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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN HUNGARY

2nd 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 report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for subsequent periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. 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, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers 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. This information-gathering process is designed to enable the Committee to evaluate more effectively the application of the Charter in the State concerned.

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 could decide to address to one or more Parties as may be required.

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A. 2nd Report of the Committee of Experts on the application of the Charter in Hungary

adopted by the Committee of Experts on 29 August 2003
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 (hereafter referred to as “the Charter”) on 5 November 1992 and deposited its instrument of ratification on 26 April 1995. The Charter entered into force in Hungary on 1st March 1998. The Hungarian authorities published the text of the Charter in the Official Gazette, Volume 1999, N°. 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 Ministers¹. The Hungarian authorities presented their second periodical report to the Secretary General of the Council of Europe on 11 September 2002.

3. In its previous evaluation report on Hungary (ECRML (2001) 4), the Committee of Experts of the Charter (hereinafter referred to as “the Committee”) outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2001) 4), which were addressed to the Hungarian authorities.

1.2 The work of the Committee of Experts

4. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Hungary and through interviews held with representatives of some of the regional or minority languages in Hungary and the Hungarian authorities during the “on-the-spot visit” which took place on 31 March-2 April 2003. No further information was submitted pursuant to Article 16 para. 2 of the Charter.

5. The present report focuses on the issues raised and on the related observations made by the Committee of Experts in its first evaluation report, as well as on the measures taken by the Hungarian authorities to respond to the findings of the Committee of Experts and to the recommendations addressed to the Hungarian Government by the Committee of Ministers. The present report also aims at highlighting new issues detected by the Committee during the second monitoring round.

6. The present report contains detailed observations that the Hungarian authorities are urged to take into account in order to develop their policy on regional or minority languages, with a view to dealing with the problematical aspects highlighted in the report by the Committee of Experts. The Committee of Experts has, on the basis of its detailed observations, also established a list of general proposals for preparing a second set of recommendations to be addressed to Hungary by the Committee of Ministers, as provided in Article 16 para. 4 of the Charter (Chapter 4.2 of this report).

7. The present report is based on the political and legal situation prevailing at the time of the Committee’s second “on-the-spot visit” to Hungary (31st March-2nd April 2003). The Committee is aware that changes in legislation and practice may have taken place since their visit. These changes will be taken into account in the next report of the Committee of Experts concerning Hungary.

8. The present second report was adopted by the Committee of Experts on 29 August 2003.

¹ MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

Chapter 2 Presentation of the regional or minority language situation in Hungary: up-date

9. The second periodical report (see pp. 6-11) refers to the unofficial data resulting from the 2001 census (at the time the second periodical report was drafted the official data were not yet available).

10. With regard to languages additionally covered by Part III, the figures show a general decline in the number of mother-tongue speakers (with the exception of Serbian and Slovenian), coupled with an increase in the number of persons belonging to the corresponding minority (with the sole exception of the Romanian-speaking minority). Thus:

- Croatian mother-tongue speakers have decreased from 17,577 in 1990 to 14,345 in 2001, while the number of persons declaring they belong to the minority has increased from 13,570 to 15,620;
- German mother-tongue speakers have decreased from 37,511 to 33,792 (while the number of persons declaring they belong to the minority has increased from 30,824 to 62,233);
- Romanian mother-tongue speakers have decreased from 8,730 to 8,482 (the number of persons declaring they belong to the minority has also decreased, from 8,730 to 7,995);
- Serbian mother-tongue speakers have increased from 2,953 to 3,388 (the number of persons declaring they belong to the minority has also increased from 2,905 to 3,816);
- Slovak mother-tongue speakers have decreased from 12,745 to 11,816 (while the number of persons declaring they belong to the minority has increased from 10,459 to 17,692);
- Slovenian mother-tongue speakers have increased from 2,627 to 3,187 (the number of persons declaring they belong to the minority has also increased from 1,930 to 3,040).

11. The Committee of Experts has not received any new figures or estimates from the minority self-governments. It therefore confines itself to recalling the considerations made in the first evaluation report, according to which past official census figures had underestimated the number of users of regional or minority languages, although estimates given by the minority associations themselves are not necessarily reliable (see para. 11 of the first evaluation report).

12. With regard to languages covered only by Part II, the situation is more complex.

In its first evaluation report (see paras. 10 and 33) the Committee noted that only Polish and Ruthenian had a territorial base. If the situation of Polish seems to have worsened as far as the language is concerned (from 3,788 native speakers in 1990 to 2,580 in 2001), Ruthenian seems to have progressed (from 674 native speakers in 1990, including Ukrainians, to 1,113, not including Ukrainians, in 2001; during the present second monitoring round representatives from the Ruthenian self-governments referred to 5,000 people still using the language).

13. As regards other non-territorial languages (excepting Romany):

- Native speakers of Armenian increased from 37 in 1990 to 294 in 2001 (620 people declaring they belonged to the minority);
- Native speakers of Bulgarian decreased from 1,370 in 1990 to 1,299 in 2001 (1,358 people declaring they belonged to the minority);
- Native speakers of Greek increased from 1,640 in 1990 to 1,921 in 2001 (2,509 people declaring they belonged to the minority);
- Native speakers of Ukrainian increased from 674 – together with the Ruthenian speakers - in 1990 to 4,885 in 2001 (5,020 people declaring that they belong to the minority).

14. In this regard too it must be noted that with the exception of Ruthenian, no additional figures were provided by the minority self-governments. In any event, some of the increases may be due to the changing general climate which encouraged more people than in 1990 to declare their minority language (and/or their belonging to the corresponding minority).

15. Finally, as far as Romany is concerned the situation appears to be particularly complex. The number of native speakers appears to be relatively stable (48 072 in 1990 and 48 689 in 2001). However, other sources (including Government sources) state that 20/25% of the total Roma population (between 600,000 and 800 000 people) speak Romany, i.e. approximately between 120 000 and 150 000 people. Furthermore, the number of persons declaring themselves as belonging to the minority has increased from 142 683 to 190 046 persons.

Chapter 3 The Committee of Experts' evaluation

3.1 General remarks

16. The Committee of Experts underlines in the first instance the continued excellent level of co-operation with the Hungarian authorities. The Committee of Experts must also stress the very high level of awareness shown by the Hungarian authorities in relation to the various issues surrounding the protection and promotion of regional and minority languages in Hungary, as noted by the Committee of Experts in the first periodical report (see para. 14).

17. The situation of regional or minority languages in Hungary is still characterised by a constant process of assimilation (see also para. 12 of the first evaluation report), as appears to be confirmed by the general decrease in the number of mother-tongue speakers of regional or minority languages (see paras. 10-13 above). There is also very little awareness: following the long-time assimilation process - which has affected all regional or minority languages in Hungary to varying degrees - very little value is attached in Hungary to learning or reviving regional or minority languages. Generally speaking, many families tend to consider Hungarian and most known Western languages to be really useful but this is not the case for minority languages. Amongst regional or minority languages spoken in Hungary, only German benefits to a certain extent from this situation. As a rule of thumb, bilingualism is still perceived as something rather negative.

18. A further general aspect of the Hungarian ratification, i.e. its theoretical coverage of the whole national territory, still raises a number of problems, particularly in specific fields of protection, such as Articles 9 and 10. These problems will be dealt with in detail in the evaluation carried out under Part III of the Charter.

19. A last general issue concerns the role of minority self-governments. As the Committee of Experts observed in its first evaluation report (see in particular paras. 20, 23-25, 31, 32, and findings B., C. and G.), minority self-governments constitute a useful instrument for ensuring minority participation in the drafting of minority language-related policies. The system of minority self-governments is putting down deep roots. However, the effective ability of minority self-governments to contribute to the implementation of the Charter seems to be linked to the transferral of bodies and institutions directly responsible for implementing some of the Charter's provisions, particularly in the field of education and culture. During the "on-the-spot visit" several minority self-governments expressed the wish for progress to be made in the transferral process - currently being debated in the Hungarian Parliament. It appeared that the issue is also of a financial nature and it was expressed that the transferral should be accompanied by the allocation of earmarked funds.

3.2 The Committee of Experts' evaluation of the issues arising under Part II of the Charter

3.2.1 Preliminary remarks on the approach of the Committee of Experts in respect of Part II in the context of the second report

20. The Committee of Experts will focus on the provisions of Part II which were singled out in the first report as raising particular problems. It will evaluate in particular how the Hungarian authorities have reacted to the observations made by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. In the present report, the Committee of Experts will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts' reasoning, before evaluating how the Hungarian authorities reacted. The Committee of Experts will also look at new issues detected during the second monitoring round.

21. Whilst confining its remarks in the present report to Article 7 para 1.g for the languages additionally covered by Part III, as this still appears to be giving rise to implementation difficulties, the Committee of Experts will nonetheless reserve the right to carry out at a later stage a new, comprehensive evaluation of implementation of Part II of the Charter in respect of these languages.

22. With regard to languages covered by Part II only, the Committee of Experts will not comment in the present report on provisions where no major issues were raised in the first report and for which the Committee of Experts did not receive any new elements requiring it to reassess or to present differently their implementation. The provisions are as follows:

- Article 7 para. 1.a (except for Ruthenian and Polish; para. 20 of the first report);
- Article 7 para. 1.e (para. 25 of the first report);
- Article 7 para. 1.i (para. 29 of the first report);

- Article 7 paras 2-4 (paras. 30-32 of the first report).

The Committee of Experts therefore refers to the conclusions reached in its first report, but reserves the right to evaluate the situation again at a later stage.

Article 7 - Objectives and principles

3.2.2 Ruthenian

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

23. As the Committee of Experts noted in its first evaluation report (see para. 33), Ruthenian is one of the two Part II languages which could be considered territorial. According to the information gathered during the second monitoring round, it appears that a part of the Ruthenian-speaking community is of more recent origin. This is not the case for a number of villages in north-east Hungary and in Budapest, where the language has an old traditional presence.

24. The Committee of Experts therefore considers that Ruthenian has a sufficiently defined territorial settlement to allow the Hungarian authorities to develop more advanced forms of protection and promotion. A positive approach by the Hungarian authorities is particularly necessary in this case, since there is no state where Ruthenian is an official language, and the speakers of Ruthenian in Hungary can therefore not rely on support from another state.

The Committee encourages the Hungarian authorities to develop a better defined framework for the protection and promotion of Ruthenian.

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

25. Ruthenian suffers in general from the same limitations as affect the other Part II languages, particularly in the field of the media. Its presence on television is particularly limited - only 6 minutes every month plus 25 minutes once a year for a programme produced by speakers of the language, the structure of such programmes being described as obsolete. As for radio, minority language programmes are still broadcast on the East Europe FM frequency, which modern radio sets cannot even receive.

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

26. In the first evaluation report (see para. 26) the Committee of Experts concluded that educational policy on Ruthenian should lead to an appropriate scheme for minority language education at state schools in the minority settlements.

