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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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**COMMITTEE OF EXPERTS ON ISSUES RELATING TO THE
PROTECTION OF NATIONAL MINORITIES
(DH-MIN)**

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**Information provided by the DH-MIN Members on the
Questionnaire on the access of national minorities
to the new media in the information society**

**Informations fournies par les membres du DH-MIN concernant le
Questionnaire sur l'accès des minorités nationales aux
nouveaux médias dans la société de l'information**

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Original versions / Versions originales

This document contains replies to the questionnaire on the access of national minorities to the new media in the information society (DH-MIN(2007)001), as they were submitted to the secretariat by the DH-MIN members.

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Ce document inclut les réponses au questionnaire sur l'accès des minorités nationales aux nouveaux médias dans la société de l'information (DH-MIN(2007)001), telles qu'elles ont été soumises au secrétariat par les membres du DH-MIN.

Replies received / Réponses reçues

Information submitted by Armenia

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

By the department of national Minorities and Religious issues of Republic of Armenia initiated course of seminars on minority languages; Mass-media and national minorities. The seminars will be implanted in June 2007.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

By the department of national Minorities and Religious issues of Republic of Armenia initiated a training course on journalism for minority representatives. The course is aimed primarily at those seeking participation in publication of national newspapers and new media. The course will offer combination of theoretical and practical study and training. In addition, much time, including evening and weekend work, will be spent in practical research, investigation and writing exercises.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

By the Harmony Fund 9 schools of villages with minority population are provided by computers. For each school two teachers are trained, technical assistance to schools and teachers is on-going.

The Cultural Centre of Minorities of Armenia next month will be provided by computers and internet access. Each community will manage one computer.

Information submitted by Azerbaijan

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

The Law on Electronic Signature and Electronic Document, the Law on Post Service, the Law on Legal Protection of Data Compendiums, the Law on Electronic Trade, the Law on Telecommunication, and the Law on Access to Information form the legal framework with regard to new media. All these Laws are based on the Constitution of the Republic of Azerbaijan, Article 21 of which guarantees equal rights and freedoms to every person regardless of race, nationality, religion, language, sex, origin, and prohibits discrimination.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The Professional Code of Conduct has been adopted by journalists at the First Congress of the Journalists on 15 March 2003. Article 3.1 of the Code sites: "Journalists should not censure people because of their nationality, race, sex, language, profession, religion or origin…"

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The law on Access to Information which was adopted on September 30, 2005, entitles everybody to obtain information. Neither legal status nor other conditions, such as ethnic origin could be grounds for discrimination in providing information.

The access of national minorities to telecommunication services and new ICT is promoted in the framework of the State Programme on the Social-economic Development of Regions in the Republic of Azerbaijan (2004-2008) endorsed by the Presidential Decree; new infrastructure is being developed.

In Khinalig village of Guba region new television Station has been constructed by "Teleradio" Production Union for airing "AzTV", "ITV" and "Lider TV" programmes and FM radio broadcasting stations have been established. FM broadcasting is provided by satellite tuners. Optic cable and wireless phone cable have been lined to Khinalig village, electronic phone and fax communication has been provided.

After digitalisation of broadcasting in Azerbaijan different programmes (news, music, etc.) in national minority languages (Kurdish, Talish, Lezgi, etc.) have been broadcasted within   the radio programme "Republic".

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

National Strategy on Information and Communication Technologies endorsed by the Presidential Decree in 2003 envisages creating opportunity for development of information resources for ethnic minorities living in Azerbaijan which will promote their cultural evolvement. (Article 6)

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

By the development of new media the number of the services in minority languages has increased (example web-sites in minority languages). Services on demand and electronic programme guides are available in Russian.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

General unimpeded access of population to satellite digital television is provided in every region of Azerbaijan; access of minorities does not differ from that of the rest of the population.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Currently cable TV functions only in Baku city and there is not such service in the territories with compact minority population yet.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

Yes, such initiatives involve transfrontier access of national minorities. New media initiatives did not have any negative effect on access of national minorities to the new media.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Currently there are four digital channels in Azerbaijan and it is planned to further develop digitalisation of media. Consequently, such measures will improve the coverage of the digital television network of regions where national minorities reside.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

National Strategy on Information and Communication Technologies endorsed by the Presidential Decree in 2003, envisages creating opportunity for development of information resources for ethnic minorities living in Azerbaijan.

Several measures have been taken for providing citizens with access to ICT. State Programme of the Republic of Azerbaijan for the Development of ICT (2005-2008) (Electronic Azerbaijan) has been developed. Secretariat for State Programme has been established at the Ministry of Communications and Information Technologies of the Republic of Azerbaijan for the realisation of the Programme.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations?

Internet access is available in every region of Azerbaijan, including areas inhabited by national minorities. Electronic mail centers are going to be established at post offices in Azerbaijan for addressing free of charge mails to Government agencies.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No such differences have been registered. The Law on Access to Information prohibits discrimination on the basis of ethnic origin.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

The second part of Article 47 of the Constitution prohibits inciting and promoting racial, national, religious and social hatred and hostility. Criminal Code of the Republic of Azerbaijan envisages criminal liability for hate speech.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

Governmental agencies have their web-sites; all citizens have access to the information placed on these web-sites.

Government agencies are planning to commence on-line public services since 2008-2009.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

Azerbaijan Press Council, Committee for protection of journalists and "New Generation" Journalists Union have held different seminars and trainings on qualification of journalists, as well as for maximising their exploitation of new technologies in Lenkoran, Masally, Zaqatala and Khachmaz region.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

Such strategies take into account the needs, interests and concerns of all population, without any discrimination.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

1. "Window to a Global World" – project providing computer training courses for youth (including young minorities);
2. "Popular computer" – join project with Microsoft Company that allows getting a computer with a rebate.

Information submitted by Bosnia and Herzegovina

Part One:

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

In accordance with Article 4 of the Law on Communications of B-H (Official Gazette of Bosnia-Herzegovina, No. 31/03) regulatory principles of broadcasting include, inter alia, the protection of freedom of expression and diversity of opinion while respecting generally accepted standards of decency, non-discrimination, fairness, accuracy, and impartiality. Licences are awarded on the basis of a process by which appropriate professional standards of programme content, technical operation and financing are ensured. In issuing of licence the Agency acts in accordance with principles of objectivity, transparency and non-discrimination.

Concerning the new media, the Agency is officially competent to regulate distribution of TV programmes through cable networks, and to licence operators which would like to establish cable distribution infrastructure. The Agency does not regulate the contents of the VCR and the Internet. Digital broadcasting establishment in Bosnia-Herzegovina has already started, while 3G telephony in Bosnia-Herzegovina has not started working yet.

Basic principles of operation of cable distributors of radio and television programmes are defined in Articles 2 and 3 of the Licence for Provision of Services of Cable Distribution of Radio and Television Programmes, stating, among others, the following:
"The Licensee shall provide Service to all subscribers on a non-discriminatory basis. The Licensee shall not make a selection of subscribers on the basis of ethnicity, religion, sex, wealth or any other basis. The Service must be offered to all citizens in the zone of technical coverage connected with that Service, and it shall be considered that any person that accepts unique and non-discriminatory conditions of the offer has the right to conclude a subscription contract".

Violation of the Broadcasting Code of Practice and other rules and regulations of the Agency mean possible violation of the conditions of the Licence for Provision of Services of Cable Distribution of Radio and Television Programmes. The mentioned refers to cable distributors distributing the programme in their own production. However, all codes, rules, directives, decisions and other by-laws adopted by the Agency in the framework of its activities, and binding for radio and/or television stations apply to the Licence.

The Licence explicitly prohibits distribution of harmful or illegal contents within the framework of technical possibility of control of such contents. In accordance with the rules coming from the Broadcasting Code of Practice and other applicable rules of the Agency, the Licensee has to take into account that distributed programmes are not in any way harmful for subscribers, particularly for children and minority groups. If a Licensee notices that certain contents violate codes and editorial rules, it will stop without delay further distribution of such contents.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers?

Regulatory framework applied in B-H contains the Broadcasting Code of Practice, which sets out rules and standards for programme content which apply to television and radio broadcast stations and their staff in Bosnia-Herzegovina. The Code covers such matters as incitement to, representation of and portrayal of violence and ethnic, national or religious intolerance and violence, as the prevention of such activity is vital to the well being of the people of Bosnia-Herzegovina. The Agency is competent to implement this Code and determine sanctions as appropriate.

Below are some relevant provisions of the Code as to non-discriminatory access, hate of speech, and other illegal contents:

1. PROGRAMME STANDARDS AND REQUIREMENTS

1.1 General

Programmes shall meet generally accepted community standards of civility and respect for the ethnic, cultural and religious diversity of Bosnia-Herzegovina.

