

14 April 2010

ENGLISH only



ÁLLANDÓ MAGYAR EBESZ KÉPVISELET  
PERMANENT MISSION OF HUNGARY TO THE OSCE

Nº: 7 /2010/OSCE

NOTE VERBALE

Vienna, 13<sup>th</sup> April 2010

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



Attachment

To

Missions/Delegations of the participating States  
to the Organisation for Security and Co-operation in Europe  
Conflict Prevention Centre of the OSCE

Vienna

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

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

**Republic of Hungary**

**Valid as of 15 April 2010**

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

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

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

The Republic of 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 the Republic of Hungary works together bilaterally with other governments and multilaterally through international organisations such as the United Nations, the Council of Europe, the 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
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 Act CV of 2004 on the national defence and the Hungarian Defence Forces (NDA), Article 70. 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 1-st 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?***

Afghanistan;  
Iraq;  
Kosovo.

***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.

## **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.***

The Republic of 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 Republic 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 the Republic 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 modification of the Constitution (Act XX of 1949) of the Republic of Hungary by Act XCI of 2000 has also touched the internal legal system concerning the stationing. However, the permitting procedure of border-crossing of foreign armed forces (e.g. participation in exercises, crossing Hungary for participating in peace operations, or other short-term stay) has become the competence of the Government – excluding the cases listed in the Constitution – in the point j) of this section 3 paragraph 19 of the currently effective Constitution, the Parliament has reserved the right to authorise the stationing of foreign armed forces on the territory of Hungary and that of the Hungarian Armed Forces abroad.

In case of a NATO- and an EU operation the Government has the authority to approve the application of the Hungarian Armed Forces. According to the modifications of the Constitution (Act CIX. of 2003 and Act XIII of 2006) the Government authorises the following applications of the Hungarian Defence Forces (HDF) and foreign armed forces (the authority concerning the foreign armed forces refers to their application in the territory of the Republic of Hungary):

- application [as defined in point a) of paragraph 1 of Article 204 of the Act on National Defence and the HDF: primary combat function];
- other troop movements [as listed in point j) of paragraph 3 of Article 19 of the Constitution]: participation in peace operations, humanitarian activity, stationing,

based on the decision of the North Atlantic Treaty Organisation or the European Union. The Government reports to the Parliament its decision taken without delay and simultaneously informs the President of the Republic of Hungary (new Article 40/C.)

One subsequent amendment to the Constitution in 2006 gave authority to the Government to dispatch troops upon the decision of the European Union thus reflecting the new developments in the European Security and Defence Policy.

The definition of stationing is specified by the point b) of Article 204 of the Act CV of 2004 on national defence and the Hungarian Defence Forces. 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, excluding the professional service, carried out at the Allied Forces or EU military organizations or in EU operations.

### **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.***

- The Republic of 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 SA 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 the Republic of 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 CV of 2004 on the national defence and the Hungarian Defence Forces contains detailed provisions concerning the role of the Parliament, the National Defence Committee of the Parliament, the President of the Republic, the Government, the Minister of Defence, the Minister of Justice and Law Enforcement, 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:**

The defence expenditure, as part of the state budget, is defined by the Government in a way that it amounts to a certain percentage of the Gross Domestic Product. The annual budget proposal concerning defence expenditure is compiled along the lines of a "Planning Document" published by the Ministry of Finance. The (defence part of the) 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 military expenditure as a chapter of the Finances 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 the Republic of Hungary considers NATO as the cornerstone of the Trans-Atlantic security. A dynamic development of the EU's Common Security and Defence Policy is in the interest of Hungary, and in the same time we are strengthening the strategic partnership between EU and NATO. The Republic of 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 the Republic of Hungary. In addition to the pre-eminent role of the United Nations (UN), the Republic of 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**

By the 1 September 2001 the General Staff has been integrated into the Ministry of Defence. The Chief of General Staff 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. Civilian control over the armed forces is also ensured by the fact that about half of the personnel working for the Ministry of Defence are civil employees and the senior executives of the Ministry, including the Minister himself, are civilians. The Constitution and Act CV of 2004 on national defence and the Hungarian Armed Forces prescribe wide-ranging obligations for the Minister and the Government to inform and report to the plenary session and the Defence and Law Enforcement Committee of the Parliament, which completes the effectiveness of democratic control. The Parliament approves the budget of the Hungarian Defence Forces and the Ministry of Defence, annually.