27. The Committee of Experts notes that the present system is still based only on four Sunday schools and some, very short summer language camps. It considers this system to be unsatisfactory, as it requires a considerable effort on the part of the pupils and offers very limited possibilities for language development. Furthermore, there seems to be a serious lack of up-to-date textbooks, skilled language teachers, a modern grammar or publications for children. In the light of the territorial character of at least part of the language,

the Committee of Experts considers it more appropriate to incorporate education in Ruthenian into the normal curriculum. Developing more modern teaching materials and drawing up a proper grammar should also make it possible to solve the question of standardisation, to which the Hungarian authorities made reference during the second "on-the-spot visit".

The Committee encourages the Hungarian authorities:

- ***to develop forms of teaching of Ruthenian and in Ruthenian which would be part of the normal curriculum;***
- ***to take urgent measures to support teacher training, the updating of textbooks and the drawing up of a modern Ruthenian grammar.***

"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;"

28. It is unclear how the existing facilities would apply to non-speakers, particularly as the speakers themselves experience several difficulties. The Committee of Experts wonders to what extent this provision can be actually implemented in practice and encourages the Hungarian authorities to address the issue in their next periodical report.

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

29. As the Committee of Experts has already observed (see para. 27 above), the Ruthenian language in Hungary is confronted with some very fundamental problems, such as the lack of a proper grammar. Promoting study and research on Ruthenian in higher education is one way of helping improve the teaching of the Ruthenian language, which at present is rather elementary. The Committee of Experts therefore encourages the Hungarian authorities to consider what measures can be taken also in this field and to report on the measures taken in the next periodical report.

"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."

30. No information has been made available to the Committee of Experts in this respect. The Committee of Experts, however, attaches importance to this provision given the rather unusual situation of Ruthenian in that it is spoken in several countries of central and eastern Europe. Co-operation with these countries could be useful in particular with a view to fostering the process of standardisation of the language. The Committee of Experts therefore encourages the Hungarian authorities to inform it, in the next periodical report, of the measures taken to promote transnational exchanges with those countries (eg: Ukraine, Slovakia, Poland, Romania, Croatia and Serbia and Montenegro).

3.2.3 Other territorial languages

Polish

"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;***
- c. the need for resolute action to promote regional or minority languages in order to safeguard them;***
- d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;***
- f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;***
- 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;***
- h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;***
- 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."***

31. As for Ruthenian, in the first evaluation report (see para. 26) the Committee of Experts concluded that educational policy for Polish should lead to implementation of an appropriate minority language education scheme in state schools in the minority settlements.

32. According to the information gathered by the Committee of Experts, there have been no changes since the first evaluation report. Education in Polish still seems to rely purely on Sunday schools. Moreover, it would seem it has been adversely affected by reduced funding and the delayed payment of teachers' fees.

33. The Committee received complaints regarding the general situation of the media, as it had done for other languages covered by part II of the Charter. More specific complaints concerned the late time-slot available for radio programmes and the technical problems affecting the regional programme in which programmes are broadcast in Polish and which seem to require continuous tuning.

34. The Committee of Experts considers that there is an urgent need to develop more appropriate forms of education for Polish within the normal curriculum, as already observed in the first evaluation report.

35. As far as the public use of Polish is concerned, particularly in the field of media, the problems concerning Polish are of a fairly general nature and the Committee of Experts will address them in its findings.

Languages which are covered also by Part III

"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;"

36. As far as the languages covered by Part III are concerned, beyond the assessment which will be made under the specific provisions of Part III, the Committee of Experts will confine its remarks to the scope of Part II and the implementation of Article 7 para. 1.g, which still appears to be problematical.

37. In the first evaluation report (see para. 27), the Committee of Experts noted that there seemed to be no measure that specifically facilitated the learning of a regional or minority language by non-speakers and underlined that such a measure would be a positive step and should be actively encouraged by the State.

38. The Committee of Experts notes that no developments have occurred in this area and urges the Hungarian authorities to address the issue. In this regard, the Committee of Experts stresses once more the importance of the implementation of this provision with a view to fostering understanding on the part of those who speak the official language.

3.2.4 Romany and Beas

"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."

39. In its first evaluation report (see para. 34) the Committee of Experts considered that despite the rather high numbers of speakers, little attempt had been made to upgrade the status of the two Roma/Gypsy languages in public life, and there were too few educational programmes for developing the linguistic ability of minority children in their mother tongue language. According to the Committee of Experts' evaluation, this was due to traditional notions of anti-discrimination policy as entailing assimilation and to past efforts to free the Roma population from its marginal status, with all the attendant economic, social and cultural disadvantages. The Committee of Experts added that the strategy seemed to have been only partly successful, since discrimination persisted, but the majority of Roma people had lost their traditional culture and language, without becoming really integrated (see also paras. 21 and 28 of the first evaluation report). The Committee of Experts also noted that there were practically no textbooks or manuals and that higher education offered only some courses in "Roma studies", almost no language education in Romany, and none in Beas (see para. 26). The Committee of Experts therefore encouraged the Hungarian authorities to intensify their efforts in Romany and Beas language planning and their attempts to develop a viable model of bilingual education for children with Romany and Beas as their native tongue, which could constitute a decisive step, combining the endeavours to overcome traditional discrimination with the goals of the Charter: the maintenance and promotion of minority languages.

40. In its second periodical report (p. 25) the Hungarian Government stresses its will to develop the Romany and Beas languages and refers to the initial steps which have been taken to draw up language standards, suitable equally for use in education, and in which native speaker experts have also been involved (see also pp. 29-34 of the second periodical report for more details on the situation of the teaching of Romany and Beas and of the teacher training in these languages at the time). However, in the light of all the information collected by the Committee of Experts, including from the second "on-the-spot visit", the overall picture appears to be a complex one and still gives rise to several concerns.

41. In the first place, it is not clear to what extent Romany and Beas are actually taught and used also as a means of instruction. The second periodical report (p. 31) refers to roughly 250 kindergartens and 650 primary schools offering Roma/Gypsy minority education. These data, however, actually refer to the schools in which Roma children are instructed in general. Moreover, the same report earlier specifies that Romany and Beas are taught in 1 kindergarten, 3 secondary schools and 1 boarding school. During the "on-the-spot visit" the Ministry of Education referred to six/eight education institutions in which education in Romany or of Romany is provided. This limited offer, however, caters only for 20/25% of the Romany population, i.e. approximately between 120,000 and 200,000 thousand people. Furthermore, no information is provided on the actual number of teachers who were trained over the relevant period.

42. The position of the Hungarian authorities, as collated from remarks made by the Hungarian Government in the first evaluation report (see p. 42 of the latter), the second periodical report and from other information collected by the Committee of Experts, may be summarised as follows:

- priority must be given to integration, which is the strongest wish of Roma communities themselves, who want to have a better future for their children;
- only 20-25% of the total Roma population still speak the language and roughly the same percentage of people still declare themselves as Roma, with the result that many do not actually attach much importance to preserving their linguistic traditions and cultural identity;
- the lack of standardisation of the Romany and Beas languages increases the difficulties.

43. The Committee of Experts notes that the attempted integration of Romas has in many cases led to a loss of language and cultural identity. The integration policy pursued by the Hungarian authorities also seems to have failed in improving Roma participation in economic, social and political life. The Committee of Experts underlines that integration in line with the principles set out in the Charter, is one which allows for a full participation in economic, social and political life, combined with the preservation of one's linguistic and cultural identity.

44. A specific feature of the Hungarian situation is a high degree of segregation in schools and its knock-on effects for Roma children: according to a survey carried out in 4000 primary schools in 2001, Roma children were segregated in 700 classes mainly by means of remedial classes. In addition, a disproportionate number of Roma children are still enrolled in schools for the disabled (5.2% according to the figures submitted to the Committee of Experts during the "on-the-spot visit"; according to these same figures, 96% of the disabled pupils are actually Roma children and in 40% of the cases the reason was their Roma origin and the linguistic difficulties linked to their limited command of the Hungarian language).

45. The Committee of Experts underlines that it is fully aware that the issue is a complex one and that the linguistic concerns have to a large extent social and cultural dimensions, making it difficult to address the former while ignoring the latter. That is why the Committee of Experts considers it necessary to take the assessment it started in its first evaluation report a step forward and start including elements of a social and cultural nature in its evaluation.

46. Indeed, the Committee of Experts considers that a language maintenance policy cannot conform with the Charter and produce results, unless more fundamental measures of a different character are taken. It refers particularly to the practice of enrolling Roma children in schools or classes for the disabled only because they have difficulties in Hungarian. This can only have serious negative effects for the promotion and maintenance of Romany and Beas, and is therefore contrary to the aims of the Charter. It should be abolished without delay².

47. The figures show that present facilities for teaching in or of Romany are clearly insufficient, if not purely symbolic: even assuming that a linguistic policy should aim to cater for only a quarter of the total Roma population, this would still concern roughly 120,000 to 200,000 people, making this by far the largest minority language spoken in Hungary.

48. The Committee of Experts is of course aware that many Roma families are firmly committed to a full integration into Hungarian society. However, the Committee of Experts is not at all convinced that loss of the language and culture is the means (or the price to be paid) for achieving this objective. It would seem that the current strong tendency to integrate through *de facto* assimilation is more the consequence of a general negative attitude towards Roma culture, which has old historical roots and which still appears to be strong in Hungary, rather than an inevitable corollary to realistic integration³. In other words, a different general context, more inspired by tolerance and acceptance vis-à-vis the Roma languages and cultures, which could certainly be fostered by positive measures, could make it possible to achieve integration while at the same time preserving the language and the culture. The wide-spread lack of self-esteem amongst the Roma population (not only in Hungary, incidentally) adds another dimension to the problem, and attempts should be made to reinforce the Roma culture image within Hungarian society. The Committee of Experts would

² In this respect see also the opinion on Hungary adopted by the Advisory Committee of the Framework Convention for the Protection of National Minorities on 22 September 2000 (ACFC/INF/OP/I/(2001)004), para. 41.

³ In this respect see also the above-quoted opinion on Hungary adopted by the Advisory Committee of the Framework Convention for the Protection of National Minorities, para. 21.

advise the Hungarian authorities to work at improving the general attitude towards Roma languages and culture in Hungarian society just as much as they should deal more effectively with the genuine language policy issues.

49. In this context, the Committee of Experts also considers it necessary to review the statement made in its first evaluation report (see para. 13), according to which for the purposes of the Charter only the minority-language-speaking Roma/Gypsies are relevant, excluding in this way the large majority of Hungarian-speaking Roma/Gypsies, whose main problems are social exclusion and discrimination. In the light of the information collected in the second monitoring round and the considerations made above, the Committee of Experts now considers that these considerations actually apply to the Roma population in Hungary as a whole and that the measures recommended, particularly in the field of education, should be conceived so as not to bar members of the Hungarian-speaking Roma population from recovering their language if they so wish.

50. The Committee of Experts is not convinced that the lack of standardisation argument is justification for the failure to offer education in and of Romany. The Committee acknowledges that standardisation is a crucial step, especially for teaching in further and higher education, as was apparent from the numerous talks it held with experts on Romany languages in Hungary, and that ultimately a standardised form of the language should be generally accepted. The Committee of Experts further advocates that standardisation be sought preferably at European level, in close co-operation with the Roma representatives themselves, and the other European States concerned, to avoid a purely "national" standardisation which would risk cutting ties with other Roma communities throughout Europe. In this respect, the Committee of Experts would like to stress that Hungary could play an important role at European level, given the very high expertise available in Hungary in this field. However, even while standardisation is still at a rudimentary stage, teacher training could already be improved and local varieties of Romany languages could already be used at least in the lower grades on a more systematic basis, while work on standardisation is pursued.

