

Hungary

Issues

- Hungary does not recognise the right to conscientious objection for professional soldiers.

Military recruitment

Conscription

Hungary abolished conscription in 2004, at least in times of peace. Article 70H of the constitution was changed, and now reads: “(1) All citizens of the Republic of Hungary have the obligation to defend their country. (2) In times of an emergency, or in times of a situation of preventive defence when parliament decides with the votes of two-third of members of parliament present, conscription is compulsory for every adult men, who is Hungarian citizen and resident within the Republic of Hungary, in accordance with the conditions established by law. Whose conscience does not allow him to perform military service has to perform a civilian service”¹.

What regulations will be in force if conscription will be reintroduced is presently not clear. It is only known that the Law on Defence and the constitution have been changed on 4 November 2004 to abolish conscription².

The last 2,000 conscripts were discharged from military service in November 2004. Since December 2004 the armed forces consist of professional soldiers only³.

Professional soldiers

Since November 2004, recruitment for the Hungarian Armed Forces is entirely voluntary. All Hungarian citizens aged between 18 and 47 can apply to join the Armed Forces, either as professional soldiers or voluntary reserve soldiers. The terms of service are defined by the *Law on the Legal Status of Professional and Contracted Soldiers* from 2001⁴.

The minimum contract period for officers and non-commissioned officers is five years, for rank and file soldiers it is two years. It can be extended to a maximum service time of 20 years for officers and non-commissioned officers, and 15 years for rank and file.

Conscientious objection

Conscientious objection for conscripts

The right to conscientious objection was legally recognised in 1989, following a liberal revolt in the Communist Party. Since 1993, CO applications were no longer individually examined and personal interviews no longer took place. Since then, the number of CO applications increased significantly from 500 to approx. 5,000 applications per year.

When conscription applied, the Law on Civilian Service allowed for CO applications to be made by serving conscripts, but only until the military oath was taken (after performance of three weeks' military service)⁵. It is unclear if these regulations would apply in case conscription would be enforced in an emergency.

Conscientious objection for professional soldiers

There are no legal provisions for conscientious objection for professional soldiers.

1 Constitution of the Republic of Hungary. Translated into English from a German translation (all easily available English translations do not include any amendments after 2003, and therefore do not include the present version of article 70H).

2 Farkas Henrik, Email to anconnet, 8 November 2004

3 Ministry of Defence: Conscript service abolished, 14 June 2004, www.honveledem.hu.

4 Ministry of Defence: Contracted military service, 24.03.2005, http://www.hm.gov.hu/recruitment/contracted_military_service, accessed 25 April 2008

5 Ministry of Defence: General Conscription, 24.03.2005, http://www.hm.gov.hu/recruitment/general_conscription, accessed 25 April 2008



According to the *Law on the Legal Status of Professional and Contracted Soldiers*, a contract can be cancelled when “*such changes occur in the conditions of the contracted soldier that the further fulfillment of service may cause disproportionate difficulty or disadvantages for him*”. However, it is also stated that “*during a state of emergency, a contracted service relation shall not be terminated*”⁶.

Normally, a two months notice has to be given.

Draft evasion and desertion

Under the criminal code draft evasion is punishable by up to five years' imprisonment, and five to 15 years' in wartime (art. 336)⁷.

Information on practice is not available.

6 Ministry of Defence: Contracted military service, 24.03.2005, http://www.hm.gov.hu/recruitment/contracted_military_service, accessed 25 April 2008

7 Amnesty International 1991. *Conscientious objection to military service*. AI, London.