Broadcasters shall not broadcast any material which by its content or tone:

(1) carries a clear and immediate risk of inciting ethnic or religious hatred among the communities of Bosnia-Herzegovina, or which by any reasonable judgement would incite to violence, disorder or rioting, or which could encourage crime or criminal activities.

1.2 Decency and Civility

Broadcasters shall observe general community standards of decency and civility in programme content and scheduling, taking particular care to protect the interests and sensitivities of children. Language which could incite to violence, disorder or hatred must not be used. The gratuitous use of language likely to offend must be avoided.

1.3 Religion

The belief and practice of religious groups must not be misrepresented, and every effort must be made to ensure that programmes about religion are accurate and fair. Programmes must not denigrate the religious beliefs of others.

Apart from the provisions of the Broadcasting Code of Practice applied on all broadcasters in B-H, particular attention is paid to obligations of public broadcasters as to programme type and quality. Concerning the programme, the CRA Rule 01/1999 "Definition and Obligation of Public Broadcasting" stipulates that broadcast programmes have to be fair and impartial. Obligations of programme contents specifically related to minorities and vulnerable groups are the following:
"Issues pertaining to the return of refugees and displaced persons in B-H, and situation concerning local minorities and other vulnerable groups have to be presented in a constructive and humanitarian spirit of the General Framework Agreement for Peace in B-H, at least one (1) hour of the news and informative programme every week".

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

        The Agency, under its legal mandate, promotes the development of information society in Bosnia-Herzegovina, introduction of new technologies and services according to the needs of beneficiaries, and supports participation of all citizens, including national minorities, in contribution to promotion of professional and accountable media sector. Regarding the new media, the Agency, together with the Council of Ministers of B-H, is the initiator of establishment of the Forum on Digital Terrestrial Television in B-H. The Forum is tasked with creation of national strategy for introduction

of DTT standards in B-H. It has been stipulated that representatives of communication industries, professional public, and all BH citizens be included into work of the Forum.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

Article 1.1 (General) of the *Broadcasting Code of Practice* reads: "*Programmes shall meet generally accepted community standards of civility and **respect for the ethnic, cultural and religious diversity of Bosnia-Herzegovina**"*.

According to the *Law on Public Broadcasting System*, the programme of public broadcasters shall "affirm the cultural and other needs of national minorities".

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages?

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Under current survey carried out by satellite operators, consumption of satellite television in B-H is very significant. Under the Eutelsat data presented in the MIB Report, out of 1,110,000 households with TV, almost half receive satellite programme through roof antenna (DTH) or CATV system.

Satellite reception in B-H

Households with TV	1,110,000	100%
DTH	377,400	34%
SMATV	155,440	14%
Total satellite	532,800	48%

Source: Eutelsat Survey 2004

There are no data available as regards regions with minority population.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

In the middle of 2005 some 267,000 households with TV became "potential households" for cable systems. Out of this number, some 100,000 (more than 9% of total number of households with TV in the country) have become subscribers to TV programme distribution service.

Cable reception

	Total households with TV	Potential households	Connected households
TV households	1,100,000	267,750	101,244
%		24%	9%

Source: CRA Survey, July 2005

Most cable operators are licensed locally, and provide their services to a limited community within a town or an area. Like in most countries, most current cable distributors in B-H are only "bearers": they possess cable network, used by broadcasters to provide programmes to their final beneficiaries. In most cases cable distributors do not offer their own contents: they do not have their channels and do not produce contents for distribution on their networks.

The Agency does not determine programmes offered by cable operators. The Licensee is obliged to submit the Agency the schedule of all radio and television programmers it distributes, and the written statement on solved copyright on distributed programmes. **The Licensee is only obliged to distribute programmes of public broadcasting services in Bosnia-Herzegovina**.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g. digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information. A response to this question has partially been contained in the response to the next question.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Activities in B-H on introduction of digital television have been started. The DTT Forum has been established, tasked with preparation of the strategy for digital platform establishment in the forthcoming period. Tasks of the Forum will also include creation/adaptation of needed regulations for the DTT, determination of programme contents and services, determination of period for switch over from analogue to digital TV.

Information and communication technologies (ICT)

As regards the questions from this Chapter, we would like to emphasise that the mandate of the Agency is defined and limited by the Law on Communications in B-H, so the Agency does not have information on most questions that follow. However, within its regular activities the Agency carries out annual survey of CRA Licensees for Internet services in B-H with a view of having insight into the situation of Internet services market. Since the Report contains information such as a total number of Internet subscribes at the entire territory of B-H, number of subscribers in larger BH towns, estimation of number of Internet users, estimation of level of Internet services usage, and insight into types and characteristics of services offered by Internet service providers, we consider the Report would be useful for you in perceiving the overall situation concerning information and communication technologies in Bosnia-Herzegovina. In accordance with the mentioned, we enclose herewith the 2006 Annual Survey of CRA Licensees for Internet service providers in B-H, which could be found on the Agency's web-site: www.rak.ba.

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

Area covered by this question is not under legal competence of the Agency. Therefore, we do not have the requested information on national minorities.

11. What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

Area covered by this question is not under legal competence of the Agency. Therefore, we do not have the requested information.

12. Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

The Agency does not have information specific to national minorities.

13. Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Article 1.2 (**Decency and Civility)** of the Broadcasting Code of Practice reads: "Broadcasters shall observe general community standards of decency and civility in programme content and scheduling, taking particular care to protect the interests and sensitivities of children. **Language which could incite to violence, disorder or hatred must not be used**. The gratuitous use of language likely to offend must be avoided

14. Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information.

15. Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc?

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information.

16. To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information.

17. Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

Areas covered by this question are not under legal competence of the Agency. Therefore, we do not have the requested information.

Part Two:

The Ministry for Human Rights and Refugees of Bosnia-Herzegovina:

Under the 1991 census (still valid in Bosnia-Herzegovina, since a new one has not been conducted yet), the population of Bosnia-Herzegovina consisted of 4,377,033 people. The 1991 census, besides over 1.9 million Bosniaks, almost 1.4 million Serbs and 760 thousand Croats, included 242,682 Yugoslavs which made up 5.54% of national structure. A total of 104,439 or 2.39% inhabitants belonged to other ethnicities.

Bosnia and Herzegovina is well known for its various ethnic groups and national minorities. As per 1991 census, population of Bosnia and Herzegovina consisted of Bosniaks (43.5%), Serbs (31.2%), Croats (17.4%), Yugoslavs (5.5%) and Others (2.4%). The category of "others" was composed of members of 17 national minorities, although notions nationality and ethnic groups were used during the census, which was sanctioned by recently adopted law (1 April 2003), the **Law on the Protection of Rights of Persons Belonging to National Minorities**.

Bosnia-Herzegovina has defined in its Constitution to ensure the highest level of internationally recognized human rights and fundamental freedoms. The Article II of the Constitution of B-H stipulates that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto shall apply directly in the legal system of Bosnia-Herzegovina. These international human rights instruments have priority over all other laws.

Constitutions of Bosnia-Herzegovina and its two Entities prohibit discrimination on any ground (Article II 4 of the Constitution of Bosnia-Herzegovina).

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, **national or social origin, association with a national minority**, property, birth or other status.

The Preamble of the Constitution of Bosnia-Herzegovina formulates a basic principle under which: "Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia-Herzegovina hereby determine the Constitution of Bosnia-Herzegovina …".

All abovementioned implies that members of national minorities in Bosnia-Herzegovina are not *de facto* discriminated on any legal ground or through positive legal regulations at the entire territory of Bosnia-Herzegovina.

The Law on the Protection of Rights of Persons Belonging to National Minorities of Bosnia-Herzegovina wad adopted and entered into force in May 2003 (Official Gazette of B-H, No. 12/03). The Law recognises 17 minority communities (Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, and Ukrainians), and it represents the crucial document regulating basic postulates for the position of minorities in B-H. The rights of minorities determined in the Law are realised, although sometimes not at the wanted pace.

One of the important segments of the Law is its **Part Five**, whose Articles 15 and 16 read as follows:

Article 15: "Persons belonging to national minorities in B-H shall have the right to establish a radio and TV stations, to edit newspapers and other printed information journals in the language of a minority to which they belong".

Article 16: "Radio and TV stations whose founders are B-H, entities, cantons, cities and municipalities realising the role of public service shall provide, in their programme schedules, for special programmes for persons belonging to national minorities, and may also provide for other materials in minority languages.

Radio and TV stations as public services of B-H shall at least once a week secure special informative programme for persons belonging to national minorities, in minority languages.

The rights from the first paragraph of this Article shall be regulated by the entities and cantons, on the basis of the share of a national minority in the entity, canton, city or municipality".