In conclusion, the Committee of Experts urges the Hungarian authorities to:

- ***adopt positive measures aimed at countering any forms of intolerance towards Roma languages and cultures;***
- ***adopt provisions and measures aimed at improving the image attached to Roma culture in the Hungarian society;***
- ***abolish the practice of unjustified enrolment of Roma children in schools for the disabled;***
- ***intensify their initiatives to promote the standardisation of the two languages concerned (Romany and Beas) in co-operation with the other European States concerned, with a view to promoting a common European enterprise aimed at achieving a common European standardisation;***
- ***take measures, without delay, to increase the supply of teaching of the language and in the language at least in the lower grades and to improve teacher training even while the standardisation process is under way.***

3.2.5 Other non-territorial languages

"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."

51. In its first evaluation report (see para. 33) the Committee of Experts observed that most of the languages not covered by Part III of the Charter are non-territorial languages because of their scattered presence throughout the country. Other non-territorial languages are as follows: Armenian, Bulgarian, Greek and Ukrainian. For Greek it must be added that a significant section of the Greek-speaking community seems to be of recent origin, owing to the influx of refugees who arrived in Hungary from Greece following the 1948/1949 civil war.

52. During the second monitoring round the Committee of Experts received no information from representatives of the Armenian and Ukrainian languages. Despite this, the Committee of Experts considers that a general problem in this area is the restricting of education in these languages to 'Sunday School' education (with the exception of Bulgarian in Budapest, which can rely on a Bulgarian school)) The effectiveness of these Sunday Schools is doubtful, given that pupils are required to study in addition to the normal school-week. Although teaching in and of Greek seems to benefit considerably from the support of the Governments of Greece and Cyprus, the Committee of Experts still considers that an effort could be made to include at least some classes as part of the normal curriculum. As for the media, the Committee of Experts recalls the remarks it made in respect of Ruthenian and Polish (see paras. 25 and 33 above) and refers also to the observations which will be made below, in the findings.

3.3 The Committee's evaluation of the problematical issues arising under Part III of the Charter

3.3.1 Preliminary remarks on the approach of the Committee of Experts in respect of Part III in the context of the second report

53. The languages identified under Part III of the Charter are Croatian, German, Romanian, Serbian, Slovak and Slovene, with guarantees for the maintenance and use of these languages extending over the whole territory of the Republic of Hungary.

54. The Committee of Experts will focus on the provisions of Part III in relation to which a number of issues were raised in the first report. It will evaluate in particular how the Hungarian authorities have reacted to observations made by the Committee of Experts. 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 reasoning⁴, before evaluating how the Hungarian authorities reacted. It will also evaluate implementation of the new undertakings that the Hungarian Government entered into after the first monitoring round (Article 8 paras. 1.i and 2).

55. Consequently, for the purpose 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 :

- Article 8 para. 1.g (para. 43 of the first report);
- Article 10, para. 2.b (para. 56 of the first report);
- Article 10 para. 2.g (para. 59 of the first report);
- Article 11 para. 1.e.i and f.i (paras. 66 and 67 of the first report);
- Article 11 para. 3 (para. 69 of the first report);
- Article 12 (paras 70-75 of the first report);
- Article 13 (para. 76 of the first report);
- Article 14 (paras 77-79 of the first report).

The Committee of Experts therefore refers to the conclusions reached in its first report, but reserves the right to evaluate the situation again at a later stage.

3.3.2 The evaluation of the Committee of Experts⁵

Article 8 – Education

Preliminary remarks

56. According to the information received by the Committee, minority language education in Hungary is being affected by a general problem, namely the closing or merging of a number of schools, due in particular to downward demographic trends. Despite Government subsidies, in several cases schools in small settlements cannot supply the teachers required. Following the closure of a small school or its merger with a larger school, pupils are obliged to move to another school. In such a situation, commuting to a regional school in which the minority language is taught is rarely organised. The Committee's attention was drawn particularly to the case of German, for which the problem would seem to be especially serious. This is quite probably equally the case for Croatian, Romanian, Serbian, Slovak and Slovenian, whose speakers also live mostly in small communities, however the Committee of Experts has not received any specific information at this stage to this effect. The Committee of Experts is aware that closing or merging schools which offer minority language education can have negative repercussions on the use of a regional or minority language in the community. Indeed, schools have a crucial role in the maintenance of minority languages.

57. The Committee will therefore assess the extent to which the relevant provisions of Article 8 are fulfilled, in the light of this general problem. In this context, the Committee of Experts is also concerned that the current tendency towards streamlining the curriculum might have an additional adverse impact. Furthermore, the Committee of Experts would ask the authorities in their next periodical report to deal

⁴ The boxes which appeared in the first evaluation report are the underlined sentences which appear in the present second report.

⁵ The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Republic of Hungary.

specifically with the issue of transport organised for pupils living over a certain distance from their school, since this issue was not addressed in the second periodical report.

"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:

Pre-school education

- 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."***

58. In its first evaluation report (see para. 35) the Committee of Experts considered that this obligation was fulfilled and observed in particular that there exist two types of pre-school establishments teaching in minority languages (a native language pre-school that organises all pre-school life in the minority language, and dual language pre-schools that use Hungarian and the minority language side by side), with the overwhelming majority of pre-school establishments using the bilingual model. However, the Committee of Experts also highlighted problems in funding and the fact that the establishments are sometimes rather distant from the homes of the families concerned. It was also not clear whether there exists a subjective right to receive pre-school education in a minority language if the family so requests and the number of pupils is considered sufficient.

59. The Committee of Experts considers that the situation has not substantially changed and that the general problem raised above (see paras. 56-57 above) does not appear to affect pre-school education (according to the figures provided by the Government, the number of pre-schools providing native language or bilingual education is actually higher than established in the previous monitoring round, although the national self-government of Germans living in Hungary did not agree with the relevant figures; see p. 36 of the second periodical report). Furthermore, it is clear that if the minimum number of eight is attained, the authorities are obliged to provide pre-school education in the minority language. The obligation can thus be considered to be still fulfilled.

Primary education

- "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."***

60. In its first report (see paras. 36-38), the Committee of Experts concluded that the obligation was fulfilled and observed that there is a mix of models (primary education provided purely in the minority language, or organised bilingually, with a substantial part of the school programme taught in the minority language but another part in Hungarian, or having Hungarian as the medium of instruction, with supplementary teaching of the minority language as an integral part of the curriculum), a mix which varies considerably from language to language. The Committee observed, however, that forms of bilingual education continue to be rather underdeveloped, although they would correspond best to the needs and

wishes of the minorities, and most children from the minorities are taught in Hungarian, with only additional courses in the minority language taught as a foreign language.

61. The Committee of Experts considers in the first place that forms of bilingual teaching have not progressed and that the most common model is still the teaching of the minority language four hours a week (five for the German language) as a second or foreign language, despite the clear wish of several groups of speakers (such as the German, the Slovak and the Slovenian speakers), to strengthen the bilingual teaching.

62. The situation is further complicated by the general problem referred to above (paras. 56-57). The Committee of Experts takes due account, in this respect, of the information provided by the Government, concerning the introduction, in 2000, of the so-called "small settlement normative funding", aimed precisely at supporting minority language education in small settlements (see p. 39 of the second periodical report). However, this financial effort does not seem to be enough to counter a problem which, according to all speakers' representatives who participated in the second monitoring process, is a serious one. Furthermore, no serious efforts appear to have been made for organising proper transport to and from a regional school in which minority language education is provided following the closing or the merging of a small settlement school.

63. The Committee of Experts therefore concludes that its previous assessment has to be revised and that this undertaking is at present only partly fulfilled.

The Committee of Experts encourages the Hungarian authorities to improve the teaching of minority languages as a second language and to start developing forms of bilingual education on a more systematic scale.

Secondary education

- "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."***

64. In its first evaluation report (see para. 39) the Committee of Experts concluded that this obligation was only partly fulfilled. The Committee of Experts observed in particular that although the general statutory requirement is valid also for secondary education, i.e. a request by eight families obliges educational authorities to create a class or study group in a minority language, it is difficult from an organisational point of view to fulfil this statutory requirement and, owing to a lack of teachers and finance, parents' wishes frequently remain unfulfilled. The Committee of Experts also referred to the fact that due to the geographical dispersion, in particular of certain minorities, the few existing grammar schools, often just one per minority community, do not really meet the demands. It noted that in this field, too, the bilingual mode of teaching remains rather undeveloped.

65. The Committee of Experts observes that the situation has not changed in the meantime. It also notes that an issue which does not seem to have been addressed by the Hungarian authorities but on which some of the speakers' representatives expressed their concern, is the problem of the distance of secondary schools. The Committee of Experts thus concludes that this obligation remains only partly fulfilled.

The Committee of Experts encourages 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.

Vocational training

- “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*
- 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.”**

66. In its first evaluation report (see para. 40) the Committee of Experts concluded that this obligation was only partly fulfilled.

67. The Committee of Experts considers that the situation has not substantially changed. Vocational training opportunities in the minority language continue to be non-existent for Croatian, Serbian, Romanian and Slovenian. A slight improvement has been registered for Slovak (in one training school in Budapest Slovak is the language of tuition) and three institutions offer technical training in German (see p. 41 of the second periodical report), although the quality of the latter is uncertain. The Committee of Experts considers that this poses a serious problem which compounds the one concerning secondary education: pupils who do not go to a minority secondary school will practically abandon the practice of the minority language in the context of their education.

68. The Committee of Experts therefore concludes that this obligation remains only partly fulfilled for German and Slovak and that it is not fulfilled for Croatian, Romanian, Serbian and Slovenian.

The Committee of Experts encourages 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.

Higher education

- “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, subparagraphs 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.”***

69. In its first evaluation report (see para. 41) the Committee of Experts noted that in Hungarian universities and in various teacher-training colleges, most of the languages covered under Part III may be studied as languages and/or as subjects of linguistic studies and that for students from the minority desiring to study a subject in their native tongue, Hungary provides, via its extensive network of bilateral treaties with its neighbouring states, extensive opportunities to undergo an all-round mother-country education in any subject. The Committee of Experts thus concluded that together with a system of scholarships and facilitated procedures of recognition of the foreign qualifications obtained, this could be judged as fulfilling the requirements of Article 8.1(e) of the Charter.

70. The Committee of Experts sees no reason to depart from this conclusion. Additionally, it notes that according to the information provided by the Government in its second periodical report, diplomas and other certificates earned in mother countries or countries where the native language of the person is spoken are recognised in Hungary as equivalent. Furthermore, the regulation of the entrance examination to the higher education institutions has now made it possible for minority students to pass their entrance examinations in their own language (see p. 42 of the second periodical report).

