https://doi.org/10.62152/hjms.2025.gyl

LAURA GYENEY

Language Use in Courts under International Law: Thoughts on the Applicability of Article 9 of the European Charter for Regional or Minority Languages in Hungary

Abstract: Based on Ludwig Wittgenstein's idea ("The limits of my language mean the limits of my world"), this study examines a specific dimension of minority language use, namely the right to use one's language in court. It points out that the survival of a minority language presupposes not only the existence of a community of speakers but also a conscious, institutionalized commitment to language policy on the part of the state. As a normative framework, it juxtaposes the provisions of Article 6 of the European Convention on Human Rights and Article 9 of the European Charter for Regional or Minority Languages and presents the linguistic characteristics of criminal, civil, and administrative proceedings. The study argues that the structural weaknesses of Article 9 of the Language Charter (the minimization of enforceable rights, territorial and numerical restrictions, and judicial discretion in ensuring rights) carry the risk of undermining the right to language use in court. Using the example of a case study—the Constitutional Court's Decision 2/2021. (I. 7.) AB—the author argues that in the current political environment, constitutional courts and supreme courts have a key role to play in interpreting and effectively enforcing language rights as a "living right."

Introductory thoughts

According to the famous quote from Ludwig Wittgenstein, "The limits of my language mean the limits of my world."[1] Knowledge of a language and its usability in a legal sense clearly define the situations in which that language can actually be used. This also ensures that a minority language can survive in the long term. However, ensuring the survival and

1 Ludwig Wittgenstein, *Logikai-filozófiai értekezés – Tractatus Logico-Philosophicus* (Budapest: Akadémiai Kiadó, 1989), 34.

practical use of a language requires not only the presence of a sufficiently large community of speakers but also the clear will of the state to guarantee language rights. The viable and long-term functioning of a language can only be achieved if, in addition to community demand, the legal and institutional frameworks also support the everyday use of the language. Although language use in court is not part of everyday life, the scope of the official use of a minority language is determined primarily by the extent to which it can be used in the legal sphere. Within the framework of this study, I examine a specific aspect of minority language use, namely the right to language use in court, primarily on the basis of Article 9 of the European Charter for Regional or Minority Languages (hereinafter: Language Charter).[2] When preparing this study, I took into account the relevant case law of the European Court of Human Rights, as well as, in particular, that of the Hungarian Constitutional Court, with special attention to its Decision No. 2/2021 (I. 7.) AB. Since the Language Charter lacks a fully effective enforcement mechanism—its Committee of Experts merely adopts periodic monitoring reports on the implementation of the undertakings assumed by the States Parties—it is these international and national fora that can give practical substance to the rights enshrined in the Charter.

Article 9 of the Language Charter in general and its practical significance

Article 9 of the Language Charter adopted in 1992 expressly lays down the rules governing the language use in the administration of justice, distinguishing between administrative, civil, and criminal proceedings.[3] The reason for this distinction lies in the dogmatic and functional characteristics of the three types of proceedings, at least in terms of the obligation of the State to ensure the right to use a minority language in court proceedings. In criminal proceedings, the participation of the person subject to the proceedings (i.e., the defendant) is not optional, as the proceedings are directed at him or her by the police and/or the prosecutor in the exercise of the state's *ius puniendi*. In contrast, administrative proceedings are typically initiated at the request of the person concerned, with the aim of ensuring that the authority grants a certain right or benefit or issues an official document

2 On the use of regional or minority languages in court proceedings, see: Valeria Cardi, "Regional or Minority Language Use before Judicial Authorities: Provisions and Facts," *JEMIE* 6, no. 2 (2007): 1–24; Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages. A Critical Commentary* (Strasbourg: Council of Europe, 2005), 159–199; Gábor Kardos, "Az igazságszolgáltatás és a kisebbségi nyelvek használata. A regionális vagy kisebbségi nyelvek európai chartájának 9. cikke" [The Administration of Justice and the Use of Minority Languages. Article 9 of the European Charter for Regional or Minority Languages], *Acta Humana* 13, no. 1 (2025): 65–78.

