



# The protection of very important persons in Hungary – the legislation of personal protection from 1997 to the present day

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## Abstract

**Aim:** The aim of this study is to describe the transformation of the institutional system of personal protection briefly over the last twenty-five years and to outline the main legislative and personnel (in particular, the scope of very important persons) changes up to the present day.

**Methodology:** Governmental law enforcement has been characterised by constant change over the last quarter of century. This process involved not only changes in tasks and authority, but also the transformation, dissolution and creation of institutions. Despite this fact, there are few areas of law enforcement that have undergone such a complex and extensive transformation as personal protection in Hungary. After the change of regime, between 1990 and 1996, the field closely followed democratic transformation in the spirit of reform efforts, but no profound reform was achieved as comprehensive legislation was not ready until 1997.

**Findings:** After 2010, there were several organisational, operational and regulatory changes resulting in the loss of the unity of personal protection and the emergence of a parallel institutional network with different types of bodies and different functions. This process is interpreted as a kind of slow reform of the field, but it is debatable from several viewpoints.

**Value:** The study highlights the fact that the designation or removal of protection for public managers, and the reorganisation of tasks and authority between bodies give the overall impression that the professionalisation of the field took place in recent years without any real sectoral strategy.

**Keywords:** personal protection, very important person, Rapid Response and Special Police Services, Parliamentary Guard

## Introduction

In December 2020, several daily newspapers reported that the government would end the personal protection of the President of the Curia. It is unknown whether this announcement is related to the fact that there was a change in the leadership of the Curia, the new President has been holding office from 1 January 2021. The official communication also stated that the President of the Curia is then only allowed to use the services provided to ministers, such as an upper mid-range car and a security driver provided by the Rapid Response and Special Police Services. As the current President of the Curia (formerly the Supreme Court) is one of the state leaders who have been entitled to permanent personal protection since 1 January 1997<sup>1</sup>, the announcement was not particularly newsworthy for the general public, but it pointed out an interesting development for the professional community.

Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments entered into force at that time, and for a long period (until 2012), it was the only legislation that designated the public offices that were essential to protect, furthermore the professional framework for such protection. The scope of protected persons and the institutional framework surrounding them, apart from minor amendments, hardly changed between 1997 and 2010 (as illustrated by the almost complete absence of alterations in the text of the Regulation), albeit this process accelerated after 2010. An extensive transformation of domestic policing was initiated during this period, covering almost all areas of specialisation, including personal protection. Although the regulation of policing could never have been considered permanent, it was the first time after two decades that the scope of persons enjoying permanent protection was modified in such a way that a public office was removed from it. In order to understand the significance of such a change, it is important to note that threats to the highest public dignitaries also affect the smooth operation of the state. Ensuring the functioning of the state and state authorities provides a

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1 Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments on the basis of Annex No.1.

good reason why the circle of protected state leaders<sup>2</sup> in all countries, including Hungary, rarely changes. For a better understanding of the developments since 2010, a brief description of the post-regime change background of the field is essential as sufficient objectivity is required to interpret any subsequent changes.

## The impact of the regime change on personal protection

In Hungary, the system of the previous socialist period based on ideological and party status was fundamentally altered by the regime change. The democratic opening brought a new social and political approach, with which the proliferation of state influence of previous decades became incompatible. The process resulted in dramatic changes in the economy, society and politics; and democratisation showed a nature of compromise, in which not only the newly formed social forces but also the socialist political elite of the state supporting the reforms played an important role. Partly due to this, and partly to the reform efforts based on public law, the democratic transition was peaceful and non-violent. The main aim of the change was the abolition of the one-party system, the introduction of political liberties and the capitalist economic system. All these were guaranteed by laws passed by the Parliament. Therefore, an extensive transformation started after the change of regime and did not leave the administrative system untouched. This transition posed a number of difficulties, as maintaining public safety in the country and the expansion of law enforcement responsibilities required the creation of new law enforcement agencies and the transformation of existing institutions. As in other segments of the administration (Balla, 2017), *'it was necessary to review the previous structure and operation of law enforcement agencies'* (Finszter, 2018). This process could not have been avoided by the reorganization of the Ministry of the Interior<sup>3</sup>, which under socialism was responsible for the protection of party leaders and the heads of state and government<sup>4</sup>. During the restructuring, the activity of the body remained

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2 The scope of these persons does not coincide with the persons listed in Government Decree 160/1996 (XI.5.), as it also includes the protection of the Speaker of Parliament as defined in a separate law (abbreviated to Ogytv. in Hungarian).