71. The Committee of Experts thus considers that this undertaking continues to be fulfilled. However, it received complaints concerning the lack of adequate teaching, i.e. with the appropriate technical terminology, on scientific matters and would therefore invite the Hungarian authorities to provide further information in this respect in the context of the next monitoring round.

Adult and continuing education

- 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.”***

72. In its first evaluation report (see para. 42) the Committee observed that no comprehensive scheme of adult and continuing education offered in minority languages existed at the time and concluded that the undertaking was not fulfilled, although it reserved the right to re-examine the question since the entire system of adult education was at the time being re-organised.

73. According to the information provided by the Government in its second periodical report, the Act on Adult Education passed by the Hungarian Parliament on 18 December 2001 declares in particular that “the State provides the right to participate in adult education for all” and regulates the system of institutions and assistance given to adult education. According to the Hungarian Government, “there are no obstacles preventing that adult education or continuous training be conducted in a regional or minority language if there is a demand to do so” (p. 43 of the second periodical report). However, the Government states that gathering statistical data on adult education was due to begin in January 2003.

74. Therefore, in the absence of any indication as to the practice, the legislative provisions as such, which are drafted in very general terms, do not allow the Committee of Experts to revise its previous conclusion and it accordingly considers this undertaking not yet fulfilled. The Committee of Experts encourages the Hungarian authorities to provide a comprehensive assessment of the implementation of the new Act in respect of minority languages in its next periodical report.

Basic and further training of teachers

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

75. In its first evaluation report (see para. 44) the Committee of Experts observed that in general Hungary fulfilled the obligation, since it offers teacher training in all the languages concerned, although there seemed to be some difficulties concerning the provision of adequate teacher training in some languages, from a quantitative as well as a qualitative point of view. The Hungarian authorities were therefore encouraged to intensify their efforts in teacher training, to set up a stable structure of teacher training colleges preparing for minority language education, with sufficient capacities to meet the demands and finally to raise the quality of such teacher training.

76. The Committee of Experts notes that, according firstly to the information provided by the Government in its second periodical report, the situation does not seem to have substantially improved. Although several higher institutions include departments or department units in charge of training teachers for minority languages, these departments are characterised by a relatively small number of teachers and, with the introduction of a system of financial assistance by the Ministry of Education for higher education, the conditions of minority departments employing only a small number of staff have actually deteriorated, despite their reclassification into a higher assistance category. Consequently, these departments are in an institutionally fragile situation.

77. The Committee of Experts considers that the information provided does not enable it to conclude that a comprehensive solution has been found for teacher training. Furthermore, the information at its disposal is not sufficient to assess the results obtained, in particular in terms of the number of teachers trained and of teachers who took up their duties over the relevant period. In this respect, it must be underlined that a high level of teacher training is crucial to the development of adequate forms of bilingual education.

78. Although the Committee of Experts is aware of the efforts made by the Hungarian authorities to facilitate the training of teachers in the respective mother countries, it must be stressed that according to Article 46 of the Act on Minorities, the training of native language teachers for the instruction of minorities remains the State's responsibility. Therefore, this undertaking is only partly fulfilled.

The Committee of Experts encourages 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.

"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."

79. The Government referred to the functions of the Office for National and Ethnic Minorities, the National Committee for Minorities (an advisory body of the Ministry of Education composed of experts delegated by the minorities) and the minority national self-governments, insofar as they participate in the drawing up of the government's programmes and express their views on proposed legislation concerning the teaching of minority languages (see p. 47 of the second periodical report).

80. The Committee of Experts observes that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. However, according to the information provided, the Committee of Experts must conclude that there is at present no body which performs the specific tasks envisaged in this undertaking. Furthermore, the Committee of Experts has neither received nor seen any periodic reports of the kind referred to in the undertaking. The Committee of Experts must therefore conclude that this undertaking is not fulfilled.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education. "

81. According to the information provided by the Government, the normal legal requirement (a request from the parents of at least eight pupils) applies also outside the territories in which the six languages concerned are traditionally used and this possibility has been used in particular in larger towns in Hungary. The Act on Public Education, as modified in 1999, also provides for the possibility of complementary minority education in those cases in which minimum numbers cannot be attained (see p. 47 of the second periodical report).

82. The Committee of Experts considers that this undertaking is fulfilled.

Article 9 – Judicial authorities

"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."

83. In its first evaluation report (see paras. 45-46) the Committee of Experts highlighted two questions in this respect: 1) the unclear formula contained in Section 8 paragraph 1 of the Act I of 1973 on Criminal Procedure ("lack of command of the Hungarian language"), which risked being interpreted in such a way that judges qualify the usual member of a linguistic minority in Hungary as not falling under this protective clause

(the Hungarian authorities were therefore encouraged to modify Section 8 of the Act on Criminal Procedure so as to remove the said uncertainty); 2) The undefined territorial scope of this provision in relation to the main settlement areas of linguistic minorities, makes it impossible to take the measures necessary for encouraging minority language speakers to use their language in the courts. On this latter point the Committee of Experts observed that such an approach would formally restrict the scope of minority rights but it would also enable the State to create a system that would ensure the use of minority languages before courts.

84. Question no. 2 refers to the general problem, already referred to above (see para. 18), of the absence of a clearly ascertained territorial scope for the application of the Charter, which negatively affects an effective implementation of Articles 9 and 10 of the Charter in the case of Hungary. This problem has not been solved (Articles 9 and 10 of the Charter still apply in an unlimited manner to the whole territory of Hungary) and it will therefore be dealt with in a comprehensive manner in the context of the findings of the Committee of Experts.

85. As to question no. 1, Article 9 para. 2 of the Act of 2002 amending the Act XIX of 1998 on Criminal Procedure, which entered into force on 1st January 2003, provides 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 enacted by Hungarian law and falling within the scope defined by the said treaty or, in the lack of command of the Hungarian language, another language specified by the person in question". Furthermore, Article 114 of the new Act provides 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 specified by an international treaty enacted by Hungarian law and falling within the scope defined by the said treaty". On the other hand, Articles 219 para. 3 and 222 para. 6 of the Act, which concern respectively the obligation to translate the bill of indictment and the part of the decision concerning the speaker of a language other than Hungarian, still apply to the accused who does not have command of the Hungarian language (which at first sight would appear to exclude minority language speakers since they all have a command of the Hungarian language too). However, the authorities made it clear, during the "on-the-spot visit", that these two provisions should be read in the light of the fundamental principle set out in Article 9, to the effect that a minority language speaker who also has a command of Hungarian would still be entitled to benefit from the translations mentioned therein. Finally, Article 339 para. 2 of the new Act on criminal procedure provides that translation and interpretation costs will be borne by the State in those cases in which they relate to the use of a minority language. In its second periodical report, the Government quoted an example where interpretation was provided to an accused person belonging to the German-speaking minority in the context of criminal proceedings conducted by the Court of the Bács-Kiskun County (see p. 48 of the second periodical report).

86. The Committee of Experts considers that question no.1 may be considered as solved. However, it observes that although the developments in statutory law reported by the Hungarian government have now improved the formal legal framework, a more structured and systematic approach, which is necessary for an effective practical implementation, is still needed. The Committee of Experts therefore encourages the Hungarian authorities to provide further examples, in the third periodical report, of the concrete implementation of the provisions on the use of minority languages in the context of criminal proceedings. Furthermore, it must also be underlined that question no.2 still remains unsolved. As a consequence, the Committee of Experts concludes that this undertaking is only partly fulfilled.

"a. iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;"

87. From the information provided by the Government it would appear that the provisions of Act I of 1973 on Criminal Procedure, referred to in the first evaluation report (see para. 47 of the first evaluation report), have been replaced by the general provision of Article 9 of the new Act on Criminal Procedure (see p. 48 of the second periodical report). The Committee of Experts sees no reason to depart from its conclusions in the first evaluation report and therefore concludes that this undertaking continues to be fulfilled.

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

88. In its first evaluation report (see para. 48) the Committee of Experts referred to the uncertainties arising from the previous legal framework. The Hungarian Government refers to the new provisions on criminal procedure, namely Articles 9 para. 3, which provides that decisions and other official documents

must be translated by the court, the State attorney or the investigating authority which issued the decision, and the above-mentioned Articles 219 para. 3, 222 para. 6 and 339 para. 2 (see para. 85 above). The Committee of Experts considers that this undertaking is now fulfilled.

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.

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

89. As to Article 9 para. 1.b.ii of the Charter, in its first evaluation report the Committee of Experts expressed its doubts as to the effective possibility that minority language speakers may use their language even though they also speak Hungarian and concluded that this obligation was only formally fulfilled (see para. 49 of the first evaluation report). As to Article 9 para. 1.b.iii, the Committee of Experts concluded that the undertaking was fulfilled, given that no problem in practice had been reported, despite the absence of any legal references (see para. 50 of the first evaluation report).

90. In its second periodical report, the Hungarian Government refers to the new provisions, namely Article 6 paras. 1-3 of Act CX of 1999 on Civil Procedure, which modified the relevant provisions of the Act III of 1952 and which entered into force on 1st January 2000. According to the information provided by the Government, the objective of these modifications was primarily to guarantee explicitly the right to use regional or minority languages, irrespective of the fact that the speakers concerned have also a command of Hungarian. Interpretation and translation of documents will therefore be provided. The Government also referred to a decision of the president of the Court of the Zala County, which has a sizeable portion of inhabitants of Croatian native language, to order a judge belonging to the Croatian-speaking minority to use Croatian in court proceedings in respect of members of the same minority (see p. 49 of the second periodical report).

91. The Committee of Experts observes in the first place that the term "allow" referred to in the provisions at issue does not refer solely to the existence of legal provisions but also implies a certain degree of practical implementation. The Committee of Experts considers that progress has been made but observes that the information provided by the Hungarian authorities on the practical implementation is too limited to conclude that these undertakings are actually fulfilled in a systematic way and not just in a few cases. The developments in statutory law reported by the Hungarian government have of course laid down the necessary formal conditions but a more structured and systematic approach, which is necessary for an effective practical implementation, still seems to be needed. The Committee of Experts therefore welcomes the positive legislative developments, which formally fulfil the present undertakings, as a positive step towards full implementation and encourages the Hungarian authorities to provide further examples, in the third periodical report, of concrete implementation of the provisions on the use of minority languages in the context of civil proceedings. Furthermore, the unsolved problem of the absence of a clearly ascertained territorial scope for the application of Article 9 of the Charter is relevant in respect of this undertaking as well.

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.

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

92. In the first evaluation report the Committee of Experts observed that such proceedings are usually in writing and questioned, therefore, the possibility for Hungary to implement the first undertaking. In any event, the Committee of Experts did not find itself in a position to come to clear conclusions for lack of information on the rules of procedure concerning administrative matters (see p. 25 of the first evaluation report). However, in its comments made following the first evaluation report, the Hungarian Government underlined that proceedings on administrative matters are not exclusively in writing and explained that proceedings before courts concerning administrative matters are governed by the general rules of civil procedure (see p. 43 of the first evaluation report; see also p. 50 of the second periodical report).