3 Language Charter, Article 9(1)(a), (b) and (c).

of legal significance. Civil proceedings, on the other hand, are fundamentally based on the private autonomy of the parties, both in terms of their initiation and the course of the proceedings. Accordingly, the most intensive enforcement of language rights is justified in criminal proceedings, as it is in these proceedings that the state enforces its criminal claims against private individuals, which requires increased procedural guarantees, including stronger protection of language rights. It is no coincidence that Article 6 of the European Convention on Human Rights, which enshrines the right to a fair trial, specifically requires in criminal proceedings that every person suspected of a criminal offense has the right at least to "be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him"[4] and "have the free assistance of an interpreter if he cannot understand or speak the language used in court."[5] However, the cited provision of the European Convention on Human Rights clearly shows that the right in question can only appear to be the right to use a minority language. In fact, it is much more a guarantee of the fairness of criminal proceedings: if the person subject to the proceedings speaks the language of the majority society adequately, the fact that they belong to a national minority does not in itself give them the right to use a minority language.

While Article 9 of the Language Charter is seemingly progressive in regulating the scope of language rights that can be exercised in the administration of justice, it actually suffers from a number of fundamental weaknesses that allow the signatory states to significantly reduce the possibility of using regional or minority languages in the administration of justice.

(i) On the one hand, it is up to the States Parties themselves to determine the languages for which they undertake to guarantee the rights set out in the Charter.[6] This legal solution has already led to the controversial result (which will be discussed in more detail later) that while Hungary officially recognizes 13 nationalities, it has undertaken to guarantee the language rights set out in the Charter for only six (Croatian, German, Romanian, Serbian, Slovak, and Slovenian)[7] plus two (Romani, Boyash)[8] languages. However, according to the Act on the Rights of Nationalities, in addition to Croatian, German, Romanian, Serbian, Slovak, Slovenian, Romani, and Boyash (as languages recognized by the Language Charter), Bulgarian, Greek, Polish, Armenian, Ruthenian, and Ukrainian are also considered languages used by nationalities in Hungary.[9] In the case of Hungary, this means that

4 European Convention on Human Rights, Article 6(3)(a).
5 European Convention on Human Rights, Article 6(3)(e).
6 Language Charter, Article 3(1).
7 Act XL of 1999 on the promulgation of the European Charter for Regional or Minority Languages, adopted in Strasbourg on November 5, 1992, Section 3.
8 Ibid. Sections 3/A and 3/B.
9 Act CLXXIX of 2011 on the Rights of Nationalities, Section 22(1).

Hungary has not made any commitments under the Language Charter with regard to the latter languages.

(ii) On the other hand, the Language Charter itself states that, from among the language rights related to the administration of justice listed in Article 9, it is sufficient, as a minimum requirement, to undertake to guarantee even a single right.[10] Hungary significantly exceeds this obligation, as it has undertaken to guarantee a total of 10 undertakings (in relation to the Croatian, German, Romanian, Serbian, Slovak, and Slovenian languages) and eight rights (in relation to the Romani and Boyash languages) under Article 9.[11]

(iii) Finally, Article 9 further erodes the obligation to guarantee language rights by stating that the language rights undertaken do not have to be guaranteed throughout the entire territory of the country but only in "judicial districts where the number of persons using a regional or minority language justifies the adoption of the following measures."[12] According to the textual interpretation of this provision, the obligation to guarantee language rights cannot be linked to a predetermined percentage of a minority. This positive interpretation is also applied in practice in many cases in Western Europe. At the same time, there is also a negative interpretation of the provision: the States Parties to the Language Charter essentially enjoy complete freedom in determining when the number of persons concerned justifies the obligation to guarantee these rights. This interpretation is often used as a basis of reference by the states concerned in the Central and Eastern European region. Furthermore, by stipulating that language rights only need to be guaranteed in certain "judicial districts," the restructuring of the court system could at any time provide states with an opportunity to undermine the language rights enshrined in the Charter (which may, of course, be contrary to the spirit of the Language Charter in certain cases).[13]

This wording of the Language Charter is particularly problematic in the case of higher courts (second and third instance proceedings, forums offering extraordinary remedies), as here, persons using their own regional or minority language should also take into account the risk (and cost) of a change of language during the proceedings. The explanatory report to the Language Charter acknowledges this otherwise fundamental issue with the

10 Language Charter, Article 2(2).
According to Article 2(2) of the Charter, it is sufficient for states to undertake at least one point from Article 9, which in practice means that a state can make the minority language virtually inapplicable in official procedures. However, the Charter's "explanatory report" justifies this minimum commitment on the grounds that it ensures a "reasonable distribution" of the obligations assumed by states, which is particularly interesting in light of the fact that, among the other rights enshrined in the Charter, it is not sufficient for participating states to fulfill only one.

