

## Comprehensive Surveys of the Hungarian Ombudsman at the Hungarian National Armed Forces (1997-2010) and in the penitentiary institutions (2007–2009)

I. During the past almost one decade the Hungarian National Armed Forces was affected by two basic changes: the accession of Hungary to the North-Atlantic Treaty Organisation (NATO) in 1999 meant and continues to mean new obligations as well as new challenges and opportunities for the Armed Forces. It is an even more significant change that after 136 years conscription was abolished in November 2004 and the transfer to voluntary recruitment basically altered the organisation and operation of the Armed Forces and was accompanied by a fundamental alteration of the related regulation.

Armed bodies operate within a strictly hierarchical order, with a special separate mechanism of complaint, and presumably it can be partly attributed to this fact that few complaints were received by the Office of the Parliamentary Commissioner from members of the Forces during the past years.

The following general statements can be made on the basis of the experiences gained at the on the spot investigations:

- 1. Each of the units struggle against significant shortages of servicemen, consequently the great number of extra service ordered means a major problem, particularly in some special areas, together with its adequate counter-balancing.*
- 2. There is great difference in the condition and equipment of buildings (healthcare providing premises, restrooms, hostels, and sports establishments).*
- 3. Members of the Committees of Women Soldiers did not report on a gender-based discrimination during the talks, they said that the problems emerging were of general nature and were not problems typically affecting women soldiers.*
- 4. It is a general experience of talks with officers responsible for disciplinary cases that no prominent violation of discipline occurred at the various units, and the cases were settled within the units by respecting the reporting path.*
- 5. Great fluctuation due to the unpredictability of the model of military career means difficulties in respect of the planning of the internal development of the cadre.*
- 6. The possibility to acquire international experience is open to Hungarian soldiers in extension trainings abroad, as well as in participation in foreign missions.*
- 7. The Service of Army Chaplains operates in keeping with the local demand.*

Prof. Dr. Szabó has taken the initiative at the Government to investigate the possibility of evolving a new “strategy of military policy” for the longer run, based on professional consensus, or the possibility of the development of the current strategy, by which

- a) The number of ordering extra service at the units because of the shortage of personnel and hence the intensive burdening of servicemen could be reduced;
- b) By a comprehensive revision of the system of pay and benefits military career can be made more attractive and the retaining capacity of the Hungarian Army can be increased;
- c) By the continuation of the barracks reconstruction programme the regional differences in the living and working conditions of the professional and contractual servicemen can be further decreased.

and has requested the minister of defence to arrange for the assurance of proper housing and working conditions in the interest of protecting the rights of servicemen.

II. The Hungarian Ombudsman pays particular attention to the human dignity of persons limited in their freedom (in custody, convicted), to the assertion of their rights to life and humane treatment, for it cannot be disputed that the detainees are in an exposed situation or such one deemed by them.

The legality of treatment manifests itself in a complex manner during detention. Partly the prohibition of all kinds of discrimination among the convicts constitutes part of legal treatment in the narrow sense of the word, together with the use of proper tone and respect of the convict's human dignity and self-consciousness. Complaint against torture and other cruel treatments should be ensured for the convict, the possibility of reporting and the exercise of the related legal remedy should be accorded together with asserting punitive and disciplinary procedure against those prison service workers who commit the violation of law. On the other hand, a broader interpretation of treatment includes the conditions of the convict's placement as well as the density of convicts in the prisons. The over-crowdedness of the prison service institutes may negatively influence the legal position of convicts, the security of detainment, but it also influences the legality of treatment. The conditions of placement may exercise influence over the human dignity and self-conscience of the convicts.

The investigation involved very concrete matters such as pregnancy in the prison, rights to receive visitors, harassment against a citizen committed by a culprit, conditions of detainment of juveniles and detainees, rights of women in captivity, rights of the prison service workers and creative activities behind the bars.

For more details please contact dr. Julia Sziklay ([sziklay@obh.hu](mailto:sziklay@obh.hu))