

**THE EUROPEAN CHARTER
FOR REGIONAL OR MINORITY LANGUAGES¹**

– Applied to German in Hungary –

[...]

PART II

**OBJECTIVES AND PRINCIPLES
PURSUED IN ACCORDANCE WITH ARTICLE 2, PARAGRAPH 1**

Article 7 – Objectives and principles

- 1 In respect of German, within the territories in which German is used and according to the situation of German, Hungary shall base its policies, legislation and practice on the following objectives and principles:
 - a the recognition of German as an expression of cultural wealth;
 - b the respect of the geographical area of German in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of German;
 - c the need for resolute action to promote German in order to safeguard it;
 - d the facilitation and/or encouragement of the use of German, in speech and writing, in public and private life;
 - e the maintenance and development of links, in the fields covered by this Charter, between groups using German and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f the provision of appropriate forms and means for the teaching and study of German at all appropriate stages;
 - g the provision of facilities enabling non-speakers of German living in the area where it is used to learn it if they so desire;
 - h the promotion of study and research on German at universities or equivalent institutions;
 - i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for German used in identical or similar form in two or more States.
- 2 Hungary undertakes to eliminate, if it has not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of German and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of German aimed at promoting equality between the users of German and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
- 3 Hungary undertakes to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to German among the objectives of education and training provided within the country and encouragement of the mass media to pursue the same objective.
- 4 In determining its policy with regard to German, Hungary shall take into consideration the needs and wishes expressed by the groups which use German. It is encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to German.

[...]

¹ CETS no. 148. The Charter was adopted by the Committee of Ministers of the Council of Europe in Strasbourg on 5 November 1992. Entry into force for Hungary: 1 March 1998. The provisions of the Charter adopted by Hungary for German are applicable without territorial restrictions.

PART III
MEASURES TO PROMOTE THE USE OF
German
IN PUBLIC LIFE
IN ACCORDANCE WITH THE UNDERTAKINGS
ENTERED INTO UNDER ARTICLE 2, PARAGRAPH 2

Article 8 – Education

ACCEPTED	NOT ACCEPTED
<p>1 With regard to education, Hungary undertakes, within the territory in which German is used, according to the situation of German, and without prejudice to the teaching of the official language(s) of the State:</p> <p>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;</p> <p>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;</p> <p>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;</p>	<p>a i to make available pre-school education in German; or ii to make available a substantial part of pre-school education in German; or 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</p> <p>b i to make available primary education in German; or ii to make available a substantial part of primary education in German; or iii to provide, within primary education, for the teaching of German as an integral part of the curriculum; or</p> <p>c i to make available secondary education in German; or ii to make available a substantial part of secondary education in German; or iii to provide, within secondary education, for the teaching of German as an integral part of the curriculum; or</p>

ACCEPTED

NOT ACCEPTED

- 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;
 - e iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in German or of facilities for the study of German as university or higher education subjects;
 - f iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of German as subjects of adult and continuing education;
 - g to make arrangements to ensure the teaching of the history and the culture which is reflected by German;
 - h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by Hungary;
 - 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 German and for drawing up periodic reports of their findings, which will be made public.
- 2 With regard to education and in respect of territories other than those in which German is traditionally used, Hungary undertakes, if the number of users of German justifies it, to allow, encourage or provide teaching in or of German at all the appropriate stages of education.

- d i to make available technical and vocational education in German;
or
- ii to make available a substantial part of technical and vocational education in German; or
- iii to provide, within technical and vocational education, for the teaching of German as an integral part of the curriculum; or
- e i to make available university and other higher education in German; or
- ii to provide facilities for the study of German as university and higher education subjects; or
- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in German; or
- ii to offer German as subjects of adult and continuing education; or

Article 9 – Judicial authorities

ACCEPTED

NOT ACCEPTED

- 1 Hungary undertakes, in respect of those judicial districts in which the number of residents using German justifies the measures specified below, according to the situation of German 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:
 - a in criminal proceedings:
 - ii to guarantee the accused the right to use German; and/or
 - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in German; and/or
 - iv to produce, on request, documents connected with legal proceedings in German, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
 - b in civil proceedings:
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use German without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in German, if necessary by the use of interpreters and translations;
 - c in proceedings before courts concerning administrative matters:
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use German without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in German, if necessary by the use of interpreters and translations;
- 2 Hungary undertakes:
 - a not to deny the validity of legal documents drawn up within the State solely because they are drafted in German; or

- a i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in German; and/or
- b i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in German; and/or
- c i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in German; and/or
- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

ACCEPTED

- b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in German, and to provide that they can be invoked against interested third parties who are not users of German 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 country solely because they are drafted in German.