3 Ministry of the Interior's Instruction No. 53/1990 on the organisation and internal order.

4 According to the Rules of Procedure of the Government Guard of the Ministry of Interior (10-650/1972), this included the members of the Political Committee of the Hungarian Socialist Workers' Party, the Secretaries of the Central Committee, the President of the Presidential Council of the Hungarian People's Republic, the President and the Vice-Presidents of the Hungarian Revolutionary Workers-Peasant Government, and party, state and government leaders of similar level who were in Hungary or passing through Hungary, as well as other Hungarian and foreign persons determined by the MSZMP Political Committee (The Hungarian Socialist Workers' Party is abbreviated to MSZMP).

essentially unchanged, but there were several changes in the official names: the name of the Government Guard was temporarily changed to the Government Guard of the Republic of Hungary from 1 January 1990, referring to the democratic transformation, and then to the Republican Guard Regiment on 1 January 1992. After the change of regime, *‘the Office that was under the authority of the Law Enforcement Office of the Ministry of the Interior was integrated into the National Police Headquarters (hereinafter: ORFK), and after the dissolution of the Office on 1 May 1993, it continued to operate as a body with the status of a Directorate General of the ORFK’* (Verebélyi, 2020). In addition to structural reforms, the plans included the revision of the law enforcement system, which was essential, especially in the case of the police. There were several reasons for this: on the one hand, this organization had the largest number of employees, and on the other hand, due to its political affiliation (formed during the socialist era), its social perception was very unfavourable during this period, and in the years after the regime change the organisation also had to deal with efficiency problems. The majority of theoreticians and practitioners agreed that, if the restructuring is successful, it would guarantee that the newly developed structure would meet the requirements of the age. To that end, the creation of an independent police law was essential, as the previous operation of the police disregarded legal guarantees in most cases. The legislative process was seen by the majority as an essential tool for coherent, transparent and modern regulation of the police. One of the most important aspects of the codification work was that the new law should arrange the tasks and authority of the body and define the rights and obligations of the organisation (and its personnel). It is also important from the viewpoint of personal protection because this activity became the responsibility of the police via the integration of the Republican Guard Regiment after 1 January 1993, thus the normative definition of the tasks and authority could also be settled. With the entry into force of Act XXXIV of 1994 on the Police (hereinafter: Rtv.), *‘the legislator referred the protection of very important persons to the interests of the Republic of Hungary to the tasks and authority of the primary law enforcement body, the National Police Headquarters’* (Balla, 2017). The text of the law stated as follows:

*‘In the field of protection of public security and internal order, the Police shall, within the scope of their duties of crime prevention, law enforcement and public administration as defined in this Act and other legislation authorized by law:*

*g) protect the life and physical integrity of very important persons to the interests of the Republic of Hungary (hereinafter: protected person) and guard the designated facilities.’*

The development of the professional framework of the activity was not nearly complete at that time, as the Rtv. only specified the institutional framework of the activity, the method and detailed rules of protection, it did not specify the scope of protected (very important) persons. This issue is addressed in the implementing regulation of Government Decree 160/1996 (XI.5.). Its Annex No.1. designated the category of state leaders who received permanent personal protection and they are as follows:

- the President of the Republic of Hungary,
- the Prime Minister of the Republic of Hungary,
- the Speaker of the Hungarian Parliament,
- the President of the Constitutional Court of the Republic of Hungary,
- the President of the Supreme Court of the Republic of Hungary.

This list was incorporated into the professional terminology to the extent that personal protection generally and primarily means<sup>5</sup> the protection of the highest public dignitaries (according to the regulations in force: very important persons). The main features of permanent personal protection are:

- its subjects are very important persons for Hungary (i.e., regarding the functioning of the state),
- the legislation provides for the scope of persons entitled to permanent protection, and the protection is not aligned with a specific person, but with a specific position,
- personal protection is continuous during the term of office (under certain conditions before and after it), it can be waived only with the special permission of the law (in advance and in writing),
- professional tasks related to personal protection (implementation) fall within the tasks and competence of law enforcement agencies that have the specially trained apparatus required to perform the task.