11 Act XL of 1999, Sections 3, 3/A and 3/B.

12 Language Charter, Article 9(1).

13 This is particularly true when we consider that in recent decades, one of the real reasons for the reorganization of public administration (counties, districts) in Slovakia, Ukraine, and Romania was the elimination of Hungarian-majority territorial units.

mere remark that "for higher courts [...] it is then a matter for the State concerned to take account of the special nature of the judicial system and its hierarchy of instances,"[14] thereby confirming the interpretation that can be derived from the text of the Language Charter, namely that the guarantee of language rights does not necessarily extend to the entire spectrum of court proceedings but may be limited to first instance proceedings in certain cases.

In my opinion, however, the provisions of the Language Charter relating to the administration of justice raise several problems beyond those mentioned above. By allowing states to restrict the right to use a language in criminal proceedings, administrative proceedings, and civil lawsuits,[15] they are effectively forcing national minorities living within their territory to have a high level of proficiency in the majority language (which is in itself correct but at least problematic from the point of view of ensuring language rights). Furthermore, in the administration of justice—especially when using legal terminology—it is a necessary prerequisite, on the one hand, to organize education in the minority language at an appropriate level and, on the other hand, to make the relevant legislation available in the language of the minority concerned. Legal terminology requires the precise use of specific terms with identical meanings in every case; the incorrect use of a legal term can in itself result in the violation of an individual's rights and procedural guarantees in the administration of justice.[16]

Specific rights set out in Article 9 of the Language Charter

Under Article 9 of the Language Charter, the participating states may undertake to guarantee the following language rights.

> In criminal proceedings, the States Parties shall (i) ensure that, at the request of one of the parties, the proceedings are conducted in a regional or minority language, or (ii) guarantee the right of the accused to use his or her own regional or minority language, or (iii) ensure

14 Explanatory Report to the European Charter for Regional or Minority Languages, para. 90.

15 At this point, it should also be mentioned that Article 9 of the Charter stipulates that the use of minority languages must not interfere with the proper administration of justice. It is clear, however, that the appointment of an interpreter or the keeping of bilingual minutes necessarily entails additional time and costs. This raises the question of where to draw the line between "impeding the normal course of justice" and whether it is sufficient to refer merely to the increased cost and time required for the proceedings in order to restrict language rights.

16 Fernand de Varennes puts it this way: it constitutes a "state-approved disadvantage" for an individual if they are forced to use a language that is uncomfortable for them, in which they do not have the same level of confidence as a native speaker of the official language. Fernand de Varennes, "The Existing Rights of Minorities in International Law," in *Language: A Right and a Resource. Approaching Linguistic Human Rights,* eds. Miklós Kontra, Robert Phillipson, Tove Skutnabb-Kangas and Tibor Várady (Budapest: Central European University Press, 1999), 117–146, 125.

> that requests and evidence are not deemed inadmissible solely because they are formulated in a regional or minority language, or (iv) produce documents connected with the proceedings in a regional or minority language upon request, without incurring additional costs for the person concerned.[17]

Among the four possible commitments, the first (conducting proceedings in a given regional or minority language) represents the fullest form of language rights in the administration of justice. It is also the only commitment that can be regarded as dispensing with the need for the person concerned to have an adequate command of the majority, official language. At the same time, it is also clear that this commitment entails significant personnel and infrastructure costs for the state (e.g., for judges, prosecutors, translators, interpreters, transcribers, and translation software), which is why states are reluctant to make this commitment in general. It is interesting to note, however, that even on this seemingly clear issue, the explanatory report to the Language Charter provides some leeway for the participating states when it declares that states may determine for themselves, taking into account the specific characteristics of their own judicial systems, what exactly they mean by "conducting proceedings."[18] The second undertaking under the Language Charter (guaranteeing the use of regional or minority languages) goes beyond the minimum language requirements that form part of the right to a fair trial under Article 6 of the European Convention on Human Rights by allowing the use of regional or minority languages not only in cases if the person concerned does not speak the majority, official language but in all cases where the person concerned considers it justified on the basis of their own convictions (for example, because they feel emotionally closer to it or because they feel more confident in using that language and can express themselves better).[19] Hungary (while undertaking 10 rights from the scope of Article 9 instead of ensuring only one as the minimum requirement) did not commit itself to ensuring the fullness of the language rights referred to in point (i) above.[20]