93. The Committee of Experts recalls its findings concerning the civil procedure, according to which the developments in statutory law reported by the Hungarian government have laid down the necessary formal conditions, but a more structured and systematic approach, which is necessary for an effective practical implementation, is still needed (paras. 90-91 above). It therefore concludes that these undertakings are likewise only formally fulfilled. However, it reiterates, also with regard to administrative proceedings, that the positive developments concerning statutory law also constitute a positive step towards full implementation of these undertakings and encourages the Hungarian authorities to provide further examples, in the third periodical report, of the concrete implementation of the provisions on the use of minority languages in the context of administrative proceedings. Furthermore, the unsolved problem of the absence of a clearly ascertained territorial scope for the application of Article 9 of the Charter is relevant in respect of this undertaking as well.

“Paragraph 2

The Parties undertake:

- a. *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or***
- b. *not to deny the validity, as between the parties, of legal documents drawn up within the State solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or***
- c. *not to deny the validity, as between the parties, of legal documents drawn up within the State solely because they are drafted in a regional or minority language.”***

94. In its first evaluation report (see para. 53) the Committee of Experts noted that from the general information at its disposal it seemed that no provision of law excluded the validity of public, legally issued documents in a minority language, but concluded that this information was insufficient to reach a conclusion on the fulfilment of this undertaking.

95. The Committee of Experts recalls first of all its observation in the first evaluation report that the three options in Article 9 para. 2 were alternatives and that Hungary should therefore have opted for only one of them (*ibidem*). The Committee of Experts notes that no specific circumstances make the first option under Article 9 para. 2 appear as manifestly incompatible with the specific needs of the minority languages concerned and/or with the expressed wishes of the speakers. Therefore, in conformity with its practice, the Committee of Experts will apply “*ex officio*” the first option.

96. In its second periodical report the Hungarian Government states in the first place that the validity of agreements concluded between local and national minority self-governments and various public institutions or bodies and drafted in a minority language was never questioned by any authority in Hungary. The Government further refers to the fact that the recommendations and the minutes of the Joint Committee on Minorities within the framework of the co-operation with the mother countries are drafted also in the language of the latter, which is at the same time the language of the minority concerned. Finally, the second periodical report states in general that “there are no clauses or provisions in the civil or criminal legislation of Hungary which would preclude the validity of these documents” (see p. 50 and following of the second periodical report).

97. In the light of the information provided by the Hungarian authorities, who also produced some concrete examples, the Committee of Experts concludes that the undertaking is fulfilled.

Article 10 – Administrative and public services

State administration

"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."

98. In its first evaluation report (see para. 54) the Committee of Experts noted that there was a strong reservation on the part of state authorities towards documents drawn up in minority languages, that public authorities (beyond the level of local communities) were not organisationally equipped, or, more particularly, adequately staffed, for processing such documents and that accordingly minority language users hesitated to take up their rights because they knew that their counterparts in the administration were not prepared to deal with documents in minority languages. The Committee of Experts concluded that if Hungary wanted to make such a right operational, it should make the necessary preparations in administrative organisation, which would only be possible on a geographically limited scale, i.e. in those administrative districts where the number of speakers of minority languages justifies such an effort. The Committee of Experts also recommended to the Hungarian authorities to clarify, in the Act on State Administrative Procedure, the possibility of submitting documents to State authorities in minority languages.

99. In its second periodical report, the Hungarian Government stresses the advanced stage that the assimilation process has reached and the difficulty of reversing the trend. Thus, although the number of experts working in public administration at local level and speaking minority languages has been growing (especially in the Counties of Baranya, Bács-Kiskun and Csongrád), minority-language speakers rarely make use of the existing possibilities and even some minority self-governments have not availed themselves of these possibilities (see p. 51 of the second periodical report).

100. On the other hand, according to the various information gathered from the Hungarian authorities, several initiatives have been or are going to be taken. Thus, a proposal has been submitted to the Parliament with a view to amending Article 53 of the Minorities Act in order to ensure that local self-governments make administrative forms available also in minority languages. Research will be carried out to assess how many staff members in the administration can use minority languages and in which areas the use of minority languages would actually be possible. New rules for the administrative procedure are being drawn up which would allow the decision to be delivered also in the minority language upon request (although the act initiating the procedure would not state this possibility). The Hungarian authorities also stated that in counties where there are substantial numbers of speakers of minority languages the hiring of new staff is subject to the condition of knowledge of the language. Theoretically at least, the possibility to obtain interpretation if the staff member concerned does not speak the language would also seem to be provided. Finally, it would appear that in several county offices printed forms for the issuing of documents have been made available (see in this latter respect p. 52 ff. of the second periodical report).

101. The Committee welcomes the progress that is being made. Nevertheless, according to the information gathered by the Committee of Experts, the use of minority languages in the administration still very much depends on the initiative or good will of each particular administration. It is true that, as a representative of one of the languages concerned put it, minority languages were never used in dealings with the administration and it is not easy to start doing it now. However, a more incisive approach seems to be needed in this area too, as in the case of the judiciary. The Committee of Experts thus considers it essential that the Hungarian authorities proceed first of all to give a clearly ascertained territorial scope to the implementation of the various provisions of Article 10, by defining the areas in which this implementation would be feasible given the sufficiently high number of minority-language speakers living in those areas. The Committee of Experts also encourages the Hungarian authorities to pursue and intensify their efforts to assess how many staff members in the administrations have a command of the languages concerned, since that would make it possible to properly assess the needs. Furthermore, the Committee of Experts urges the Hungarian authorities to take concrete measures to encourage the use of minority languages in the administration, inter alia by making administrative forms in the minority languages concerned more automatically available and by ensuring that plates and doorplates used in administration offices were, in practice, bilingual. Finally, it does not appear, from the information submitted to the Committee by the

Hungarian authorities, that the new rules on the administrative procedure include the clarification that the Committee of Experts asked for in its first evaluation report.

102. In conclusion, the Committee of Experts considers that this undertaking is still only partly fulfilled.

The Committee of Experts urges 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 languages 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;***
- ***clarify, when drafting the new rules on the administrative procedure, the possibility to submit documents to State authorities in minority languages.***

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

103. In its first evaluation report, the Committee of Experts considered that the administrative authorities were allowed, according to the Hungarian legal system, to draft documents in a minority language as far as there was a need but that since the right to use a minority language in relation to the state administration was only rarely used, there seemed to exist virtually no practice concerning this theoretical possibility. The Committee therefore concluded that this undertaking was, at the most, only formally fulfilled (see para. 55 of the first evaluation report).

104. The Hungarian Government has referred to several types of materials published in the minority languages concerned but mostly of an informative nature (see p. 51 and following of the second periodical report).

105. The Committee of Experts observes that the almost non-existent practice in this field may be due partly to the lack of sufficient demand on the minority languages' speakers side, which would stimulate the administrative authorities to make use more often of the theoretical possibility to draft documents in the minority languages. However, the Committee considers that this is connected to the more general problem that a practice in this field has never existed and to the other related issues mentioned above (see para. 101), which are also relevant in this respect. The fact therefore remains that no use is actually made of this possibility. Furthermore, no positive action is taken to encourage the administrative authorities to draft documents in a minority language. The Committee of Experts therefore concludes that this provision is only formally fulfilled.

Local and regional authorities

"Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- 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.***
- 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."***

106. The Committee of Experts must first of all review its approach on this matter. In fact, in the first evaluation report (see paras. 57-58) it considered that the mere legal possibility was sufficient to fulfil these provisions. However, in conformity with the practice that it has developed since, the Committee of Experts considers that the mere legal possibility amounts to a formal fulfilment and that a full fulfilment would additionally require a corresponding degree of practical implementation.

107. The second periodical report submitted by the Hungarian Government only refers to the use of minority languages in the assemblies of minority self-governments. However, no reference is made to the practice concerning the assemblies of ordinary regional and local authorities (see p. 53 of the second periodical report).

108. The Committee of Experts therefore concludes that these undertakings are only formally fulfilled and encourages the Hungarian authorities to provide information on the extent to which the legal possibilities are made use of in the assemblies of regional and local authorities of general competence.

Public services

"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."***

109. In its first evaluation report (see para. 60) the Committee concluded that the obligation seemed to be fulfilled in practice for public services provided by local authorities, but not for public services provided by the State or other bodies, due to the lack of any legislative provision allowing for such use.

110. In its second periodical report (see p. 54), the Hungarian Government states that regarding the public services to be performed by State organs, the provisions of the civil code apply. The latter contains no bans concerning the language of civil contracts and it only stipulates that in the case of a legal dispute, the Hungarian version of the agreement shall prevail.

111. The Committee of Experts observes in the first place that this provision requires not only the absence of a ban on concluding contracts in minority languages but also, and above all, the legally guaranteed possibility for minority-language speakers to submit requests in minority languages. The Committee of Experts therefore considers that the information provided by the Government does not respond to the issue raised in the first evaluation report and concludes that this undertaking is not fulfilled.

The Committee of Experts urges 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.

Implementation measures

"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:***
- b. recruitment and, where necessary, training of the officials and other public service employees required;***
- c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed to the territory in which that language is use."***

112. In its first evaluation report (see para. 61) the Committee of Experts concluded that the obligation was only partly fulfilled and that there was a need to enforce measures of implementation in state administration and nation-wide public services, with a view to ensuring that the relevant authorities of state administration dealing directly with minority language speakers, as well as the local branches of public

service providers acting in minority areas, are staffed with sufficient employees having knowledge of the respective minority languages.

113. In its second periodical report (see p. 54) the Hungarian Government stresses that on the basis of reports provided by the county offices of public administration the use of minority languages is less and less effected by means of interpreters and translators; more and more frequently, in accordance with Article 54 of the Minorities Act, the administration hires public officials who speak a minority language and many employees take minority language examinations (in particular in German and Slovak). This was confirmed by the information collected by the Committee of Experts during the "on-the-spot visit" (particularly for German). Furthermore, some national minority self-governments have initiated, with the Government's support, a compilation and publication of glossaries which contain the technical expressions used in public administration in Hungarian and in the language of a given minority.

114. The Committee of Experts considers that significant progress has been made in this area, which is all the more important since this is one of the crucial ways of encouraging the use of minority languages in the dealings of the administration. However, it would appear that the progress does not concern all the six Part III minority languages and no information has been made available concerning Croatian, Romanian, Serbian and Slovenian. The Committee of Experts therefore concludes that this obligation is fulfilled with regard to German and Slovak but it appears that it is not yet fulfilled as far as Croatian, Romanian, Serbian and Slovenian are concerned.

The Committee of Experts encourages the Hungarian authorities to pursue their efforts in this area and to extend them to all the languages covered by Part III.

In particular, the Committee of Experts encourages 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.

Family names

"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."

115. In its first evaluation report (see para. 62) the Committee of Experts considered that officials of the registers traditionally tended to be quite rigid, so that members of linguistic minorities sometimes had difficulties in enforcing their statutory right, and the obligation was therefore only formally fulfilled.

