Version effective as of 3rd December 2009

Act CXXV of 2009

on Hungarian Sign Language and the use of Hungarian Sign Language

Considering that deaf and deafblind persons are equal members of the Hungarian society having equal rights, recognizing the cultural and community building power of sign language, in order to lay down the linguistic rights of deaf and deafblind persons and ensure their equal access to public services, the Hungarian Parliament hereby adopts the following Act in accordance with the Convention on the Rights of Persons with Disabilities:

General provisions

Section 1

The purpose of this Act is to recognize the linguistic status of Hungarian Sign Language and to ensure that deaf and deafblind persons can use Hungarian Sign Language and special communication systems and have access to sign language interpreting services financed by the State.

Section 2

For the purposes of this Act:

a) a '*deaf person'* shall mean a person who is deaf or has any hearing impairment and uses the Hungarian Sign Language or any special communication system for communication,

b) a *'deafblind person'* shall mean a person who is both deaf and blind at the same time and uses any special communication system for communication,

c) 'Hungarian Sign Language' shall mean an independent natural language developed in Hungary, which is used by the deaf community, consists of visual linguistic signs and has a special grammatical system and grammatical rules,

d) 'special communication system' shall mean any means of communication used by deaf and/or deafblind persons, as listed in the Annex to this Act,

e) 'public service activity' shall mean any official, governmental and any other administrative or judicial activity, any activity performed by the Parliament, the agencies reporting to the Parliament, the Constitutional Court, the parliamentary commissioners, the prosecutors, as well as the defence and law enforcement agencies within their scope of authority, and any health service financed by the social security system,

f) 'bilingual educational method' shall mean an educational method, which uses Hungarian Sign Language in addition to the spoken Hungarian language in the course of teaching,

g) 'auditive-verbal educational method' an educational method in which priority is given to the utilization of the existing hearing capacity of the person with hearing impairment, and where the Hungarian language is used in the course of teaching.

Section 3

(1) The Republic of Hungary recognizes the Hungarian Sign Language as an independent natural language.

(2) The community of persons using the Hungarian Sign Language shall have the right to use, develop and preserve the Hungarian Sign Language, as well as to foster, extend and transmit deaf culture.

Free sign language interpreting service

Section 4

(1) Free sign language interpreting services shall be made available to any Hungarian citizen, any person having the right of free movement and residence, as well as any immigrant settled in Hungary who is deaf or deafblind and who

a) is paid a higher amount of family allowance, or

b) receives disability allowance, or

c) whose hearing impairment exceeds 60 dB on one ear or 40 dB on both ears, or

d) whose disability belongs to – according to the BNO-10 classification – both the H54 and H90 categories at the same time.

(2) The free sign language interpreting service is available upon presentation of

a) the decision stating eligibility for the service in the case defined in Paragraphs *a)* and *b)* of Subsection (1),

b) a certification and/or audiogram issued by a specialist in the case defined in Paragraphs *c)* and *d)* of Subsection (1).

Section 5

(1) The annual time limit of the free sign language interpreting service provided by the State is 36,000 hours with a maximum of 120 hours per person per year.

(2) In addition to the annual personal time limit set forth in Subsection (1), the State provides free sign language interpreting service

a) for up to 120 hours per academic year for persons with student status in high schools, vocational high schools or technical schools,

b) for up to 60 hours per semester for persons with student status in higher education institutions,

c) for up to 20% of the training hours for persons taking part in adult training with respect to each training course.

Section 6

(1) The public foundation established with the aim of ensuring equal chances for people with disabilities (hereinafter referred to as: the Public Foundation) shall be responsible for controlling the free sign language interpreting service with respect to the management of its time limit as defined in Section 5 and its financing. The Public Foundation shall keep records of the free sign language interpreting service in order to control the management of its time limit as defined in Section 5 and its financing. The Public Foundation shall act as the manager and processor of the data of persons listed in the records.

