society of Military Law and the Law of War and the Hungarian Red Cross. **The Delegation of International Committee of the Red Cross at Budapest, closed its office in 2009, however the cooperation remains active.**

**TRAINING IN THE FIELD OF LAW OF WAR AND INTERNATIONAL HUMANITARIAN LAW AT THE NATIONAL UNIVERSITY OF PUBLIC SERVICE**

**ON THE FACULTY OF MILITARY SCIENCE:**

**On Military Leadership Branch (BSc) training:**

Law of War 3<sup>rd</sup> semester 15 classes

**On Military and Security Engineering (BSc) training:**

Law of War 3<sup>rd</sup> semester 15 classes

**On Military Business Economy (BSc) training:**

Law of War 3<sup>rd</sup> semester 15 classes

**Major in defence and security policy (BSc level):**

International Law 2. 3<sup>rd</sup> semester 4 classes

**Major in defence and security policy (MSc level):**

International Law of War 2<sup>nd</sup> semester 30 classes

International Law of War 2<sup>nd</sup> semester 10 classes

PhD studies at the Graduate School of Military Sciences: two subjects are available in the field of „protection of social sciences issues“:

<u>Subject code</u>	<u>Name of Subject</u>	<u>Study hours</u>
<u>NKEHDI02223</u>	<u>Limiting of human rights at the defence and law enforcement agencies</u>	<u>10</u>
<u>NKEHDI02406</u>	<u>National Security Policy: Legal analysis of national ethnic conflicts</u>	<u>6</u>

Optional for PhD students in the 1-6. semester if it is needed to their research subject.

***4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?***

Due to the establishment of basic training centres, the basic training program has changed partially in content and partially methodologically. Under the new program the trainees become acquainted with the basic rules of the battlefield, with special emphasis on the rules concerning the protection of civilian population and prisoners of war.

***4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?***

According to the Fundamental Law of Hungary, Hungary in the event of armed actions aimed at overturning constitutional order or at the acquisition of exclusive control of public power, or in the case of grave acts of violence committed by force of arms or by armed groups which endanger lives and property on a mass scale, during a state of emergency declared in accordance with the provisions of the Fundamental Law of Hungary, the armed forces may be used, if the use of the police proves insufficient.

***4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?***

The Fundamental Law of Hungary regulates that professional member of the Hungarian Defence Forces, the Police and the national security services may not be members of political parties and may not engage in political activities. Restrictions on the political activities of non-professional members of the Hungarian Defence Forces may be established by a statute passed by a majority of two-thirds of the votes of the Members of Parliament present.

***4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?***

According to the Fundamental Law of Hungary the legal system of Hungary accepts the generally recognized rules of international law, and shall further ensure the harmony between domestic law and the obligations assumed under international law.

Act CXIII of 2011 on the national defence and the Hungarian Defence Forces and specific measures may be implemented in case of special legislation provides in its preamble a reference to UN, and also provides that one of the tasks of the defence forces is the performance of obligations following from alliance and other international treaties, especially collective defence, peacekeeping and humanitarian missions.

The ministries concerned with the issues of international humanitarian law have regular contacts with each other, and have close relations with other governmental or non-governmental organisations such as the National Advisory Committee on the Dissemination of the International Humanitarian Law, the Hungarian Society of Military Law and the Law of War and the Hungarian Red Cross.

## **Section III: Public access and contact information**

### **1. Public access**

#### ***1.1 How is the public informed about the provisions of the Code of Conduct?***

The Hungarian Ministry of Defence Press Office gives special briefs about the provision of the Code of Conduct via e-mail: [sajto@hm.gov.hu](mailto:sajto@hm.gov.hu).

#### ***1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?***

Further information on the Hungarian Defence Forces and MoD is available on the official homepage: [www.kormany.hu/en/ministry-of-defence](http://www.kormany.hu/en/ministry-of-defence).

- **PR-Strategy**

MoD Press Office makes individual Public Affairs Strategies and plans related to different issues or events, like Hungarian commitment to NATO/EU operations or the EU-presidency.

- **Tasks/range of activity**

MoD Press Offices main tasks are the followings:

- Develop PA strategy, guidelines and plans of the MoD.
- Provides accurate, truthful and timely information to internal and external audiences to gain public support.
- Plans, organises, coordinates, directs, controls and leads internal and external communication.
- Plans and conducts communication activities with NATO, EU and other partners.
- Prepares key leaders for media engagements
- Develops communication plans for contingency and crisis events.
- Plans and organises press conference and other types of media events.
- **Keeps daily contact with journalists, provides answers to media queries.**

- **Public access to information and documents related to the armed forces**

Information is available on the official website of the Hungarian Ministry of Defence (<http://www.kormany.hu/en/ministry-of-defence>).

