

**HUNGARY****Section I – Impact assessment**

I.1 Has an authority been assigned as responsible for the implementation of the Recommendation? If so, which? Yes  **No x**

I.2 How would you assess the impact of the recommendation on the human rights of members of the armed forces in your country? Please explain your reply.  
Fully satisfactory  Adequate  Insufficient  **ABSENT X**

**National law on members of armed forces was in compliance with both the Recommendation and relevant EU law before the admission of the Recommendation.**

I.3 Have specific measures for the promotion and protection of the human rights of members of armed forces been adopted after and pursuant to the adoption of the Recommendation? If so, please provide examples. Yes  **NO X**

**Act XCV of 2001 on the status of professional and contracted military personnel of the Hungarian Defence Forces [Status Act of 2001] (2001. évi XCV. törvény a Magyar Honvédség hivatásos és szerződéses állományú katonáinak jogállásáról) is in compliance with the Recommendation therefore there was no need for specific measures. (The previous Status Act of 1996, Act XLIII. of 1996 on the status of professional personnel of armed authorities (1996. évi XLIII. törvény a fegyveres szervek hivatásos állományú tagjainak szolgálati viszonyáról) was also in compliance with the Recommendation.)**

I.4 Which obstacles, if any, have been encountered in the implementation of the Recommendation?

**None**

**Section II – Dissemination of the Recommendation**

II.1 Has an authority been assigned as responsible for the dissemination of the Recommendation? If so, which? Yes  **No x**

II.2 Have specific events been organised to ensure the dissemination of the Recommendation? If so, please provide examples. Yes  **No x**

II.3 Which obstacles, if any, have been encountered in the dissemination of the Recommendation?

**None**

II.4 To which authorities has the Recommendation been distributed?

**None**

II.5 Has the Recommendation been distributed to members of the armed forces? Yes  **No x**

Yes  **No x**

- II.6 Has the Recommendation been translated ?
- II.7 If not, is this foreseen? Yes  **No**
- II.8 How would you assess the visibility of the Recommendation?  
Fully satisfactory  **Adequate**  Insufficient  Absent

### Section III – Implementation of specific provisions

#### A - Right to life

A.1 Are there measures in place to ensure an independent and effective investigation into suspicious deaths or alleged violations of the right to life of a member of the armed forces? **Yes**  No

A.2 Are there measures in place to encourage reporting of acts inconsistent with the right to life and to protect those reporting such acts against retaliation? **Yes**  No

A.3 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is “NO”, please explain why such measures are not in place and whether any measure is in preparation.

**Penal Code (Act IV of 1978) Chapter XX, Code of Criminal Procedure (Act XIX of 1998) Chapter XXII, Joint Ministerial Decree 19 of 2003 of the Ministry of Defence-Ministry of Justice on the investigation by the military commander.**

**Suspected crimes are investigated without specific limitations. Military misdemeanours are investigated by the commander, military offences and non-military misdemeanours committed by members of the armed forces are investigated in special military penal procedure before military councils of civil courts Judgements are delivered by the military councils**

#### B – Torture and other forms of ill-treatment

B.1 Are there measures in place to protect members of the armed forces from torture or other inhuman or degrading treatment or punishment? **Yes**  No

B.2 Are there specific measures in place for more vulnerable categories, such as conscripts? Yes  **No**

B.3 Are there measures in place to ensure an independent and effective investigation into alleged acts of torture or other ill-treatment, or when the authorities have reasonable grounds to suspect that such acts have occurred? **Yes**  No

B.4 Are there measures in place to encourage reporting of acts of torture or other ill-treatment and to protect those reporting such acts against retaliation? **Yes**  No

B.5 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is "NO", please explain why such measures are not in place and whether any measure is in preparation.

**The Status Act sets out those rights of the members of the armed forces that can be limited and the extent of the limitation. Only Act of parliament may contain any limitation .**

C – Forced or compulsory labour

C.1 Is military service compulsory? If so, please indicate whether it is possible to exact an alternative service instead of compulsory military service, and which are the differences in nature and duration of such service?