(2) The records shall contain

a) the personal identification data and address of any person using the free sign language interpreting service,

b) the circumstance serving as the basis of eligibility for the free sign language interpreting service, as defined in Subsection (1) of Section 4,

c) data relating to the hours of service used by the person eligible for free sign language interpreting service and an indication whether such use is based on a student status or in relation to adult training.,

d) the name and contact information of the sign language interpreter and/or the interpreting service provider, as well as the place, date, duration and type of the interpreting service.

(3) The data specified in Subsection (2) supplied by the person using the sign language interpreting service shall be forwarded to the records by the sign language interpreting service provider performing the interpreting activity. The sign language interpreting service provider is entitled to handle the data specified in Subsection (2) for the purpose of performing its interpreting service activity. The Public Foundation shall forward the data defined in Paragraphs *a)* and *c)* of Subsection (2) from the records to the sign language interpreting service provider by means of electronic data transfer.

(4) The Public Foundation may use or disclose data kept in its records for statistical purposes in a way that they shall not be suitable for personal identification.

(5) The Public Foundation shall manage the data kept in the records for a period of 5 years and shall delete such data from the records thereafter. The sign language interpreting service provider shall have the right to handle the data specified in Subsection (2) for the duration of the free sign language interpreting service.

The sign language interpreting service

Section 7

(1) The use of the free sign language interpreting service may be requested from the sign language interpreting service providers financed by the State (hereinafter referred to as sign language interpreting service provider) by presenting the documents listed in Subsection (2) of Section 4.

(2) The sign language interpreting service provider performs the interpreting service in the Hungarian Sign Language, using special communication systems.

(3) When using the free sign language interpreting service, the deaf or deafblind person shall have the option to choose any sign language interpreter – upon the sign language interpreter's consent – available at the sign language interpreting service providers.

(4) In any other cases not regulated in this Act, the sign language interpreting service shall be available for a specific fee.

The National List of Sign Language Interpreters

Section 8

(1) Sign language interpreting for the purpose of

a) free sign language interpreting service,

b) any public service activities and/or

c) oral examinations defined in Subsection (4) of Section 10

shall be performed only by persons with a clean criminal record, who are not under suspension of licence to practice the interpreting activity, and who have acquired the professional qualification defined in a regulation issued by virtue of the authorization granted by this Act and meet all other requirements specified therein.

(2) Any person who intends to provide sign language interpreting services as defined in Subsection (1) shall announce such intention in an application to be submitted to the authority responsible for administering the National List of Sign Language Interpreters (hereinafter referred to as: the List). The application shall contain the applicant's personal identification data.

(3) The authority administering the List shall keep records of persons entitled to perform the sign language interpreting activity upon their application submitted as per Subsection (2) hereof.

(4) The List shall contain the sign language interpreter's

a) personal identification data,

b) contact address,

c) any other contact information (telephone number, e-mail address) upon his/her consent,

d) title of his/her professional or vocational qualification or partial qualification, the number of the relevant diploma or certificate, the place and date of issue and the name of the issuing institution,

e) a description of his/her activity (competence),

f) the types of interpreting he/she undertakes to perform,

g) the date of his/her entry into the List.

(5) From the information entered in the List the authority administering the List may disclose the following data of the registered sign language interpreters at its website:

a) name,

b) contact address,

c) any other contact information upon his/her consent,

d) title of his/her professional or vocational qualification or partial qualification,

e) a description of his/her activity (competence),

f) the types of interpreting he/she undertakes to perform.

(6) The competent authority shall cancel from the List the data of any sign language interpreters who request such cancellation, as well as the data of those who fail to meet the requirement of clean criminal record or are under the suspension of licence to practice the interpreting activity. The authority administering the List shall handle the data of sign language interpreters cancelled from the List separately.

(7) The authority administering the List may, at any time, check the existence of any of the exclusion criteria set forth in Subsection (6), and may require sign language interpreters applying for registration or already registered on the List to present an official certificate proving that no such exclusion criteria exist with respect to them.

(8) The authority administering the List may handle the data contained in the official certificate until the checking is completed or, if as a result of the checking the data of the sign language interpreter is deleted from the List, until the cancellation procedure is finally and definitively completed.