116. The information collected by the Committee of Experts shows that the practice is variable and that a lot depends on the administration concretely concerned. The legal provision according to which in the case of a non-Latin script the original phonetic transcription is accompanied by a phonetic Latin transcription (see p. 55 of the second periodical report) is not always implemented and only a Latin transcription may in fact be possible

117. The Committee of Experts acknowledges that some progress has been made (the Ministry of the Interior has thus made some efforts to spread the information on the legal provisions, via, inter alia, the internet). However, the practice can vary considerably from administration to administration. The Committee of Experts thus considers this undertaking as being only partly fulfilled.

The Committee of Experts urges the Hungarian authorities to intensify their efforts in this area, by raising the awareness of all the administrations concerned, for example through ministerial decrees or internal circulars.

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. iii. to the extent that radio and television carry out a public service mission: to make adequate provision so that broadcasters offer programmes in the regional or minority languages."***

118. In its first evaluation report (see para. 63) the Committee of Experts noted that the programmes were largely determined by the language users themselves and that although the editorial groups are sometimes rather small and under equipped, in general the system seemed to work rather well. The time slots allotted to the various programmes had given rise to complaints from the representatives of the minority languages, but an agreement between the public TV network and the minority self-governments tried to solve these problems in a co-operative manner. The Committee concluded that the obligation was formally fulfilled but further efforts were needed to come to functional arrangements in questions of detail.

119. The second periodical report (see pp. 55 and 57) refers to some positive measures recently adopted, such as a system of competitive grants for public service programme production (according to the supplementary information collected by the Committee of Experts during the "on-the-spot visit", subsidies can cover up to 70% of the production costs). The Hungarian Government also specified that the Hungarian television broadcasts a programme ("Together") every second week (for 52 or 26 minutes), the purpose of which is to disseminate information on the situation of minorities in Hungary. The public television has also weekly broadcasts (26 minutes for each language) on a national coverage for Croatian, German, Romanian, Slovak and Serbian and every second week also for Slovenian. These broadcasts take place in afternoon slots on various days of the week. Broadcasts are repeated on Saturday mornings on the satellite channel.

120. However, in the context of the second monitoring round the Committee of Experts received some complaints concerning the limited amount of time granted and the time at which minority programmes are broadcast (for example between 1.30 and 2.00 p.m., when students or workers can hardly watch TV).

121. As far as radio programmes are concerned, in its second periodical report (p. 56 and following) the Hungarian authorities specify the amount of time devoted to minority-language radio programmes.

122. However, according to the information gathered by the Committee of Experts, serious problems continue to affect this area. The main one seems to be that the basic frequency in use is East Europe FM, which modern radio sets are not capable of receiving. Medium waves do not seem to offer a very good quality either and there is a strong demand for frequencies serving a region rather than just a town.

123. The Committee of Experts therefore concludes that given the serious problems in the field of radio programmes, this undertaking can at this stage be considered as only partly fulfilled. Furthermore, the Committee of Experts encourages the Hungarian authorities to strengthen the offer and to improve the time-slot and the time-frame available for minority-language television programmes. The Committee additionally encourages the granting to Slovenian of a broadcast on a weekly basis.

The Committee of Experts urges the Hungarian authorities to ensure that programmes in minority languages are transmitted on frequencies which can be received by ordinary radio sets.

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

124. In its first evaluation report (see para. 64) the Committee highlighted a series of problems in this area (particularly the difficulties encountered by applications for programmes in minority languages) and concluded that this obligation was only partly fulfilled.

125. In its second periodical report (p. 56 and following) the Hungarian authorities refer in particular to the successful case of the Slovenian radio "Monoster", although they admit that the Act on Media fails to provide for the budgetary aspects of operating bandwidths licensed to minorities (as in the case of the Slovenian radio, whose public financing is still problematical).

126. The Committee of Experts considers that the case of the Slovenian radio shows that progress is definitely possible, especially when the authorities' partner is an efficient minority self-government, although the Committee of Experts is not in a position to establish whether the status of the Slovenian radio station is of a private or of a public nature. However, no developments have occurred concerning the other Part III languages and in general there is no indication that the State is encouraging and/or facilitating the broadcasting of minority language programmes on private radio, through measures such as ear-marked funding or minimum requirements for licensing.

127. The Committee of Experts therefore concludes that this undertaking is not fulfilled.

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

128. In its first evaluation report (para. 65), the Committee of Experts concluded that this obligation was in principle fulfilled, although the broadcasting of television programmes in minority languages outside the public service network remained problematical and despite the lack of retransmission of programmes in minority languages. In particular, the Committee of Experts invited the Hungarian authorities to investigate the possibility of including 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.

129. In its second periodical report (see p. 57) the Hungarian Government provided the information which the Committee of Experts has considered relevant under Article 11 para. 1.a.iii (see paras 119 and 121 above). However, taking into account the nature of the option chosen by the Government, the Committee of Experts does not have any information as to measures of encouragement for the broadcasting of television programmes in minority languages by private stations (see, *mutatis mutandis*, the first evaluation report of the Committee of Experts on the implementation of the Charter by Germany, ECRML (2002) 1, paras. 93, 94, 152, 233, 234, 269, 270, 306, 307, 337, 456, 457, 504 and 505). In particular, for example no "must-carry" provisions or other means (such as air re-transmission) seem to have been introduced in private licences.

130. Furthermore, the situation concerning retransmission of programmes in minority languages from neighbouring countries is still perceived as largely unsatisfactory. In particular, no progress seems to have taken place concerning cable-retransmission and current licences for cable-TV operators do not include any requirements concerning minority languages (the explanation provided by the Hungarian authorities being that the licences were issued before minority languages became a relevant element), although it would seem that in some cases minority self-governments have successfully managed to approach the operators themselves.

131. In conclusion, although in some cases the problems seem to be beyond the Hungarian authorities' reach (for example the difficulties for the Slovak television channels to be broadcast via satellite or the fact that Croatian television would seem to be accessible via a card not available in Hungary), the few achievements in this area would appear to be rather occasional (Romanian and Slovenian programmes thus being more available in the border areas for the simple reason of the border's vicinity) and above all, the Hungarian authorities still seem to lack a coherent and determined policy in this whole area, particularly as far as private stations are concerned.

132. In the light of the information contained in the second periodical report, the Committee concludes that the obligation cannot be considered as fulfilled.

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

133. In its first evaluation report (para. 68) the Committee of Experts highlighted the lack of a specific scheme for the professional training of minority-language journalists and concluded that this obligation was only partly fulfilled. The Committee of Experts therefore encouraged the Hungarian authorities to establish a scheme for training of minority language journalists.

134. In its second periodical report (p. 58) the Hungarian Government refers to the scholarships granted by the Public Foundation for National and Ethnic Minorities and by the Ministry of Education (the latter being devoted in particular to financing a training in the respective mother countries). However, it is unclear to what extent these possibilities are actually made use of and, in this respect, no figures have been provided on how many journalists have been trained through these two schemes. The Committee of Experts therefore concludes that this undertaking remains only partly fulfilled and encourages the Hungarian Government to provide figures, in the next periodical report, concerning the number of journalists who have been trained through the mentioned schemes.

Chapter 4 Conclusions

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

Recommendation no. 1:

“establish a policy for developing the Romani and Beas languages, with the aim of facilitating their use in public life, and respond to the needs of the users of these languages, in particular in education;”

Although the second periodical report does not contain much information in this respect, the recommendation of the Committee of Ministers was followed by a growing discussion in Hungary and several moves have been made to tackle the situation, mainly in the area of integration of Roma people into the Hungarian society (see paras. 40-42 above). However, the attempt to integrate the Roma has in many cases led to a loss of language and cultural identity and seems in any event to have failed to improve Roma participation in economic, social and political life (see para. 43 above). Furthermore, the actual provision of teaching of Romany and in Romany remains insufficient (see para. 47 above).

Recommendation no. 2:

“strengthen the institutional infrastructure for teaching in and of the minority languages, and develop further the possibilities of bilingual education and provide sufficient teacher training;”

The efforts made by the Hungarian authorities in this area still appear to be insufficient compared to the standard fixed by the Committee of Ministers. In particular, as far as Part III languages are concerned, there has been no significant progress towards more systematic development of forms of bilingual education. An additional, serious problem is the closing or merging of a number of schools in small settlements, taking account in particular that most speakers of regional or minority languages in Hungary live precisely in small settlements. This can have negative effects on the use of a regional or minority language in the community, given the crucial importance of schools in maintaining a minority language as a living language (see paras. 56-57 above).

Recommendation no. 3:

“strengthen the possibilities of speakers of minority languages to use their language before the courts and in relations with the administration, by taking organisational and other appropriate measures to ensure that the existing legal mechanisms can be utilised in practice;”

New provisions adopted by Hungary have removed the legal uncertainties concerning judicial proceedings which were detected in the first monitoring round (see paras. 83, 85-86, 87, 88, 89-91 and 92-93). However, the lack of a clearly ascertained territorial scope singling out the geographical areas where the full implementation of Articles 9 and 10 of the Charter might be practically feasible, continues to create serious obstacles to the effective implementation of these provisions (see paras. 18, 83-84, 86, 91, 93, 101 and 105 above).

Recommendation no. 4:

“continue to develop the potential of its newly established system of minority self-governments in view of the valuable contribution it can make to the promotion of the minority languages.”

The strengthening of the system of minority self-governments is an on-going process which is being pursued by the Hungarian authorities. One issue which has not yet found a solution is the transfer to minority self-governments of the management of bodies or institutions, in particular in the field of education. There are current discussions in the Parliament on how to facilitate this process through the clarification of the financial conditions (see para. 19 above).

4.2 Findings of the Committee in the second monitoring round

A. Hungary has a complex and rich framework for the protection of regional and minority languages, based on advanced legislation and on the system of minority self-governments. However, regional and minority languages in Hungary have been affected by a long assimilation process and amongst the minorities themselves, let alone the majority population, there is little awareness as to the importance of protecting and promoting regional and minority languages. The provision of educational opportunities, for example, may not succeed in saving minority languages in Hungary if the majority society relegates them to an inferior position, thus strengthening even among the speakers of the minority languages the perception that learning and using them in public is of little value. There is, as a consequence, an urgent need to raise awareness of the importance of maintaining minority languages and to attach a positive value to both bilingualism and the knowledge of a second language, including when that concerns regional or minority languages.

B. The ensuing lack of motivation creates a particular problem amongst the Roma population, although for (at least in part) different reasons. The shift to the Hungarian language was traditionally and is still seen as a means of integration into the Hungarian majority society. A great effort needs to be made in order to raise the awareness of the Roma people concerning the importance of preserving their inherited languages, and therefore their cultures, and also concerning the specific advantages of bilingualism. Of course, this result cannot be achieved if a serious effort, through strong positive measures, is not made to improve the image of Roma languages and cultures in Hungarian society and to counter any forms of intolerance in regard to them. An end to the practice of enrolling Roma children in schools for the disabled should of course be amongst the priorities. Furthermore, Hungary should take resolute action to develop Romany and Beas as written languages and to improve the state of teaching in and of Romany and Beas. In particular, a decided effort of standardisation of the Romany language should be carried out in a co-ordinated manner, preferably at European level. At the same time, the teaching of Romany and Beas should be strengthened at the lower grades even without the standardisation being yet achieved.

