COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 20 June 2007 ECRML (2007) 5

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN HUNGARY

3rd monitoring cycle

A. Report of the Committee of Experts on the Charter

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Hungary

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

CONTENTS

A. Report of the Committee of Experts on the application of the Charter in Hungary

adopted by the Committee of Experts on 1 December 2006
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1 The ratification of the Charter by Hungary

1. The Republic of Hungary signed the European Charter for Regional or Minority Languages (hereinafter referred to as "the Charter") on 5 November 1992 and deposited its instrument of ratification (see Annex I) on 26 April 1995. The Charter entered into force in Hungary on 1 March 1998 and was published in the Official Gazette, Volume 1999, No. 34.

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The Hungarian authorities presented their 3rd periodical report to the Secretary General of the Council of Europe on 21 November 2005.

3. In its previous report (ECMRL [2004] 5), the Committee of Experts of the Charter outlined particular areas where policies, legislation and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL [2004] 4), which were addressed to the Hungarian authorities.

1.2 The work of the Committee of Experts

4. The present report is based on the information obtained by the Committee of Experts from the 3rd periodical report of Hungary and the replies to an additional questionnaire submitted to the Hungarian authorities on 16 February 2006, as well as through interviews held with representatives of the minority languages in Hungary, practitioners working with/in such languages and governmental representatives during an on-the-spot visit (24 to 26 May 2006). No further information was submitted pursuant to Article 16 paragraph 2 of the Charter. This report is based on the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes will be taken into account in the next report of the Committee of Experts concerning Hungary.

5. The Committee of Experts will firstly recall the outstanding issues raised in the 1st and 2nd monitoring cycles (1998-1999, 1999-2002) regarding Hungary's compliance with the provisions of Part II and Part III of the Charter and then focus on the measures taken by the Hungarian authorities to respond to its findings and to the recommendations addressed to the Hungarian government by the Committee of Ministers. It will also highlight new issues detected during the 3rd monitoring cycle.

6. This report was adopted by the Committee of Experts on 1 December 2006.

1.3 Presentation of the regional or minority language situation in Hungary: up-date

7. The users of minority languages are represented by local minority self-governments, which are autonomous public bodies elected by the municipal minority electorate with a view to taking over relevant (e.g. cultural, educational) competences and institutions (e.g. schools, museums) from the authorities. Thirteen national minority self-governments, including one joint body for the users of Romany and Beás, act as umbrella organizations of the local and county minority self-governments[1].

8. Since the last census in 2001, the Committee of Experts has neither received new official data on the number of minority language users, nor updated estimates from bodies or associations legally established in Hungary. As in the 1st and 2nd monitoring cycles[2], the Committee of Experts shares the

[1] see 3rd Periodical Report, p. 12, 14-15, 26-27
[2] see 1st/2nd Reports of the Committee of Experts, paragraph 11

assessment of the Hungarian authorities that the real number is “somewhere between the census data and the estimates”.

Census results (2001) and estimates (see 3rd Periodical Report, p. 5, 7)

Minorities (related Part III languages are in **bold**)	Persons affiliated to the minority	Persons affiliated to the minority's cultural values and traditions	**Mother-tongue speakers of the minority languages**	**Persons using the minority language(s) within the family and with friends**	*Estimates by the minority self-governments of the number of persons belonging to the minorities*
Armenian	620	836	**294**	**300**	*3,500-10,000*
Bulgarian	1 358	1 693	**1,299**	**1,118**	*3,000-3,500*
Croatian	15,597	19,687	**14,326**	**14,789**	*80,000-90,000*
German	62,105	88,209	**33,774**	**52,912**	*200,000-220,000*
Greek	2,509	6,140	**1,921**	**1,974**	*4,000-4,500*
Polish	2,962	3,983	**2,580**	**2,659**	*10,000*
Roma[3]	189,984	129,208	**48,438**	**53,075**	*400,000-600,000*
Romanian	7,995	9,162	**8,482**	**8,215**	*20,000-25,000*
Ruthenian	1,098	1,292	**1,113**	**1,068**	*5,000-6,000*
Serbian	3,816	5,279	**3,388**	**4,186**	*5,000-10,000*
Slovak	17,693	26,631	**11,817**	**18,057**	*100,000-110,000*
Slovenian	3,025	3,429	**3,180**	**3,108**	*5,000*
Ukrainian	5,070	4,779	**4,885**	**4,519**	*2,000-5,000*

[3] The census refers to the Roma minority. While the vast majority of the Roma population speaks only Hungarian, a significant number speak Romany or Beás (a language used by Roma in the southern part of Hungary). There are about twice as many users of Romany as of Beás.

Chapter 2 The Committee of Experts' evaluation

2.1 The Committee of Experts' evaluation in respect of Part II of the Charter

9. In the 1st and 2nd monitoring cycles, the Committee of Experts observed that among the minority languages covered only by Part II of the Charter, Polish and Ruthenian had a territorial basis while Armenian, Beás, Bulgarian, Greek, Romany and Ukrainian were non-territorial languages according to Article 1 paragraph c. of the Charter[4]. The Committee of Experts will subsume all languages under Article 7 paragraphs 1-4 of the Charter, keeping in mind that the objectives and principles should be applied to non-territorial languages *mutatis mutandis* according to Article 7 paragraph 5 of the Charter.

Article 7

"Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a. the recognition of the regional or minority languages as an expression of cultural wealth;"

Romany and Beás

10. The Committee of Experts found in the 1st and 2nd monitoring cycles that, due to their low prestige, the recognition of Romany and Beás as an expression of cultural wealth needed a high political profile in order to have an impact on public awareness[5]. In the course of the reporting period, the Hungarian authorities have implemented numerous programmes to improve this awareness. For example, they initiated media reporting which aimed to improve the public image of the Roma, financed public events on the Roma culture and subsidized the publication of Roma literary works in Hungarian[6].

"b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"

11. Minority language users represent the majority of the population in many municipalities (*település*), in some more than 90%. Regarding regional administrative divisions, the Committee of Experts takes note of discussions in Hungary to merge its 19 counties (*megye*) with a view to creating larger regions. There is nevertheless no indication that the Hungarian authorities do not comply with the above provision as is shown by the agreement with Serbia and Montenegro on the protection of minorities (2004), which prohibits measures which may change the proportions of the populations in the areas inhabited by persons belonging to the national minorities[7].

12. Although the population share of minority language users at the county level nowhere exceeds 7.3% (Baranya), the Committee of Experts encourages the Hungarian authorities to ensure that new administrative divisions will not constitute an obstacle to the promotion of their languages.

"c. the need for resolute action to promote regional or minority languages in order to safeguard them;"

13. Under this provision, Parties are expected to develop a comprehensive strategy for the *resolute* promotion of regional or minority languages, which requires a long-term vision, a global legislative instrument, specialized institutions and appropriate financial means.

14. Hungary has established a solid legal and institutional basis for the implementation of this provision[8] (e.g. Act LXXVII [1993] on the Rights of National and Ethnic Minorities, hereinafter referred to as "the Minorities Act", and the office of a Parliamentary Commissioner for the Rights of National and Ethnic Minorities).

[4] see 1st Report of the Committee of Experts, paragraph 19; 2nd Report of the Committee of Experts, paragraph 12
[5] see 1st Report of the Committee of Experts, paragraph 21; 2nd Report of the Committee of Experts, p. 31, paragraph B
[6] see Addendum 1 to the 3rd Periodical Report, p. 8
[7] see 3rd Periodical Report, p. 6, 56
[8] see 1st Report of the Committee of Experts, paragraph 23

15. In the 2nd monitoring cycle, the Committee of Experts encouraged the Hungarian authorities "to develop a better defined framework for the protection and promotion" of Ruthenian, which had a "sufficiently defined territorial [basis]"[9].

16. However, in the current monitoring round, the Committee of Experts has received no indication that the territorial character of Ruthenian is taken into consideration. The same applies to Polish.

17. During the on-the-spot visit, the Committee of Experts received complaints from users of minority languages that, besides positive initiatives such as the Medium-Term Development Programme for Mother-Tongue Education, no overall vision and predictable long-term planning exists for any of the 14 minority languages. The interlocutors were also worried about the acute underfunding of their educational establishments and media. Regarding the Part III languages, the Committee of Experts will deal with this issue in the context of its evaluation of Part III of the Charter and the findings. With regard to Part II languages, the Committee of Experts urges the authorities to take immediate steps to produce structured plans for the protection and promotion of these languages.

"d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;"

18. In its previous reports, the Committee of Experts encouraged the Hungarian authorities to develop certain active programmes in order to foster the use of [Polish and Ruthenian] in public life. However, no positive development seems to have taken place and Polish and Ruthenian are largely absent both in relations with the administrative authorities and with public services in the areas where the languages are used.

The Committee of Experts urges the Hungarian authorities to foster, as far as this is reasonably possible, the use of Polish and Ruthenian in relations with administrative authorities and public services in the municipalities where these languages are traditionally used.

19. Generally, the users of all minority languages have the possibility of using their languages in public life "freely at any time and anywhere" (Minorities Act, Section 51 paragraph 1), for example before *judicial authorities*[10]. Against this background, the Committee of Experts welcomes the fact that several courts have employed Romany and Beás users and also trained staff in Romany, but has at its disposal no further information about the practical implementation of this legal possibility regarding the six other languages, in particular Polish and Ruthenian.

20. Act CXL (2004) on the General Rules of Official Procedure and Servicing in Public Administration stipulates that every user of a minority language may use it "in speech and writing at the public administration authority." Replies to requests submitted in a minority language must be translated into that language if the citizen so demands (Section 9 paragraph 3[11]). The Committee of Experts commends the Hungarian authorities for extending such generous guarantees even to the users of dispersed non-territorial languages. However, apart from the use by some municipalities of place names in minority languages covered only under Part II of the Charter, the Committee of Experts received no information on the measures that have been taken to render the rights concerning the administrative use of these languages operational.

21. The Committee of Experts identified, in the 2nd monitoring cycle, a number of structural problems relating to the *media* of all minority languages (unsatisfactory presence on television, use of an old radio frequency that modern radio sets cannot receive, late time-slots[12]). The 3rd periodical report does not contain any detailed information on the use of minority languages covered only by Part

[9] 2nd Report of the Committee of Experts, paragraph 24
[10] see 1st Periodical Report, p. 8; 1st Report of the Committee of Experts, paragraph 24
[11] see Annex 4 to the 3rd Periodical Report
[12] see 2nd Report of the Committee of Experts, paragraphs 25, 33, 35, 52; p. 32, paragraph F

II of the Charter in the media. According to what the Committee of Experts learnt during the on-the-spot visit, Armenian, Bulgarian, Greek, Polish, Ruthenian and Ukrainian still share 52 minutes of television broadcasting twice a month and each has a national weekly radio programme (30 minutes). A television programme (26 minutes weekly and 52 minutes four times per year), a public radio programme (26 minutes, six times per week) and a programme on private Radio C are broadcast partly in Romany and Beás, partly in Hungarian. While the radio programmes are in practice inacessible for the users, the new Autonomy Channel of Duna TV intends to broadcast in all minority languages, for which the broadcasting time remains to be determined. On the whole, the Committee of Experts must conclude that the structural problems identified previously have not diminished. These issues will be dealt with in more detail under Part III of the Charter.

22. The Hungarian authorities assisted the minority self-governments of the users of Beás/Romany, Bulgarian, Greek, Polish and Ruthenian to take over and maintain *cultural* institutions[13].

"e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;"

23. As the Committee of Experts noted in the 1st monitoring cycle[14], minority self-governance ensures the maintenance and development of links between groups using the same minority language and the establishment of cultural relations with other linguistic groups in Hungary. Regarding links between groups using languages "in similar form", the Committee of Experts was informed during the on-the-spot visit that the relations between the national minority self-governments representing the users of Ukrainian and Ruthenian are generally good, but do not go beyond the level of co-operation that exists with other national minority self-governments.

"f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;"

24. As observed in the 1st monitoring cycle, Hungary has an appropriate legislative framework for the teaching and study of minority languages in place. A class or study group teaching one of the 14 minority languages at one of the different stages of education must be set up by any municipality if (the parents of) at least eight pupils so request[15]. If users of dispersed languages cannot meet this requirement, Act LXXIX (1993) on Public Education (Article 86 paragraph 5) provides for "supplementary minority education", which is provided by the local school or by travelling teachers. Supplementary minority schools teach minority languages and ethnography within the public education system and receive the same public funding as schools teaching such languages as foreign languages (so-called language-teaching schools). Pupils are not required to study in addition to the normal school week. They may take exams and receive official reports.

