



Magyar Állandó EBESZ Képviselet
Permanent Mission of the Republic of
Hungary to the OSCE

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NOTE VERBALE

Vienna, 16 June 2009

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 Organization for Security and Co-operation in Europe and to the Conflict Prevention Centre of the OSCE and, in accordance with Decisions 4/03 and 1/09 of the Forum for Security Cooperation, has the honour to convey 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 avails itself of this opportunity to renew to the Missions and Delegations of the participating States of the Organization for Security and Co-operation in Europe and to the Conflict Prevention Centre the assurances of its highest consideration.



Missions/Delegations of the participating States
of the Organization for Security and Co-operation in Europe
Conflict Prevention Centre of the OSCE
V i e n n a

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 2009

1. Appropriate measures to prevent and combat terrorism, with regard to participation in international agreements

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.

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 .

a) List of international agreements, including all UN conventions and protocols related to terrorism, to which Hungary is a party:

- 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 in 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 in Montreal on 23 September 1971 (promulgated by no. 17 of 1973);
- International Convention against the Taking of Hostages, adopted in 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.
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.
- 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.

b) Participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities:

- European Convention on the Suppression of Terrorism signed in Strasbourg on 27 January 1977 (promulgated by Act XCIII of 1997.)
- To supplement the above-mentioned multilateral agreements the Republic of Hungary has concluded more than 60 bilateral agreements on counter-terrorism.
- Military Concept for Defence Against Terrorism 21-22 Nov 2002 (NATO)
- Action Plan on the Fight Against Terrorism 21 Sept 2001
- Declaration of Combating Terrorism 25 March 2004
- Signatory to the UN Convention on Nuclear Terrorism

c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above:

(See above at point a) and b) in brackets.)

d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond UN convention and protocols (e.g. pertaining to financing of terrorist groups):

- 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.

e) Roles and missions of armed and security forces in preventing and combating terrorism:

- Afghanistan;
- Iraq;
- Kosovo.

2. National planning- and decision-making process – including the role of Parliament and Ministries – for the determination and approval of

a) 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.

b) 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.

3. Description of

a) constitutionally established procedures and authorities/institutions to ensure effective democratic political control of the:

- **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 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 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.

b) roles and missions of the following types of forces as well as controls to ensure that they 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.

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.

- **paramilitary forces**

The Republic of Hungary does not have paramilitary forces.

- **security forces**

The Republic of Hungary does not have internal security forces.

c) public access to information relating to the 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.

4. Stationing of armed forces on the territory of another participating State in accordance with their 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.

5. Description of

a) procedures for the recruitment or call-up of personnel for service in the:

- **military**

According to Act CV of 2004 on the national defence and the Hungarian Defence Forces active military service personnel include professional and, contract soldiers and 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 Act CV of 2004 on the national defence and the Hungarian Defence Forces 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 serve 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.

b) legislation or other relevant documents governing exemptions from, or alternatives to compulsory military service, where applicable

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.

c) legal and administrative procedures protecting the rights of all forces' personnel

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.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in 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).

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.

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. (See Annex)

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 International Committee of the Red Cross Delegation at Budapest, the Hungarian Society of Military Law and the Law of War and the Hungarian Red Cross.

**Report on the education regarding knowledge elements related to the
CODE OF CONDUCT
of the OSCE at the ZMNDU**

Kossuth Lajos Faculty of Military Sciences

Study programme	Course name	Classes q.
Military Leadership (BSc)	<i>Law of war</i>	15 classes
Defence and Security Policy (BSc) (full time)	<i>International law</i>	4 classes out of 60
Defence and Security Policy (MSc) (full time)	<i>International law and the law of war</i>	30 classes
Defence and Security Branch (MSc) (correspondence)	<i>International law and the law of war</i>	10 classes
National Security (BSc)	<i>Law of war studies</i>	15 classes
Defence and Security Policy (BSc) (full time)	<i>Sociological Aspects of Civil- Military Relations 3.</i>	4 classes out of 60
Defence and Security Policy (MSc) (full time)	<i>Military Sociology, Civil-Military Relations</i>	2 classes out of 60
Doctoral School – subjects dealing with code of conduct		
Law of National Defence (ZNEHKD 23101) Military criminal law I. (ZNEHKD 23104) Military criminal law II. (ZNEHKD 23203) Law of Military service in aspect of international comparison (ZNEHKD 23403) Points of law in Border Police and Border Protection (ZNEHKD 08409)		

Bolyai János Military Technical Faculty

Subject: Military law

study program	learning form	semester	class hours	individual study hours	credit points
Military- and safety engineering	Full-time	2	15	45	2
Military business economy	Full-time	2	15	45	2
Defence administration	Full-time	2	30	30	2
Defence administration	Correspon dence	2	6	54	2

Subject: CIMIC

study program	learning form	semester	class hours	individual study hours	credit points
Defence administration	Full-time	5	15	45	2
Defence administration	Correspon dence	5	6	54	2