C. As regards other minority languages, the features of the present educational system are essentially the result of the long assimilation process, since in many cases (with the exception of the German language) the learning of regional and minority languages is not perceived as having any added value. In order to reverse the assimilatory trend, of which the Hungarian authorities are fully aware, a more determined approach seems necessary in the field of education. The Committee of Experts would consider appropriate a development of the following kind: for Part III languages the Hungarian authorities should start implementing models of bilingual education on a more systematic scale; for Part II languages education should start shifting from the present system of language classes on Sundays to the model currently used for Part III languages; the Ruthenian and Polish languages, having a certain territorial base, should be dealt with as a priority. Teacher training remains a critical area for the entire attempt to improve minority language education, since the further development of such education depends on the availability of sufficient numbers of teachers trained in minority languages. In this respect it must be said that the need to develop forms of bilingual education (including subjects taught in the language) makes it necessary to draw up a comprehensive approach to teacher training, which at this stage hardly exists.

D. An additional problem in the field of education is linked to the present trend towards closing or merging small schools. This is particularly worrying since, given the scattered presence of minority languages throughout the country, small settlements are precisely the places where minority languages are most alive. A particularly careful approach would therefore seem necessary in this area. First of all, when a small school where a minority language is taught merges with another school, it must be ensured that the teaching of and in the minority language will continue in the new school, or, in the case where a school is closed down, continue in the next school to which pupils must turn. Secondly, when such situations occur, it must be ensured that pupils will have reasonable commuting options to reach the new school easily. Thirdly, if it is not possible to arrange such commuting possibilities the small school should simply not be closed and the authorities should rely on a criterion of fixed costs instead of referring to the number of pupils as the decisive yardstick for financing such schools.

E. In the field of justice and administration, the fact that the Hungarian authorities have not yet identified the territories in which the number of speakers of minority languages justifies an effective implementation of Articles 9 and 10 creates a special problem. Without such a well ascertained territorial setting, the implementation of these provisions is bound to remain virtual. The Hungarian authorities should therefore carry out a preliminary study aimed at identifying the areas in which the concentration of the minority language speakers would make the effective implementation of Articles 9 and 10 operational. A further problem is that because of the longstanding assimilation process, minority-language speakers are simply not

used to the idea of using their language before courts or in dealings with the administration. Here positive encouragement measures would be needed. Such measures should also strengthen the current policy to favour the recruitment of staff members with a command of minority languages. These measures could contribute to creating a positive climate in which minority language speakers would be more motivated to use their language.

F. The supply of minority language programmes on public television seems to meet the minimum needs for the regional or minority languages, although the time-slot and the duration of broadcasting could be improved. However, serious measures regarding private radio and television channels have yet to be taken for encouraging the broadcasting of programmes in minority languages. The situation in the field of radio programmes is not satisfactory, due to the obsolete frequencies in use. These frequencies are mostly of a purely local reach and are difficult to obtain on modern radio sets. Hungary should take urgent measures to ensure that ordinary radio sets can receive programmes in minority languages.

G. Finally, the system of minority self-governments, which the Committee of Experts has already recognised as constituting a useful instrument for securing minority participation in the formulation and implementation of minority language-related policies, is consolidating itself, although its effectiveness is closely linked to resolving the issue of transferring bodies and institutions to minority self-governments, particularly in the field of education and culture, currently under discussion in the Parliament.

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 890th meeting on 30 June 2004, 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



Hungary:

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 honour 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: RECOMMENDATION RECCHL(2001)4 ON THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES BY HUNGARY

*(Adopted by the Committee of Ministers
on 4 October 2001
at the 766th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Bearing in mind the instrument of ratification submitted by the Republic of 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 the Republic of Hungary;

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

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

1. establish a policy for developing the Romany and Beas languages, with the aim of facilitating their use in public life, and respond to the needs of the users of these languages, in particular in education;
2. strengthen the institutional infrastructure for teaching in and of the minority languages, and develop further the possibilities of bilingual education and provide sufficient teacher training;
3. strengthen the possibilities of speakers of minority languages to use their language before the courts and in relations with the administration, by taking organisational and other appropriate measures to ensure that the existing legal mechanisms can be utilised in practice;
4. continue to develop the potential of its newly established system of minority self-governments in view of the valuable contribution it can make to the promotion of the minority languages.

APPENDIX III: COMMENTS BY THE GOVERNMENT OF THE REPUBLIC OF HUNGARY

The Government of the Republic of Hungary does really appreciate what the Committee of Experts' Report on the implementation of the European Charter for Regional or Minority Languages in Hungary contains in professional terms. Remarks, notes and proposals of the Committee of Experts may be an important contribution to the way we are going to follow in an approach to our minority policies. We set high value on the positive attitude of the Committee of Experts of the European Charter for Regional or Minority Languages shows towards the minority self-government system established in Hungary. We are fully aware that this system is far from being brought to perfection; it is so much the more essential for its continuous improvement to evaluate and process not only Hungarian experience but what external experts' can see and observe here, as well.

Since the very year of the change of the political system in Hungary the political forces in or out of power have been able to establish consensus concerning minority policy in the Republic of Hungary. These ten years we left behind our core minority policy objectives have essentially remained the same – primarily to consolidate minority communities in Hungary, establish and develop their representative system, as well as implement and strengthen their social and institutional background.

Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Minorities Act) serves as the most important legal means in implementing our minority policy. This Act constitutes a comprehensive legal frame for the aims and means ensuing from Hungary's rich minority policy experience accumulated during its history.

Since the Act has entered into force both our practical minority policy and reports on the fulfilment of our international undertakings, as well as reactions we received thereto clearly indicate that the Act is well ripe for being subject to an all-in revision and substantial amendment procedure. Necessary preparatory codification work has already been launched during the previous parliamentary cycle – under review by the Charter's Report – but, finally, the Parliament could not deal on the merits with the proposed amendments in the last year of the cycle.

Following the last minority elections held in 2002 this law amendment procedure has resumed. The need for the definition of bounds circumscribing the subjects of minority rights, i.e. the minority voters, has presented itself as a firm aim based on conclusions drawn from experience gained from these elections.

Last year a conference was held to commemorate the tenth anniversary of the entry into force of the Minorities Act. Also, lecturers at the conference, Hungarian and foreign experts including a member of Committee of Experts, were all for the government intention to define, within a law amendment procedure, more exactly the subjects of minority rights, the participants at minority elections and objective elements of belonging to a minority.

This is the intention that the current draft of the amendment to the Minorities Act is imbued with. The draft is an attempt trying, within the bounds of possibility, to circumscribe as exactly as possible settlements and regions where minorities typically and traditionally have their historical roots in Hungary.

The draft amendment has been prepared in co-operation with experts from the national self-governments of the minorities, ministries, bodies and professionals concerned. The draft is expected to come before the Parliament in the first half of 2004, therefore its finalized version will be treated in detail in our next Periodical Report.

While framing and developing its minority policy the Government of the Republic of Hungary continues to pay special attention to the remarks and recommendations of the Committee of Experts as well as to finding solutions to the problems raised by them, just the same way as it did after the previous Report. We are confident that, after a longer while, the Committee will see this whole process in its entirety through our reports and, on the other hand, methods and their effects that the Committee may be less informed of, will gain more and more ground in our everyday practice of minority policy-making.

Since the submission of the Report several government decisions have come to light, each as a move forward in the field of the protection of minority languages and cultures, as well as the improvement of related educational matters. These positive changes will be touched upon in less detail in this document because, as also indicated by the authors of the Report, their detailed explanation will only become possible in the next Report.

What we have added to this paper are mere facts we deem indispensable to mention in order to throw more complex light upon certain elements of the document issued by the Committee of Experts in response to the Second Periodical Report of the Republic of Hungary.

Included among such pieces of information, relevant in our opinion, are the official data of the 2001 census that came out only after the Periodical Report had been submitted. In its material, the Committee of Experts could use informal preliminary data only; therefore we deem it important to make the Committee acquainted with the final figures:

Minorities	Number of those belonging to minorities			
	Using the minority language as mother-tongue	Belonging to the nationality	Ties with cultural assets and traditions of the nationality	Using the minority language in family relations and friendly communities
	based upon responses			
Croatian	14 345	15 620	19 715	14 788
German	33 792	62 233	88 416	53 040
Romanian	8 482	7 995	9 162	8 215
Serbian	3 388	3 816	5 279	4 186
Slovak	11 817	17 693	26 631	18 057
Slovene	3 187	3 040	3 442	3 119
Roma/Gipsy	48 685	190 046	129 259	53 323
Bulgarian	1 299	1 358	1 693	1 118
Greek	1 921	2 509	6 140	1 974
Polish	2 580	2 962	3 983	2 659
Armenian	294	620	836	300
Ruthenian	1 113	1 098	1 292	1 068
Ukrainian	4 885	5 070	4 779	4 519

As the table above shows, final figures differ from preliminary ones to a minimum extent only. While, on the one hand, they confirmed the preliminary expectation, according to which those belonging to minorities living in Hungary outnumber former census figures, it became evident, on the other hand, that figures estimated by the minorities themselves concerning their population, and also accepted by minority policy-makers as relevant, are by orders of magnitude different from final figures of the 2001 census. An important aspect in this respect is that approximately 5% of the population did not answer questions about their minority ties in the census. Some minority self-government leaders have the opinion that an overwhelming majority of non-respondents includes people with minority ties who are still afraid of confessing their minority statuses, lingual or cultural ties.

While, taking relevant census data as a basis, it can be stated as a fact in respect of the territorial breakdown of those speaking minority languages that almost each minority community can be confined to a specific region where its population lives in typically higher proportions, another fact is that practically there is no county or larger city in Hungary without members of all minorities, however small in number.

Changes in the ethnic composition of the Capital Budapest prove best the internal migration of those belonging to minorities; however, nearly the same applies to the suburban belt situated around the Capital. Almost each satellite town and village formerly populated with a minority community has become a multilingual and multicultural settlement, though it does not follow that those belonging to the same minority in a particular settlement would organize themselves into a community and, as such, express demands as regards the fostering of their language or culture.

Further on we draw up our remarks following the sections in the Report of the Committee of Experts. The first thing to be noted herein is that certain issues, subsequently raised by the Committee of Experts, were

less accentuated only because the list of aspects previously compiled by the experts of the Charter then sent out to us as a guide how to prepare our Second Periodical Report did not cover them.

Concerning **Section 19**, we wish to note that taking training and educational institutions of minorities over has so far been possible, but a rare occurrence, under public education agreements (also covering financial issues) to be entered into with local self-governments of the settlements maintaining such institutions. This way the National Croatian Self-Government took over the maintenance of the Croatian Primary School of Hercegszántó or the German Self-Government that of German nationality kindergarten in Törökbálint and Budakeszi, and a German School in Piliscsaba.

The amendment to the Minorities Act that the Report refers to stimulates no significant changes concerning the taking over of minority kindergartens and schools accommodating children and pupils of local registration (though rules have already been made more exact). This goes on to be subject to an agreement with the self-government in charge of their maintenance. However, as regards minority training and educational institutions accommodating children of nationwide, regional or district registration, the obligation to transfer the task of the maintenance of such institutions and to enter into a public education agreement with the Minister of Education, also providing for financial issues, if so required by the national self-government of the minority concerned, is prescribed by law.