Armenian

25. In the 2nd monitoring cycle, the Committee of Experts regretted that education in Armenian was limited to Sunday schools[16].

26. During the period under review, the Armenian national self-government has not applied for supplementary minority education. Therefore, Armenian continued to be taught outside the public education system[17]. As a consequence, teacher training has not been provided for. The Committee of Experts did not receive any further information on Armenian.

Romany and Beás

27. In the 1st monitoring cycle, the Committee of Experts noted in respect of higher education that only few courses were offered in Romology whilst there was almost no language education in Romany and none in Beás. This, together with an almost complete lack of textbooks, made it practically impossible to introduce education in these languages into the curriculum. The Committee of Experts

[13] see Annex 5 to the 3rd Periodical Report
[14] see 1st Report of the Committee of Experts, paragraph 25
[15] see 1st Report of the Committee of Experts, paragraph 26
[16] see 2nd Report of the Committee of Experts, paragraph 52
[17] see 3rd Periodical Report, p. 16

recommended intensified efforts in language planning and attempts to develop a viable model of bilingual education, in particular to train teachers, produce teaching materials and intensify activities in higher education[18].

28. In the 2nd monitoring cycle, the Committee of Experts urged the Hungarian authorities to intensify their initiatives to promote the codification of Romany and Beás, preferably in co-operation with other European states, take immediate measures to increase the supply of teaching in/of these languages at least in the lower grades and improve teacher training even while the codification process is underway[19].

29. During the same cycle, the Committee of Experts noted that many pupils using Romany and Beás were, due to their limited command of Hungarian, segregated in remedial classes and enrolled in schools for disabled children. The Committee of Experts therefore urged the Hungarian authorities to abolish "without delay" this enrolment practice, which was clearly incompatible with the spirit of the Charter[20].

30. As in the 2nd monitoring cycle[21], the Hungarian authorities did not report in a structured and comprehensive way on the implementation of this provision for Romany and Beás and, in addition, did not distinguish between the two languages, which makes it practically impossible for the Committee of Experts to come to a differentiated assessment. While being unclear as to what measures have been taken to codify Romany, the Hungarian authorities acknowledge that, after three monitoring cycles, the Charter remains largely inoperative with regard to Romany and Beás ("As the process of standardisation of [… Romany and Beás] advances, the demand arises to extend the undertakings assumed concerning the Charter to these languages as well"[22]). The growing demand for teaching (in) Romany and Beás cannot be satisfied as preparations are still underway for teacher training (e.g. at the University of Pécs), drawing up teaching requirements and producing teaching materials. Although, on the one hand, more than 100 practising teachers attended further training on the methodology of teaching Beás, Romany and ethnography, the authorities state, on the other hand, that only nine schools teach these languages two hours per week in six municipalities[23]. In the 2nd monitoring cycle, it was, however, said that "34 primary schools have initiated teaching Romany or Beás"[24]. Apart from an unknown number of kindergartens and the Gandhi Grammar School in Pécs, no educational establishments use Beás or Romany as a medium of instruction. The Committee of Experts thus asks the Hungarian authorities to indicate in the next periodical report the number, type and location of schools teaching in/of Beás or Romany (language teaching or medium of instruction).

The Committee of Experts strongly urges the Hungarian authorities to take immediate and resolute measures in language planning for Romany and Beás. The Hungarian authorities should, in particular, promote their codification, train more teachers who would be able to teach in these languages, actively encourage the teaching in/of Romany and Beás and produce the necessary teaching materials.

31. The Parliamentary Commissioner for the Rights of National and Ethnic Minorities informed the Committee of Experts that incorrect enrolment practices and segregation persist since the different cultural and linguistic background of the Romany and Beás users is not adequately taken into consideration during school admission examinations. In fact, the Hungarian authorities confirm the existence of a minimum of 800 segregated school classes for Romany and Beás users wrongfully qualified as disabled. As a result of a special funding programme for desegregation, integration and teacher training measures, the number of wrongfully classified pupils decreased by 12%, largely to the advantage of Romany and Beás users[25]. The Committee of Experts received positive feedback from users of Romany and Beás concerning the success of desegregation in the Baranya and encourages the Hungarian authorities to continue and intensify the measures they have taken.

[18] see 1st Report of the Committee of Experts, paragraphs 26, 34
[19] see 2nd Report of the Committee of Experts, paragraph 50
[20] see 2nd Report of the Committee of Experts, paragraphs 44, 46, 50
[21] see 2nd Report of the Committee of Experts, paragraph 41
[22] 3rd Periodical Report, p. 10
[23] see 3rd Periodical Report, p. 21-22
[24] Comments by the Government of the Republic of Hungary, 2nd Report of the Committee of Experts, p. 39
[25] see Addendum 1 to the 3rd Periodical Report, p. 3-4

Bulgarian

32. The Bulgarian-Hungarian Hristo Botev Primary and Secondary School in Budapest, partly funded by the Bulgarian state, teaches 60 to 70 pupils in Bulgarian. As not all users of Bulgarian meet the high linguistic admission requirements of this school, the minority self-government has established a supplementary minority school in Budapest. The production of textbooks for the different grades is underway.

33. The Committee of Experts requests the Hungarian authorities to clarify in the next periodical report whether teaching in or of Bulgarian exists at pre-school level, what levels of education are covered by the Bulgarian supplementary minority school in Budapest, how teacher training is organized and when textbooks for the different stages of education will be available.

Greek

34. In the 2nd monitoring cycle, the Committee of Experts felt that in addition to the assistance from Greece and Cyprus, "an effort could be made to include at least some classes" in Greek in the normal curriculum[26].

35. Meanwhile, the Greek National Self-Government has set up a supplementary minority school, which employs a guest teacher from Greece. Greek has also traditionally been taught in the Alfréd Hajós Primary School in Budapest as well as in the nursery and primary school of Beloiannisz. The production of textbooks for the different grades is underway.

36. The Committee of Experts requests the Hungarian authorities to clarify in the next periodical report whether teaching in or of Greek exists at secondary level, what stages of education are covered by the Greek supplementary minority school, how teacher training is organized and when textbooks for the different stages of education will be available.

Polish

37. Regarding Polish, the Committee of Experts found during the 1st and 2nd monitoring cycles that the Hungarian authorities should aim at an appropriate scheme of teaching in or of Polish at public rather than Sunday schools (see 1st Report of the Committee of Experts, paragraph 26; 2nd Report of the Committee of Experts, paragraphs 31-32).

38. The Committee of Experts is pleased to note that the Polish National Self-Government has integrated its Sunday schools into the public education system[27]. In 2004, 23 supplementary minority schools (six of them being in Budapest) were set up and use textbooks from Poland. The Ministry of Education assists the two-semester further training of teachers of Polish at the University of Katowice.

39. While noting with appreciation the progress that has been made, the Committee of Experts asks the Hungarian authorities to clarify in the next periodical report what levels of education are covered by the Polish supplementary minority schools, whether teacher training is also organized in Hungary and when textbooks for the different stages of education will be available.

Ruthenian

40. The Committee of Experts observed in the 1st monitoring cycle that education in Ruthenian, as in Polish, had to rely on Sunday schools and summer language camps[28].

41. In the 2nd monitoring cycle, Hungary was encouraged to develop forms of teaching of Ruthenian and in Ruthenian which would be part of the normal curriculum [and] to take urgent measures to support teacher training, the updating of textbooks and the drawing up of a modern Ruthenian grammar[29].

42. With regard to the 3rd monitoring cycle, Ruthenian is currently taught in one kindergarten, two primary schools (in Múcsony and Komlóska, four hours weekly) and one supplementary minority school (Sátoraljaújhely). While no secondary schools teach Ruthenian, the Committee of Experts

[26] see 2nd Report of the Committee of Experts, paragraph 52
[27] see 3rd Periodical Report, p. 22
[28] see 1st Report of the Committee of Experts, paragraph 26
[29] 2nd Report of the Committee of Experts, paragraph 27

welcomes the introduction of education in Ruthenian to the primary school of Komlóska[30]. Pupils use textbooks from Slovakia or materials prepared by the teachers. As the threshold for teacher training at the University of Nyíregyháza (at least ten students) cannot be reached (only two language teacher students at present), such training takes place in Novi Sad (Serbia) and Prešov (Slovakia).

43. While noting with appreciation the progress that has been made, the Committee of Experts urges the Hungarian authorities to start education in and/or of Ruthenian in at least one secondary school, provide for adequate teacher training and guarantee the supply of suitable textbooks.

Ukrainian

44. In the 2nd monitoring cycle, the Committee of Experts expressed its concern regarding the restriction of education in Ukrainian to Sunday schools[31].

45. In contrast to the users of Bulgarian and Polish, the Ukrainian National Self-Government intends to continue running Sunday schools teaching literature, history and ethnography in Ukrainian. During the on-the-spot visit, the organisation underlined the long tradition of this education model and maintained that the dispersion of the users of Ukrainian would make public pre-school or supplementary minority education impossible.

"g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;"

46. This provision aims on the one hand at persons who have no cultural link with a regional or minority language (speakers of the state language or other regional or minority languages as well as immigrants) and, on the other hand, at persons who do have such links, but not the ability to use that language. Referring to Romany and Beás, the Committee of Experts underlined in the 2nd monitoring cycle that the Charter would also apply to assimilated persons who do not use a minority language as integration should not lead to a loss of language and cultural identity in order to be compatible with the spirit of the Charter[32]. It is noteworthy in this context that the census of 2001 differentiated between four categories of "minority affiliation" (mother-tongue speakers, family speakers, minority affiliation, affiliation to cultural values and traditions of the minority).

47. In the 1st and 2nd monitoring cycles, the Committee of Experts noted that it was legally possible for anybody to set up and attend minority language classes, but this possibility was not actively encouraged in practice. In the absence of special facilities for non-speakers, it was unclear whether, for example, financial problems of a minority language school could hamper the satisfaction of demand from non-speakers. As "no developments [had] occurred", Hungary was urged to take measures[33].

48. According to the information obtained from users of minority languages during the on-the-spot visit, non-speakers are admitted into schools teaching a minority language and there seem to be no capacity problems.

"h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;"

49. All minority languages except for Armenian have their own research institutes. The Research Institute of Ethnic and National Minorities of the Hungarian Academy of Sciences also carries out research on these languages[34]. The Committee of Experts received no information as to whether it is possible to study Armenian, Bulgarian, Greek, Polish and Ukrainian in Hungary.

50. The Committee of Experts did not receive sufficient information to conclude what measures have been taken to implement its recommendation to intensify study and research on Romany and Beás and increase the funding for this purpose[35].

[30] see 3rd Periodical Report, p. 22
[31] see 2nd Report of the Committee of Experts, paragraph 52
[32] see 2nd Report of the Committee of Experts, paragraphs 43, 49
[33] see 1st Report of the Committee of Experts, paragraph 27, 2nd Report of the Committee of Experts, paragraphs 28, 38
[34] see 3rd Periodical Report, p. 28
[35] see 1st Report of the Committee of Experts, paragraph 28

51. The Committee of Experts recommended that major problems of Ruthenian education, for example the drawing up of a modern grammar, be addressed in the context of higher education[36]. However, it is not clear whether Ruthenian can be studied in practice in Hungary, for instance at the University of Nyíregyháza, or whether this is only possible abroad.

52. The Committee of Experts encourages the Hungarian authorities to promote the study of Ruthenian at least at one university or equivalent institution in Hungary and requests them to clarify in the next periodical report whether Armenian, Beás, Bulgarian, Greek, Polish, Romany and Ukrainian can be studied in Hungary.

"i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States."

53. According to the information obtained in the 1st and 2nd monitoring cycles, relevant initiatives have been taken. However, no concrete examples have been provided in the 3rd monitoring round. The Committee of Experts asks the Hungarian authorities to provide more specific information in the next periodical report of how the use of each of the languages covered only by Part II of the Charter is facilitated and/or encouraged in transnational exchanges.

"Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages."

54. The Committee of Experts stated in the 1st and 2nd monitoring cycles that Hungarian legislation did not contain any provision creating an unjustified distinction, exclusion, restriction or preference relating to the use of a minority language[37].