The criteria listed are also important because they reflect the organizational, operational and regulatory framework associated with the activity. In addition to the protection of very important persons, it is important to mention that the text of the standard did not only include the previous activities of the police, as the law gave the police a dual (personal protection) function: on the one hand,

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5 In some respects, the form of witness protection that Act LXXXV of 2001 calls a Protection Programme may also be assessed as a personal protection activity. It covers such a complex activity that, among other things, includes the activities necessary to deal with physical hazards (personal insurance, home insurance, travel insurance, etc.), but its order, unlike the protection of very important persons, is not a statutory automatism but a result of a private law contract.

to protect the very important persons, and on the other hand, it also covered the subsequent tasks of the competent authorities related to their personal protection activities. *'The interesting aspect of this provision is that the actual regulation of the service<sup>6</sup> provided on a market basis was only introduced years later'* (Nagy & Lukács, 2019), under Act IV of 1998.<sup>7</sup> The establishment of the role of the police in the protection of persons can be considered definitive with the entry into force of the Police Act and the implementing decree. Under the Rtv., the National Police Headquarters became responsible for the tasks and competences of the activity, following the development of the institutional background, but the actual implementation was the responsibility of the Republican Guard Regiment (as a body with the status of the General Directorate of the ORFK), under the Regulation.<sup>8</sup> The institutional and operational background thus established remained largely unchanged until 2010.<sup>9</sup>

## The age of changes

After the change of government in 2010, a comprehensive public administration reform was launched, involving extensive institutional changes too. With regard to the police, *'the most important change was the comprehensive amendment of the Police Act that significantly rearranged the previous situation'* (Christián, 2014). The most fundamental change was in the organizational structure of the police. The provision that was incorporated into the Police Act<sup>10</sup> defined the structure of the police as follows: *'The police shall consist of a body set up to carry out general police tasks, a body responsible for internal crime prevention and detection, and a body responsible for combating terrorism.'*<sup>11</sup> Besides the body established to carry out general police tasks (ORFK), two other police organisations were established. From the viewpoint of personal protection, the change is significant because, with the establishment of the Counter Terrorism

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6 The protection of persons and property and the activities of private detectives are carried out on a temporary basis in accordance with Decree 87/1995 (VII.14.).

7 Act No. 4 of 1998 on personal protection, property protection and private detective activities within the framework of the private sector, and regarding the Personal, Property Protection and Private Detective Chamber.

8 Decree of the Minister of Interior No. 69/1997 (XII. 29.) on the tasks, authority and competences of the Republican Guard Regiment.

9 Under the amendment to the legislation, the minister without portfolio supervising civilian national security services was also granted permanent protection for a short period, but this was abolished in May 2002.

10 Act CXLVII of 2010 amending certain laws on and related to law enforcement, Section 9.

11 Act XXXIV of 1994 on the Police, Section 4 (2), (the state before 1 July 2019).

Centre,<sup>12</sup> and its role as a counter-terrorism body, the government assigned the personal protection tasks of the Prime Minister and the President of Hungary.<sup>13</sup> The Counter Terrorism Centre was established on 1 September 2010 and officially carries out its assigned tasks<sup>14</sup> from 1 January 2011. With the partial assignment of personal protection powers, the previous situation when the Republican Guard Regiment was the only police body in Hungary to perform tasks related to the protection of very important persons was abolished. It is important to mention that the law was amended not only in terms of the division of personal protection tasks but also in terms of the number of permanently protected persons, as it was extended to include the Prosecutor General, whose personal protection was still provided by the Republican Guard Regiment. In addition to the Rtv., the new Staff Regulations that entered into force<sup>15</sup> in 2012, while maintaining the provisions of the previous regulations related to the protection of persons and objects,<sup>16</sup> expanded the elements of the personal protection service form<sup>17</sup> and named the bodies performing personal protection tasks.

The next significant change was implemented within a short period of time, as the Republican Guard Regiment ceased to exist with the amendment of Government Decree 329/2007 (XII. 13.) on the tasks and authority of police bodies in 2012, and its tasks (and personnel) were taken over by the Rapid Response and Special Police Services (hereinafter: the KR).<sup>18</sup> In terms of personal protection tasks, it did not bring any significant change, as the Rapid Response and Special Police Services had the same powers and competences<sup>19</sup> as the Guard Regiment, and the tasks and the organisational elements of the Guard Regiment were integrated into the Directorate of Personal and Property Protection of the KR. The institutional stability of the area was only relative even after the integration, as the preparations for the establishment of the Parliamentary Guard (hereinafter: the Guard) and accordingly the transformation of the responsibilities for the protection of persons and objects took place at the same time. The legal predecessor of the Parliamentary Guard is the Guard of the House of

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12 Government Decree 232/2010 (VIII. 19.) on the Counter Terrorism Centre.