(9) The authority administering the List shall keep the data cancelled from the List for a period of 5 years after their cancellation and shall delete them finally and definitively thereafter. After the data of a sign language interpreter are cancelled from the List, the authority administering the List may disclose such data only to the investigation authority, the prosecutor or the court upon their request in any criminal proceedings relating to the sign language interpreter's activity.

(10) Application for entry into the List shall be subject to an administrative service fee, the amount of which is specified in a separate law.

Confidentiality

Section 9

(1) The sign language interpreter shall handle any data, fact or information he/she may become aware of in connection with his/her activity in a confidential manner, and this obligation shall continue to be in force after the termination of his/her activity.

(2) Such confidentiality shall not apply to the event that the deaf or deafblind person releases the sign language interpreter from such obligation, or the disclosure of any data, fact or information is required by law.

Rules of Financing

Section 10

(1) The funds required for the free sign language interpreting service and the operation of the sign language interpreting service providers are included in the current Budget Act. The free sign language interpreting service is financed with the intermediation of the Public Foundation.

(2) The State supports the operation of sign language interpreting service providers on the basis of financing agreements concluded with the operators of such services, in accordance with the rules of tendering laid down in a separate law.

(3) In the case of a public service activity, the cost of sign language interpreting shall be borne by the agency, organization or institution performing the activity or providing the service.

(4) In the case of oral examinations organized under the Public Education Act, the Vocational Education and Training Act, the Higher Education Act and the Adult Training Act, the cost of sign language interpreting shall be borne by the institution organizing such examination.

Rules pertaining to learning the use of sign language and the special communication systems

Section 11

Deaf and deafblind persons shall be provided the opportunity to learn and use Hungarian Sign Language, as well as the special communication systems that best meet their individual requirements.

Section 12

(1) In special needs education and training institutions established for deaf and deafblind children/students (hereinafter referred to as special needs education institutions), in the course of kindergarten education and from the preparatory year of school-based education and training, it is compulsory to teach Hungarian Sign Language or a special communication system to deaf or deafblind children.

(2) In the course of kindergarten education and/or school-based education and training it is compulsory to organize the teaching of Hungarian Sign Language or a special communication system for

a) deaf persons in special needs education institutions who do not belong to the scope of Subsection (1),

b) deaf or deafblind children or students in education-training institutions, which do not belong to the scope of special needs education institutions, provided that the parent (guardian) requests so from the head of the institution in writing. The teaching of Hungarian Sign Language shall be organized and financed in compliance with the relevant Government Decree.

(3) Hungarian Sign Language shall be taught only by teachers specializing in sign language.

(4) Special communication systems shall be taught only by special needs teachers specializing in blind pedagogy or deaf pedagogy.

Section 13

The Public Foundation – based on a written initiative forwarded by the special needs education institution – shall organize Hungarian Sign Language and special communication training courses with the involvement of the special needs education institution for at least 5 parents (guardians), if the parents (guardians) of deaf or deafblind children

a) taking part in early development and care, or

b) taking part in kindergarten education or having student status

request so from the head of the special needs education institution in writing.

Special rules pertaining to the education of deaf children

Section 14

(1) A deaf child may take part in early development and care using, upon the decision of his/her parent (guardian), either the bilingual or the auditive-verbal method.

(2) The parent (guardian) shall make a written statement of his/her decision regarding Subsection (1) hereabove not later than 90 days prior to the beginning of the academic year.

(3) The special needs educational institution is required to provide kindergarten and school-based education and training also with the bilingual method for deaf and deafblind children, whose parents (guardians) request so in writing.

(4) Early development and care, kindergarten education, as well as school education and training based on the bilingual method shall be provided only by persons who hold the qualification specified in Section 17 of the Public Education Act, and who acquired a higher education qualification in sign language teaching or a specific qualification as a result of a special further training course on bilingual education organized in a higher education institution.

(5) The expert and rehabilitation committee appointed in accordance with the Public Education Act shall inform the parents (guardians) of the bilingual and the auditive-verbal methods of education.