55. There is no indication that legislation adopted during the 3rd monitoring cycle[38] contains discriminatory provisions. The Committee of Experts did not receive any information (other than in relation to Romany and Beás) which would lead it to suspect that there exists in practice any unjustified distinction, exclusion, restriction or preference concerning minority language use in Hungary. The Committee of Experts rather takes note of Act CXXV (2003) on Equal Treatment and the Promotion of Equal Opportunities. The act provides for a prohibition of direct and indirect discrimination of persons and groups in the public and the private sector and sets up an Agency of Equal Opportunities where complaints can be filed. The Committee of Experts notes that, in general, this act seems to strengthen the legal position of minority language users.

56. There is evidence of discrimination against the Roma in Hungary which also involves discrimination against the use of the Romany and Beás languages. The Committee of Experts notes with appreciation that the Hungarian authorities continue their "considerable efforts in combating [the social and economic] discrimination"[39] of the Roma. For example, the Ministry of Justice has, in co-operation with the national minority self-government of the Roma, extended a countrywide network of offices whose task it is to reveal cases of discrimination against the Roma and to give legal advice free of charge[40].

[36] see 2nd Report of the Committee of Experts, paragraph 29
[37] see 1st Report of the Committee of Experts, paragraph 30; 2nd Report of the Committee of Experts, paragraph 22
[38] see 3rd Periodical Report, p. 14
[39] 1st Report of the Committee of Experts, paragraph 30
[40] see Addendum 1 to the 3rd Periodical Report, p. 5

"Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective."

57. In the 1st and 2nd monitoring cycles, the Committee of Experts found that Hungary's National Basic Curriculum and media guidelines advocate respect, understanding and tolerance for the users of minority languages and their cultures.[41]

58. The Committee of Experts welcomes further initiatives such as the creation of the post of an Ombudsman for Equal Opportunities in Hungarian Television (*Magyar Televízió*) with a view to ensuring that television reporting does not refer to ethnic affiliation without the consent of the person concerned. According to what the incumbent, who is a minority language user, told the Committee of Experts during the on-the-spot visit, the Roma benefit most from his interventions. It remains nonetheless to be seen whether the ombudsman will be able to increase the proportion of topics related to minority languages in *Magyar Televízió*'s programme[42].

59. As part of the governmental programme, the Hungarian authorities have implemented a project aiming at the improvement of relations, communication and co-operation between the Roma and the rest of the Hungarian population. Moreover, they have also included further anti-discriminatory aspects in the curricula for the training of police officers and launched a comprehensive communication strategy to improve relations with the Roma[43].

"Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages."

60. As expressed by the Committee of Experts in the 1st and 2nd monitoring cycles, minority self-governance guarantees the participation of minority language users in the formulation of relevant policies.[44] In addition, many relevant posts in authorities of central, county and local government are held by users of such languages (e.g. the Parliamentary Commissioner for the Rights of National and Ethnic Minorities).

61. In 2003, the Hungarian government set up a council to advise the Prime Minister on affairs pertaining to the Roma, who are directly represented. The Committee of Experts welcomes the establishment of this council and hopes that it will be a step forward towards taking the needs and wishes of the Romany and Beás users into consideration. It encourages the members of the council to also bring linguistic matters to the government's attention.

"Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

62. In its appreciation of the situation of Armenian, Beás, Bulgarian, Greek, Romany and Ukrainian vis-à-vis Article 7 paragraphs 1-4 of the Charter, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis*.

[41] see 1st Report of the Committee of Experts, paragraph 31; 2nd Report of the Committee of Experts, paragraph 22
[42] as suggested in the 3rd Periodical Report, p. 48
[43] see Addendum 1 to the 3rd Periodical Report, p. 2, 7
[44] see 1st Report of the Committee of Experts, paragraph 32; 2nd Report of the Committee of Experts, paragraph 22

2.2 The Committee of Experts' evaluation in respect of Part III of the Charter

63. Hungary applies the provisions it has chosen under Part III of the Charter (quoted in bold italics) to Croatian, German, Romanian, Serbian, Slovak and Slovenian on the whole territory of the state.

64. Following the focused approach which was explained above (see paragraph 5), the Committee of Experts will concentrate on the provisions of Part III in relation to which a number of issues were raised in its 1st report. It will evaluate in particular how the Hungarian authorities have reacted to the observations made by the Committee of Experts in the 1st monitoring round. In the present report, the Committee of Experts will proceed by recalling each time the key elements of each issue, and by referring to the paragraphs of the first report containing the details of its reasoning, before evaluating how the Hungarian authorities have reacted.

65. Consequently, for the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. These provisions are listed below.

Article 8 paragraph 2;
Article 9 paragraph 1 sub-paragraph a. iii and paragraph 2 sub-paragraph a.;
Article 10 paragraph 2 sub-paragraph b;
Article 11 paragraph 1 sub-paragraph e. i. and paragraph 3;
Article 12 paragraph 1 sub-paragraphs b. and f. as well as paragraph 2;
Article 13 paragraph 1 sub-paragraph a.
Article 14 a.

66. In this respect the Committee of Experts therefore refers to the conclusions reached in its 2nd report[45], but it reserves the right to evaluate the situation again at a later stage.

Article 8 – Education

General issues

67. There are three types of minority language education: "mother-tongue schools" where the minority language is the language of instruction and Hungarian language and literature is taught as a subject, "bilingual schools" teaching a substantial part (at least 50%) in a minority language and "language-teaching schools", which are regular schools using Hungarian as the medium of instruction while teaching a minority language and its literature as an integral part of the curriculum (four hours [five for German] and one hour of ethnography per week).

68. At present, eight schools (one teaching in Croatian, six in German, one in Slovak) are run by minority self-governments, which consider them as beacon institutions responsible for the training of future promoters of the minority language. In the course of the reporting period, the German National Self-Government has set up a boarding school and taken over two schools while the Slovak National Self-Government has taken over one school.[46] As a result of the structural underfunding of all schools in Hungary, take-overs have for the time being come to an end.

69. In addition to the funding available for all schools in Hungary, application-based assistance is granted to schools teaching in minority languages. Since this assistance is not earmarked, it is mainly used to finance the current cost of schools and in some cases also to refurbish school buildings. In order to encourage the establishment of minority language schools, mother-tongue and bilingual schools receive 70% more funding than language-teaching schools. A separate budget line assists the running of schools that have been taken over or set up by minority self-governments. Such institutions are, however, expected to assume additional "beacon responsibilities" (cultural activities, exchanges), which absorb a substantial part of the extra funding they receive. Until 2006, small minority language schools in danger of closure or merger received 200% of the ordinary "small municipalities normative

[45] see the fulfilment assessment in the 2nd Report of the Committee of Experts, paragraphs 55; 87; 95-97
[46] see 3rd Periodical Report, p. 30

funding" granted to schools in small municipalities. However, the Committee of Experts was informed that the lack of permanence of the special funding creates a constant insecure situation and makes long-term planning difficult.

70. The Ministry of Education has – in co-operation with the national minority self-governments – come up with a Medium-Term [10 years] Development Programme for Mother-Tongue Education with a view to promoting the transfer of public education institutions to minority self-governments, establishing mother-tongue schools, ensuring the further training of teachers and financing the mother-tongue textbook development programmes. In response to the "great gap" in the supply of textbooks, which the Hungarian authorities are obliged to produce or import if a local minority self-government so demands, a separate budget line was introduced[47]. The national minority self-governments welcomed the programme as an important step to improve predictability.

The Committee of Experts encourages the Hungarian authorities to continue their measures to improve the financial situation of education in minority languages at all stages of education and to enable the minority self-governments to take over or establish further mother-tongue or bilingual schools. In addition, the Committee of Experts encourages the Hungarian authorities to review, in co-operation with the users of minority languages, the application-based funding system with a view to securing a stable provision for minority language education and preventing misuse, e.g. through earmarked funding.

"Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

"a.i. to make available pre-school education in the relevant regional or minority languages; or

a.ii. to make available a substantial part of pre-school education in the relevant regional or minority languages; or

a.iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

a.iv. if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above."

71. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this provision fulfilled for all languages, but noted the scarce funding of kindergartens[48].

72. In pre-school education in minority languages, bilingual kindergartens predominate over mother-tongue pre-schools: Croatian (10.3% of the children enrolled in mother tongue, 89.7% in bilingual pre-schools), German (1.2/98.8%), Romanian (22/78%), Serbian (42/58%), Slovak (7/93%) and Slovenian (0/100%). The financial situation further deteriorated in 2006 when pre-schools in municipalities with a population of 3,001-3,500 were excluded from the additional funding for teaching in minority languages[49].

73. The Committee of Experts expresses great regret at the aggravation of the financial situation of pre-schools. It agrees that language revitalization takes place in kindergartens[50] and, as kindergarten teaching in minority languages can easily be organized (no need for subject teachers), urges the

[47] see 3rd Periodical Report, p. 31
[48] see 1st Report of the Committee of Experts, paragraph 35; 2nd Report of the Committee of Experts, paragraph 59
[49] see 3rd Periodical Report, p. 29
[50] see 3rd Periodical Report, p. 8

Hungarian authorities to actively promote the establishment of further mother-tongue kindergartens, in particular for Croatian, German and Slovak.

74. The Committee of Experts points to the negative effects for regional or minority languages caused by the change in the financial situation presented above and considers this undertaking partly fulfilled .

> *"b.i. to make available primary education in the relevant regional or minority languages; or*
>
> *b.ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
>
> *b.iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
>
> ***b. iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient."***

75. In the 1st monitoring cycle, the Committee of Experts considered this undertaking fulfilled for all languages. The choice of models varied from language to language, but mother-tongue and bilingual primary schools were underrepresented compared to language-teaching schools. The Committee of Experts encouraged the Hungarian authorities to transfer more schools to minority self-governments[51].

76. As the ratio of mother-tongue/bilingual schools and language-teaching schools had not improved in the 2nd monitoring cycle and demand from users of German, Slovak and Slovenian for primary education in mother-tongue or bilingual schools could not be satisfied, the Committee of Experts revised its assessment and concluded that the undertaking was only partly fulfilled. It encouraged the Hungarian authorities to start developing forms of bilingual education on a more systematic scale. The situation was worsened by the population decline in small municipalities and the consequent closing or merging of primary schools. The small municipalities' normative funding could not reverse the trend, and the Committee of Experts did not note any serious efforts to organise commuting for former pupils of closed or merged schools[52].

77. The Hungarian authorities acknowledge that "the vast majority" of primary schools still provide only language teaching while, "from the point of view of the transmittal of the language and culture", bilingual education would be "much more efficient"[53]. As a result of the preferential funding of mother-tongue and bilingual education, two primary schools teaching Croatian changed from the language-teaching model to bilingual education. In sum, however, the Committee of Experts considers the share of pupils enrolled in language-teaching instead of bilingual or mother-tongue schools still far too high, notably in the cases of Croatian (71.8%), German (88%) and Slovak (79.9%). Also, primary education *in* German, Romanian, Slovak and Slovenian is almost or completely non-existent:

	Mother-tongue schools	Bilingual schools	Language-teaching schools	Schools total	Pupils total
Croatian	14.1%	14.1%	71.8%	31	2,359
German	0.6%	11.4%	88%	305	47,300
Romanian	-	59.4%	40.6%	12	1,014
Serbian	40.3%	25.1%	34.6%	7	211
Slovak	1.6%	18.5%	79.9%	58	4,731
Slovenian	-	-	100%	3	96
Pupils total	801	7,255	47,237	416	55,711

78. As far as transport is concerned, it was confirmed during the on-the-spot visit that local initiatives organize commuting for former pupils of closed or merged schools. In addition, the Hungarian authorities bought minibuses to maintain the transportation to rural schools.

[51] see 1st Report of the Committee of Experts, paragraphs 37-38
[52] see 2nd Report of the Committee of Experts, paragraphs 56-57, 61-63
[53] 3rd Periodical Report, p. 30

79. The Committee of Experts considers the undertaking partly fulfilled.

The Committee of Experts urges the Hungarian authorities to actively promote the provision of more bilingual primary schools and mother-tongue schools according to the situation of each minority language.

"c.i. *to make available secondary education in the relevant regional or minority languages; or*

c.ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or

c.iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

c. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient."

80. Although there existed secondary schools teaching (in) all languages concerned, the Committee of Experts concluded in the 1st monitoring cycle that the obligation was only partly fulfilled, with the need to offer more viable opportunities for secondary education in minority languages[54]. In particular, the Committee of Experts observed a lack of teachers and finance and found accordingly that the demands of parents to set up a class or a study group in a minority language frequently remained unfulfilled. It was recommended that the Hungarian authorities should offer more decentralised opportunities for secondary education in minority languages, at least in the form of supplementary courses.

