

April 2016

REPLY TO THE QUESTIONNAIRE ON THE ORGANISATIONS AND FUNCTIONS OF THE OFFICE OF THE LEGAL ADVISER OF THE MINISTRY OF FOREIGN AFFAIRS

HUNGARY

1. What is the title, rank and position of the Legal Adviser?

The Legal Adviser holds the rank of the Head of International Law Department within the Ministry of Foreign Affairs and Trade of Hungary.

2. What are the principal functions of the OLA?

The principal function of the Department is to provide legal advice to the Minister, the political and other departments of the Ministry.

The Department has a twofold task: on the one hand, it deals with issues arising within the boundaries of public international law; on the other hand it functions as the competent section in the Ministry to prepare and complete necessary national and international procedures in connection with international agreements. Together with the related departments of other ministries, it is responsible for assuring the coherence of Hungary's international legal obligations. The Department observes the development of international law as a whole and monitors its domestic implementation. In relation to this, it follows the practice of international courts and tribunals, as well as the issues appearing on the agenda of international organisations relevant to public international law. The Hungarian position in these fields is also prepared here.

The Department gives legal position on issues entailing the immunities and privileges of local foreign diplomats, examines the existence of reciprocity in such cases. In this regard, it cooperates closely with the Protocol Department of the Ministry.

Human rights law and EU law are not within the Department's area of responsibility.

3. Please give a brief description of staff employed by the OLA, including overseas staff. What is the distribution of posts between men and women within the OLA and what category of staff do they respectively belong to?

At present 10 lawyers work for the International Law Department. In principle, the Hungarian diplomatic service has no specific career track for lawyers. There are certain posts abroad, which are usually filled in by lawyers (e.g. posts at the Permanent Mission to the UN in New York and in Geneva or at the Permanent Representation in Brussels), but to have a law degree is not a prerequisite for these posts. A relatively high percentage of these lawyers choose to work as consuls at various locations, especially in the early stages of their career.

There are three leaders of the Department; the Head and the Deputy Head are women, the Head of Unit is a man. Out of the ten lawyers working presently at the Department there are eight women and two men. There are seven legal officers and an officer responsible for the documentation and storage of the international treaties of Hungary.

4. Are there any specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities, e.g. for the underrepresented sex, for persons with disabilities or for persons belonging to ethnic religious minorities or of immigrant origin?

Employees are appointed on grounds of professional competence and practical experience in the field of each department and unit. There are general legal provisions in Hungarian law against every form of discrimination.

5. Is OLA staff trained on gender equality issues and are these issues mainstreamed into the OLA's work?

Lawyers of the Department are appointed on grounds of professional competence and practical experience in the field of international public law. There are no special trainings on gender equality issues as we have encountered no problem in this topic.

6. Briefly describe the organisation and structure of the OLA.

The Department is made up of two sections: the Section of International Public Law and the Section of International Treaties.

7. What is the OLA's place within the Ministry of Foreign Affairs?

International Law Department works under the direct control of the Deputy State Secretary for International Co-operation. The Department works closely with the Department of International Organisations, the Department for International Development and Humanitarian Aid, the Legal Department, and the regional departments.

Other ministries of Hungary communicate with the permanent representations and embassies of Hungary through our Department with respect to international agreements.

8. What are the main contacts of the OLA within Government?

The Department of the MFAT is the principal service within the Government for issues of public international law and international humanitarian law. The Department advises other ministries when they deal with these issues.

In almost every ministry of Hungary there is a legal department and/or a department responsible for international affairs. In special fields of international law pertaining to the competence of other ministries or authorities, these departments work closely together with the International Law Department of the MFAT. Most frequently the OLA is in contact with the Ministry of Justice, Ministry of Defence and Ministry of Interior.

9. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.

The Department is approached on a regular basis by state authorities and Hungarian private lawyers, when they have to deal with issues of public international law.

The Department maintains an important two-way relationship with academics. The OLA plans to organize yearly meetings with academic international lawyers to discuss pertinent issues of international law. The Department regularly accepts interns from universities. Members of the Department often consult scholars when a specific topic so requires. Members of the OLA regularly

attend conferences and seminars held by academics of international law, and we regularly invite academics to conferences organized by the Department. Lawyers of the Department are frequently invited by universities to give presentations to students on the practice of international law.

In addition, many lawyers at the Department teach and research within the field of international law at universities or participate in the writing and editing of manuals on issues of international law. The Head of Department holds a Ph.D. degree and is a senior lecturer of international law at the Law Faculty, two lawyers within the Department are doctoral students and regularly hold international law classes.

10. Please provide a brief bibliography on the OLA, if available.

The Organisational and Operational Regulations of the Ministry of Foreign Affairs and Trade of Hungary may be found in the order of the Minister of Foreign Affairs and Trade No. 11/2015, para 1.4.2.2 (<http://www.kozlonyok.hu/kozlonyok/Kozlonyok/12/PDF/2015/29.pdf>). There is no bibliography available on the OLA.