In accordance with the current positive legal regulations, we consider there is a basic ground for undisturbed access of national minorities in Bosnia-Herzegovina to all media in the information society, which supports participation of all citizens of B-H, including national minorities, in the promotion of professional, impartial and accountable media sector in Bosnia-Herzegovina.

Information submitted by Bulgaria

The task: The Questionnaire comprises 17 questions related to the general norms as well as to the specific rules governing the access of national minorities to analogue, digital new media and ICT. This information provides an overview of all issues included in the Questionnaire.

Sources: The responses to the Questionnaire were compiled by experts from the **State Agency for Information Technology and Communications** (www.saitc.government.bg), with contributions and materials provided also by the **National Council for Cooperation on Ethnic and Demographic Issues (**www.nccedi.government.bg**), the Communications Regulation Commission (CRC), the Bulgarian National Radio (BNR)** and **the Bulgarian National Television (BNT)**. Additional data was collected from the **Council for Electronic Media (**www.cem.bg**)** as well as **Bulgaria report 2005 and 2006** (www.arcfund.bg).

General background:

The regulation of the rights of persons belonging to ethnic, religious or linguistic minorities to access to the media is provided in Articles 3, 36(2) and 54(1) of **the Constitution of Bulgaria** (1991) as well as in other legal acts.

Article 3 of the Constitution provides that **"**Bulgarian is the official language of the Republic".

Article 36, paragraph 2 stipulates that **"**Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language."

Article 54, paragraph 1 referring to the right to creative activity and access to culture provides that "Everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by the law".

Further safeguards are provided by **the Law on Radio and Television** (1998, amended 2000, 2001, 2002, 2003)**.** The act embodies the principle of media pluralism setting an obligation on the Bulgarian National television (BNT) to reflect the multiplicity of viewpoints and ideas in society in its news and current affairs programmes treating political and economic issues (art.7 p.6).

Article 12, paragraph 1 of this Law sets out the general principle, that radio and television programmes are presented in the official language. Paragraph 2 enlists the exceptions to this rule. Programmes can be disseminated in a language different from the official one if they pursue an educational objective, target Bulgarian citizens whose mother tongue is not Bulgarian or cater to listeners and viewers abroad. Other cases are when foreign radio and TV broadcasts are retransmitted by cable, programmes of foreign radio and TV stations registered in Bulgaria are retransmitted and foreign audiovisual programmes are disseminated on the territory of the country. These conditions are applied to the whole programme and not to one or another of its components. The conclusion is that art.12 creates the necessary normative basis for persons belonging to ethnic communities living in Bulgaria to have full access to broadcasts in their mother's tongue.

Undertaking more effective measures in order to guarantee the access of various social groups to the electronic media – ethnic minorities, people with disabilities, minors, etc is a constant priority for the regulatory policy of the Council for Electronic Media (CEM), which is an independent specialized regulator in the field of electronic media.

It is worth noting the active participation of the Bulgarian representatives in the Expert Committee of the Council of Europe on the elaboration of the **Additional Protocol to the Convention on Cyber-crime criminalizing racism and xenophobia through the cyber systems**. The signature of Bulgaria is forthcoming, pending ratification of the Convention by the National Assembly.

Concerning specific policy measures, the Government has been implementing a special **Action Plan on Protection against Discrimination** adopted in 2006 (in line also with the European Commission initiative "2007 – the European Year of Equal Opportunities").

The Penal Code of Bulgaria contains particular chapters "Crimes against Peace and Humanity", "Crimes against National or Racial Equality", "Crimes against Religion", and "Crimes against Labour Rights of Citizens". According to these provisions, the offences punishable by imprisonment, include:
- preaching fascist or another anti-democratic ideology or forceful change of the social and state order as established by the Constitution of the Republic of Bulgaria (art. 108, para.1),
- propaganda or incitement of racial or national hostility, hatred or racial discrimination (art. 162, para.1),
- use of violence against another person or damaging his/her property because of his/her nationality, race, religion or his/her political convictions (art. 162, para.2),
- creating, leading or participating in an organisation or group which has set itself the objective of committing acts under the preceding paragraphs (art. 162, para.3 and 4),
- taking part in a crowd rallied to attack groups of the population, individual citizens or their property in connection with their national or racial affiliation, or grounds of their religion (art. 163 and 165, para.3, para.1),
- propaganda of hatred on religious basis by speech, through the press, by action or in any other way (art. 164),
- preventing by force, or by threat to use force, citizens from freely practising their faith or performing their religious rituals and services, which do not violate the laws of the country, the public order and morality (art. 165, para.1),
- coercion of another person to take part in religious rituals and services (art. 165, para.2),
- incitement to commit crimes, including he above mentioned, through preaching to crowds of people, spreading printed material or in other similar way (art. 320).

All xenophobic or racist materials, designed, intended for or used to commit such crimes, are to be seized and confiscated (art. 53).

Specific severe sanctions are also envisaged for crimes against humanity, like genocide and apartheid (art. 416 - 418).

The Penal Code stipulates criminal liability for crimes against the labour rights of the citizens, too – for deliberate obstructions of a person to occupy a position or for compelling him/ her to leave the job because of his/ her race (art. 172, para.1).

In addition, **The Law on Execution of Penalties** imposes prohibition on all persons serving sentences in places of deprivation of liberty to receive, or own printed or other materials propagating nationalistic, ethnic, racial or religious hatred (art. 40).

Regarding media self-regulation, **the Code of Journalistic Ethics** was adopted in 2004, and in 2005 two commissions were established to consider complaints against the professional behavior of print and electronic media. Art.2.5 of the Code deters the media from disseminating hatred, violence or any form of discrimination. Information about the racial, religious, ethnic and social identity of persons should not be referred to in the media coverage. These facts are to be disclosed only in special cases, when it is proven that the information it is in the public interest.

Internet communications are free and are not regulated by special provisions. No specific authorization is needed and service-providers may adopt their own codes of self-regulation.

Among the electronic media operators, the national public radio and television organizations play an essential role in the social entrenchment of the principles of pluralism and tolerance. These operators have a legal obligation to promote both Bulgarian culture and Bulgarian language and the culture and language of the citizens who belong to ethnic minorities (art.7). For the accomplishment of this task the BNR and the BNT pursue specific efforts.

National public operators and their activity:

The BNR

Three radio channels are broadcasting nationally – "Horizont", "Hristo Botev" and radio "Bulgaria".
"Hristo Botev" is a radio channel specialized in culture and education. Round the clock it presents the variety and richness of world and national culture including the problems of civil society and education. The specific issues of interest to persons belonging to ethnic, religious or linguistic minorities, their traditions and culture merit special attention in the programmes and services, with prominence to such values as tolerance and social cohesion. In 1999, **"Hristo Botev"** launched a special programme - 30 minutes daily broadcasts on minority issues, including the problems of the multicultural world, intercultural and inter-ethnic dialogue, social understanding and solidarity. Issues with relevance to the persons belonging to emigrant communities are also included. Among the hosts of the programme are two journalists of Roma origin.

Radio Bulgaria is the world programme of the BNR, transmitted abroad via satellite and by cable operators in the territory of the country. It presents to the world audience the economic and cultural achievements of the country paying attention to the specific characteristics of the Bulgarian national identity and traditions. Its broadcasts comprise a main source of information from and about Bulgaria for thousands of listeners abroad. Since 2004, Radio Bulgaria broadcasts in Bulgarian, English, French, German, Spanish, Russian, Serbian, Greek, Albanian and Turkish. The emissions in Turkish are popular also among Bulgarian citizens of Turkish ethnic affiliation living both in Bulgaria and abroad.

Radio broadcasting in Turkish language was reinstated in 1994, as an element of the public service remit of the media. Starting like 30-minute programmes, currently these programmes comprise 160 minutes of original broadcasts tending to reach 6 hours per day. The programmes are disseminated through the regional broadcasting stations of the BNR in the Northeastern and Southeastern part of Bulgaria as well as by local stations.

Currently, Radio Bulgaria is introducing new interactive communication services, through the inclusion of a multimedia link in the newly restructured Internet site of the BNR offering abundant audiovisual information in 11 languages.

The BNT

In its information and current affaires programmes the BNT has always paid specific attention to the problems of Roma people and their successful integration in the Bulgarian society. Following the direct broadcasting of all events connected to the launch of the initiative "Decade for Roma Inclusion, 2005 – 2015", all related issues and events are regularly covered in the information emissions. Furthermore, discussions are also constantly organized, *inter alia,* in the most popular programmes, such as "Panorama", "See who it is" and "The day begins". Since 2006, "The day begins" has started broadcasting a series of documentaries under the title "Faces from Bulgaria" showing the personal stories and achievements of people belonging to various ethnic groups. The series are created at the Centre for Radio and Television training, within the framework of the ProMedia project and with the financial support of USAID.