81. In the 2nd monitoring cycle, the Committee of Experts observed no improvements and expressed its particular concern about the lack of improvements regarding ordinary secondary schools. As a result, the Committee of Experts encouraged the Hungarian authorities to provide forms of bilingual education in ordinary secondary schools (other than the minority secondary schools) and to address the issue of transport or accommodation for both the existing minority secondary schools and those in which forms of complementary education, possibly bilingual, could be developed (2nd Report of the Committee of Experts, paragraph 65). The undertaking remained partly fulfilled for all languages.

82. In the current monitoring cycle, the total number of pupils enrolled in mother-tongue or bilingual secondary schools remains insufficient to cater for an effective transmission of Croatian (188 pupils), German (1,673), Romanian (201), Serbian (99), Slovak (107) and Slovenian (0; see 3rd Periodical Report, p. 33). The Committee of Experts is also not aware whether more ordinary secondary schools have been entrusted with teaching minority languages. Although the organization of transport for pupils does not work ideally everywhere, most pupils are enabled to continue their education in minority languages.

83. The Committee of Experts still considers this undertaking partly fulfilled.

The Committee of Experts urges the Hungarian authorities to actively promote the provision of more bilingual secondary schools and mother-tongue schools according to the situation of each minority language.

"d.i. to make available technical and vocational education in the relevant regional or minority languages; or

d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

[54] 1st Report of the Committee of Experts, paragraph 39

d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

d. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient."

84. In the 1st monitoring cycle, the undertaking was deemed to be partly fulfilled for all languages. Both the Hungarian authorities and the Committee of Experts agreed that vocational training in or of minority languages was at an experimental stage in the case of German and Slovak and non-existent for Croatian, Romanian, Serbian and Slovenian, which were not even taught as second languages[55].

85. In the 2nd monitoring cycle, the Committee of Experts noted slight improvements for German (three schools) and Slovak (one school), but also the absence of vocational training opportunities for Croatian, Romanian, Serbian and Slovenian. Most pupils who had previously attended bilingual or mother-tongue schools were unable to continue at the level of vocational training. The undertaking was thus considered partly fulfilled for German and Slovak and not fulfilled for Croatian, Romanian, Serbian and Slovenian. The Committee of Experts encouraged the Hungarian authorities to substantially increase the offer of vocational training in the minority languages or at least the teaching of such languages as an integral part of the curriculum in vocational schools for all the languages concerned by Part III of the Charter[56].

86. In the present monitoring cycle, following the amendment of the guidelines for minority language education, the three models can be applied to technical and vocational training. While welcoming improvements for Croatian, the Committee of Experts observes that the practical implementation remains by and large unsatisfactory and asymmetrical in the light of the numerical strength of the linguistic groups: Croatian (14,789 users) is taught in two schools (19 pupils), German (52,912 users) and Slovak (18,057 users) in one school each (129 and 17 pupils respectively[57]).

87. The Committee of Experts considers this undertaking partly fulfilled for German, Slovak and Croatian and not fulfilled for Romanian, Serbian and Slovenian.

The Committee of Experts urges the Hungarian authorities to establish and/or increase in technical and vocational training the offer of teaching of the Part III languages as an integral part of the curriculum, in accordance with the situation of each language.

"e.i. to make available university and other higher education in regional or minority languages; or

e.ii. to provide facilities for the study of these languages as university and higher education subjects; or

e.iii. if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects."

88. In the 1st monitoring cycle, the Committee of Experts was of the opinion that provision e. ii would correspond better to the Hungarian system of state-run universities than the provision actually chosen (e. iii.). In general, the studying of most minority languages concerned as languages and/or as subjects of linguistic studies was possible at universities and teacher-training colleges. Treaties with several European states, scholarships for full-time or part-time study and Ph.D. programmes, as well as facilitated procedures for the recognition of foreign qualifications, further guaranteed the studying of such languages. The Committee of Experts considered this undertaking fulfilled for all languages[58].

[55] see 1st Report of the Committee of Experts, paragraph 40
[56] see 2nd Report of the Committee of Experts, paragraphs 67-68
[57] see 3rd Periodical Report, p. 33
[58] see 1st Report of the Committee of Experts, paragraph 41

89. While the Committee of Experts had received complaints about a lack of technical terminology in minority languages, the undertaking remained on the whole fulfilled in the 2nd monitoring cycle[59].

90. In the course of the 3rd monitoring cycle, the Hungarian authorities assisted teacher training in terminology for special purposes (a minimum of 80 hours per semester). In addition to the possibility of studying minority languages abroad[60], German can be studied at the (entirely German-speaking) Andrássy Gyula Deutschsprachige Universität Budapest, which was set up by Hungary, Austria and the German *Länder* of Bavaria and Baden-Württemberg in 2001.

91. The Committee of Experts considers this undertaking fulfilled.

> *"f.i. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
>
> *f.ii. to offer such languages as subjects of adult and continuing education; or*
>
> ***f.iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education."***

92. In the 1st monitoring cycle, the Committee of Experts noted that there was no comprehensive scheme of adult and continuing education in minority languages. On the other hand, the minority self-governments had, with financial assistance from the Hungarian authorities, developed various programmes of adult education in their languages[61]. The Committee of Experts could not conclude on this undertaking due to a lack of information.

93. In the 2nd monitoring cycle, due to a lack of information regarding the practical implementation of the legislative framework, the Committee of Experts was still not in a position to come to a conclusion and invited the Hungarian authorities to report in more detail in the following periodical report[62].

94. The 3rd periodical report states that adult education is organised outside the education system and that, therefore, the results cannot be assessed. The local minority self-governments or related organisations continue to organise language training notably for persons feeling culturally affiliated to a linguistic group whose language they speak insufficiently or not at all. In the course of the period under review, the Hungarian authorities granted assistance for a few courses in Croatian, German, Romanian and Slovak[63], but no such courses were provided in Serbian and Slovenian.

95. The Committee of Experts considers this undertaking partly fulfilled for Croatian, German, Romanian and Slovak and not fulfilled for Serbian and Slovenian and encourages the Hungarian authorities to support courses in Serbian and Slovenian. It also wishes to stress the importance of adult and continuing education for the "'relearning' of the mother-tongue"[64] and for the improvement of existing skills in minority languages. Adult education could, for example, help develop the writing skills of those speaking "an archaic idiom"[65] and feeling reluctant to submit applications drafted in the standard language to authorities according to Articles 9 and 10 of the Charter.

The Committee of Experts encourages the Hungarian authorities to develop and finance an adequate framework for adult and continuing education in minority languages and to actively promote such education.

[59] see 2nd Report of the Committee of Experts, paragraph 71
[60] see 3rd Periodical Report, p. 34-35
[61] see 1st Report of the Committee of Experts, paragraph 42
[62] see 2nd Report of the Committee of Experts, paragraph 74
[63] see 3rd Periodical Report, p. 35
[64] see 3rd Periodical Report, p. 8
[65] see 3rd Periodical Report, p. 43

"g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language."

96. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages[66].

97. Several regulations on public education contain provisions on the teaching of the history and the culture of the users of minority languages. Relevant knowledge is assessed during the secondary school-leaving examinations[67]. However, the Committee of Experts received complaints from minority language users that there is widespread lack of awareness of the culture reflected by the minority languages.

98. The Committee of Experts nevertheless considers this undertaking fulfilled. It encourages the Hungarian authorities to provide more comprehensive information on the issue in the next periodical report.

"h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party."

99. In the 1st monitoring cycle, the Committee of Experts was of the opinion that, in general, Hungary fulfilled the undertaking for all languages. Teacher training was offered at independent departments or departmental units of universities and teacher training colleges, which also conducted teacher refreshment courses in language and language teaching methodology. Nevertheless, minority language users considered the quantity and quality of teacher training insufficient to implement the provisions under Article 8 of the Charter. The Committee of Experts encouraged the Hungarian authorities to intensify their efforts in teacher training, by developing a comprehensive scheme of teacher training colleges that educate in the minority languages, as well as by upgrading the quality of such training[68].

100. During the 2nd monitoring cycle, the undertaking was considered partly fulfilled for all languages. The Committee of Experts pointed to a lack of teacher trainers as well as financial problems. It remained unclear how many teachers had been trained and how many had taken up their duties. In sum, the Committee of Experts encouraged the Hungarian authorities to intensify their efforts in the field of teacher training, in particular with a view to increasing the number of teachers who would be able to teach also in a minority language[69].

101. At present, teacher training for kindergartens, primary and secondary schools is carried out by 21 departments at ten higher educational institutions. In consequence of the small number of students and the disproportionate cost related to some of the languages, Hungary has made agreements with other states for the training of teachers and employment of guest professors with regard to these languages. The authorities informed the Committee of Experts that these agreements have produced positive results[70]. The Hungarian authorities acknowledge a lack of teachers teaching subjects through regional or minority languages (e.g. German-speaking history teachers) and have started relevant (in-service) training at teacher training institutions.

102. The Committee of Experts considers this undertaking only partly fulfilled and asks the Hungarian authorities to clarify in the next periodical report how many teachers have been trained and how many have taken up their duties.

The Committee of Experts urges the Hungarian authorities to take resolute steps with a view to increasing the number of teachers who are able to teach subjects in minority languages.

[66] see 1st/2nd Reports of the Committee of Experts, paragraphs 43/55
[67] see 3rd Periodical Report, p. 36
[68] 1st Report of the Committee of Experts, paragraph 44
[69] see 2nd Report of the Committee of Experts, paragraphs 76-78
[70] 3rd Periodical Report, p. 37

"i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.".

103. In the 2nd monitoring cycle, the Committee of Experts observed that there existed neither a "body which performs the specific tasks envisaged in this undertaking", nor was it aware of any periodic report. The undertaking was considered not fulfilled[71].

104. Regrettably, no progress has been made[72]. The Hungarian authorities admitted to the Committee of Experts during the on-the-spot visit that the absence of a supervisory body as required by the Charter makes it difficult to assess the quality of education and to control how the funding devoted to teaching (in) minority languages is actually spent.

105. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the Hungarian authorities to establish a dedicated mechanism for monitoring the measures taken and progress achieved in the teaching of Part III languages, and for producing periodical public reports.

Article 9 – Judicial authorities

General issues

106. The Committee of Ministers recommended in the previous monitoring round for Hungary to identify the territories in which the number of speakers justifies the effective implementation of Article 9 and to take positive measures to encourage the use regional or minority languages in judicial proceedings (e.g. recruitment of staff speaking the respective language). The Hungarian authorities were also encouraged to carry out a preliminary study aimed at identifying such areas[73]. However, Hungary has not yet defined the judicial districts referred to in the Committee of Ministers' Recommendation.

The Committee of Experts strongly urges the Hungarian authorities, without minimizing the existing linguistic rights applying to the whole territory of Hungary, to specify those judicial districts in which the number of residents using the minority languages justifies organisational measures to implement the obligations under Article 9 of the Charter.

107. The Hungarian authorities underlined during the on-the-spot visit that there is practically no demand for the use of minority languages before judicial authorities. The Committee of Experts points out that this obligation is not demand-led. In particular, the Committee of Experts is of the opinion that for Article 9 to be effectively fulfilled, a legal framework allowing the use of regional or minority languages before judicial authorities should be accompanied by arrangements in organisation designed to counterbalance practical obstacles, in the sense of organisational measures enabling judicial authorities to deal with communications in regional or minority languages and making the potentially interested parties aware of these facilities[74]. Therefore the Committee of Experts disagrees with the view expressed by the Hungarian authorities that it is discriminatory to inform persons appearing before judicial authorities of their right to use a minority language. Rather than surmising the "linguistic affiliation" of a person in advance, judicial staff could provide the relevant information in a general way and, moreover, encourage the use of minority languages through bi- or multilingual notices and signs in/on court buildings, and information in public announcements or court forms.

[71] see 2nd Report of the Committee of Experts, paragraph 80
[72] see 3rd Periodical Report, p. 38-39
[73] 2nd Report of the Committee of Experts, p. 31, finding E
[74] see e.g. 2nd Report of the Committee of Experts on Germany, paragraph 208

The Committee of Experts strongly urges the Hungarian authorities to actively inform citizens about the possibility to use a minority language in courts.

"Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

Criminal proceedings

"a. ii. to guarantee the accused the right to use his/her regional or minority language."