In civil proceedings, the participating states (i) ensure that, at the request of a party, that the courts conduct the proceedings in the regional or minority language, or (ii) allow, whenever a litigant has to appear in person before a court, that he or she may use their own regional or minority language without hereby incurring additional expense, or (iii) allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations.[21] It is clear that even in civil proceedings, the maximum possible commitment is to conduct the entire proceedings in the regional or minority language, while the commitment under point (ii) above only covers language use by parties who are required to appear in person before the court. Conceptually, however, there is no personal

17 Language Charter, Article 9(1)(a).
18 Explanatory Report to the European Charter for Regional or Minority Languages, para. 94.
19 Explanatory Report to the European Charter for Regional or Minority Languages, para. 95.
20 Act XL of 1999, Sections 3, 3/A, and 3/B.
21 Language Charter, Article 9(1)(b).

appearance in proceedings where the court decides without a hearing, and the right to language use "before the court" does not, by its wording, include the right to submit documents in a regional or minority language—that is covered by point (iii) above. This causes practical problems in many cases because, although the obligations under points (ii) and (iii) are closely related and together ensure the right to the effective use of the regional or minority language in the administration of justice, the participating states are not obliged to fulfil these two commitments together. In this case, Hungary did not undertake to ensure the fullness of the language rights under point (i), but it did undertake to ensure the rights under points (ii) and (iii).[22]

In proceedings before the judicial authorities competent in administrative matters, the States Parties shall (i) ensure that, at the request of one of the parties, the courts conduct the proceedings in the regional or minority language, or (ii) 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, or (iii) allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations.[23] While these commitments appear to be identical to those governing civil proceedings, it is important to note a very important practical difference: according to traditional legal terminology, administrative authorities are not considered "judicial authorities," as defined in Article 9 of the Language Charter. The rights relating to administrative procedures do not in fact apply to the entire administrative procedure but only to administrative litigation brought against decisions or omissions of administrative authorities (i.e., the pretrial phase of the proceedings). This is true even if, according to the explanatory report on the Language Charter, the scope of Article 9 of the Charter extends not only to courts but also to "other bodies performing judicial functions, where appropriate," (such as arbitration panels) particularly in administrative matters.[24] The reason for this is that administrative authorities do not perform judicial functions in the traditional administrative law sense.[25] In this case, Hungary has also undertaken to guarantee only the rights referred to in points (ii) and (iii).[26]

---

22 Act XL of 1999, Section 3, Section 3/A, Section 3/B.
For more information on the rules governing language use in Hungarian civil proceedings in light of the Language Charter and EU law, with a special focus on the costs of translation and interpretation and the admissibility of machine translation in court, see: Gábor Fekete, "The Law of Language Use in Hungarian Civil Proceedings, the Applicability of Translation Software," in *Regional Law Review*, eds. Jelena Kostić, Anita Rodina, and Terasa Russo (Belgrade: Institute of Comparative Law, 2024), 97–109.

23 Language Charter, Article 9(1)(c).

24 Explanatory Report to the European Charter for Regional or Minority Languages, para. 93.

25 It is also no coincidence that administrative authorities are not typically considered to be "courts" within the meaning of the case law of the Court of Justice of the European Union on preliminary ruling proceedings. See, in particular, Case C-54/96, Dorsch Consult, judgment of 17 September 1997, ECLI:EU:C:1997:413.