13 Government Decree 295/2010 (XII. 22.) on the designation of the agency responsible for counter-terrorism and the detailed rules for the performance of its duties, Section 3 (1) d).

14 After 1 September 2010, the Counter Terrorism Centre was responsible for the protection of the Prime Minister and the President of the Republic.

15 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service.

16 62/2007 (XII. 23.) IRM Decree on the Regulations of the Police Service (IRM means Decree of the Minister of Justice).

17 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service, Section 79 (1) a)-f).

18 The amending provisions entered into force on 1 July 2012.

19 IRM Decree 67/2007 (XII. 28.) establishing the territory of jurisdiction of the Police, Section 2 (2)

Representatives that was established by Act LXVII of 1912, and from 1913 it performed the guarding and protection duties related to the Parliament. *‘With regard to the Guard of the House of Representatives, it is worth mentioning that the body was never officially abolished, and it raises a number of legitimacy issues’* (Nagy & Lippai, 2021), but its original purpose ceased to exist in 1945 with the dissolution of the Guard of the House of Representatives. The Parliamentary Guard, like the Police, was established on the basis of a cardinal law (Ogytv.)<sup>20</sup>, but an important difference is that Act XLIII of 2010 did not include the list of law enforcement agencies.<sup>21</sup> Due to its organizational and operational regulations,<sup>22</sup> the Guard is an armed body with national competence under the direct control of the Speaker of the House, and its tasks are regulated by the Ogytv. defined as follows:

*‘The Parliamentary Guard shall be in charge of protecting the National Assembly, safeguarding the National Assembly’s independence and its operation free from external influences, performing the functions connected to maintaining the order of the sessions as well as the duties of personal protection and facility security as laid down in this Act, ceremonial marching, and performing primary fire extinguishing and fire safety functions.’*<sup>23</sup>The tasks of the Guard differ widely, from the personal protection of the Speaker of the National Assembly,<sup>24</sup> they also cover all tasks related to ensuring the operation of the National Assembly, even free from outside influence, and they have received guarantees to this effect provided in the Fundamental Law.<sup>25</sup> The normative background of their activities is defined in Act XXXVI of 2012 on the National Assembly, however, the details of its operation are regulated to some extent by the decrees issued by the Minister responsible for law enforcement. In connection with their personal protection activities, it is worth emphasizing that the provisions of their service regulations<sup>26</sup> overlap closely with the personal protection tasks included in the police service regulations (personal protection as a form of service). With the establishment of the Parliamentary Guard, the personal

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20 Act XXXVI of 2012 on the National Assembly.

21 Act XLIII of 2010 on Central State Administrative Organs and on the Legal Status of Government Members and Secretaries of State, Section 1(5).

22 Speaker’s Decree 6/2017 of the Speaker of Parliament on the Rules of Organisation and Operation of the Parliamentary Guard.

23 Act XXXVI of 2012 on National Assembly, Section 125 (1).

24 Besides personal protection, the Parliamentary Guard has branches of service in the areas of the provision of facilities, protocol escort, policing meetings, firefighting and fire safety, patrol and guard services.

25 Article 5 (9) of the Fundamental Law of Hungary (25 April 2011) ‘The security of Parliament is guaranteed by the Parliament Guard. The Parliament Guard operates under the direction of the Speaker of the Parliament.’