Yes  **No**

**Military service is voluntary since 2004, except in state of emergency as defined in Act CXIII of 2011 on the home defence, the Hungarian Defence Forces, and the measures to implement in special legal orders [Defence Act] (2011. évi CXIII. törvény a honvédelemről és a Magyar Honvédségről, valamint a különleges jogrendben bevezethető intézkedésekről). At the time when military service was compulsory, there was a system of alternative civil service. Since 2004, and under the 2011 Defence Act, one new element is the "unarmed service", which can be permitted only upon request and by a formal official decision. The condition is the conscientious objection to be armed and to the use of force.**

D – Military Discipline

D.1 Is there a clear legal framework in place governing military discipline in accordance with paragraphs 19-21 of the Appendix to the Recommendation? If so, please indicate a reference to the relevant legal framework. If not, please explain why and whether any measure is in preparation.

**Yes**  No

**Chapter XII. of the Status Act of 2001**

E- Right to liberty and security

E.1 Is there a procedure prescribed by law dealing with the deprivation of liberty of members of the armed forces?

**Yes**  No

E.2 Is it lawful to detain members of armed forces under the age of 18?

Yes  **No**

E.2.1 If so, do detention conditions comply with the conditions set out in Paragraph 23 of the Appendix to the Recommendation?

Yes  No

E.2.2 If the reply to question E.2.1 is "NO", please explain why and whether any measure is in preparation.

**Questions under E.2 are not relevant, because persons under 18 can not become members of armed forces (Status Act of 2001, Section. 41.)**

E.3 Are there any limitations or exceptions to the guarantees set out in Paragraphs 24 to 27 of the Appendix to the Recommendation possible? If so, please specify.

Yes  **No**

F- Right to a fair trial

F.1 In matters that qualify as criminal under the European Convention on Human Rights, do members of the armed forces enjoy procedural rights and safeguards to the same extent as in criminal proceedings against civilians, in accordance with Paragraphs 28, 30 and 31 of the Appendix to the Recommendation? If not, please explain why and whether any measure is in preparation in this area.

**Yes**  No

F.2 Is there a clear legal framework setting out limitations or exclusions to the right to have access to a tribunal for the determination of members of the armed forces' civil rights and obligations? If any, please provide examples of such limitations or exclusions.

Yes  No

**Service-related complaints in connection with civil rights specified in the Status Act are decided in the command chain, action against that decision can be brought before courts. There are no other limitations of access to a tribunal.**

F.3 Does your country have military courts? **Yes**  No

**There are no distinct military courts, but there are military councils embedded in the civil court system. Military courts are composed of military judges. There are also a military prosecution system embedded in the civil prosecutor office. Code of Criminal Procedure (Act XIX of 1998) Chapter XXII sets out procedural rules.**

F.3.1 If so, are they separate from the chain of command? **Yes**  No

F.3.2 If the reply to question F.3 is "yes", are there differences in the organisation and operation of military courts, in comparison with civil courts, in particular as regards the procedural safeguards set out in Paragraphs 33 and 34 of the Appendix to the Recommendation? Yes  **No**

*G – Right to respect for private and family life, home and correspondence*

G.1 Are there measures in place to ensure that conscripts are posted near their family and home, and that posting of professional members far from their family and home is not used as a disciplinary punishment? **Yes**  No

G.2 Are there measures in place to ensure that members of the armed forces posted abroad are able to maintain private contacts? **Yes**  No

G.3 Are there assistance programmes in place for those accompanying the members of the armed forces posted abroad? **Yes**  No

G.4 Can members of the armed forces enjoy parental leave, childcare benefits, access to nursery schools and adequate children's health and educational systems? If not, please explain why and whether any measure is in preparation. **Yes**  No

G.5 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to respect for their private and family life, home and correspondence, in accordance with section "G" of the Appendix to the Recommendation.

**There are several kinds of support (grants, facilities in working hours, leaves) at birth of children, education, schooling.**

**Mothers are granted special leaves and special allowances before and after child birth. Fathers are granted extra leave on the occasion of child birth. Members of armed forces are granted special allowance on occasion of marriage and child birth. Parents are granted annual special allowance for education and schooling, and are granted extra leave days depending on the number of children.**

*H – Freedom of thought, conscience and religion*

H.1 Are there measures in place to allow all members of armed forces to comply, as much as possible, with their religious obligations? If so, please provide examples. If not, please explain why and whether any measure is in preparation.