108. In the 1st monitoring cycle, the Committee of Experts observed that the unclear wording of Section 8 paragraph 1 of Act I (1973) on Criminal Procedure ("lack of command of the Hungarian language") could be interpreted in such a way that judges qualified minority language users who are usually able to speak Hungarian as not falling under this clause. Similarly, the law stipulated that the state would only bear interpretation "costs arising from the inability of the accused to understand Hungarian" (Section 218 paragraph 1). The Committee of Experts encouraged the Hungarian authorities to modify Section 8 of the Act on Criminal Procedure so as to remove any uncertainty as to the possibility to use a minority language before the courts[75].

109. In the 2nd monitoring cycle, Hungary implemented this recommendation. Section 9 paragraph 2 of Act I (2002) amending the new Act XIX (1998) on Criminal Procedure provided that "in criminal proceedings, everyone may use, both in oral and in writing, their own mother tongue or a regional or minority language specified by an international treaty (…)" Furthermore, Section 114 laid down that "during the proceedings, an interpreter shall be employed if the person whose mother tongue is other than the Hungarian language wishes to use his/her own mother tongue or regional or minority language (…)" Finally, Section 339 paragraph 2 stipulated that translation and interpretation costs shall be borne by the state if they relate to the use of a regional or minority language. In the light of these changes, the Committee of Experts encouraged the Hungarian authorities to provide further examples, in the third periodical report, of the concrete implementation. Meanwhile, the undertaking was deemed to be partly fulfilled for all languages[76].

110. In the current monitoring cycle, the Hungarian authorities state that in the reporting period no request for the use of a relevant language in criminal proceedings was made (see 3rd Periodical Report, p. 40).

111. The Committee of Experts considers this undertaking therefore only formally fulfilled and urges the Hungarian authorities to take appropriate measures, such as those outlined above, so that the undertaking is implemented in practice (see para. 107 above).

"a.iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language."

112. This undertaking was considered partly fulfilled for all languages in the 1st monitoring cycle[77].

113. In the 2nd monitoring cycle, the undertaking was considered fulfilled for all languages[78]. Act XIX (1998) on Criminal Procedure required the court, the prosecutor's office or the investigation authority

[75] see 1st Report of the Committee of Experts, paragraphs 45-46
[76] see 2nd Report of the Committee of Experts, paragraphs 85-86
[77] see 1st Report of the Committee of Experts, paragraph 48
[78] see 2nd Report of the Committee of Experts, paragraph 88

to translate the relevant parts of the indictment[79], the decision and all other official documents[80] into the given minority language and to provide for interpretation. The costs were borne by the state[81].

114. However, the degree of practical implementation in the 3rd monitoring cycle is unclear[82].

115. The Committee of Experts considers this undertaking formally fulfilled and encourages the Hungarian authorities to provide more information on the practical implementation of this undertaking in the next periodical report.

Civil proceedings

"b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense."

116. During the 1st monitoring cycle, the Committee of Experts took note that, as a result of the amendment of Act III (1952) on Civil Procedure[83] by Act CX (1999) on Civil Procedure[84], it became guaranteed that "in judicial proceedings, within the scope defined by international treaties, everybody is entitled to use his or her mother tongue, or regional or minority language"[85]. The court provided for interpretation if the judge had no satisfactory command of the regional or minority language used by the litigant or a witness. Expenses had to be borne by the state[86]. The Committee of Experts concluded that the undertaking was formally fulfilled for all languages[87].

117. The Committee of Experts stated in the 2nd monitoring cycle that these legislative changes had formally fulfilled the undertaking for all languages and, accordingly, encouraged the Hungarian authorities to provide examples, in the 3rd periodical report, of its practical implementation[88].

118. During the on-the-spot visit, the Slovak and Slovenian national self-governments confirmed the implementation of this undertaking for the languages they represent. In addition, the Hungarian authorities state that county courts in multilingual areas employ persons speaking Croatian, German and Romanian and encourage staff by means of salary incentives and compensatory leave to learn minority languages[89]. However, the Committee of Experts has not been informed of the practical use of these languages.

119. The Committee of Experts considers this undertaking fulfilled for Slovak and Slovenian and formally fulfilled for Croatian, German, Romanian and Serbian. It encourages the Hungarian authorities to provide examples, in the next periodical report, of the practical implementation of this undertaking.

"b.iii. to allow documents and evidence to be produced in the regional or minority language."

120. In the 1st monitoring cycle, the Committee of Experts concluded that the undertaking was fulfilled for all languages[90].

121. In the 2nd monitoring cycle, the Committee of Experts found that, in the absence of practical examples, this undertaking was only formally fulfilled and encouraged the Hungarian authorities to provide examples in the 3rd periodical report (see the identical recommendation on sub-paragraph b.ii.[91]).

[79] Section 219 paragraph 3
[80] Section 9 paragraph 3
[81] Section 339 paragraph 2
[82] see 3rd Periodical Report, p. 40
[83] Section 8 paragraphs 1-2
[84] Section 6 paragraphs 1-3
[85] Section 6 paragraph 2
[86] Section 78 paragraph 4
[87] see 1st Report of the Committee of Experts, paragraph 49
[88] see 2nd Report of the Committee of Experts, paragraph 91
[89] see 3rd Periodical Report, p. 41
[90] see 1st Report of the Committee of Experts, paragraph 50
[91] 2nd Report of the Committee of Experts, paragraph 91

122. The 3rd periodical report, however, does not deal with this undertaking. The Committee of Experts has also not received any information from other sources about the implementation of this undertaking in the present monitoring round.

123. Therefore, the Committee of Experts considers this undertaking still only formally fulfilled and encourages the Hungarian authorities to deal with sub-paragraph b.iii. separately in the next periodical report and to elaborate on its practical implementation.

Proceedings before courts concerning administrative matters

> ***"c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense."***

124. The Hungarian authorities clarified in the 1st monitoring cycle that Act III (1952) on Civil Procedure (Section 20) as amended by Act CX (1999) and the general rules of civil procedure also applied to legal proceedings on administrative matters[92].

125. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking only formally fulfilled for all languages as it had not received any evidence regarding its practical implementation. It encouraged the Hungarian authorities to provide examples in the 3rd periodical report[93].

126. However, the 3rd periodical report does not contain any relevant information. The Committee of Experts has also not received any information from other sources about the implementation of this undertaking in the present monitoring round.

127. The Committee of Experts thus considers this undertaking still only formally fulfilled and urges the Hungarian authorities to provide examples, in the next periodical report, of the concrete implementation.

> ***"c. iii. in proceedings before courts concerning administrative matters: to allow documents and evidence to be produced in the regional or minority languages."***

128. The Committee of Experts noted in the 1st monitoring cycle that it had no relevant information at its disposal and was thus not in a position to come to a conclusion[94].

129. In the 2nd monitoring cycle, the Committee of Experts made the same observations as in the case of sub-paragraph c.ii. and considered this undertaking formally fulfilled for all languages[95].

130. The 3rd periodical report does not deal with the practical implementation of sub-paragraph c.iii.[96].

131. Consequently, the Committee of Experts considers this undertaking formally fulfilled and urges the Hungarian authorities to provide examples, in the next periodical report, of the concrete implementation.

Article 10 – Administrative authorities and public services

General issues

132. The Hungarian authorities have carried out two surveys in the multilingual Baranya and Szabolcs-Szatmár-Bereg counties. According to these surveys, the administrative use of the minority languages is possible in less than 25% of the local authorities on whose territory local minority self-

[92] see the Hungarian authorities' Comments to the 1st Report of the Committee of Experts, p. 43 in conjunction with paragraph 51
[93] see 2nd Report of the Committee of Experts, paragraph 93
[94] see 1st Report of the Committee of Experts, paragraph 52
[95] see 2nd Report of the Committee of Experts, paragraph 93
[96] see 3rd Periodical Report, p. 41

governments are active. Despite slight improvements, the lack of linguistically skilled staff remains "the biggest obstacle". However, the Committee of Experts disagrees with the Hungarian authorities' assessment that this represents "a problem to which most likely a solution can be found in only a very few cases"[97]. On the contrary, it considers that a definition of the territorial application of Article 10 of the Charter as recommended by the Committee of Ministers would enable focused language-related recruitment and training efforts.

133. In fact, Hungarian legislation already distinguishes between the general right to use a minority language in relations with administrative authorities, which applies anywhere in Hungary[98], and the specific obligation of those municipalities in which a local minority self-government is active, and which so requests, to have announcements and forms translated into the respective language[99]. Although the linguistic rights of minority language speakers are applicable to the entire territory of Hungary, it is only obligatory to take concrete measures to apply those rights in municipalities where there is a local minority self-government. This distinction establishes a basis for the implementation of the Committee of Ministers' recommendation. In the context of the recent reform of minority self-government elections, according to which at least 30 citizens in a municipality have to register as members of a minority in order to be eligible to vote in such an election, the Hungarian authorities announced that the respective amendments to the Minorities Act "will make it possible to limit more precisely the regions where one or another minority is traditionally present"[100]. The Committee of Experts agrees with the Hungarian authorities that the presence of a local minority self-government could become the basis for the concrete implementation of Hungary's obligations under Article 10 of the Charter.

The Committee of Experts strongly urges the Hungarian authorities, without minimizing the existing linguistic rights applying to the whole territory of Hungary, to designate those local and regional authorities, on whose territory local and county minority self-governments representing Part III languages are active, as the authorities that will be obliged to take organisational measures to implement the obligations under Article 10.

134. The Committee of Experts considers that the lack of demand for the use of minority languages in relations with administrative authorities and public services is conditioned by the absence of supply and tradition. Therefore, users of such languages should be systematically informed and encouraged, for example by continuously inserting information in public or personal texts used in relations with them (e.g. letters, municipal website, newsletters and mail circulars, announcements in administrative buildings).

The Committee of Experts strongly urges the Hungarian authorities to actively inform citizens about the possibilities to use a minority language before the administrative authorities.

"Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a v to ensure that users of regional or minority languages may validly submit a document in these languages;"

135. In the 1st monitoring cycle, the Committee of Experts observed that there existed no separate law to implement the provision of the Minorities Act stipulating that "everyone may use freely, at any time and anywhere, his or her native language"[101]. Although Act IV (1957) on State Administrative Procedure[102] provided that everyone may use his or her native language and that no one should suffer disadvantage as a result of "lack of command in Hungarian language", this wording implied the same practical problems for the mostly bilingual minority language users that were already identified

[97] 3rd Periodical Report, p. 42
[98] Section 9 paragraph 3, Act CXL [2004] on the General Rules of Official Procedure and Servicing in Public Administration
[99] Section 53 paragraphs a-b, Minorities Act
[100] 3rd Periodical Report, p. 24, 15
[101] Section 51 paragraph 1
[102] Article 10 sub-paragraph 10

regarding Act I (1973) on Criminal Procedure and Act CX (1999) on Civil Procedure. Moreover, the Committee of Experts invited the Hungarian authorities to recruit personnel who were able to process documents drawn up in a minority language with a view to encouraging users of such languages to exercise their right. The Committee of Experts also recommended to clarify, in the Act on State Administrative Procedure, the possibility to submit documents to state authorities in minority languages[103].

136. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for all languages. While no legislative progress had been made, the Committee of Experts welcomed the availability of administrative forms in minority languages in some county administrations. The Hungarian authorities had also started to carry out research to identify those areas in which the systematic use of minority languages in relations with administrative authorities and public services would be possible. Given the lack of an incisive overall approach, the Committee of Experts urged the Hungarian authorities to identify the territorial areas in which an effective implementation of Article 10 of the Charter is justified due to the sufficient numbers of minority language speakers, assess the number of staff members in the administration who have a command of the minority languages concerned and assess the needs in relation to the size of each one of the areas previously identified and clarify, when drafting the new rules on the administrative procedure, the possibility to submit documents to State authorities in minority languages[104].

137. In the current monitoring cycle, the Hungarian authorities clarify now that, according to Act CXL (2004) on the General Rules of Official Procedure and Servicing in Public Administration, “everyone has the right to use in speech and writing his or her mother tongue in public administrative proceedings.” The act also lays down that “requests submitted in a regional or minority language must be adjudged by a decision worded in Hungarian and, upon the request of the client, translated into the language used in the request. This undertaking also affects orders.” In addition, the Committee of Experts welcomes the fact that the Hungarian authorities regularly distribute information and make presentations on the possibilities provided by the Charter and the Minorities Act. These presentations take place in Budapest or in county capitals and are attended by representatives of national minority self-governments[105].