The ombudsman is entitled in the same way to pursue examinations at the Defence Forces as at any other governmental institutions. Restrictions and exemptions are laid down in Act LIX of 1993 on the parliamentary ombudsman of citizen rights.

### **paramilitary forces**

The Republic of Hungary does not have paramilitary forces.

### **internal security forces**

The Republic of Hungary has no internal security forces.

**intelligence services**

The Republic of Hungary has five 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 National Security Office, the Special Service for National Security (hereinafter: civil security services), the Military Intelligence Office, the Military Security Office (hereinafter: military security services).

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 civil security services is being realized through a designated Minister, who must not be the Minister of Local Government and Regional Development, the Minister of Defence or the Minister of Justice and Law Enforcement. The Government directs both military national security services through the Minister of Defence.

The Parliament exercises oversight over the national security services through its National Security Committee (NSC) and the Defence and Law Enforcement Committee (DLC). The chairman of the National Security Committee 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 security services.

The national security services may carry out covered information collection activities and use secret methods subject to external authorisation granted by a judge designated either by the President of the Metropolitan Court or the Minister of Justice and Law Enforcement.

There are additional methods of the parliamentary controls that are exercised by Ombudsmen. The Parliamentary Commissioner of Civil Rights in compliance with Act LIX of 1993 may conduct an inquiry into the violation of constitutional rights that he/she becomes aware of. Moreover, the Parliamentary Commissioner for Data Protection controls the observation of Act LXIII of 1992 on the protection of personal data and data of public interest, and other statutes related to data management.

**police**

Democratic control of the police (including the border guard, which is a new part of the police) ensured by paragraph 40/A of Act XX of 1949 on the Constitution of the Republic of Hungary. According to the Constitution the basic task of the police is to protect internal security and public order. The border guards which were integrated into the police from 2007., 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. Constitutionality 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 Justice and Law Enforcement 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 Justice and Law Enforcement.

According to session 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;

Act LIX of 1993 on the Parliamentary Commissioner of Civil Rights further ensures constitutional operation of the police.

***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 , in international crisis management efforts, guard installations of defence importance that require enhanced protection, accomplish civil protection tasks, disaster relief, provide humanitarian help, etc.

The Government and the Ministry of Defence are subject to the authorisation, control and reporting provisions defined by the Constitution and Act CV of 2004 on the national defence and the Hungarian Defence Forces; these regulations ensure that the military acts solely within the constitutional framework.

**paramilitary forces**

The Republic of Hungary does not have paramilitary forces.

**security forces**

The Republic of 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**

According to Act CV of 2004 (NDA) on the national defence and the Hungarian Defence Forces active military service personnel include professional, contract and voluntary reservist soldiers, a new category of voluntary reservists in peacetime. Any Hungarian citizen who is a graduate of a civilian or military high school can voluntarily apply professional officer rank in military service. The contract soldier serves professionally and voluntarily for a definite time. Article 6 of NDA stipulates that only in emergency situation and in preventive defence situation based on the decision of the Parliament, every major (above 18 years of age) male person bearing Hungarian citizenship and living on the territory of the Republic of Hungary, shall be liable to military service. Liability to military service starts with reaching the age of 18 and terminates on the 31 December of the year in which the person is reaching the age of 40 (military age).

The general compulsory conscript system – except in emergency situation and in preventive defence situation described above – has been abolished in Hungary from November 2004. Only professional and contracted soldiers and voluntary reservists serve presently in the Hungarian Defence Forces.

- **paramilitary forces**

The Republic of Hungary does not have paramilitary forces.

- **security forces**

The Republic of Hungary does not have internal security forces.