26 Ministry of Interior’s Decree No. 84/2012 (XII. 28.) on the Rules of Service of the Parliamentary Guard.



protection of the Speaker of the House was removed from the tasks of the police, the normative concept of very important persons was narrowed down and the Speaker of the National Assembly was removed due to Government Decree 160/1996. (XI. 5.).<sup>27</sup> The next significant change concerned the performance of tasks related to protected persons, and also resulted in minor organisational changes. On 1 April 2015, the Presidential Guard of the Republic (hereinafter: KEŐ) was established within the Rapid Response and Special Police Services to perform personal and object protection tasks related especially to the permanent protection of the President of the Republic. The interesting thing about the reorganisation is that *'in parallel with the fact that the Presidential Guard of the Republic took over this task from the Counter Terrorism Centre, the tasks related to the personal protection of the Prosecutor General were transferred to the Counter Terrorism Centre'* (Balla, 2017). The reorganization was technically controversial as it also affected the exchange of personnel among agencies, and because the Presidential Guard started operating not as part of the Directorate of Personal and Property Protection of the Rapid Response and Special Police Services, but as a unit directly subordinated to the Commander of the Rapid Response and Special Police Services, with the status of a department (parallelism within the institution). The rise of the Counter Terrorism Centre in the field of personal protection is well illustrated by the fact that besides the protection of the Prime Minister and the Attorney General, the protection of the Minister of Foreign Affairs and Trade is also covered by Act 160/1996. (XI. 5.) of 2018 on the personal protection duties of this body.<sup>28</sup>

## Professional overview nowadays

As a result of the above-mentioned transformations, the field of personal protection by state police was divided into two parts. The first element of the dual system is the Hungarian Police, including the Counter Terrorism Centre, and the second element is the National Police Headquarters – Rapid Response and Special Police Services. These bodies have an almost identical legislative background, including Act XXXIV of 1994 on the Police, the regulation of personal protection and the provisions of the service regulations on personal

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27 As the Government Decree 160/1996 (XI. 5.) regulates only the activities of the police (Rapid Response and Special Police Services, and Counter Terrorism Centre), it does not regulate the activities of the Parliamentary Guard.

28 Government Decree No.120/2018. (VII. 4.) Amendment on Government Decree 160/1996 (XI.5.) on the protection of protected persons and designated establishments.

protection (Titles 40 and 57).<sup>29</sup> The explicit source of the provisions on cooperation between the two bodies is the Police Act itself.<sup>30</sup> Besides the Rapid Response and Special Police Services and the Counter Terrorism Centre, *'the third major actor of personal protection within the state police is the Parliamentary Guard. Unlike the former ones, it does not operate as a law enforcement (police) body, but as an armed body operating alongside the legislature'* (Szalai, 2018). Based on current legislation,<sup>31</sup> the Counter Terrorism Centre currently provides personal protection for the Prime Minister, the Attorney General and the Minister of Foreign Affairs and Trade. The ORFK – Rapid Response and Special Police Services is responsible for the protection of the President of the Republic (Presidential Guard) and the President of the Constitutional Court (Directorate of Personal and Property Protection), while the Parliamentary Guard is responsible for the protection of the Speaker of the House of Representatives. Besides the fragmentation of the institutional background, the regulation of the activity underwent significant changes after 2013, in line with the normative background, governance and responsibilities of each body. It is important to note that, in the case of the Rapid Response and Special Police Services, in addition to the parallel operation of the different bodies, there is also a kind of internal (institutional) parallelism, caused by the creation of the Presidential Guard. The result is that within the same body there are two independent personal protection units: the first one is the Presidential Guard of the Republic, that is, a departmental unit under the direct authority of the Commander of the Rapid Response and Special Police Services, and the other one is the Personal Protection Department within the Directorate of Personal and Property Protection.

The fragmentation of the field is best illustrated by the fact that the training of the personal protection units, the equipment they use and the nature of the means of force (e.g., type of weaponry, vehicles, bulletproof vests, etc.) do not present a united front even within the Rapid Response and Special Police Services.

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29 Decree of the Minister of Interior No. 30/2011 (IX. 22.) on the regulations of the police service.

30 Section 7/G. (3).

31 The Rtv. and Government Decree 160/1996 use the normative concept of persons of special importance, but they do not contain provisions relating to the Speaker and are not part of the norms regulating the activities of the Parliamentary Guard.

## Conclusion

In the last twenty-five years, the police and the personal protection sector underwent many changes; the sectoral legislation, the institutional system and certain activities, including the definition of very important persons were revised. The latter is an area of state policing that was relatively stable between 1997 and 2010, but after 2010, the professional change accelerated significantly. The transformation of this area does not appear to be complete, given the disorder of the normative background, and its effectiveness is also questionable, as it fragmented the previous organisational structure, creating competing elements within the organisational system in a way that was not justified from an efficiency or a financial viewpoint. This contradictory situation is compounded by the constant change in the scope of the protected persons that appears to be ad hoc, based on the professionalisation of each body. The designation or removal of protection for public managers, and the reorganisation of tasks and authority between bodies give the overall impression that the professionalisation of the field took place in recent years without any real sectoral strategy.

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