138. While commending the authorities for these information measures, the Committee of Experts nevertheless considers this undertaking at present formally fulfilled and looks forward to more information in the next periodical report regarding its further practical implementation.

"c to allow the administrative authorities to draft documents in a regional or minority language."

139. In the 1st monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled for all languages. The administrative authorities were allowed to draft documents in minority languages, but this hardly seemed to exist at all in practice[106].

140. The Committee of Experts found in the 2nd monitoring cycle that the lack of sufficient demand was conditioned by a lack of tradition and that, nevertheless, no positive action had been taken to encourage the administrative authorities to draft documents in minority languages. The undertaking remained thus formally fulfilled for all languages[107].

141. In the present monitoring cycle, the Hungarian authorities state that the provisions on mother-tongue or bilingual education, the census questionnaire and forms for registration offices were translated into minority languages and made available to municipalities “according to demand”[108]. No information was submitted concerning information and encouragement measures vis-à-vis the users of such languages and the state authorities.

[103] see 1st Report of the Committee of Experts, paragraph 54
[104] see 2nd Report of the Committee of Experts, paragraphs 99-102
[105] see 3rd Periodical Report, p. 42
[106] see 1st Report of the Committee of Experts, paragraph 55
[107] see 2nd Report of the Committee of Experts, paragraph 105
[108] see 3rd Periodical Report, p. 4, 43

142. During the on-the-spot visit the Committee of Experts was informed by the national minority self-governments that they are legally obliged to translate the minutes of their meetings into Hungarian, even though the meetings are held in the respective minority language. The Committee of Experts considers this practice as clearly discouraging the use of minority languages in documents submitted to the authorities and invites the authorities to comment on this case in the next periodical report.

143. The Committee of Experts considers this undertaking formally fulfilled and encourages the Hungarian authorities to promote the legal possibility to draft documents in a minority language more actively vis-à-vis relevant state administrative authorities, e.g. by means of ministerial decrees and circulars.

> ***"e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"***

144. In the 1st monitoring cycle, the undertaking seemed to be fulfilled for all languages. The use of a minority language in regional assemblies was legally possible, but practically non-existent[109].

145. In the 2nd monitoring cycle, the Committee of Experts found that the mere legal possibility amounted to formal fulfilment while full fulfilment would require practical implementation. In the absence of the latter, the Committee of Experts revised its assessment and considered the undertaking only formally fulfilled for all languages[110].

146. In the current monitoring cycle, the Hungarian authorities state that if the intention to use a minority language in debates of county assemblies is indicated in advance, interpretation will be arranged. However, no practical examples were provided[111].

147. The Committee of Experts considers the undertaking formally fulfilled.

> ***"f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"***

148. In the 1st monitoring cycle, the Committee of Experts, making reference to the Minorities Act (Section 52 paragraph 2), concluded that the undertaking was fulfilled for all languages[112].

149. During the 2nd monitoring cycle, this undertaking was evaluated in conjunction with sub-paragraph e. and, due to the lack of practical implementation, deemed to be formally fulfilled for all languages[113].

150. In the present monitoring cycle, the Committee of Experts was informed that nine municipalities conduct the debates in their assemblies bilingually. However, the Committee of Experts has not been informed which languages are used in these assemblies and would ask the authorities to provide such information in the next periodical report. In most municipalities with a significant number of minority language speakers, the use of minority languages seems limited to symbolical introductory remarks whilst the main oral contributions are made in Hungarian. Decisions and minutes are generally drawn up in Hungarian[114].

151. The Committee of Experts considers this undertaking formally fulfilled for all languages. It encourages the Hungarian authorities to promote the oral and written use of minority languages by local authorities in debates in their assemblies.

[109] see 1st Report of the Committee of Experts, paragraph 57
[110] see 2nd Report of the Committee of Experts, paragraphs 106-108
[111] see 3rd Periodical Report, p. 43
[112] see 1st Report of the Committee of Experts, paragraph 58
[113] see 2nd Report of the Committee of Experts, paragraphs 106-108
[114] see 3rd Periodical Report, p. 12, 44

"g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages."

152. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages. In conformity with the Minorities Act (Section 53 paragraph c), place and street names, public offices and the names of bodies carrying out public services had to be signposted also in a minority language if the local minority self-government so requested[115].

153. During the current monitoring cycle, partly due to financial constraints, a mere 12% of the eligible municipalities have *adopted* one or two co-official names[116], but *use* them only on place-name signs and not in other official domains (e.g. documents, websites, postal services, public transport). While street names are occasionally also displayed bilingually, only Hungarian is used in relation to other topographical locations (e.g. boroughs, counties, waters, mountains).

154. The Committee of Experts considers this undertaking formally fulfilled and urges the Hungarian authorities to promote the *adoption* by the eligible municipalities of all local topographical names in the minority language(s) concerned and financially assist their *use* in conjunction with the official use of the Hungarian denominations.

"Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

c to allow users of regional or minority languages to submit a request in these languages."

155. In the 1st monitoring cycle, the Committee of Experts found that this undertaking seemed to be fulfilled in practice concerning public services provided by local authorities, but not for public services provided by the state or other bodies. Without a legal obligation, the implementation depended largely on the goodwill of each public service[117].

156. In the 2nd monitoring cycle, the Hungarian authorities stated that the use of minority languages in civil contracts was not ruled out. As the absence of a ban did not implement the undertaking entered into, the Committee of Experts considered the undertaking not fulfilled and urged the Hungarian authorities to legally secure the possibility for speakers to submit requests in minority languages and to report on this in the context of the third periodical report[118].

157. In the present monitoring round, the Hungarian authorities stress that pursuant to Act LXV (1990) on Local Self-Governments (Section 8), municipalities are obliged to enforce the right to use a minority language in all areas of life[119]. The Committee of Experts observes nonetheless that these provisions are too vague and that there still exists no legislation or other framework that would explicitly allow users of minority languages to submit a request in these languages to public services. In addition, the degree of practical implementation is unclear.

158. The Committee of Experts considers this undertaking not fulfilled**.**

The Committee of Experts urges the Hungarian authorities to ensure that people can submit requests in minority languages to public services.

[115] see 1st/2nd Reports of the Committee of Experts, paragraphs 59/55
[116] see Detailed Gazetteer; 3rd Periodical Report, p. 44
[117] see 1st Report of the Committee of Experts, paragraph 60
[118] see 2nd Report of the Committee of Experts, paragraph 111
[119] see 3rd Periodical Report, p. 44-45

"*Paragraph 4*

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

***a translation or interpretation as may be required*;"**

159. In the 1st monitoring cycle, the Committee of Experts examined the implementation of this undertaking in conjunction with undertaking c. and accordingly considered it partly fulfilled for all languages.

160. In the 2nd monitoring cycle, the Committee of Experts noted that minority languages were less and less used by means of translation and interpretation as more officials speaking such languages had been recruited or were taking language examinations. Also, administrative glossaries had been compiled[120]. In conjunction with undertaking c., the Committee of Experts considered this undertaking fulfilled for German and Slovak, but not fulfilled for Croatian, Romanian, Serbian and Slovenian.

161. In the present monitoring cycle, the Hungarian authorities confirm that translation or interpretation is ensured if a preliminary request is submitted. By virtue of Act CXL (2004) on the General Rules of Official Procedure and Servicing in Public Administration, the costs are borne by the proceeding administrative authority[121]. The Committee of Experts welcomes the intention of the Baranya county administration to make available basic administrative forms in Croatian and German on the internet and takes the view that, until such documents are available in a printed form, the internet represents a cost-effective interim solution for providing documents of state, local and regional authorities as well as public services in minority languages.

162. The Committee of Experts considers this undertaking fulfilled for German and Slovak, but partly fulfilled for Croatian, Romanian, Serbian and Slovenian, at local and regional level and would welcome receiving information on its practical implementation in the next periodical report.

"c *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used*."

163. In the 1st monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for all languages and identified a need for implementation in state administration and nation-wide public services which, although dealing directly with minority language users, were not staffed with linguistically skilled employees. While municipalities were obliged by virtue of the Minorities Act (Section 54) to fill vacant posts preferentially with persons speaking the minority language concerned, there existed no similar statutory provision for the state administration and public services[122].

164. In the 2nd monitoring cycle, the Committee of Experts noted significant progress and considered this undertaking fulfilled for German and Slovak, but not fulfilled for Croatian, Romanian, Serbian and Slovenian. More officials speaking a minority language had been hired or were taking language examinations. The Committee of Experts encouraged the Hungarian authorities to introduce adequate incentives for the staff members of State and local administrations who learn a minority language to attain a level enabling them to use it in the context of their duties[123].

165. In the present monitoring cycle, although the number of officials speaking minority languages is steadily increasing at the county and the local level, training (mainly in Croatian and German) has not been sufficient to make up leeway[124]. Moreover, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities informed the Committee of Experts during the on-the-spot visit that the obligation to give preferential treatment to candidates speaking a minority language is rarely implemented in practice.

[120] see 2nd Report of the Committee of Experts, paragraph 113
[121] Section 10 paragraph 2, see Annex 4 to the 3rd Periodical Report and p. 45
[122] see 1st Report of the Committee of Experts, paragraph 61
[123] see 2nd Report of the Committee of Experts, paragraphs 113-114
[124] see 3rd Periodical Report, p. 35, 45

166. The Committee of Experts therefore considers this undertaking fulfilled for German and Slovak, and formally fulfilled for Croatian, Romanian, Serbian and Slovenian at the state, regional and local level.

"Paragraph 5:

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned. "

167. In the 1st monitoring cycle, the Committee of Experts considered this undertaking formally fulfilled for all languages. Different regulations ensured the use or adoption of family names in the correct native form. There were occasional difficulties, however, in enforcing their rights[125].

168. Besides some improvements in the course of the 2nd monitoring cycle, the Committee of Experts observed that the practice varied considerably from administration to administration and urged the Hungarian authorities to [… raise] the awareness of all the administrations concerned, for example through ministerial decrees or internal circulars[126]. The undertaking was considered partly fulfilled.

169. Meanwhile, in the present monitoring cycle, the Ministry of the Interior has produced relevant certificates and forms in minority languages, introduced software to process them[127] and published a compilation of first names in all minority languages. Name changes require a simple request to the ministry, but little use is being made of this possibility. The Committee of Experts received reports about the occasional misspelling of Serbian names in Cyrillic.

170. Still, the Committee of Experts considers this undertaking by and large fulfilled.

Article 11 – Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;"

171. In the 1st monitoring cycle, the Committee of Experts concluded that Act I (1996) on Radio and Television Broadcasting[128] formally fulfilled this undertaking for all languages. Still, the minority language users, who largely determined the content of the programmes themselves, were dissatisfied with the time-slots and the lack of personnel[129].

172. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for all languages. *Magyar Televízió* broadcast a biweekly programme on national minorities ("Together", 52 or 26 minutes) and a 26-minute national programme once a week in Croatian, German, Romanian, Serbian and Slovak and once a fortnight in Slovenian. *Kossuth Rádió* broadcast weekly regional programmes in Croatian (11 hours), German (10.5), Romanian (10.5), Serbian (10) and Slovak (11) as well as weekly national programmes in these languages (3.5 hours, 30 minutes in Slovenian). However, radio broadcasting was seriously affected by the use of the old East Europe FM frequency which could not be received by modern radio sets and remained unavailable in many areas inhabited by minority language users. The Committee of Experts urged the Hungarian authorities to

[125] see 1st Report of the Committee of Experts, paragraph 62
[126] see 2nd Report of the Committee of Experts, paragraph 117
[127] see 3rd Periodical Report, p. 46
[128] Section 26 paragraph 1 in conjunction with Section 25 lit. c
[129] see 1st Report of the Committee of Experts, paragraph 63

ensure that programmes in minority languages are transmitted on frequencies which can be received by ordinary radio sets and encouraged them to improve the time-slot and the time-schedule available for television programmes[130].

173. In the present monitoring cyle, the Committee of Experts commends the Hungarian authorities for having initiated an agreement between the national minority self-governments and the Autonomy Channel of Duna TV, which has been available via satellite since April 2006 and intends broadcasting in all 14 minority languages. While the respective broadcasting time remains to be determined, the weekly national television programmes in minority languages are affected by the decision to move the reruns from Saturday morning to Thursday afternoon. As more people can be reached on Saturdays, the national minority self-governments, which had not been consulted, have strongly urged the Hungarian authorities to reverse this change. Regrettably, only the programmes in German, Romany and Beás are broadcast again on Saturdays.