For further information please contact to the MoD Press Office [sajto@hm.gov.hu](mailto:sajto@hm.gov.hu).



- **Public access and debates to parliamentary debates:**

Events and transcripts on parliamentary decisions and debates are available on the official webpage of the Hungarian Parliament (<http://www.mkogy.hu/angol/angol.htm> ). For any further questions related to MoD/HDF regulations, please turn to the MoD Press Office [sajto@hm.gov.hu](mailto:sajto@hm.gov.hu).

- **Excibitions/ Shows / Demonstration of new weapon and equipment**

- **Possibilities to visit the troops (Events, Open Door Days)**

Having personal information and experience on the HDF unit(s) in town for local population is an important part of the MoD/HDF PA strategy. Therefore the HDF supports „*Open Door Days*” policy.

- **Engagement in public schools:**

Officers of the HDF Augmentation and Central Registry Command are usually visiting the classes of secondary grammar schools and universities providing information about the HDF.

In parallel to that MoD has an accredited teaching program for pupils and students called “*KatonaSuli*” (School on Military Issues). Through this program the students can receive special knowledge on the matters of national defence and the military.

There are 28 secondary grammar schools, which joined that training program that means about 1000 students are learning about the issue. The lecture of “*Katonai alapismeretek*” (Introduction to the Military) is optional for the students at the school leaving exam as well.

At university level the teaching program offers an optional alternative/facultative course called “*Honvédelmi alapismeretek*” (Introduction to National Defence) to the students. Since the beginning more than 5000 people have finished the course.

For further information about the “*KatonaSuli*” teaching program, please visit the webpage: [www.katonasuli.hu](http://www.katonasuli.hu).

- **Seminaries, workshops, presentations:**

In cooperation with the National University of Public Service and Hungarian Military Science Association the MoD and HDF organise seminars, workshops and presentations on policy/professional issues. These events are usually open for the public.

For further details please visit the National University of Public Service webpage: <http://www.uni-nke.hu>.

- **Press releases/ Press conferences and public discussions**

MoD Press Office releases press-announcements about the activities of the Hungarian Defence Forces and the Ministry of Defence. The MoD Press Office organises press conferences on important policy/professional issues.

The MoD Press Office is liable for public information activities (including public discussion) on the establishment of the third 3D radar-station near Medina, Hungary.

- **Publications (journals, newspapers, annual reviews)/ CD-Rom/ TV /**

Ministry of Defence has its own printed periodicals related to military and security and defence policy issues:

1. Magyar Honvéd (monthly magazine)
2. Honvédségi Szemle (bi-monthly periodical)
3. Honvéd Altiszti Folyóirat (quarterly magazine)
4. Hungarian Defence Mirror (monthly magazine)

The magazines and periodicals are available for the public as well.

- **Radio/ Internet (websites)**

The MoD and HDF have an official webpage and an intranet site.

For daily updated information about the events of the MoD and HDF please visit the official webpage: [www.kormany.hu/en/ministry-of-defence](http://www.kormany.hu/en/ministry-of-defence).

The intranet site ([www.parbeszed.hm.gov.hu](http://www.parbeszed.hm.gov.hu)) is only available and open for the MoD/HDF staff.

For more MoD/HDF related news, please visit the online magazine ([www.honvedelem.hu](http://www.honvedelem.hu)) – or its English version ([www.hungariandefence.com](http://www.hungariandefence.com)).

In December 2011, MoD launched the Hungarian Defence Forces' social media channels on Facebook, Youtube and Twitter. For more information please visit [www.facebook.com/magyarhonvedseg](http://www.facebook.com/magyarhonvedseg), [www.youtube.com/amagyarhonvedseg](http://www.youtube.com/amagyarhonvedseg) or [www.twitter.com/honvedseg](http://www.twitter.com/honvedseg).

### ***1.3 How does your State ensure public access to information related to your State's armed forces?***

The Hungarian Parliament adopted the Act CXII of 2011 on Informational Self-Determination and Freedom of Information (the new Data Protection Act of 2011), the domestic implementation of the European Data Protection Directive (95/46/EC) which entered into force by 1 January 2012. The new Act replaced the Act LXIII of 1992 on the Protection of Personal Data and Public Access to Data of Public Interest (the Data Protection Act of 1992).

## **2. Contact information**

*2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.*

### **Contact place/ contact person (answering letters, calls, etc.)**

For further questions, please contact to Krisztian VARGA\_MoD Press Office at the following email [sajto@hm.gov.hu](mailto:sajto@hm.gov.hu).

**Address:** H-1055, Budapest Balaton utca 7-11.

**Postal Address:** H-1885, Budapest P.O. Box. 25.

**Telephone:** +36-1-474-1112

**Fax:** +36-1-474-1147