**Yes**  No

**Section 21 and 25. of Status Act of 2001**

H.2 Do conscripts have the rights to be granted conscientious objector status? Yes  No

H.2.1 If so, is an alternative service of a civilian nature available? Yes  No

H.2.2 If not, please explain why and whether any measure is in preparation.

**As mentioned above, military service is voluntary, except in status of emergency.**

H.3 Are conscientious objectors exposed to sanctions, disciplinary measures or judicial prosecutions? Yes  No

H.4 Can professional members of the armed forces leave the armed forces for reasons of conscience? If so, please explain the conditions and the procedure, and in particular whether the requests can be reviewed by an independent and impartial authority. If not, please explain why and whether any measure is in preparation. Yes  No

**As military service is voluntary, it is possible to leave armed forces anytime, except in status of emergency.**

H.5 Are there measures in place to ensure that conscripts and members of the armed forces are informed, respectively, of the right to be granted conscientious objector status and to leave the armed forces for reasons of conscience and of the procedures available to exercise these rights? **Yes**  No

H.6 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to freedom of thought, conscience and religion, in accordance with section "H" of the Appendix to the Recommendation.

**Section 25. of the Status Act of 2001**

*I – Freedom of expression*

I.1 Is there a clear legal framework setting out formalities, conditions and restrictions to the right to freedom of expression for the members of **Yes**  No

armed forces?

I.2 If so, please briefly present it, by providing in particular examples of restrictions to the right to freedom of expression.

**Section 21 of the Status Act of 2001, paras3 and 4: Members of the armed forces shall not criticise measures, orders given to them, shall not form their opinions on them, shall not make declarations that prejudice the order and discipline of military service, shall not form private opinions using press publicity in official procedures.**  
**Members of the armed forces shall not produce or distribute media compromising the order and discipline of military service, shall not display such posters, notices, or graphic symbols.**

*J – Right to access to relevant information*

J.1 Are there measures in place to ensure that full and detailed information about recruitment in the armed forces and commitments resulting therefrom are provided to potential recruits? **Yes**  No

**Hungarian Defence Forces has a distinct recruiting system that carries out this duty.**

J.2 Can former and current members of armed forces have access to their own personal data, including medical records and information regarding exposure to situations potentially hazardous to their health? **Yes**  No

J.3 If so, are there restrictions to this right of access? Please provide examples, if any. Yes  **No**

*K – Freedom of peaceful assembly and association*

K.1 Can members of the armed forces join lawfully established military associations or trade unions? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. **Yes**  No

**Status Act, Sections 22-23 on the restrictions of the freedom of peaceful assembly**  
**Status Act, Sections 24.-24/A on the restrictions of association**  
**Status Act, Chapter IV. on trade unions**

K.2 Can members of the armed forces join political parties? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes  **No**

**Since 1989 it has been a basic constitutional principle that political parties shall not influence the armed forces, therefore members of armed forces shall not be members of political parties.**

*L – Right to vote and to stand for election*

L.1 Are there any restrictions on the electoral rights of members of the armed forces and on membership in the armed forces during a member's candidacy or term of office? If so, please provide examples. **Yes**  No

**Status Act Section 27. Members of the armed forces must report immediately to their commander their candidacies, withdrawal from candidacy, the result of the election.**

**In case the member of the armed forces gets elected, he is suspended from his military service.**

M- Right to marry

M.1 Do members of the armed forces enjoy the right to marry and to form civil partnership in the same terms as civilians? If not, please explain why and whether any measure is in preparation. **Yes x** No

N – Right to protection of property

N.1 Are there measures in place to ensure that the property of members of armed forces, including conscripts, if retained upon joining the armed forces, is returned at the end of military service? **Yes x** No

O – Accommodation

O.1 Are there measures in place to ensure adequate accommodation for members of armed forces and their families, both on the national territory and abroad? **Yes x** No

O.2 Where accommodation is provided in barracks, are there separate dormitories for women and men? **Yes x** No

P – Remuneration and pension

P.1 Do professional members of the armed forces receive remuneration giving them a decent standard of living and an adequate retirement pension? **Yes x** No

P.2 Are there measures in place to ensure that men and women in the armed forces are entitled to equal pay for equal work or work of equal value? If not, please explain why and whether any measure is in preparation. **Yes x** No