26 Act XL of 1999, Sections 3, 3/A and 3/B.

Under Article 9(3) of the Language Charter, the participating states undertake to make the most important state statutory texts, as well as those that particularly affect the users of these languages, available in minority or regional languages, provided that these texts are not otherwise accessible. While the commitment set out in Article 9(3) of the Language Charter is, in principle, explicitly forward-looking and could serve as a rule that substantially facilitates the exercise of rights by users of regional or minority languages, in practice this provision is only one of the rights listed in Article 9. As I have already pointed out, the states concerned are only required to guarantee one of these rights in total. I am convinced that making the most important legislative provisions available in the regional or minority language concerned, as required by Article 9(3), is a *sine qua non*, a minimum prerequisite for the enforcement of language rights in the administration of justice, and not the maximum obligation that can be undertaken.

Practical problems in Hungary – Decision 2/2021. (I. 7.) AB

The provisions of the Language Charter mentioned above are binding to Hungary under international law, and Article Q(2) of the Fundamental Law expressly stipulates that "Hungary shall ensure the harmony of international law and Hungarian law in order to fulfil its obligations under international law." In its Decision 2/2019. (III. 5.) AB, the Constitutional Court itself expressly stated that

> In interpreting the Fundamental Law, the Constitutional Court takes into account the obligations arising from European Union membership and those incumbent on Hungary under international treaties.[27]

Furthermore, since Article 28 of the Fundamental Law expressly requires courts to interpret legislation in accordance with the Fundamental Law, ultimately, obligations arising from international law (in this case, the Language Charter) cannot be ignored when interpreting Hungarian legislation.

However, as an international treaty, the Language Charter is "only" binding on states; private individuals may not directly invoke language rights before national courts. In Hungarian law, Section 113(3) of the Act CXXX of 2016 on the Code of Civil Procedure regulates the rules on language use in civil proceedings, which until July 10, 2019, stated that "In court proceedings, everyone has the right to use their mother tongue and, within the scope defined by international conventions, their regional or minority language." With effect from July 10, 2019, the relevant provision of the Code of Civil Procedure was supplemented with the following sentence:

27 Decision 2/2019 (III. 5.) AB, Holdings of the decision par. 2.

> In court proceedings, all members of nationalities living in Hungary and recognized in the Act on the Rights of Nationalities are entitled to use their nationality language in accordance with the provisions of the international convention on the use of regional or minority languages.

In the case underlying the Constitutional Court's proceedings, the plaintiffs sought judicial review of an administrative decision and raised objections, inter alia, on the grounds that they were unable to exercise their right to use their national language (Ukrainian and Ruthenian) during the proceedings. The Constitutional Court found that Hungary had not assumed any obligations under the Language Charter with regard to the Ukrainian and Ruthenian languages[28] and that the Code of Civil Procedure expressly guarantees the use of regional or minority languages only "within the scope specified in international conventions." However, Article XXIX(1) of the Fundamental Law expressly states that nationalities living in Hungary have the right to use their mother tongue. The Constitutional Court deduced from this provision of the Fundamental Law, and the requirements of non-discrimination and equality before the law, that the Hungarian state must ensure in civil proceedings, under the Language Charter, that the commitments made with regard to the languages of the various nationalities are fulfilled under the same conditions for all the languages of the nationalities living in Hungary.[29]

The Constitutional Court's decision is particularly forward-looking regarding the use of languages by nationalities living in Hungary and, in my opinion, fully guarantees in civil proceedings the rules of language use for all nationalities living in Hungary. The Constitutional Court's approach is also justifiable from an international law perspective, as it has expanded the scope of Hungary's specific obligations by interpreting the rules of domestic law, which not only preserves the subject matter and purpose of the Language Charter but also directly promotes the effective enforcement of the rights enshrined in the Language Charter. However, the Constitutional Court's interpretation of the law also raises another problem. Given that Hungary has undertaken different obligations under the Language Charter with regard to two minority languages (Romani and Boyash), the question arises as to whether the interpretation of the courts—in particular the Constitutional Court—can override the Hungarian state's explicit declaration, which is also enshrined in the act promulgating the international treaty. In this case, it is no longer simply a matter of Hungary's commitments under the Language Charter being silent on a particular language use issue but rather that Hungary has made explicitly different commitments with regard to these two languages. Although it is clearly desirable to strike an appropriate balance among these obligations relating to the above-mentioned languages in order to

28 Decision 2/2021 (I. 7.) AB, Reasoning [50].
29 Decision 2/2021 (I. 7.) AB, Reasoning [129].

ensure the effective protection of language rights, under the current legal framework the only practical way to achieve this, in my view, is through a corresponding development of the case-law of the Hungarian courts and the Constitutional Court.