The first Roma television programme in Bulgarian having as a host a blind girl of Roma origin, is "The World of Roma", launched in 1997 by the BNT, and disseminated as well by a regional television station (TV "7 Days"). Since October 2004, the programme has been included in the broadcasts of the Balkan TV Network, which pays specific attention predominantly to the lifestyle of the Roma in the Republic of Serbia and the Republic of Montenegro. "The World of Roma" has been awarded two prizes from the Albena International Media festival – in 2004 and 2005.

Since October 2000, the BNT has been broadcasting daily ten-minute news programmes in Turkish language.

Detailed information on all BNT programmes regarding issues relevant to persons belonging to ethnic minorities as well as to interactive opportunities for viewers, is available at the BNT website.

Other media

At present, a great deal of programmes on issues of interest to persons belonging to minorities is broadcasted by private nation-wide and regional broadcasters, including cable stations. Among them, there are on-line edition of the Roma information centre supported by the editors of the "Drom Dromendar" newspaper and the "O'Roma" magazine; the internet information agency "RIA De facto", the inline publishing of the Roma cultural centre "Amalipe" in Veliko Tarnovo, the web sites of the Organization of the Jews in Bulgaria "Shalom", of the Pan-Armenian Charity Union "Parekordzagan – Sofia, etc.

Also mentioned are the project "Broadcasting for Ethnic Tolerance" of the "Centre for Nongovernmental Organizations" and the commercial "Darik Radio" which has been carried out since 2000 in the region of Kardjali where the Bulgarians of Turkish origin constitute the majority of the population Under this project, "Darik radio" has been broadcasting twice a day local news for the Turkish population in the town and in the region.

Other examples are the local Roma radio station in the town of Montana, the Roma cable TV in Vidin, etc. While the former presents the issues with emphasis on general issues of Roma integration, the latter presents specific topics of interest to the Roma people as well as their art and culture.

In addition, the issues regarding the protection of rights of persons belonging to ethnic, religious or linguistic minorities and their equal integration in the Bulgarian society are regularly addressed on the specialised web sites of the National Council for Cooperation on Ethnic and Demographic Issues, the Open Society institute in Bulgaria in Sofia (www.ethnos.bg), etc.

39 of all 42 non-governmental organizations and associations, including these of persons belonging to minorities, members of the National Council for Cooperation on Ethnic and Demographic Issues make use of the communication opportunities via Internet, and many of them support their own websites.

Access to digital media and new communication services

As described in the 2005 Annual Report of the Communications Regulation Commission (the independent specialized state body monitoring the field of telecommunications), the sector of digital services in the national economy is developing dynamically. In 2005, the volume of the domestic telecommunications market, estimated on the basis of the revenues from fixed services, mobile services, leased lines, data transfer and internet, cable television and other telecommunication services amounts to 2,744 billion BGN (or 1, 403 Euros) which constitutes a 10% increase in comparison to the preceding year.

Two market segments show particular growth – mobile networks and services and cable TV. During the same year, 52 new operators of public cable telecommunication networks were registered, 104 supplements to existing registration were issued, and the number of operators with ceased registration is 49. The data serves as proof that the cable market has been restructuring, favoring the larger operators.

Cable television services are traditionally well-received in Bulgaria and the service "provision of Internet access over cable networks for distribution of radio and television programmes" becomes increasingly popular in recent years.

The online registry of the CEM includes generally 233 licensed and registered radio and television operators – cable, terrestrial and satellite, public and commercial by function, national and regional by scope of dissemination. However, the landscape varies, and these figures are to be considered as approximate.

As far as digital broadcasting is concerned, a national strategy and action plan are under discussion. The draft-act on electronic communications transposing the Regulatory Framework on Electronic Communications and providing for a stable and modern regulation in a convergent environment, is being debated in the relevant parliamentary committees. The next stage will require appropriate changes in the telecommunications and broadcasting legislation.

The e-Bulgaria 2006 Report (prepared by ARC Fund and released in September 2006) reaches the following conclusions on the progress in this field, in terms of e-access, e-society, e-education, e-business, e-government and e-policy:

–   The share of internet users in the country has reached 26 % of the population aged 15 and over. The projections suggest that by 2007 some 34% of the population would be using internet;

–   The largest point of divide witnessed by the previous report e-Bulgaria 2005 was access to PCs and internet at schools. The government's large-scale investment in ICTs in schools has now practically levelled this divide though other issues remain to be solved – e.g. the need for training teachers in specific regions, etc.;

–   Facilitating access of persons belonging to disadvantaged groups or ethnic, religious or linguistic minorities to digital services remains a challenge for policy makers, as data suggest that internet penetration rates among certain ethnic groups are 3 to 5 times lower than the average figures for the country. While the proliferation of new services in the business sector is considerable, and saturation has been reached there, their social potential still remains not effectively made use of. For instance, Internet access has only 2% of the Roma population, 5% of the ethnic Turks, and 8% of the Bulgarian Muslims, the average Internet usage for Bulgaria being 25%.

These figures are explained mainly by the limited opportunities for persons belonging to these social groups for access to computers at home and/or at schools. Notwithstanding, all persons in Bulgaria, irrespective of their ethnic origin, may avail themselves of local privately owned Internet clubs or Internet cafes.

Appropriate measures to address this issue are already being considered, as the ministry of Education and Culture, together with other relevant bodies are elaborating specific projects aimed at expanding computer education in schools. In addition, the authorities are working on a special Strategy on introducing digital broadcasting in the country which will also envisage measures to promote the access of persons belonging to minority groups to new communication technologies.

Sofia, May 2007.

Information submitted by the Czech Republic

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

The laws on the Czech Television and the Czech Radio deal with the organisation of public service broadcasting in the Czech Republic1. Originally the remit was ought to be fulfilled by the production of television or radio channels. Since the adoption of the amendment to these acts in the year 2005 the remit has changed with regard to new technological possibilities which have the implications on the public.

It was decided that both broadcasters shall also operate current analogue channel on the digital terrestrial platform and along with it another two new digital television channels and multimedia content and additional services accompanying TV and radio services. Both broadcasters were granted a common multiplex on terrestrial frequencies.

Among the tasks of the public service broadcasters is to create and provide a well-balanced offer of programme units for all groups of population with respect to the freedom of their faith and conviction, culture, ethnic or national origin, national identity, social origin, age or gender so that the programme units reflect the diversity of opinions and political, religious and philosophical orientations and artistic trends, with a view to promoting mutual understanding and tolerance and supporting coherence of the plurality society. These broadcasters should also contribute to developing the cultural identity among the citizens of the Czech Republic, including members of national or ethnic minorities.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

Code of ethics/professional code of conduct in the sense of the question is a common internal measure among the broadcasters. Only Czech Television and Czech Radio are obliged to adopt such code and submit it for the approval to the House of Representatives of the Parliament.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

See Question No. 4.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

As regards public service, the task of the both broadcasters has been extended on the provision of services in the new media. Digital broadcasting enables them to extend the programme offer and in the

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[1] Public service broadcasting is organised according to the Laws No. 483/1991 on the Czech Television and No. 484/1991 on the Czech Radio and some other acts regulating specific aspects of the content of broadcasting, advertisement etc.

same time to provide a variety of new additional services which could further promote cultural and linguistic diversity.

Under the law on the rights of national minorities the Ministry of Culture organizes the public tenders in the programme aiming at the promotion of dissemination and reception of information in the languages of national minorities or information about the national minorities in the society for the projects in the periodical press and radio and television broadcasting in the Czech Republic.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

Due to a relatively small number of people of national minorities in the Czech Republic the number and availability of specifically targeted services is limited. It is not a good deal for the commercial broadcasters to aim specific services on minorities, the absence of this is supplied by the state's subsidies for specific projects and also by the declaration of special tasks for the public service broadcasters also in the respect of the new media.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

An official number is not available but it is apparent that the national share of digital satellite TV is about 5%. The share of penetrations in different regions is not available.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

An official number is not available but it is estimated that around 20 % of households have the cable access; nevertheless the choice of the offered packages differs.

8.   Do the "new media" initiatives on the part of the authorities involve trans-frontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

Not relevant in respect of the Czech Republic.

Any negative effects on access of national minorities to the media caused by the disappearance of old media can not be mentioned, analogue reception is still very much used and the switch off is estimated by 2012.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

The extension of the public service remit of public service broadcasters in relation to digital broadcasting and new information services is described in question 1.

Due to the lack of frequencies however this multiplex is so far available only in certain areas. The planned coverage is set for 95% of the population but it depends on the whole process of the digital switch over which is being discussed. The framework for this was set by the Digital broadcasting development policy in the Czech Republic approved by the Government in 2006 (available on www.micr.cz).