Q – Right to dignity, health protection and security at work

Q.1 Are there specific measures in place to protect the dignity at work of members of armed forces, in particular as regards the prevention of sexual harassment? If so, please indicate the relevant legal framework and provide examples. If not, please explain why and whether any measure is in preparation. Yes  **No x**

**Right to dignity is a basic constitutional right, members of the armed forces enjoy fully the protection of the Penal Code.**

Q.2 Is medical care provided during and as a result of military operations free of charge for the servicepersons? **Yes x** No

Q.3 Are there allowances or compensation schemes available for members of the armed forces obliged to leave the armed forces because of an injury resulting from the exercise of military duties, or in case of death in service? **Yes x** No

Q.4 Where appropriate, please provide examples of good practices regarding the right of

members of armed forces to dignity, health protection and security at work, in accordance with section "Q" of the Appendix to the Recommendation.

**Hungarian Defence Forces has a Human services institution system. Regular health care and safety at work services are provided. Persons disabled from service get special pension.**

R – Nutrition

R.1 Are there measures in place to ensure that members of the armed forces enjoy the right to decent and sufficient nutrition in accordance with section "R" of the Appendix to the Recommendation? Where appropriate, please provide examples of good practices. **Yes x** No

**Ministry of Defence Decree 22 of 2006 on the nutrition in Hungarian Armed Forces.**

S – Non-discrimination

S.1 Are there measures in place to ensure that members of armed forces enjoy their rights and freedoms without any discrimination, in accordance with section "S" of the Appendix to the Recommendation? Where appropriate, please provide examples of good practices. **Yes x** No

**Members of the armed forces enjoy the same protections as civilians.**

S.2 Are there any limitations to the access of women to the armed forces, or to particular types of occupational activities within the armed forces? If so, please provide examples. **Yes x** No

**In state of emergency only men's military service is compulsory.**

S.3 Can sexual orientation constitute a ground to prevent access to the armed forces, or for discharge? Yes  **No x**

T – Persons under the age of 18 enlisted in the armed forces

T.1 Does your legislation allow the voluntary recruitment into the armed forces of persons under the age of 18? Yes  **No x**

T.2 If so, are there measures in place to ensure the full information about the duties involved and the informed consent of these persons and of their parents or legal guardians? Yes  No

T.3 Are there special measures in place to protect the physical and psychological welfare of these persons? Yes  No

T.4 Can these persons take an active part in the hostilities? Yes  No

U – Training

U.1 Are training activities aimed at increasing the knowledge of human rights by members of armed forces in place? If so, please indicate by whom are such training activities carried out. **Yes x** No

**It is part of officers' and non-commissioned officers' training**

U.1.1. If the reply to question U.1 is "YES":

U.1.1.1 Is international human rights law part of the training programme? **Yes**  No

U.1.1.2 Are the human rights of the members of armed forces themselves part of the training programme? **Yes**  No

U.1.1.3 Are prevention of ill-treatment and discrimination part of the training programme? **Yes**  No

U.1.1.4 Is international humanitarian law, including the duties mentioned in paragraph 84 of the Appendix to the Recommendation, part of the training programme? **Yes**  No

U.1.2 If the reply to question U.1 is "NO", please explain why and whether any measure is in preparation.

#### V – Allegations of human rights violations

V.1 Are there measures in place to ensure that members of the armed forces have the right to bring allegations of human rights violations, in particular of discrimination, harassment and bullying, before an independent body? If so, please indicate to which authorities can such allegations be brought and which is the procedure. If not, please explain why and whether any measure is in preparation. **Yes**  No

**Office of the ombudsman, courts.**

#### **Section IV - Follow-up**

IV.1 Which measures would you recommend to ensure that the principles set out in the Recommendation and in its Appendix are complied with in national legislation and practice?

**The principles are duly manifested in the Status Act of 2001 and pertinent other laws, and these principles function effeciently, there is no need to any further measures in national legislation. The human rights of members of the armed forces are in harmony with the requirements of the Council of Europe, EU and generally with the rule of law criteria.**

IV.2 Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

**There is no suggestion from Hungary.**

IV.3 Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.

**There is no suggestion from Hungary.**