Instead of conclusions

In the system of the Language Charter, language rights related to the administration of justice have clearly been defined as rights with less importance. This is plainly demonstrated by the fact that while the participating states are required to guarantee three rights from Articles 8 (education) and 12 (cultural activities and cultural facilities) of the Language Charter, they are only required to guarantee a single right from Article 9.

Gábor Kardos, a former Hungarian member of the Language Charter's Committee of Experts, suggested that the drafters of the Language Charter probably started from a very sad preconception: instead of considering that people's everyday lives involve encounters with some forum of the administration of justice, and that it is therefore essential to ensure adequate language rights in the administration of justice, they rather assumed that a significant proportion of people speak the majority language adequately and therefore do not need the explicit guarantee of the use of regional or minority languages in the administration of justice.[30] This approach is also supported by the fact that in cases where it is absolutely necessary to guarantee the right to use a language (in criminal proceedings, if the defendant does not speak the official language), the obligation to guarantee the right to language use follows from the rules of international law (in particular Article 6 of the European Convention on Human Rights, which guarantees the right to a fair trial).

Ensuring language rights in the 21st century has become significantly easier than in previous decades, particularly thanks to the spread of applications using artificial intelligence (e.g., translation and interpretation programs),[31] a change that has not been reflected in in-

30 Kardos, "Az igazságszolgáltatás," 69.

31 If there is an area of minority rights where artificial intelligence and digitization can make a tangible contribution to the enforcement of rights, it is probably the use of language in courts and by authorities. The increasingly high-quality translation and interpreting programs that are now widely available can take over a significant part of the translation work, so that the focus of human involvement can shift from performing the entire translation and interpreting process to its professional supervision and control. In addition, online communication and the use of video conferencing, the spread of which was accelerated by the COVID-19 pandemic, make it possible for translators or interpreters not to be physically present in the courtroom or administrative office: the right to use one's language can also be exercised through remote, online participation.

For more on this issue, see: Petra Lea Láncos "Képes-e még betölteni funkcióját a Regionális vagy Kisebbségi Nyelvek Európai Kartája a digitális korszakban?" [Can the European Charter for Regional or Minority Languages still fulfill its function in the digital age?], *In Media Res* 13, no. 2. (2024): 38–51.

ternational law, including the Language Charter.[32] This is partly due to the circumstances surrounding the adoption of the Language Charter (and its counterpart, the European Framework Convention for the Protection of National Minorities, also developed within the framework of the Council of Europe): the first half of the 1990s was a golden age for the protection of minority rights (including minority language rights), following the end of the Cold War, the transition of the countries of Central and Eastern Europe, and the setting of Euro-Atlantic integration as a goal. It is reasonable to assume that, in today's changed political environment, it would be illusory to expect the rights enshrined in the Language Charter to be "surpassed" in terms of content, and that not all of the Charter's signatory states would even ratify the Charter itself.[33] In these circumstances, the role of the bodies that apply the law—above all the courts and constitutional courts of the signatory states—which are capable of effectively enforcing the rights enshrined in the Language Charter, becomes particularly important.

The Language Charter does not have an enforcement mechanism (international right of complaint) such as that provided for in the European Convention on Human Rights. The European Court of Human Rights in Strasbourg has always interpreted the Convention as a "living instrument" and has continuously updated its interpretation.[34] With regard to the Language Charter (and the Framework Convention), this task can be performed (without binding force) by the Committee of Experts,[35] providing guidance to Member States' law-

32 Unfortunately, the Language Charter does not stipulate a mandatory periodic review obligation, under which the participating states would have to review their commitments from time to time. In principle, however, there would be room for maneuver in this regard: in line with the nature of so-called second-generation (economic, social, and cultural) rights, the Charter could stipulate the gradual expansion of individual rights, while at the same time prohibiting any regression from the level of commitments already undertaken.

