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From: Kozma Vivien <Kozma.Vivien@ajbh.hu>

To: "ebco@ebco-beoc.org" <ebco@ebco-beoc.org>

CC: "Könnyid Balázs dr." <Konnyid.Balazs@ajbh.hu>, Hungarian Ombudsman

<hungarian.ombudsman@ajbh.hu>, Főtitkári Titkárság

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Date: 10/02/2023 15:55 EET

Subject: FW: Február 10. I/II. FW: EBCO's Annual Report 2022 and broader cooperation

Dear Sir/Madam,

Thank you for contacting the Office of the Commissioner for Fundamental Rights of Hungary.

The requested document is attached to this email.

Should you need any further information, please do not hesitate to contact me.

Best Regards,

Ms. Vivien Kozma

The Office of the Secretary General

Office of the Commissioner for Fundamental Rights of Hungary

00 36 30/442 67 13

kozma.vivien@ajbh.hu

From: EBCO BEOC [<mailto:ebco@ebco-beoc.org>]

Sent: Wednesday, January 18, 2023 4:02 PM

To: panasz <panasz@ajbh.hu>; Hungarian Ombudsman <hungarian.ombudsman@ajbh.hu>

Subject: EBCO's Annual Report 2022 and broader cooperation

Importance: High

Dear Sir/Madam,

We wish you a happy and peaceful new year!

Attached please find a letter from our President about your country's entry in EBCO's Annual Report 2022.

Please check the attachment and send us your feedback by the 10th of February 2023.

We will publish EBCO's Annual Report 2022 in February 2023.

Thank you in advance.

Yours sincerely,

European Bureau for Conscientious Objection (EBCO)

www.ebco-beoc.org

ebco@ebco-beoc.org

To Whom It May Concern,

Conscientious objection is regulated in Hungarian statutory law as a form of declining mandatory (armed) military service. The Office of the Commissioner for Fundamental Rights has no information on whether there are any explicit statutory regulations or judicial practice concerning the conscientious objection of professional military personnel or regarding the right to asylum of conscientious objectors. *In lieu* of more specific regulation, the general laws concerning the subject would be applicable.

The Fundamental Law of Hungary in Article XXXI (3) recognizes conscientious objection:

*„During a period of martial law, men of full age and Hungarian nationality residing in Hungary shall perform military service. **If armed service is incompatible with the conscientious convictions of the person liable to military service, he shall perform unarmed service.** The forms and detailed rules of military service are laid down by a cardinal law.”*

The detailed rules of unarmed military service are laid down in **Act CXL of 2021 on defence and the Hungarian Defence Forces**. Please find below a translated excerpt of the relevant statutory regulations:

„§ 42 (1) An application for authorisation for unarmed military service may be submitted from the date of notification of the expected date of scheduling for military service until the date specified in the notification. This time limit is statutory.

(2) The application shall be submitted to the head of the military administrative and central data processing body of the Defence Forces. A conscript whose application for unarmed military service has been rejected may not submit a new application.

(3) A conscript may perform unarmed military service only on the basis of a final decision authorising him to do so.

(4) A military serviceman performing unarmed military service shall serve in a post in the defence organisations not requiring armed activity.

Moreover,

§ 43 (1) The head of the military administrative and central data processing body of the Defence Forces shall decide on the application for a permit to perform unarmed military service within five days of its receipt.

(2) An application for a permit to perform unarmed military service shall be rejected if the circumstances show that the plea of conscientious objection is unfounded.

(3) For the purposes of the application of paragraph (2), conscientious objection shall be deemed to be any ground relating to a fundamental religious, moral or other conviction which is of such a nature as to determine the personality of the applicant.

(4) No appeal shall lie against a decision of the head of the military administrative and central data-processing body of the Defence Forces.

(5) A conscript may appeal against a decision rejecting an application for unarmed military service by means of an administrative procedure within five days of its notification. The court shall decide on the action within fifteen days. Pending the outcome of the action, the liable person initiating the action may not be called up for military service.”

It is important to note that if the plea of conscientious objection is rejected, there is an administrative appeal with a suspensive effect available.