Amendment to Act XXVI of 1998 on the Rights and Equal Chances of Persons with Disabilities

Section 15

Paragraph h) of Section 4 of Act XXVI of 1998 on the Rights and Equal Chances of Persons with Disabilities (hereinafter referred to as the Disabilities Act) shall be replaced by the following provision:

[For the purposes of this Act]

"*h) equal access:*

ha) equal access to a service shall mean that it can be used – as independently as one's state allows – by anyone, in particular by people with physical disabilities, visual and/or hearing impairment, and with mental and communication disorders, in an accessible, reliable, understandable and perceivable manner,

hb) a building shall be deemed equally accessible, if it can be accessed by anyone, in particular by people with physical disabilities, visual and/or hearing impairment, and with mental and communication disorders, its parts open for the public are accessible and can be safely left in case of emergency, and if the objects and equipment located in the building are available for proper use by anyone,

hc) information shall be deemed equally accessible, if it can be accessed by anyone, in particular by people with physical disabilities, visual and/or hearing impairment, and with mental and communication disorders, in a reliable, understandable and perceivable manner, and there are no barriers to such access for anyone."

Section 16

Section 6 of the Disabilities Act shall be replaced by the following provision:

"6. § Persons with disabilities shall be ensured equal access to information of public interest, as well as to information relating to the rights of disabled people and the services provided to them."

Section 17

The following Subsection (4) shall be added to Section 12 of the Disabilities Act:

"(4) When establishing the disability of a minor person, the physician – or any other healthcare worker authorized by the physician – shall immediately inform the parent (guardian) of the available allowances and development opportunities. The minister responsible for promoting social equality shall provide for the publication of such information."

Section 18

The following Subsection (3) shall be added to Section 13 of the Disabilities Act:

"(3) Minor children with disabilities shall have the right to early development without delay, as soon as their disabilities are established."

Amendment to Act LV of 1990 on the Legal Status of Members of Parliament

Section 19

The following Subsection (5) shall be added to Act LV of 1990 on the Legal Status of Members of Parliament:

"(5) A Member of Parliament may use the Hungarian Sign Language or any special communication system upon his/her own choice at any sessions of the Parliament, committee meetings, as well as the board meetings of committees. The Parliament shall provide for all costs of use of the Hungarian Sign Language or the special communication system."

Amendment to Act LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament

Section 20

The following Subsection (7) shall be added to Section 15 of Act LVII of 2004 on the Legal Status of Hungarian Members of the European Parliament:

"(7) When exercising their rights specified in Subsections (1) and (2) of Section 16, Members may use the Hungarian Sign Language or a special communication system upon their own choice. The Parliament shall provide for all costs of use of the Hungarian Sign Language or the special communication system."

Amendment to Act XCVI of 2000 on Specific Issues of the Legal Status of Municipality Representatives

Section 21

The following new Section 12/A. and the preceding subtitle shall be added to Act XCVI of 2000 on Specific Issues of the Legal Status of Municipality Representatives:

"Ensuring equal access

12/A. § (1) Municipality representatives may use the Hungarian Sign Language or a special communication system upon their own choice at any meetings of the municipal council or the committee of the municipal council.

(2) The Local Municipality shall provide for all costs of use of the Hungarian Sign Language or the special communication system."

Amendment to Act CXL of 2004 on the General Rules of Administrative Proceedings and Services

Section 22

Subsection (2) of Section 60 of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services shall be replaced by the following provision:

"(2) Should the client or any other participant of the proceedings be deaf, upon his/her request he/she shall be heard with the involvement of a sign language interpreter, or the deaf person may make a written statement instead of the hearing. Should the client or any other participant of the proceedings be deafblind, upon his/her request he/she shall be heard with the involvement of a sign language interpreter. Should the client or any other participant of the proceedings be speech-impaired, upon his/her request he/she shall be allowed to make a written statement instead of the hearing."

Amendment to Act LXIX of 1999 on Offences

Section 23

Subsection (2) of Section 62 of Act LXIX of 1999 on Offences shall be replaced by the following provision:

"(2) Should the person to be heard be deaf, upon his/her request he/she shall be heard with the involvement of a sign language interpreter, or he/she may make a written statement instead of the hearing. Should the person to be heard be deafblind, at his/her request he/she shall be heard with the involvement of a sign language interpreter. Should the person to be heard be speech-impaired, upon his/her request he/she shall be allowed to make a written statement instead of the hearing."