33 It is worth recalling here Gábor Kardos's apt observation, paraphrasing Antal Szerb, that the avowed aim of the Charter is to remove the protection of minority languages from the political world of minority rights by elevating it to the sphere of cultural heritage protection, thereby making it more acceptable to certain European states. However, this well-intentioned endeavor is ultimately a wooden iron ring: "an iron ring of great artistry made of very precious wood." See Gábor Kardos, "Mérlegen a Nyelvi Charta" [The Language Charter on the Scales], *Kisebbségi Szemle* 2, no. 3 (2017): 33–41, 34.

34 The essence of the *living instrument* doctrine is that the rights enshrined in the Convention must always be interpreted in line with "the requirements of our times," meaning that the content of the obligations undertaken dynamically follows social and technological changes. A classic example of this is the interpretation of Article 8 of the Convention—the right to respect for private and family life—which states that "everyone has the right to respect for his private and family life, his home and his correspondence." When the Convention was drafted in 1950, telephones were not widely accessible to the average person, and electronic correspondence did not exist. However, as a result of the Strasbourg Court's evolutionary interpretation practice, it is now clear that the concept of "correspondence" also includes the protection of telephone and even electronic (e-mail) communication.

35 For more information on the monitoring mechanism of the Language Charter, see Balázs Szabolcs Gerencsér, "Nyelvi jogok érvényesíthetősége. Probléma-térkép a Nyelvi Charta monitoring alapján" [Enforceability of language rights. Problem map based on the monitoring of the Language Charter], *Pázmány Law Working Papers* 9, no. 3 (2018): 1–8.

applying bodies on good practices and correct interpretation. This is all the truer because the scope of the obligations undertaken under Article 9 indicates that the signatory states to the Language Charter based their commitments primarily on their own (economic and political) capabilities and interests rather than on the genuine interests of persons using particular regional or minority languages. Under these circumstances, the practice of the signatory states has resulted in the formal guarantee of certain language rights rather than their effective enforcement in practice.

Bibliography

Cardi, Valeria. "Regional or Minority Language Use before Judicial Authorities: Provisions and Facts," *JEMIE* 6, no. 2 (2007): 1–24.

Fekete, Gábor. "The Law of Language Use in Hungarian Civil Proceedings, the Applicability of Translation Software." In *Regional Law Review*, eds. Kostić, Jelena, Rodina, Anita, and Russo, Terasa. Belgrade: Institute of Comparative Law, 2024. 97–109. DOI: https://doi.org/10.56461/iup_rlrc.2024.5.ch7

Gerencsér, Balázs Szabolcs. "Nyelvi jogok érvényesíthetősége. Probléma-térkép a Nyelvi Charta monitoring alapján" [Enforceability of language rights. Problem map based on the monitoring of the Language Charter], *Pázmány Law Working Papers* 9, no. 3 (2018): 1–8.

Kardos, Gábor. "Az igazságszolgáltatás és a kisebbségi nyelvek használata. A regionális vagy kisebbségi nyelvek európai chartájának 9. cikke" [The Administration of Justice and the Use of Minority Languages. Article 9 of the European Charter for Regional or Minority Languages], *Acta Humana* 13, no. 1 (2025): 65–78. DOI: https://doi.org/10.32566/ah.2025.1.6

Kardos, Gábor. "Mérlegen a Nyelvi Charta" [The Language Charter on the Scales], *Kisebbségi Szemle* 2, no. 3 (2017): 33–41.

Láncos, Petra Lea. "Képes-e még betölteni funkcióját a Regionális vagy Kisebbségi Nyelvek Európai Kartája a digitális korszakban?" [Can the European Charter for Regional or Minority Languages still fulfill its function in the digital age?], *In Media Res* 13, no. 2. (2024): 38–51. DOI: https://doi.org/10.59851/imr.13.2.3

Varennes, Fernand de. "The Existing Rights of Minorities in International Law." In *Language: A Right and a Resource. Approaching Linguistic Human Rights*, eds. Kontra, Miklós, Phillipson, Robert, Skutnabb-Kangas, Tove, and Várady, Tibor. Budapest: Central European University Press, 1999. 117–146.

Wittgenstein, Ludwig. *Logikai-filozófiai értekezés – Tractatus Logico-Philosophicus*. Budapest: Akadémiai Kiadó, 1989.

Woehrling, Jean-Marie. *The European Charter for Regional or Minority Languages. A Critical Commentary*. Strasbourg: Council of Europe, 2005.