The question on gaps in the coverage of the digital television network that particularly affects areas with compact minority population is not relevant in the Czech Republic.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

No special provisions as for national minorities.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

See 10.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

See 10.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

See 10.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

See 10.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

See 10.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

See 10.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

There are many webpages provided by Roma civil associations (most of associations have their own webpage). The portal Romea (http://www.romea.cz/) with English, Czech and Romani version has a lot of different information (news, job opportunities, top-ten of music groups, cultural calendar, description of projects carried out by the organization, the electronic version of periodical named Romano voďi etc.)

Information submitted by Denmark

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

The Danish National IT and Telecom Agency strives to ensure access to new media and new communication services to as large a number of the population as possible. In 2006, more than 98% of the Danish population had the possibility to get broadband access.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The internet service providers have adopted a code of conduct to avoid illegal child pornography content.

Access to analogue and digital new media

First, it should be noted that Danish legislation regarding radio and TV does not distinguish between the different kinds of media – analog or digital, cable, satellite or interactive.

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

Provided that the term "new media" includes local radio and television; Broadcasting permissions are given to secure the largest possible local diversity. Ethnic minority is a criteria that is given weight when local radio- and television broadcasting permits are given.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

In the Danish Broadcasting Corporations (DR) service contract (2007-2010) with the government it is demanded, that DR produces news in minority languages.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

Electronic TV and radio programme guides are not available in German.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

In 2005 1,5 million households had access to cable network television from which satellite digital television can be seen. 400.000 households had access to antennas which can receive satellite digital television.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

As mentioned above 1,5 million households had access to cable network in 2005. An estimated 60 percent of Danish households have access to Cable TV. In various places there are local cable stations with ethnic background. The biggest provider of Cable TV (TDC Kabel) has had success with providing channels in German. According to TDC it is possible to buy access to the following channels in German: ARD, ZDF, SAT.1 and RTL.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

No "new media" initiatives on the part of the authorities involve transfrontier access of the German minority to the media.
There are no indications that "new media" initiatives have had a negative effect on access of the German minority to the media caused by the disappearance of old media.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

The Danish public service TV (DR and TV 2) has already implemented in digital terrestrial TV. According to the plan the two channels will no longer broadcast analogue signals by October 2009.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

In 2006 more than 98 percent of the Danish population had the possibility to get broadband access. Besides, all public libraries provide free use of the internet from the libraries´ computers.
The German minority newspaper – Der Nordschleswiger – has its own homepage, where news in general and news regarding the German minority in Denmark are published.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research

aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

In general, no policy measures have been taken with regard to ensuring the digital inclusion and effective and affordable access to the Internet and other ICTs for any specific groups, apart from measures towards certain disabled citizens.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

In the Danish penal code "hate speech" or other illegal statements founded on race, colour of skin, national or ethnic origin, faith or sexual orientation, including national minorities, or other minorities, made public, including such statements made public in ICTs, are sanctioned with a fine or prison up to two years.

If an act of crime is committed on the basis of race, colour of skin, national or ethnic origin, faith or sexual orientation, it has to be considered, according to the Danish penal code when the sentence is being fixed, as a reason for increasing the sentence.

The Danish authorities have set up monitoring mechanisms regarding section 266 b and section 81 of the Danish Criminal Code. In addition, the police districts have to report criminal acts or omissions punishable by law with a presumed racist or religious background to the National Commissioner of Police

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

Aabenraa municipal has on its webpage information in German regarding the municipal and links to other webpages in German containing more information about the German minority and general information about Aabenraa.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

The German minority has equal access to institutions of tertiary education, including courses regarding new technologies.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

Promotion of media literacy is a cross-population initiative. There is no specific focus on the German minority.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

There are no known examples in the field of new media and new ICTs of projects already running with specific relevance for national or ethnic minorities.

Information submitted by Finland

General

As a general note, the television broadcasting in Finland will be switched from analogue to digital in August 2007.

Furthermore, in Finland, there is no difference between the minorities and majority population in access to services and media. The only difference is that not all the media services are not necessarily available in all the minorities' languages.

1. Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Finland does not make difference between so called old and new media on a legislative level. The current legislation applies to both, analog and digital television broadcasting.

Finnish public service broadcaster YLE's remit has been changed in order to give the company better tools to develop its operations and services so that the company would be able to cope with demands of digitalisation. The amended Act has been in force since 1.1.2006.

Act on the Finnish Broadcasting Company is attached. See specifically Article 7.

2. Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The Guidelines for Journalists made by the Union of Journalists in Finland and adopted by the Council for Mass Media (the CMM), provide support for a responsible use of the freedom of speech in mass communication. The 35 clauses concern issues like the professional status of the journalist, the obtaining and publishing of information, the rights of the interviewer and interviewee, corrections and right of reply and issues concerning private and public. In clause no. 26 it is stated that "The human dignity of every individual must be respected. The ethnic origin, nationality, sex, sexual orientation, convictions or other similar personal characteristics may not be presented in an inappropriate or disparaging manner."

The final report of the working group on minority services and a proposal for a strategy YLE (Finnish Broadcasting Company) Policy on service for minorities and special groups is attached.

Access to analogue and digital new media

3. What instruments have been developed to promote the passive and active access of national minorities to the new media?

The Act on the Finnish Broadcasting Company, has been supplemented with a provision on the duty of the Company's Administrative Council to submit every second year to the national Parliament a report on the implementation of the public service in the past two years after having heard the Sami Parliament. The obligation to hear the Sami Parliament concerns the section of the report that deals with services designed specifically for the Sami population. See the Act on the Finnish Broadcasting Company, Article 6.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

See Act on the Finnish Broadcasting Company, Article 6.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

The five analogue broadcast channels will be switched off in August 2007 and the public will have access to 16 digital TV channels. This will in theory provide more broadcasting time for serving audience segments with special interests and needs. For example, since 2001 a public service TV-channel, FST-5, devoted to Swedish-language broadcasting, the second official language in Finland, has been serving this language minority.

Electronic programme guides are available in Finnish and Swedish.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

On a national level, approximately 11 % of Finnish households have access to satellite television. There is no differentiation with regards minority populations or regions with compact minority populations.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Just short of 60 % of Finnish households have access to cable television. Finland has several local cable operators. Cable TV networks have already been digitalised throughout the country.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

Digital television hasn't had any negative effects on access of national minorities – vice versa. It offers new opportunities for access.

Finnish Broadcasting Company is preparing a way for the Swedish speaking minority to enable the viewing of the Swedish television once Finland is digitalized.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

In March 2004 the Finnish Government and consequently the Finnish Broadcasting Company made a policy decision to switch off analogue television broadcasting and start broadcasting solely digitally from 31 August 2007 onwards.

The digital terrestrial television network covers 99,9 % of the population living in the continental Finland.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

In 2004, the Ministry of Transport and Communications prepared an action plan entitled Kohti esteetöntä viestintää [Towards obstacle-free communications]. This action plan is intended to increase awareness of the problems encountered by the elderly, persons with disabilities and other groups with special needs, and to remove barriers to the equality of citizens in the telecommunications sector. No specific measures have been taken in respect of linguistic minorities.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

See above the strategy for obstacle-free communications adopted by the Ministry of Transport and Communications, and additionally the Ministry's national broadband strategy, intended to promote competition in and between all communications networks, to promote service and content provision in networks, to promote broadband demand, and to continue special measures in fields with no adequate demand for commercial broadband supply. No specific measures have been taken in respect of linguistic minorities.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Penal Code, Chapter 11 (War Crimes and offences against humanity (578/1995) includes Section 8 on ethnic agitation, which reads:

A person who spreads statements or other information among the public where a certain race, a national, ethnic or religious group or a comparable group is threatened, defamed or insulted shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years.

Having ratified the European Convention on Cybercrime, Finland has introduced some new legislation in 2007. Inter alia, the Coercive Measures Act was supplemented with provisions on the preservation of data and the duty of the operator of a computer system to provide information.

The provisions on seizure in the Coercive Measures Act also apply to information in data form. The operator of a computer system is obliged to provide the authority responsible for pre-trial investigation, on its request, with the passwords and similar information necessary for seizing data and possessed by the operator. The order to preserve data is a new coercive means, which can, where necessary, be used as a preliminary measure before any other coercive means related to data. Its purpose is to prevent any disappearance or changes of data that has relevance to criminal investigation before this data can be seized by virtue of other coercive means.