We would like to mention that budgets of the Republic of Hungary for both 2003 and 2004 contain funds specifically appropriated for subsidizing the functioning of institutions of the national minority self-governments. The provision of these resources allows the self-governments to decide by far easier about the taking over minority institutions than ever before.

As regards the Ruthenian language, we agree with **Section 23** since there really are old settlements with Ruthenian-speaking population. The existence of minority kindergartens and schools may be an institutional guarantee for protection and promotion of language.

In response to those described under **Sections 26 and 27**, we would like to emphasize that we have an institution, integrated in our educational system, where Ruthenian is taught. Teaching Ruthenian in the Primary School of the Village Mucsony has started from the school year 1995-96.

Hungarian education policy-makers also hold the view that opportunities must be provided for institutions to be established as an integral part of the Hungarian educational system instead of being so-called "Sunday schools" (this equally applies to the Polish, Bulgarian, Greek, Armenian and Ukrainian minorities). Legal criteria thereof have been established with the 1999 amendment to the Public Education Act providing for the opportunity for organizing additional education for minorities. Annual Acts on Budget have been providing for the financing of this educational form since 2000. According to this provision, the maintainer of educational institutions providing additional education for minorities may utilize the amount of the additional subsidy granted to minorities. Moreover, in co-operation and concert with the National Ruthenian Minority Self-Government, a detailed set of requirements regulating the content elements of the education in Ruthenian was established and published as an annex to Decree No. 32/1997. (VI.5.) MKM, in 2001.

We agree with the Committee in respect of the remark it made concerning further efforts to be made in the field of the training of Ruthenian teachers and the preparation of school books and auxiliary educational materials as well as closer relations to be established with countries where Ruthenian inhabitants live. As regards the education, we have already taken some initial steps, namely subsidy has been granted in 2003, to the University of Nyíregyháza for the preparation of the documents necessary for the Ruthenian Teachers' Training Branch at the Ukrainian and Ruthenian Philological Institute of the University to obtain accreditation (the Institute conducts Ruthenian linguistic and historical research work, too).

As regards **Sections 31, 32 and 34** concerning Polish and **Section 52** concerning Bulgarian, Greek, Armenian and Ukrainian languages, we have already mentioned in the foregoing the additional minority education as a possibility provided for them. It is to be added that the National Polish Minority Self-Government, which has been organizing a so-called Polish School for years, managed to get closest to the launching of this educational form.

In addition to the Ruthenians (Mucsony) and Bulgarians (Budapest), Greeks also have their own institutions of minority public education in the Village Beloianisz with nursery school education and elementary level language teaching.

In connection with **Section 38**, it is to be mentioned that within the frames of the "World – Language" Programme launched by the Ministry of Education in 2003, an opportunity presents itself for the promotion of institutional education of languages less taught in Hungary including those of our minorities. The Programme will be treated in more detail in our next Periodical Report.

As contrasted with findings of **Section 39** of the Report, today's higher education in Hungary is not restricted to offering just a few courses in Romology:

- University of Arts and Sciences in Pécs provides higher level basic education, and the University prepares a proposal for the programme of language teachers' education.

- Catholic College "Apor Vilmos" has launched its Basic Nursery Pedagogues' and Elementary School Teachers' Training Branch for the Roma/Gipsy minority. Also, College "Tessedik Sámuel" has submitted application for a licence to launch a similar branch. Accreditation of training is under way.

- A post-gradual special line for Roma Social Studies was launched in 2000. At present 5 higher education institutes take part in this training. Within the frames of the Programme for Compulsory Advanced Training, several educational institutes have framed their proposals on special exams for already practising teachers.

- Personal criteria for higher-level training in Lovári or Beás language or training these languages as subjects of instruction are still missing.

In response to the Committee of Experts' findings under **Section 41**, we wish to note that 34 primary schools have initiated the teaching of Romany or Beás. Maintaining permanent relations with these schools, the Ministry of Education tries to help them in the fulfilment of their endeavours.

Responding to **Section 56** of the Report, it is to be noted that legal regulations in effect provide for the prohibition of imposing disproportionate burden upon pupils or their parents when liquidation of a school is contemplated. What is more, the local self-government in charge of the maintenance of nursery or public schools for minorities may effectively decide to liquidate such schools only in possession of the consent of the local minority self-government concerned. On the basis of all these, we may well deem that elements that provide guarantee for the protection of teaching minority languages have successfully been integrated into our legal system.

In context with **Sections 60 to 63**, we would like to indicate that legal regulations in effect provide for the participation in the education of minorities on a voluntary basis; it is up to the pupil's or his/her parents' decision to opt for instruction in the mother-tongue, bilingual education or language teaching form of education. Typically, mother-tongue schools with nationwide and regional registration of pupils as well as those providing bilingual education have boarding facilities to be able to receive pupils who have decided for them.

Nevertheless, we agree with the conclusion that the proportions of schools providing education in minority mother-tongues or of bilingual schools where pupils could reach a higher level command of the languages taught, should be increased. (At present appr. 80% of minority schools provides language teaching only.)

Maintenance of minority kindergartens and schools in small settlements is subsidized from the central budget (in addition to the normative basic amount and the additional minority subsidy) by the double of the so-called normative contribution provided for small settlements. Making provision for minority education and training is an obligatory task assigned by law to all local self-governments and is financed from both central subsidies and own resources. As regards a part of educational institutions, especially those with very low numbers of children, the proportion of budgetary funds centrally provided for their maintenance is in fact too low.

Closing of schools has already been mentioned herein before. There are indeed examples of closing minority schools but – as statistical figures clearly demonstrate being the number of minority institutions changed to a negligible extent only – they do not rise to significant proportions.

Responding to **Section 64**, it is to be noted that additional minority education could provide solution for the problems arising in connection with both the education of minorities without own schooling networks and the extension of the secondary-level minority education outlined herein. On request by pupils or parents (and irrespectively of their numbers), the minority national self-government may either organize on its own additional education for the minority it represents, or may propose the competent county or metropolitan local self-government to organize such education. Any pupil involved in this scheme will be trained within the frames of additional minority education in the status of "guest pupil" while he/she continues studies in any of the secondary or specialized technical schools of the country. So the legal conditions exist and we are in the hope that pupils of minorities and self-governments will take this opportunity.

In context with **Section 67**, it is to be admitted that we have precedents for vocational training held in German and Slovakian only, which fact is, however, indicative of the legal possibility to organize such training for our minorities. Similarly to language training held for minorities, this may only take place if requested on the part of the minority concerned, and no other minority has so far raised such a claim.

In **Section 71**, the Report underlines importance of the mastery of professional terminology in higher level education. In this respect, we would like to indicate that the elaboration of programmes for the specialized language training and post-gradual education of teachers of schools providing instruction in the mother-tongue of minorities or in a bilingual training system will be treated as a highly prioritized task set for the forthcoming period.

Sections 75 to 78 are about basic level and advanced training to be provided for teachers in schools of minorities. The provision of education for such teachers is, as stated in the Report, a task of the state, which implies that steps are to be taken in order to strengthen branches of studies for minorities now with typically low numbers of lecturers and students. With this aim in view, the Ministry of Education granted, within the frames of restricted tendering, state subsidies in a total amount of HUF 110 million in 2003 for improving personal and material conditions for minority departments in general, and for the provision of professional language training as indicated in Section 8 and launching the Ruthenian Branch as per Section 2, in particular.

In general terms, we agree with the section of the Committee of Experts' Report treating the judicial authorities. However, **Section 84** is contested since in our view it is clearly provided for in Section 9 (1) of Act XIX of 1998 on Criminal Procedure (hereinafter referred to as "CP") that criminal proceedings shall be conducted in Hungarian though, lacking knowledge of Hungarian may not bring anybody into a disadvantageous position.

Other provisions in Section 9 as well as any further relevant provisions of CP are the very means to serve this goal. Provisions of CP are in full compliance with the Charter, being the use of the mother-tongues or minority languages or any other languages that a person having been brought under criminal proceedings and lacking knowledge of Hungarian may ask for before any authorities conducting criminal proceedings in the territory of Hungary is ensured.

No particular remarks are made in connection with findings of section "**Administrative and Public Services**". However, we would like to note that last year the Government had several initiatives in this field, which may hopefully induce some progress in terms of the use of minority languages in public administration as well as that of names according to their grammatical rules. These steps will be covered in detail in our next Periodical Report.

In context with the findings concerning **media** in minority languages, we would like to mention that conciliatory talks were started between the National Radio and Television Board (ORTT) and the management of the Hungarian Radio concerning the re-issue of the Radio's broadcasting licence since it has already expired. Finally, the licence has been renewed but negotiations go on considering issues, among others, such as times to be set for the broadcasting of programmes in minority languages and frequencies to be used for such broadcasting, being Hungary disabled to broadcast in the so-called Eastern-European Standard Frequency Range as from 2006 as provided for in Government Decree No. 284/2002 (XII.21.) (Korm.). Negotiations are expected to conclude in the first half of 2004, so the Committee of Experts will be informed of their outcome in our next Periodical Report.

According to ORTT's register of wire broadcasting organizations, 182 out of total 344 wire broadcasting service providers operating in Hungary (i.e. 53%) broadcast regular programmes for national and ethnic minorities in a total program time of over 1200 hours per month, geographically covering more than 300 settlements.

As far as the transfer of programmes in minority languages distributed by wire programme distributors are concerned, at present it is not indeed a criterion in judging applications for the transfer of programmes whether the winning broadcasting organization undertakes to broadcast programmes for the minorities, too. Nevertheless, 381 out of 409 currently operating distributors broadcast some programme in any of minority languages according to ORTT's register of wire programme distributors.

The following list is to demonstrate the coverage in terms of population of one or more programmes transmitted for the minorities through broadcasting networks: Croatian – 364,665; German –

5,612,921; Rumanian – 88,282; Serbian – 20,644; Slovak – 150,632 and Slovenian – 675,545. The list is still incomplete; a more detailed introduction of such kind of data will be possible in our next Report.

Taking it all in all, we agree with the content of the Committee of Experts' Report on the implementation of the European Charter for Regional or Minority Languages in the Republic of Hungary. In respect of points where our judgement somewhat differs, we have made reservations and described our differing opinion.

As it has been mentioned above in the introductory part hereof, our positive measures intended to promote the implementation of our undertakings made in context with the Charter will be treated in detail in our next Periodical Report. Measures of this type have been mentioned here in the only case where they can contribute to a clearer picture to get.

Proposals from the Committee of Experts are welcome. They are in harmony with the main goals of Hungary's minority policy based on consensus among, and therefore equally backed by all relevant political forces, and do coincide with the main courses followed by Hungarian Governments in power in drafting their minority policy.

Budapest, January 2004.

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(2004)4
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages
by Slovenia**

*(Adopted by the Committee of Ministers on 30 June 2004
at the 890th 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 on the Charter with respect to the application of the Charter by Hungary;

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

Bearing in mind that this evaluation is based on information submitted by Hungary in its second 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,

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

1. Ensure 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.
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.
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.
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.
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.