Amendment to Act XIX of 1998 on Criminal Proceedings

Section 24

Paragraph *c)* of Section 46 of Act XIX of 1998 on Criminal Proceedings (hereinafter referred to as the Criminal Proceedings Act) shall be replaced by the following provision:

[A defender shall take part in the criminal proceedings, if]

"*c)* the accused is deaf, deafblind, blind or speech-impaired or – irrespective of his/her legal responsibility – mentally incompetent,"

Section 25

Subsection (2) of Section 114 of the Criminal Proceedings Act shall be replaced by the following provision:

"(2) Should the person to be heard be deaf, upon his/her request he/she shall be heard with the involvement of a sign language interpreter, or he/she may make a written statement instead of the hearing. Should the person to be heard be deafblind, at his/her request he/she shall be heard with the involvement of a sign language interpreter. Should the person to be heard be speech-impaired, upon his/her request he/she shall be allowed to make a written statement request instead of the hearing."

Section 26

Subsection (2) of Section 318 of the Criminal Proceedings Act shall be replaced by the following provision:

"(2) Should the accused by deaf, he/she shall be given the opportunity to read the records after the pleadings, speeches and rejoinders."

Amendment to Act III of 1952 on the Code of Civil Procedure

Section 27

Subsection (2) of Section 184 of Act III of 1952 on the Code of Civil Procedure shall be replaced by the following provision:

"(2) Upon his/her request, a deaf person shall be heard or interrogated with the involvement of a sign language interpreter, or he/she may make a written statement instead of the hearing or interrogation. Should the person to be heard be deafblind, at his/her request he/she shall be heard or interrogated with the involvement of a sign language interpreter. Upon his/her request, a speech-impaired person shall be allowed to make a written statement instead of the hearing or interrogation."

Amendment to Act XLI of 1991 on Public Notaries

Section 28

Section 127 of Act XLI of 1991 on Public Notaries shall be replaced by the following provision:

"127. § When preparing a notarized document

a) a deaf person may, upon his/her request, communicate with the involvement of a sign language interpreter or in writing;

b) a deaf person may, upon his/her request, communicate with the involvement of a sign language interpreter;

c) a speech-impaired person may, at his/her request, communicate in writing."

Amendment to Act CV of 2004 on National Defence and the Hungarian Defence Forces

Section 29

Paragraph d) of Subsection (3) of Section 13 of Act CV of 2004 on National Defence and the Hungarian Defence Forces shall be replaced by the following provision:

[A person shall be exempted from recruitment if he is]

"*d)* deaf, hard of hearing or speech-impaired,"

Amendment to Act I of 1996 on Radio and Television Broadcasting

Section 30

The following Section 8/A shall be added to Title 2 of Act I of 1996 on Radio and Television Broadcasting:

"8/A. § (1) The public service and national television broadcaster – with the exception of specialized broadcasters – shall ensure that in the course of its broadcasting service

a) all announcements and – unless otherwise implied by the nature of the programme – newscasts of public interest,

b) motion pictures and public service programmes defined in Sub-paragraph *e)* of Paragraph 19 of Section 2 and produced for persons with disabilities

are available with Hungarian subtitles or sign language interpreting

ba) for at least two hours in year 2010,

bb) for at least four hours in year 2011,

bc) for at least six hours in year 2012,

bd) for at least eight hours in 2013,

be) for at least ten hours in 2014,

bf) entirely as from year 2015

with respect to each calendar day.

(2) Any programmes started by the broadcaster with subtitles or sign language interpreting between 6.00 a.m. and 12.00 p.m. shall be continued to be broadcast – for the entire duration of the programme, without injuring its integrity – with subtitles and/or sign language interpreting."

Closing provisions

Section 31

(1) This Act, with the exception of the provisions contained in Subsections (2) and (3), shall enter into force as of 1st July 2010.

(2) Section 1, Paragraphs *a)-e)* of Section 2, Sections 3-7, Section 9, Subsections (3) and (4) of Section 10, Section 11, and Sections 15-29 shall enter into force as of 1st January 2011.