According to the Criminal Investigations Act, a witness is obliged to present documents and other evidence as early as during the pre-trial investigation. According to the Act on International Legal Assistance in Criminal Matters, no dual criminality is required in connection with a request for legal assistance related to an order to preserve data. The list of coercive means executable by virtue of a request for legal assistance was supplemented with the new order to preserve data.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

The Government has been developing electronic hearings in many years. The discussion forum entitled "Otakantaa.fi" is being reformed and the system for electronic hearings elaborated comprehensively in two stages. The first stage concluded with the opening of the reformed forum in January 2007.

In the second stage, the working group will prepare a proposal to enhance electronic hearings and influencing through the web. The purpose is to improve the interaction between citizens and the Government in different phases of decision-making. The working group consults the Government and civil society on future trends of influencing through the web, arranges public discussions at the web forum and other discussion events and possibly commissions studies on the subject. The basic solution model will be presented in autumn 2007, and the working group is expected to complete its work by the end of 2007.

Electronic voting at the polling stations will be taken in the use for the first time in the local authorities election of 2008 in some areas. A project to develop this practice has been going on since 2004, and the work has also taken account of, for instance, the Council of Europe's Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

No specific measures have been taken in respect of media professionals and students from national minorities. The minorities engage in the activities of information society within the normal educational system.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

The promotion of media literacy is included in mother tongue instruction in schools. According to a pupil's language of instruction, either Finnish, Swedish or Sami is taught as his/her mother tongue. At

the option of the pupil/the person having the care and custody of him/her, also the Roma language, sign language or another mother tongue of the pupil may be taught. According to the national core curricula, the instruction of mother tongue and literature teaches the pupils to appreciate their own culture and language and fosters their understanding of multiculturalism and multilingualism as well as their linguistic and cultural tolerance.

Many schools and local authorities have minority projects of their own. Under a project entitled Children and Media, the Ministry of Education supports the launching of a media education project designed for Sami children.

Regarding immigrants, a number of projects have contained education related to information society, and since 2001, for instance the television programmes called Basaari and Mundo, produced by the National Broadcasting Company, have been funded through a national project entitled STOP – Finland Forward without Discrimination. The Ministry of Education participates in this project jointly with numerous other actors.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

Annex:

Act on Finnish Broadcasting company (electronically, in English)

Act on Yleisradio Oy
(Finnish Broadcasting Company)

(1380/1993; amendments up to 635/2005 included)

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Chapter 1

General Provisions

Section 1 (492/2002)
Status of the Company

Yleisradio Oy shall be a limited company operating in the administrative sector of the Ministry of Transport and Communications and engaged in public service in accordance with section 7. The company may also engage in other activities in accordance with its articles of association.

The right of the company to operate television and radio broadcasting shall be governed by separate provisions. The technical equipment required for its activities shall be governed by the provisions of the Radio Act (1015/2001) and the Communications Market Act (396/1997).

The provisions of the Companies Act (734/1978) shall be applied to the company with exceptions provided for in this Act.

Section 2
Ownership of the Company

The State shall own and control the share capital of the company to an extent which corresponds to at least 70 per cent of all the shares in the company and of the votes generated by all the shares in the company.

Section 3 (492/2002)
Operating requirements of the Company

In developing other television and radio broadcasting activities including the related additional and extra services, the Ministry of Transport and Communications shall take into account the operating requirements of public service referred to in section 7.

Chapter 2

Administration

Section 4
Administrative organs

The administrative organs of the company shall consist of an Administrative Council, a Board of Directors, and a Director General acting as Managing Director.

Section 5 (37/2000)
Administrative Council

The company shall have an Administrative Council which shall have 21 members.

The members of the Administrative Council shall be elected by Parliament in its first session of the parliamentary term. Their term of office shall begin as soon as the election has been completed, and it shall continue until the election of the new members of the Administrative Council. The members of the Administrative Council shall include representatives from the fields of science, art, education, business and economics, as well as representatives of different social and language groups.

The members of the Administrative Council shall elect a chairman and a vice chairman from among themselves.

(Subsection 4 has been repealed by Act 746/1998.)

Section 6 (635/2005)
Duties of the Administrative Council

The duties of the Administrative Council shall be:

1) to elect and dismiss the company's Board of Directors and its Chairman and to determine the compensation for Board Members;
2) to decide on issues concerning considerable restriction or expansion of the activities or significant changes in the organization of the company;
3) to oversee and supervise that tasks involving public service programme activities are carried out;
4) to submit every second year to Parliament a report on the implementation of the public service in the past two years after having heard the Sami Parliament;
5) to decide on the economical and operational guidelines;
6) to review and approve the annual report of the Board of Directors;
7) to supervise the administration of the company and issue a statement on the financial statement and the auditors' report to the Ordinary General Meeting of the shareholders.

The Administrative Council shall also discuss other matters referred to it by the Board of Directors.

The Chairman shall summon the Administrative Council, if a written request by at least one third of its members to deal with a referred issue has been submitted. A notice of meeting shall be issued within one month of the request.

Section 6 a (635/2005)
Board of Directors

The company shall have a Board of Directors with at least five and at the most eight members who shall not be members of the Administrative Council or the company's senior management.

The Board of Directors shall represent sufficient expertise and both language groups.

The duties of the Board of Directors shall be:
1) to elect and dismiss the company's Director General and to confirm his or her salary and other terms concerning the office; the Director General shall not be a member of the Administrative Council or the Board of Directors;
2) to elect other members of the company's senior management and confirm their salaries and other terms concerning their office;

3) to decide the budget for the following year;
4) to summon the Ordinary General Meeting and prepare the items of the agenda;
5) to submit an annual report of the company's operations to the Finnish Communications Regulatory Authority.

Chapter 3

The duties of the Company

Section 7 (635/2005)
Public Service

The company shall be responsible for the provision of comprehensive television and radio programming with the related additional and extra services for all citizens under equal conditions. These and other content services related to public service may be provided in all telecommunications networks.

The public service programming shall in particular:
1) support democracy and everyone's opportunity to participate by providing a wide variety of information, opinions and debates as well as opportunities to interact;
2) produce, create and develop Finnish culture, art and inspiring entertainment;
3) take educational and equality aspects into consideration in the programmes, provide an opportunity to learn and study, give focus on programming for children, and offer devotional programmes;
4) treat in its broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in the Sami, Romany, and sign languages as well as, where applicable, in the languages of other language groups in the country;
5); support tolerance and multiculturalism and provide programming for minority and special groups;
6) promote cultural interaction and provide programming directed abroad;
and
7) broadcast official announcements, for which further provisions shall be issued by decree, and make provision for television and radio broadcasting in exceptional circumstances

Section 7 a (396/2003)
Differentiation of material provision

If the company provides material, which has been created in the production of television and radio programming, elsewhere than in television and radio operations, it shall differentiate between the public service television and radio broadcasting and other public service operations.

For the purposes of this section, differentiation means that for each financial period a profit and loss statement shall be issued on the differentiated operations as well as a balance sheet on public service operations. A profit and loss statement and a balance sheet that both must be traceable to company accounts shall be drawn up, where appropriate, in accordance with provisions of the Accounting Act (1336/1997).

If the company takes into its own use material produced in public service television and radio operations in order to provide it elsewhere than in television and radio operations, the same terms shall be applied as when the company releases material to be used outside the company.

Compliance with subsections 1 – 3 shall be monitored by the Finnish Communications Regulatory Authority. On request of the Communications Regulatory Authority the company shall deliver its financial statements and the profit and loss statements and balance sheets of the differentiated operations.

Section 8 (396/2003)
Other duties

The annual general meeting may decide to amend the articles of association in such a manner that the company can engage in other activities than public service provided in accordance with section 7. In accounting, these activities shall be kept separate from public service operations.

Section 8 a (396/2003)
Differentiation of a network Service

If the company provides network service as referred to in section 2 of the Communications Market Act (393/2003), it shall for accounting purposes differentiate between the operations related to network service provision and other operations.

Compliance with this section shall be monitored by the Finnish Communications Regulatory Authority. On request of the Communications Regulatory Authority the company shall deliver financial statements and the profit and loss statements and balance sheets of the differentiated operations.

Chapter 4

(Chapter 4 has been repealed by Act 746/1998)

Chapter 5

Miscellaneous provisions

Section 12 (492/2002)
Prohibition on advertising

The company shall not broadcast advertising in connection with its television or radio programmes or other content services that are provided within the framework of public service in various telecommunications networks.

The company shall not produce sponsored programmes.

Section 12 a (396/2003)
Report to the Finnish Communications Regulatory Authority

By the end of April every year Yleisradio Oy shall submit a report to the Finnish Communications Regulatory Authority on the public service provided during the previous calendar year. The report shall include the information needed in the supervision of television and radio broadcasting by the Communications Regulatory Authority. The Communications Regulatory Authority shall issue a statement to Government about the report by the end of September.