174. The national minority self-governments criticized during the on-the-spot visit that the negotiations about a suitable radio frequency, which had been on-going since 2003, have not been results-oriented. Consequently, the old frequency, which should have been replaced in 2006, will be used provisionally until 31 January 2007 and then be replaced by a medium-wave frequency, which, in the view of the Committee of Experts, does "not seem to offer a very good quality either"[131].

175. The Committee of Experts considers this undertaking partly fulfilled concerning television and urges the Hungarian authorities to improve the time-slots and time-schedules available for television programmes in minority languages and, in particular, to guarantee that the re-runs of all national programmes are broadcast at a time when most users of the respective regional or minority languages can watch them. The Committee of Experts considers this undertaking not fulfilled concerning radio.

The Committee of Experts strongly urges the Hungarian authorities to allocate a suitable frequency for the broadcasting of radio programmes in minority languages.

"b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;"

176. In the 1st monitoring cycle, the Committee of Experts considered this undertaking only partly fulfilled for all languages as only some private radio stations transmitted programmes in minority languages[132].

177. The Committee of Experts revisited its finding in the 2nd monitoring cycle and considered this undertaking not fulfilled. Besides Radio Monošter, which broadcast eight hours weekly in Slovenian and received assistance from the Hungarian authorities, there were neither other private radio stations run by national minority self-governments, nor any indications that the authorities were encouraging and/or facilitating the broadcasting in minority languages on private radio[133].

178. The Committee of Experts has been informed that in addition to Radio Monošter there is also an internet radio broadcasting in Croatian. The Committee of Experts encourages this initiative but it has no further information concerning this radio or initiatives for the other languages at its disposal.

179. The Committee of Experts considers this undertaking fulfilled for Slovenian, partly fulfilled for Croatian and not fulfilled for German, Romanian, Serbian and Slovak. It encourages the Hungarian authorities to promote the broadcasting of programmes in German, Romanian, Serbian and Slovak on private radio and asks them to elaborate in the next periodical report on the broadcasting time (hours per day/time of the day), content and funding of Radio Monošter and the internet radio transmitting in Croatian.

[130] see 2nd Report of the Committee of Experts, paragraphs 119-123
[131] 2nd Report of the Committee of Experts, paragraph 122
[132] see 1st Report of the Committee of Experts, paragraph 64
[133] see 2nd Report of the Committee of Experts, paragraphs 126-127

"c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;"

180. In the 1st monitoring cycle, the Committee of Experts considered this undertaking only in principle fulfilled for all languages. Act I (1996) on Radio and Television Broadcasting provided that a company owned by a minority self-government had the right to be licenced for a minimum of four hours and a maximum of eight hours of broadcasting time per week (Section 95 paragraph 5). In practice, however, only a few local and regional broadcasters transmitted programmes in minority languages. Other difficulties concerned the retransmission of programmes from abroad. The Committee of Experts invited the Hungarian authorities to investigate the possibility to include a (restricted) "must carry" provision in its cable television licence schemes in order to ensure the retransmission of minority language programmes also beyond the border regions[134].

181. In the 2nd monitoring cycle, the Committee of Experts could not consider this undertaking fulfilled since, in the absence of a coherent and determined policy, no progress had been made[135].

182. In the present monitoring cycle, retransmission still does not cover all areas inhabited by minority language users. A survey conducted by the Hungarian authorities in 100 municipalities in which such languages are predominantly used revealed that only 31% of these municipalities have access to community cable television networks and local cable television reception. There is no community cable television available in the area of Serbian. In the light of these results, the Hungarian authorities were considering increasing the funding for the development of the community cable networks in the municipalities concerned[136]. The Committee of Experts has not been informed of the broadcast on private television of programmes in regional or minority languages produced in Hungary.

183. The Committee of Experts considers this undertaking partly fulfilled for Croatian, German, Romanian, Slovak and Slovenian and not fulfilled for Serbian. It urges the Hungarian authorities to encourage and/or facilitate access of the minority language users to community cable television networks, local cable television reception as well as to television programmes from countries in which these languages are used.

"f. .i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media."

184. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages. However, it remained unclear whether the financial backing was sufficient[137].

185. Problems persist mainly regarding the severe underfunding of the regional branches of *Magyar Televízió*, which received *ad hoc*-assistance from the Hungarian authorities in 2003. The Committee of Experts welcomes, however, the information technology assistance that more than 1,000 local minority self-governments received and takes the view that the internet is an extremely useful tool to disseminate information about minority languages. Also, NGOs received a subsidy for the digital processing, archiving and propagation of the cultures associated with minority languages[138].

186. The Committee of Experts considers this undertaking fulfilled in the radio and press sector and partly fulfilled in the television sector. It encourages the Hungarian authorities to establish a permanent funding system for television programmes in minority languages and to intensify its important initiatives concerning the internet.

[134] see 1st Report of the Committee of Experts, paragraph 65
[135] see 2nd Report of the Committee of Experts, paragraphs 129-131
[136] see 3rd Periodical Report, p. 48
[137] see 1st/2nd Reports of the Committee of Experts, paragraph 67/55
[138] see 3rd Periodical Report, p. 49-50, 17-18; Addendum 1, p. 5-6

"g. to support the training of journalists and other staff for media using regional or minority languages."

187. In the 1st monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled for all languages and observed, in the absence of a training scheme, a shortage of qualified journalists. Since the Hungarian authorities were limiting themselves to the granting of scholarships for language or journalist training in Hungary and abroad, the Committee of Experts encouraged them to establish a scheme for training of minority language journalists[139].

188. While the undertaking remained partly fulfilled for all languages in the 2nd monitoring cycle, the Committee of Experts asked the Hungarian authorities to clarify in the following periodical report the number of journalists who have been trained by means of scholarships[140].

189. During the 3rd monitoring cycle, only two journalists were trained in Croatian, German and Slovak respectively[141]. While the Hungarian authorities confirmed, during the on-the-spot visit, the continuing absence of a coherent training scheme for journalists working in minority languages, the latter criticized that the authorities were not informing sufficiently about existing training opportunities abroad.

190. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Hungarian authorities to establish and finance a comprehensive scheme for the training of journalists and other media staff using minority languages.

Article 12 Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages."

191. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages. The Hungarian authorities assisted cultural institutions and activities (museums, theatres, films, festivals, publications, research and art exhibitions) associated with minority languages. Although some cultural institutions were run by minority self-governments, scarce earmarked funding hampered the take-over or setting up of further institutions. The Committee of Experts thus encouraged the Hungarian authorities to intensify their efforts to solve these budgetary problems so as to develop fully the potential inherent in the system of minority self-governance[142].

192. The Hungarian authorities recognized during the on-the-spot visit that financial difficulties and the need for further regulations represent the main obstacles to improvements in this respect. In addition, the national minority self-governments voiced concerns about a lack of predictable long-term planning in the cultural field and proposed to negotiate, with the Hungarian authorities, a medium-term agreement similar to the Medium-Term Development Programme for Mother-Tongue Education.

[139] see 1st Report of the Committee of Experts, paragraph 68
[140] see 2nd Report of the Committee of Experts, paragraph 134
[141] see 3rd Periodical Report, p. 50
[142] see 1st/2nd Reports of the Committee of Experts, paragraphs 70/55

193. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Hungarian authorities to develop, in co-operation with the users of minority languages, a comprehensive medium-term programme for cultural activities and facilities.

> ***"c. to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities."***

194. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages[143].

195. During the period under review, works produced in Hungarian have been translated into German and Slovak[144].

196. The Committee of Experts considers this undertaking fulfilled. It nevertheless requests the Hungarian authorities to elaborate in the next periodical report on its implementation for Croatian, Romanian, Serbian and Slovenian.

> ***"g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages."***

197. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages regarding written materials. Publications were kept in the Hungarian Archives and in the National Library. Some minority self-governments maintained their own libraries, with financial assistance from the authorities. The Committee of Experts had, however, not received any evidence on audiovisual materials[145].

198. The Hungarian authorities state that the Slovak Documentation Centre has, in co-operation with *Magyar Rádió*, started the digital processing of archive material of the radio programme in Slovak[146]. No further information was submitted on audiovisual materials.

199. The Committee of Experts considers this undertaking fulfilled and encourages the Hungarian authorities to apply this undertaking to audiovisual works produced in Croatian, German, Romanian, Serbian and Slovenian as well as to visual works produced in Slovak.

"Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect."

200. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages[147].

201. The Hungarian authorities state that Government Decree 101/1997 (VI. 13.) on the Hungarian Cultural Institutes Abroad requires such institutions to contribute to the presentation of the educational and cultural achievements of the minority language users (Section 2 paragraph 2 sub-paragraph h.). Relevant events have taken place in Croatia, Germany, Serbia, Slovakia and Romania[148].

[143] see 1st/2nd Reports of the Committee of Experts, paragraphs 72/55
[144] see 3rd Periodical Report, p. 53
[145] see 1st/2nd Reports of the Committee of Experts, paragraphs 74/55
[146] see 3rd Periodical Report, p. 54
[147] see 1st/2nd Reports of the Committee of Experts, paragraphs 75/55
[148] see 3rd Periodical Report, p. 55

202. The Committee of Experts considers this undertaking fulfilled but would like to remind the authorities that the concept of the "cultural policy abroad" not only refers to states in which the minority languages are used, but also obliges the Hungarian authorities to show the multilingual nature of Hungary more generally in countries in which Hungarian cultural institutions are active.

Article 14 – Transfrontier exchanges

"The Parties undertake:

> ***"b. For the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."***

203. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled for all languages[149].

204. The 3rd periodical report does not deal with the implementation of this undertaking and no complaints were received by the Committee of Experts.

205. While the Committee of Experts considers this undertaking still fulfilled, it asks the Hungarian authorities to provide information, in the next periodical report, on its practical implementation.

[149] see 1st/2nd Reports of the Committee of Experts, paragraphs 79/55

Chapter 3 Conclusions

3.1 Conclusions of the Committee of Experts on how the Hungarian authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:
"The Committee of Ministers (…) recommends that the Republic of Hungary (…) [E]nsure that the necessary integration of Romany and Beas speakers which would allow their full participation in the economic, social and political life, also preserves their linguistic and cultural identity; strengthen the teaching of Romany and Beas at least at lower grades and contribute to the development of Romany as a written language, in particular through standardisation at European level."

The Committee of Experts is aware that some progress has been made regarding the problem of school segregation and that the authorities have introduced a wide-ranging government programme aiming at the further economic, social and political integration of the Roma. However, this programme had no specific component aiming at the preservation or promotion of Romany and Beás. No progress has been achieved concerning the codification of Romany. In sum, the Charter remains largely inoperative regarding Romany and Beás.

Recommendation no. 2:
"Improve the present model of teaching regional or minority languages and move to forms of bilingual education for Part III languages and incorporate the current model of secondary language education into the curriculum for Part II languages."

Primary and secondary minority language education still largely takes the form of teaching *of* the language and little progress has been made with regard to mother-tongue and bilingual education. There are problems of underfunding of schools, insufficient vocational training and a lack of teaching materials as well as of teachers able to teach subjects in minority languages. Positive mention needs to be made of the Medium-Term Development Programme for Mother-Tongue Education and the unique scheme of supplementary minority education, which has permitted the users of Polish and Ruthenian to integrate education in their languages into the curriculum.

Recommendation no. 3:
"Identify the territories in which the number of speakers justifies the effective implementation of Articles 9 and 10 and take further positive measures to encourage the use of minority languages in judicial proceedings and in dealings with the administration."

The territories have not been identified in which Articles 9 and 10 could be effectively implemented, nor have the Hungarian authorities taken positive measures to encourage citizens to use minority languages in judicial proceedings and in dealings with the administration. However, civil servants who want to learn a minority language are offered salary and leave incentives.

Recommendation no. 4:
"Strengthen the presence of minority languages in the media and, in particular, ensure that programmes in minority languages can be received on ordinary radio sets."

The Hungarian authorities have initiated a scheme to introduce broadcasting in Hungary's 14 minority languages on the Autonomy Channel of Duna TV and assisted internet radio broadcasting in Croatian. However, the allocation of an unsuitable medium-wave radio frequency to minority language programmes and the decision to change the timetable for the rerun of the national television programmes in minority languages have weakened the access to programmes in regional or minority languages.

Recommendation no. 5:
"Continue to develop the system of minority self-governments, in particular by improving the conditions for the transferral of educational and cultural bodies and institutions to minority self-governments."