NOT ACCEPTED

- 3 Hungary undertakes to make available in German the most important national statutory texts and those relating particularly to users of German, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

ACCEPTED

- 1 Within the administrative districts of the State in which the number of residents who are users of German justifies the measures specified below and according to the situation of German, Hungary undertakes, as far as this is reasonably possible:
 - a v to ensure that users of German may validly submit a document in German;
 - c to allow the administrative authorities to draft documents in German.
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of German is such as to justify the measures specified below, Hungary undertakes to allow and/or encourage:
 - b the possibility for users of German to submit oral or written applications in German;

NOT ACCEPTED

- a
 - i to ensure that the administrative authorities use German; or
 - ii to ensure that such of its officers as are in contact with the public use German in their relations with persons applying to them in German; or
 - iii to ensure that users of German may submit oral or written applications and receive a reply in German; or
 - iv to ensure that users of German may submit oral or written applications in German; or
- b to make available widely used administrative texts and forms for the population in German or in bilingual versions;
 - a the use of German within the framework of the regional or local authority;

ACCEPTED

NOT ACCEPTED

- e the use by regional authorities of German 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 German in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in German.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, Hungary undertakes, within the territory in which German is used, in accordance with the situation of German and as far as this is reasonably possible:
- c to allow users of German to submit a request in German.
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, Hungary undertakes to take one or more of the following measures:
- a translation or interpretation as may be required;
 - c compliance as far as possible with requests from public service employees having a knowledge of German to be appointed in the territory in which German is used.
- 5 Hungary undertakes to allow the use or adoption of family names in German, at the request of those concerned.

- c the publication by regional authorities of their official documents also in German;
 - d the publication by local authorities of their official documents also in German;
- a to ensure that German is used in the provision of the service; or
 - b to allow users of German to submit a request and receive a reply in German; or
- b recruitment and, where necessary, training of the officials and other public service employees required;

Article 11 – Media

ACCEPTED

NOT ACCEPTED

- 1 Hungary undertakes, for the users of German within the territories in which German is spoken, according to the situation of German, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
 - a to the extent that radio and television carry out a public service mission:
 - iii to make adequate provision so that broadcasters offer programmes in German;
 - b ii to encourage and/or facilitate the broadcasting of radio programmes in German on a regular basis;
 - c ii to encourage and/or facilitate the broadcasting of television programmes in German on a regular basis;
 - e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in German; or
 - f i to cover the additional costs of those media which use German, wherever the law provides for financial assistance in general for the media; or
 - g to support the training of journalists and other staff for media using German.

- a i to ensure the creation of at least one radio station and one television channel in German; or
- ii to encourage and/or facilitate the creation of at least one radio station and one television channel in German; or
- b i to encourage and/or facilitate the creation of at least one radio station in German; or
- c i to encourage and/or facilitate the creation of at least one television channel in German; or
- d to encourage and/or facilitate the production and distribution of audio and audiovisual works in German;
- e ii to encourage and/or facilitate the publication of newspaper articles in German on a regular basis;
- f ii to apply existing measures for financial assistance also to audiovisual productions in German;

ACCEPTED

NOT ACCEPTED

- 3 Hungary undertakes to ensure that the interests of the users of German are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

- 2 Hungary undertakes to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to German, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. It further undertakes to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to German. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 12 – Cultural activities and facilities

ACCEPTED

NOT ACCEPTED

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – Hungary undertakes, within the territory in which German is used and to the extent that the public authorities are competent, have power or play a role in this field:
- a to encourage types of expression and initiative specific to German and foster the different means of access to works produced in German;
 - b to foster the different means of access in other languages to works produced in German by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c to foster access in German to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

ACCEPTED

NOT ACCEPTED

- f to encourage direct participation by representatives of the users of German in providing facilities and planning cultural activities;
 - g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in German;
- 2 In respect of territories other than those in which German is traditionally used, Hungary undertakes, if the number of users of German justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.
- 3 Hungary undertakes to make appropriate provision, in pursuing its cultural policy abroad, for German and the culture it reflects.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of the German language and culture in the undertakings which they initiate or for which they provide backing;
 - e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of German, as well as of the language(s) of the rest of the population;
- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in German.

Article 13 – Economic and social life

ACCEPTED

NOT ACCEPTED

- 1 With regard to economic and social activities, Hungary undertakes, within the whole country:
- a to eliminate from its legislation any provision prohibiting or limiting without justifiable reasons the use of German in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of German, at least between users of German;
- c to oppose practices designed to discourage the use of German in connection with economic or social activities;

ACCEPTED

NOT ACCEPTED

- d to facilitate and/or encourage the use of German by means other than those specified in the above sub-paragraphs.
- 2 With regard to economic and social activities, Hungary undertakes, in so far as the public authorities are competent, within the territory in which German is used, and as far as this is reasonably possible:
 - a to include in its financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of German in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
 - b in the economic and social sectors directly under its control (public sector), to organise activities to promote the use of German;
 - c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in German persons using German who are in need of care on grounds of ill-health, old age or for other reasons;
 - d to ensure by appropriate means that safety instructions are also drawn up in German;
 - e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in German.

Article 14 – Transfrontier exchanges

ACCEPTED

NOT ACCEPTED

Hungary undertakes:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which German is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of German in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of German, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory German is used in identical or similar form.

[...]