Chapter 6

Entry into force

Section 13
Entry into force

This Act enters into force on 1 January 1994.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 14
Repealed provisions

This Act shall repeal the following:
1) the Act on the right of the Government to Transfer to a Limited Company State Property Acquired for the Purpose of Public Broadcasting (216/34), given on 18 May 1934, as amended, and
2) subsection 1 of section 6 of the Telecommunications Act given on 20 February 1987.

Section 15
Transitional provision

The operating licence for broadcasting issued by the Government to Yleisradio Oy shall expire on the entry into force of this Act. The Administrative Council elected for Yleisradio Oy on 16 April 1991 shall continue in office after the entry into force of this Act as an Administrative Council in the meaning of this Act until the close of its present term of office. Decisions concerning the transition period shall be made by the Administrative Council as regards the management appointed for the five-year term beginning on 1 January 1990. The transition period shall close by the end of the year 1994.

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Application and entry into force of amending provisions:
340/1995:
This Act enters into force on 20 March 1995.

746/1998:
This Act enters into force on 1 January 1999
Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

37/2000:
This Act enters into force on 1 March 2000.

492/2002:
This Act enters into force on 1 July 2002.
Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

396/2003:
This Act enters into force on 25 July 2003.
Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

635/2005:
This Act enters into force on 1 January 2006.
Section 6(1)(4) of this Act shall be applied for the first time to the report covering 2005 and 2006.
Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Information submitted by Germany

To begin with, it should be pointed out that the national minorities in Germany, whose access to the media is the subject of the following answers to the Questionnaire, are the **Danish Minority** with the Danish language, the **Sorbian People** with the Low Sorbian and Upper Sorbian languages, the **Frisian Ethnic Group** with the North Frisian and Sater(land) Frisian languages, and the **German Sinti and Roma** with their respective variety of the Romany language.

As regards use of the **Romany** language of the German Sinti and Roma, no answers can be provided since these groups wish to have their language treated as an exclusively internal matter confined to the family, or family clan.

Information regarding **transfrontier use** of media by national minorities can be provided only for the Danish Minority since Germany's other national minorities do not have any kin state.

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

On account of the constitutionally guaranteed freedom of the media (cf. Article 5, Basic Law), there are only limited legislative and executive means available for exerting an influence on media programming. Within these limits, the *Länder* [federal states] have taken certain measures.

Thus, the joint Hamburg/Schleswig-Holstein Inter-State Treaty on Media Services [*Medienstaatsvertrag Hamburg/Schleswig-Holstein*, short title: *Medienstaatsvertrag HSH*] contains pertinent provisions. Section 4, paragraph 2, of this HSH Media Services Treaty requires broadcasters to observe constitutional principles in their broadcasting programmes. In particular, human dignity and the moral convictions, religion or belief of other people shall be respected. Broadcasters shall work towards harmonious community life based on non-discrimination, contribute to social equity and to the achievement of gender equality, strengthen the respect of the life, freedom and physical integrity of others, and contribute to the promotion of minorities.

Similar provisions are contained also in the regulations referring to public service broadcasting (Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen (ZDF)*, the [1993] Inter-State Treaty on the Public-Law Corporation *Deutschlandradio* [public radio broadcaster *DRadio*], acts on the respective *Land* Supervisory Authority for Private Broadcasters) and in other regulations governing private broadcasting (Inter-State Agreement on the Restructuring of Broadcasting *(Rundfunkstaatsvertrag)*, Media Acts of the *Länder*).

Under Section 4, paragraph 1, No. 3, of the Inter-State Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and Telemedia Services [short title: *Jugendmedienschutzstaatsvertrag - JMStV*], electronic information and communication media (broadcasting and "telemedia" [i.e. teleservices and media services]) must not contain any offers that incite to hatred against segments of the population or against a national, racial, religious or ethnic group, provoke acts of violence or arbitrary action against any such group or violate the dignity of others by insulting, maliciously disparaging, or defaming segments of the population or any of the aforementioned groups. Violation of this prohibitory provision constitutes an administrative offence under Section 24, para. 1, No. 1 (c), of the Administrative Offences Act *[Ordnungswidrigkeitengesetz - OWiG]* and, as such, may be punished with a fine of up to 500,000 €.

Basically and generally, there are legal limits to the legislative, *and* executive, scope for providing incentives to ensure that greater account will be taken of regional or minority languages in private and public service radio and television broadcasts. The German Constitution provides for freedom of broadcasting [freedom of reporting through audiovisual media] and freedom of the press on a compre-

hensive basis. The Federal Constitutional Court has, time and again, stressed the "purpose-serving character of press freedom and freedom of broadcasting" [i.e. based on a function-oriented definition of these freedoms: instead of being restricted to the broadcasters' freedom from government intervention, they are to serve the formation of public opinion and of the political will of the people]. Broadcasting is not subject to any government intervention whatsoever. Therefore, Germany accepted undertakings under Article 11 of the Charter solely for the "encouragement" alternative for the Danish, North Frisian, and Romany languages. The existing - limited - scope for creating broadcasters' readiness to take greater account of minority languages is being exploited by constantly repeating the political appeal to those responsible for programming and to the pertinent supervisory bodies that they should increase their commitment to this objective.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

Like the new media, the "traditional media", too, are subject to the applicable provisions of press law and constitutional law as a system of objective norms. The internal guidance for the media is the so-called Press Code [principles of journalism ethics and good practice issued by *Deutscher Presserat*, i.e. the German Media Authority]. In all other respects, reference is made to the comments on the Programming Principles under para. 1 above.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

In legal terms, every person in Germany, and thus every person belonging to a national minority, is entitled to freedom of information. Freedom of information comprises "freedom of recipients", or the freedom to obtain information, i.e. the right to inform oneself from generally accessible sources without hindrance. This legal instrument is guaranteed under the Constitution of the Federal Republic of Germany (Basic Law, Art. 5, para. 1, 1st sentence, 2nd half-sentence). "Generally accessible" are those information sources which meet the purpose in technical terms and are designed to provide information to the general public (*BVerfGE* [Decisions of the Federal Constitutional Court] 27, 71 - *Leipziger Volkszeitung*). There is no requirement for more specific instruments. The constitutionally guaranteed right of information applies generally and comprehensively.

As regards active access to new media, mention should be made of the promotional instrument of, and the possibilities provided by, [local/regional public-access] "citizen media" and "open channels" which are available in most of the *Länder*. One example is the "Open Channel" *[Offener Kanal (OK)]* in Schleswig-Holstein. It induces members of the North Frisian minorities to develop contributions in their own language and to air them over the "Open Channel". Under Section 2, para. 1, 3rd sentence, of the *OK-Gesetz* [Act establishing the public-law institution "Open Channel Schleswig-Holstein"; short title: Open Channel Act], the public-law institution *"Offener Kanal in Schleswig-Holstein"* has the explicit task to promote the respective minority languages.

For the sake of completeness, it should be pointed out that the Internet has markedly widened the general scope for disseminating items in the minority languages. So far, too little use is being made of this possibility by the minorities. However, whenever the Internet is actually accessed, the associations of the national minorities use both their minority languages and German as the language of the majority population.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

As regards the promotion of minority languages in the media, the expectations placed on the role of, and the legislative action by, government bodies in many instances cannot be met for constitutional law reasons.

The fundamental right to freedom of broadcasting and to freedom of the press, as embodied in the Constitution, has a constitutive character, in absolute terms, for democracy in Germany. The basic principle, laid down in Article 5, 2nd and 3rd sentences, of the Basic Law, is the ban on government intervention as regards broadcasting content. Any interference must be the subject of a strict proportionality/ reasonableness check and must be warranted within the limits prescribed by Article 5, para. 2, of the Basic Law. Therefore, the scope for governmental action is limited.

This is fully guaranteed both by Article 5, para. 1, 1st sentence, of the Basic Law and by Article 10 of the European Convention on Human Rights (ECHR). The Basic Law safeguards the right freely to express and disseminate one's opinions orally, in writing or visually. Members of the language groups, of course, also have this right. Also, a specific aspect of the right to freedom of expression is the freedom to create and use media (press, broadcasting and other communication media).

Public authorities with media responsibility can only take action to the extent that government bodies have direct or indirect responsibilies and/or powers or play a role in this field. At all times, the principle of the independence and autonomy of the media must be respected. Thus, government bodies are not allowed to give any direct instructions on when - and how many - programmes must be broadcast in the minority or regional languages. Therefore, this limitation is also stated in the introductory sentence of Article 11 of the Regional/Minority Language Charter.

Giving the *Land* of **Schleswig-Holstein** as an example, the annex illustrates the current presence of minority languages in the media, as provided for under broadcasting programming principles and in implementation of the Regional/Minority Language Charter. Similar legally stipulated programming principles are also contained in the Broadcasting Acts of other federal *Länder*.