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

The Act CV of 2004 on the national defence and the Hungarian Defence Forces determines the cases of exceptions from compulsory conscript military service in emergency situation and in preventive defence situation (the same applies to the reservist):

Exceptions from conscript (Article 13)

the person is unable to move or not capable to take care him/herself;

- the person is incapable due to mental handicap or mental illness;
- the person is deaf, dumb, or both;
- the person is placed under guardianship affecting his/her legal capacity;
- the person has at least one limb not functioning at all.

Exceptions from military service (Article 22)

the person is not capable for military service;

- the person applied for civilian service, until the decision on it;
- 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;
- the person has been registered as candidate for parliamentary, European parliamentary, municipal representative, mayor, minority representative or has been elected as such (until the duration of nomination or mandate expires);
- professional or contracted soldier of the Hungarian Defence Forces, or the Police;
- his/her spouse/partner carries out military service.

### ***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 the Republic 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, college and university level training courses. The curriculum of these is organized to provide an extensive understanding of the rules of the armed conflicts. The subjects are taught from aspect of interdisciplinary (Military sociology, Political science, International contacts and security studies).

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.

#### **TRAINING IN THE FIELD OF MILITARY LAW AND INTERNATIONAL MILITARY LAW AT ZRÍNYI MIKLÓS NATIONAL DEFENCE UNIVERSITY (ZMNDU)**

<b>ON THE FACULTY OF MILITARY SCIENCE:</b>		
<b>Military Leadership Branch in BA-level:</b>		
Military law (ZNEHK3041)	1 <sup>nd</sup> semester	15 classes (2 credits)
<b>Defence and security policy Branch in BA-level:</b>		
International law ZNEHKTIJT 1120)	3 <sup>rd</sup> semester	30 classes (2 credits)
<b>Military Leadership Branch in MA-level:</b>		
International law ZNEHKJT3111, 3112)	2nd and 3 <sup>rd</sup> semester	30 -30 classes (2 -2 credits)
<b>Defence and security policy Branch in MA-level:</b>		
International and military law ZNEHKTIJT 3129)	2nd semester	30 classes (2 credits)

#### **Themes in the field of Law at the Military Science PhD School:**

1. Some Issues of Central Direction of National Defence
2. Regional/Local Levels of Defence Administration. Issues of Regionalism.
3. Some Current Questions of Personality Protection and Military Penal Law.
4. New Trends in the Regulation System of Defence Administration.
5. The Legal Basis of Command and Control in the HDF. Some Legal Problems of their Renewal

***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 Constitution of the Republic of 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 Constitution, 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 Constitution of the Republic 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 Constitution of the Republic of Hungary the legal system of the Republic 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 CV of 2004 on home defence and Hungarian Defence Forces provides in its preamble a reference to UN, EU and NATO, 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. The Delegation of International Committee of the Red Cross at Budapest, closed in 2009. However the cooperation with remains active, there were significant programs organized with ICRC remembering the 60-th anniversary of the GENEVA Conventions.

### **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?***

Those interested in the politico-military aspects of security can find related information on the website of the Hungarian Mission to the OSCE at [http://www.mfa.gov.hu/kulkepviselet/AT\\_EBESZ/hu/](http://www.mfa.gov.hu/kulkepviselet/AT_EBESZ/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 updated information on the Hungarian Defence Forces is available on the homepage of the HDF and can be obtained via Internet at <http://www.honvedelem.hu/> .

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

Act LXIII of 1992 on the protection of personal data ensures the public access to information of public interest and the publicity of data of public interest, the Parliamentary Commissioner for Data Protection supervises the implementation of the act.

Act LXV of 1995 on the state and service secrets defines in detail the scope of information – among them military information – that is subject to the act and that is accessible to the public; defines the persons who can classify information. The responsible authorities of the Ministry of Defence and the representatives of the media have continuous contact and provide the public with information.

## **2. Contact information**

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

Ministry of Foreign Affairs  
Department for Security Policy and Non-proliferation  
Arms Control and Non-proliferation Section  
47 Bem rakpart  
Budapest H-1027  
Hungary

Telephone: + 36 1 458 1105  
Fax: + 36 1 458 50 39  
E-mail: bpnf@kum.hu