The Hungarian authorities provided the financial means for the national self-governments to take over or establish four schools teaching in minority languages. Due to the structural underfunding of all schools in Hungary, this process has for the time being come to an end. The absence of financial

guarantees and the need for additional regulations also have prevented minority self-governments from taking over or setting up further cultural institutions.

3.2. Findings of the Committee of Experts in the 3rd monitoring cycle

A. The Committee of Experts expresses its gratitude to the Hungarian authorities for the continued excellent level of co-operation. Despite the shortcomings identified in the context of the 3rd monitoring cycle, the Committee of Experts recognizes the value of the unique system of minority self-government, which is in principle beneficial to the protection and promotion of minority languages. Further mention needs to be made of supplementary minority education, which is provided if the statutory requirement of eight pupils cannot be met and which the Committee of Experts considers good practice.

B. However, the structure of the periodical report has not always allowed the Committee of Experts to consider all aspects of Hungary's compliance with the Charter in full detail. Part II of the Charter, which covers all 14 minority languages, has received very little attention. In particular, the Hungarian authorities did not report on the application to Part III languages of those Part II obligations that are not covered by related undertakings in Part III of the Charter. Also, the Hungarian authorities did not report on each undertaking and, under each undertaking, on each language separately.

C. The protection and promotion of minority languages in Hungary is hampered by a lack of long-term language policy and planning. Many measures undertaken by the Hungarian authorities are reactive in nature and do not follow an overall vision for each of the 14 languages. The budgetary parameters of mother-tongue and bilingual educational institutions are volatile and in many cases application-based, which makes long-term planning difficult.

D. However, the Medium-Term Development Programme for Mother-Tongue Education is a step towards language planning. Regrettably, the Hungarian authorities have not complemented it by defining, in the light of the results of the 2001 census, *long-term* (i.e. beyond 2015) quantitative and qualitative targets for *each* of the 14 languages. There is no strategy to provide mother-tongue or bilingual education to all those who may want it and according to the situation of each language. Furthermore, those who do not speak a minority language (including those substantial numbers affiliated to the relevant minority's cultural values and traditions) have no comprehensive framework of adult and continuing education at their disposal that would enable the "relearning of the mother-tongue"[150]. Hungary also lacks a dedicated mechanism according to Article 8 paragraph 1 sub-paragraph i. of the Charter which could monitor the accomplishment of targets and the use of the earmarked funding.

E. Most minority languages covered only under Part II are treated similarly in the fields of the media and culture to languages covered also under Part III of the Charter. In education, the recommendations of the Committee of Experts and the Committee of Ministers concerning the integration of the Sunday schools teaching Ruthenian and Polish into the public education system have been implemented. Considering that Ruthenian and, to a lesser extent, Polish have a territorial basis, not enough is done in the field of administration.

F. The Hungarian authorities recognize the following fundamental problems of Romany and Beás: no codification, insufficient teaching, unavailability of teaching requirements and materials, deficits in teacher training, study and research. These problems have meant that, so far, these languages have not benefited from the Charter. Substantial efforts are needed by the Hungarian authorities to improve the situation for Romany and Beás.

G. The structural deficits in education have mainly stayed the same throughout the three monitoring cycles. Mother-tongue and bilingual primary and secondary schools remain underrepresented compared to schools where there is only teaching of the language. Small village schools are threatened with closures or mergers and there is a consequent need to organize commuting. Continuity of minority language education between primary and secondary schools is not secured because the offer of minority language education at ordinary secondary schools is very limited. Also, minority language teaching at the level of technical and vocational schools is

[150] 3rd Periodical Report, p. 8

underdeveloped. Although sufficient teachers *of* minority languages have been trained, there exists a serious shortage of teachers teaching subjects *in* minority languages.

H. With the possible exception of the civil courts, a vicious circle hinders the full implementation by Hungary of its obligations under Articles 9 and 10 of the Charter: in the absence of defined areas in which concrete implementory measures have to be taken, language-related recruitment and training efforts lack institutionalization. This results in the practical impossibility to use a minority language vis-à-vis (judicial) authorities and public services, which in turn makes the language users, who are not systematically informed and encouraged, reluctant to invoke rights they are not used to.

I. Whereas the provision of television and radio broadcasting was extended during the 3rd monitoring cycle, persistent structural problems affect the effectiveness of minority language broadcasts: unsatisfactory time-slots and time-schedules for television, inadequate funding, a lack of local and regional broadcasters as well as of private radio stations offering certain programmes in minority languages and the absence of a training scheme for minority language journalists. The most serious problem, however, is that radio programmes in regional or minority languages are broadcast on frequencies that cannot be received by ordinary radio sets in all areas inhabited by minority language users.

J. Due to financial constraints, some key features of minority self-government, notably the possibility to take over or set up cultural and educational institutions, are broadly inoperative at present. Few such institutions are operated by the minority self-governments.

K. The Committee of Experts observes, in particular regarding measures under Articles 8, 9 and 10 of the Charter, that the Hungarian authorities adopt an approach that will make it difficult to preserve minority languages from substantial decline. In particular, they tend to rely too much on the initiative of the minority language users instead of systematically taking proactive measures.

The Hungarian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Hungary. At the same time it emphasised the need for the Hungarian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 999bis meeting on 20 June 2007, the Committee of Ministers adopted its Recommendation addressed to Hungary, which is set out in Part B of this document.

Appendix I: Instrument of ratification

Declarations contained in the instrument of ratification, deposited on 26 April 1995 - Or. Engl. and completed by a Note verbale (1) from the Ministry of Foreign Affairs of Hungary, dated 12 March 1999, registered at the Secretariat General on 16 March 1999 - Or. Fr.

Hungary declares, according to Article 2, paragraph 2, and Article 3, that it applies to the Croatian, German, Romanian, Serbian, Slovak and Slovene languages, the following provisions of Part III of the Charter:

In Article 8 :
Paragraph 1, sub-paragraphs a (iv), b (iv), c (iv), d (iv), e (iii), f (iii), g, h, i
Paragraph 2

In Article 9 :
Paragraph 1, sub-paragraphs a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii)
Paragraph 2, sub-paragraphs a, b, c

In Article 10 :
Paragraph 1, sub-paragraphs a (v), c
Paragraph 2, sub-paragraphs b, e, f, g
Paragraph 3, sub-paragraph c
Paragraph 4, sub-paragraphs a, c
Paragraph 5

In Article 11 :
Paragraph 1, sub-paragraphs a (iii), b (ii), c (ii), e (i), f (i), g
Paragraph 3

In Article 12 :
Paragraph 1, sub-paragraphs a, b, c, f, g
Paragraph 2
Paragraph 3

In Article 13 :
Paragraph 1, sub-paragraph a

In Article 14 :
Paragraph a
Paragraph b.

[**(1) Note from the Secretariat:**

The Note verbale read as follows:

" The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Secretariat General of the Council of Europe and has the honor to draw its attention to a technical error contained in the instrument of ratification deposited by the Republic of Hungary, namely that the languages enumerated in respect of which Hungary makes undertakings concerning Part III of the European Charter for Regional or Minority Languages, do not include the Serbian language.

Indeed, the Republic of Hungary, by Decision No. 35/1995 (IV.7) of the Parliament, of which an official translation in French is appended, has ratified Part III of the Charter, accepting also the Serbian language and with the same options as those enumerated in the instrument of ratification of 19 April 1995. Hungary's obligations with regard to the Serbian language become therefore operative from the date of entry into force of the European Charter for Regional of Minority Languages in respect of Hungary.

Decision of the Parliament No. 35/1995 (IV.7)
On the ratification of the European Charter on Regional or Minority Languages
and on the undertakings taken by the Republic of Hungary
in conformity with its Article 2, litt. 2,

The Parliament, on a proposition from the Government:

1. Ratifies the European Charter on Regional or Minority Languages, elaborated on 5 November 1992, which text is reproduced in Appendix No. 1.

2. Agrees that the undertakings taken in conformity with Article 2, litt. 2, of the Charter reproduced in Appendix No. 2 extend to the Croatian, German, Romanian, Serbian, Slovakian, Slovenian languages.

3. Invites the President of the Republic to issue the instrument of ratification.

4. Invites the Minister of Foreign Affairs to deposit the instrument of ratification and the inventory of the undertakings taken."]
Period covered: 01/03/98 -
The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

Appendix II: Comments by the Hungarian authorities

MINISZTERELNÖKI HIVATAL
Nemzeti és Etnikai Kisebbségi Főosztály
Főigazgató

Office of the Prime Minister
Department of National and Ethnic Minorities
General Director

Comments of the Republic of Hungary
on the Opinion of the Experts' Committee
concerning the implementation of the European Charter for Regional or Minority Languages in Hungary (3rd monitoring cycle)

The Government of the Republic of Hungary appreciates the professional remarks of the Opinion of the Experts' Committee on the implementation of the European Charter for Regional or Minority Languages in Hungary. The observations, comments and proposals of the Experts' Committee may constitute important elements in defining the future orientation of Hungary's minority policy.

The opinion of the Experts' Committee on the minority policy and the minority language policy of Hungary is a very detailed and deep professional analysis. With regard to the fact that Hungary's next periodical report on the implementation is due in the first quarter of 2008, we do not intend to enter into details when reacting on some concrete elements of the Opinion. Our detailed answers will be included in the 2008 periodical report.

However, we think it is important to point out that several positive developments that took place since the time of the submission of our latest report will or may greatly affect the development of minority languages in Hungary.

In October 2005 Hungarian Parliament adopted the act containing amendments of minority-related legal provisions. The regulations contained in the amendment contribute to the further strengthening of the minority self-governments' system, which is the main tool and guarantee for ensuring cultural autonomy to minorities in Hungary. The elections of local minority self-governments in autumn 2006 already took place in conformity with the new rules. The election process will end in April 2007 by the election of regional and national minority self-governments.

We would like to mention just two elements in connection with the opinion of the Experts' Committee: significant positive developments have recently taken place in their respect.

During the last two years further educational and cultural institutions were taken over for administration by national minority self-governments. Nowadays there are 36 such institutions throughout the country. Minority self-governments will have the opportunity to continue this process in 2007, too.

The establishment of the new MR4 Channel of the Hungarian Radio is of outstanding importance as far as access to minority media is concerned. This new, autonomous channel for minority programmes with an autonomous frequency has been operating since 1 February 2007 in the native languages of minorities. It broadcasts programmes during 12 hours every day, and it has its own structure and budget as stipulated in

the Minorities Act. The costs of its functioning are guaranteed to the Hungarian public service radio in harmony with the current budgetary act.

These two examples clearly show that the support of minorities and the protection of minority languages continue to constitute a priority in the Republic of Hungary. The minority policy of the present Government ensures its continuity and renewal. We are confident that the next periodical report will be convincing for the members of the Experts' Committee visiting Hungary.

Erika Németh

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Hungary

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Recommendation RecChL(2007)4
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Hungary

(Adopted by the Committee of Ministers on 20 June 2007
at the 999bis meeting of the Ministers' Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Hungary on 26 April 1995;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Hungary;

Bearing in mind that this evaluation is based on information submitted by Hungary in its third periodical report, supplementary information given by the Hungarian authorities, information submitted by bodies and associations legally established in Hungary and the information obtained by the Committee of Experts during its on-the-spot visit,

Having taken note of the comments made by the Hungarian authorities on the contents of the Committee of Experts' report;

Recommends that the Hungarian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. take resolute measures in language planning for Romany and Beás with a view to starting effective teaching of and in these languages at all appropriate stages;

2. improve the financial situation of minority language education and increase the stability of resourcing;

3. actively promote the establishment of further bilingual schools at all stages of education with a view to moving from the model of only teaching the language as a subject to bilingual education in Part III languages, increase accordingly the number of teachers able to teach subjects in these languages, and set up the dedicated monitoring mechanism envisaged by Article 8, 1(i) of the Charter;

4. take steps to ensure that the relevant local and regional authorities (which the Hungarian authorities are urged to identify in accordance with the previous recommendation of the Committee of Ministers) implement the obligations under Article 10 of the Charter, and specify those judicial districts where measures have to be taken with regard to the obligations under Article 9 of the Charter;

5. improve the offer of minority language programmes in the media, in particular by allocating a suitable radio frequency as well as developing and financing a comprehensive scheme for the training of journalists and other media staff using minority languages;

6. improve the conditions for the transferral of educational and cultural bodies and institutions to minority self-governments.