(3) Paragraphs *f)* and *g)* of Section 2 and Sections 12-14 shall enter into force as of 1st September 2017.

(4) The text 'deaf or deafblind' in Paragraph c) of Section 124 and the text 'deaf or deafblind' contained in Subsection (3) of Section 126 of Act XLI of 1991 on Public Notaries shall be repealed as of 1st January, 2011.

(5) Effective as of 1st January 2011

a) the text "sign interpreter" in Subsection (8) of Section 13 of Act CLIV of 1997 on Healthcare shall be replaced by the text "sign language interpreter";

b) in the Criminal Proceedings Act

ba) the text "deaf, and interpreter" in Subsection (1) of Section 250 shall be replaced by the text "person with hearing impairment and sign language interpreter".

bb) In Subsection (2) of Section 339 the text "deaf, mute" shall be replaced by ' person with hearing impairment and speech-impaired person".

c) In Subsection (2) of Section 17 of Act CXXIII of 2006 on Mediation in Criminal Cases the text "deaf" shall be replaced by "person with hearing impairment".

(6) The Government is authorized to set forth in a decree

a) the provisions pertaining to the appointment of the authority administering the List,

b) the detailed rules pertaining to the organization and financing of the teaching of sign language.

(7) The minister responsible for the promotion of social equality is authorized to set forth in a decree:

a) the rules of tendering applicable to sign language interpreting service providers and the detailed rules pertaining to the financing of free sign language interpreting service,

b) the detailed rules pertaining to the use of free sign language interpreting service, and

c) the detailed terms and conditions of performing the sign language interpreting activity as defined in this Act, the data content of application for the activity and the List of persons performing sign language interpreting, excluding personal data, as well as the detailed rules of procedure relating to the administration of the List.

(8) The minister responsible for the promotion of social equality is authorized to set forth in a decree, in agreement with the Minister of Finance, the detailed provisions pertaining to the administrative service fee payable for registration into the National List of Sign Language Interpreters.

Annex to Act CXXV of 2009

Special communication systems

a) tactile sign language: sign language communication by means of hand-over-hand signing, where the deafblind person's hands are placed upon the back of the hands of the signer;

b) signed Hungarian language: an artificial language system using the grammatical tools of the Hungarian language, which is accompanied by sounding or non-sounding articulation. The appropriate signs of the Hungarian language are presented simultaneously with the articulation of the Hungarian words, assisted with the movements and positions of the hands;

c) fingerspelling: the letters of the Hungarian alphabet are formed using the fingers and the palm and their various positions. Fingerspelling is an integral part of Hungarian Sign Language and signed Hungarian language; it is used for spelling words of foreign origin as well as for signing technical terms and expressions, which cannot be appropriately expressed with the Hungarian Sign Language;

d) dactyl hand-over-hand signing: the signer communicates with the hand signs of the Hungarian dactyl alphabet, where the letters of the Hungarian alphabet are formed by using the fingers and the palm and their positions, touching the palm of the receiver, thus transmitting information in a well perceivable and identifiable manner;

e) visualization of Hungarian speech: a clearly perceivable articulation of Hungarian words with the lips, which enables and facilitates the reading of spoken words from the speaker's lips for persons who have learned the Hungarian language and prefer using speechreading as a means of communication;

f) writing down Hungarian speech: real-time transcription of speech into writing, using – upon request and if necessary – enlarged letters or Braille writing;

g) Lorm alphabet: a hand-touch alphabet, where the letters are drawn on the palm of the receiver with the help of certain forms of movement and touching;

h) palm writing: writing block capitals of the Hungarian alphabet usually into the receiver's palm;

i) Braille writing: a special tactile writing, where letters, numbers and punctuation marks are made up of raised dots located in six-bit cells;

j) Tactile form of Braille writing: a tactile form of presenting letters of the Hungarian alphabet on two or more fingers of the receiver's hand or hands with the help of the system of codes of Braille writing;

k) Tadoma vibration method: the perception of speech through feeling the vibration of the speaker's vocal cords and the movement of his/her lower jaw and lips, as well as touching his/her face.