In **Brandenburg**, no direct promotional measures regarding Lower Sorbian/ Wendish media uses have been taken. Governmental promotion of films and audiovisual works does not make a distinction between Sorbian and non-Sorbian producers.

To the extent that the *Länder* have provided for financial promotion of films, this also covers audiovisual works in regional or minority languages. However, the language groups make only little use of the possibility to file pertinent applications.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages?
Are electronic programme guides available in national minority languages?

No information is available on such services on demand and electronic programme guides.

According to the *Breitbandatlas* ["broadband map"] published by the Federal Ministry of Economics and Technology -
(http://www.zukunft-breitband.de/Breitband/Portal/Navigation/Breitbandatlas/breitbandsuche.html?plzOrt=saterland&Technik=1&Nutzertyp=p&searchActionSearch.x=50&searchActionSearch.y=3&Auswertung=Verfuegbarkeit&curPage=0&locID=null&rowsPerPage=10&cgparam.formCharset=ISO-8859-1) –

DSL services are available in the Lower Saxony area to more than 95 per cent of all households in Saterland *Gemeinde*. This local government's Internet site is accessible under www.saterland.de. Under the menu item *"Kultur und Sport"*, this Standard German-language site offers the context (shortcut) menu "*Saterfriesische Sprache"* presenting the *"Saterlied"* [anthem of the Saterland Frisians] and Sater Frisian proverbs, each with a Standard German translation. In addition, DSL technology is used for e-mail communications among Sater Frisians residing in the Saterland, on

the one hand, and with "out-migrants", on the other hand, for the preservation and fostering of this language.

On Sundays, from 14.05 till 15.00 hours, the radio station *"ems-vechte-welle"* (www.ems-vechte-welle.de) airs the *"Saterland aktuell"* programme in the Sater Frisian language, with news from the Saterland. This is not one of the "new media" within the meaning of this questionnaire: These programmes are not offered as digital services on demand on the Internet. According to information provided by *ems-vechte-welle*, it plans to extend the programme to two hours and, **in future**, to provide the broadcasts as a service on demand.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

According to the ASTRA information published in *"Media Perspektiven"*, the nation-wide percentages for the various types of reception are as follows:

TV households	36.18
Cable (private households without satellite reception)	19.35
Satellite (direct reception and community aerial)	15.47
Terrestrial	1.37
Digital households	7.10
Cable (private households without satellite reception)	1.98
Satellite (direct reception and community aerial)	4.51
Terrestrial	0.62

No information is available on the viewing times and frequency as regards the minority population.

According to the online information provided by the Federal Ministry of Economics and Technology under
http://www.zukunft-breitband.de/Breitband/Portal/Navigation/Breitbandatlas.html,
more than 95 per cent of all households in the Saterland have access to satellite television.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

19.35 per cent of the German population have access to cable television.

In Schleswig-Holstein, two Danish TV programmes - i.e. DR 1 and TV 2 - are transmitted via the cable network operated by *Kabel Deutschland GmbH (KDG)*.

In Brandenburg, the public service broadcasting programme *rbb*, which once per month broadcasts a Sorbian-language TV magazine (see Annex 2), is transmitted via the cable network.

According to the online link provided by the Federal Ministry of Economics and Technology (cf. above), less than 2 per cent of all households in the Saterland have access to cable television. Therefore, there is no point in answering the question on the transmission of minority-language programmes via the cable networt.

KDG signal transmission in Saxony (as of: 31 Dec. 2006) provides a total number of some 490 000 households with TV programmes via KDG-owned and connected cable distribution networks. This transmission includes analogue access to *mdr TV [Mitteldeutscher Rundfunk]* with its regional programme for Saxony *Land* , thus providing for reception of the Sorbian programmes *WUHLADKO*

and *ŁUŽYCA*. Digital access only covers reception of repeats of *WUHLADK*O and broadcasts of *ŁUŽYCA* on *rbb TV*. *mdr* has asked the cable provider KDG to provide analogue transmission via *mdr Fernsehen* in such a way that the Sorbian sound version of Sunday's *Sandmännchen* programme will be available. For digital cable reception, the Sorbian sound version of this programme cannot be selected by the viewer.

The Sorbian-language radio programme of *MDR 1 RADIO SACHSEN* is transmitted, on the FM frequency band, via the Saxony-based KDG networks of Bautzen, Kamenz and Löbau, servicing a total number of 11 840 households (as of: 31 Dec. 2006). There is no digital retransmission of these radio broadcasts.

KDG cable transmission only covers part of cable access in Saxony. Overall, an average of 1.27 million households in Saxony were connected to cable in 2006.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g. digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?

With regard to the digitalization of the media, the Danish Minority pointed out that technological developments, the precise specifications in copyright contracts/ agreements and the increasing liberalization of the media landscape involve a number of risks for continued reception of Danish television programmes in the Schleswig region of the *Land*. By 2009, Denmark will replace the present form, i.e. analogue terrestrial transmission, by digital (DVB-T) transmission which, on account of the reduced overspill, is expected to limit the transmission range of Danish programmes to about 30 km south of the border.

In the autumn of 2006, the controversy between the Danish public service broadcasters *Danmarks Radio* (DR) and *TV 2*, on the one hand, and Kabel Deutschland GmbH (KDG), on the other hand, about copyright royalties and provider fees, respectively, gave rise to the concrete risk that, in future, reception of these two Danish programmes might no longer be possible in Schleswig-Holstein and thus in the speech area of the Danish Minority. Therefore, on the basis of a joint motion by all parliamentary groups of the Schleswig-Holstein *Landtag*, an appeal was addressed to both the broadcasters and the cable provider to negotiate a contract that would allow continued reception of the Danish programmes via the cable network. The Minister-President of Schleswig-Holstein had contacted the Danish Prime Minister regarding this issue. Against the background of these political endeavours, *Danmarks Radio* and *TV 2* were able to reach an agreement with Kabel Deutschland GmbH. Thus, *Danmarks Radio* gave up its plan to discontinue transmission in Germany as of 15 October 2006. *TV 2* and Kabel Deutschland GmbH reached an agreement on the respective payments to the other side. It is for the aforementioned two parties to settle the details of these financial matters. Also, the Danish Prime Minister, in a letter to the Schleswig-Holstein Minister-President, shared the view that cable TV transmission of the Danish programmes continued to be ensured thanks to the agreement reached by the parties involved.

Digitalization will entail a number of problems which, by way of example, are illustrated in the following as regards reception of Danish broadcasts in Schleswig-Holstein.

–   Terrestrial broadcasting: Digitalization of terrestrial services in Denmark reduces the overspill to Schleswig-Holstein. Discontinuation of analogue terrestrial transmission in Schleswig-Holstein results in a reduction of the equipment available in the *Land*'s households for analogue terrestrial reception so that analogue terrestrial programmes, which Denmark plans to continue to operate in parallel with digital terrestrial services, will *de facto* be received in Schleswig-Holstein on a constantly decreasing scale.

- Satellite: At the same time, direct reception of Danish programmes via satellite is rendered more difficult because the Danish broadcasters, unlike German broadcasting stations, encrypt their signals. For the reception of such programmes, smart cards are required, which can be obtained in Germany only with considerable input of effort, and against payment of 300 € per year.

- Cable: While Danish programmes are given priority in Schleswig-Holstein's cable systems, cable operators wishing to retransmit Danish programmes were faced with the problem that they would no longer be exempted from the payment of copyright royalties to the Danish broadcasters. In this regard, the aforementioned agreement provides a solution for the time being.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

As a matter of principle, digitalization of public service broadcasting in Germany takes place in parallel with the continued supply of analogue services. This simulcast operation will be stopped only when digital reception is possible for everybody on reasonable conditions.

In Germany, conditions are the same as regards reception by the overall population, on the one hand, and by the minority population, on the other hand.

In general terms, however, it should be pointed out that the private media providers tend to focus provision of digital forms of transmission (DVB-T, DVB-H, and DAB/DMB as well as fibre-optic cable) on major conurbations so that the population in rural areas may very well be faced with supply shortcomings.

Annex 1

Presence of minority languages in sound radio broadcasting in Schleswig-Holstein

Danish

Private radio broadcasting includes programmes in the Danish language. The broadcasting station *Radio Schleswig-Holstein (RSH)* has, for years already, included programmes and items in the Danish language as an integral part of its *Land*-wide radio broadcasting programme. These items are produced in co-operation with the *"Flensborg Avis"* newspaper and, on weekdays, are broadcast as "news from the region" several times per day.

Reporting by the public service broadcasting station *NDR 1 Welle Nord* about the Danish Minority regularly includes news and current-affairs items as well as detailed reports. Quite often, this also covers extracts from interviews in the Danish language, which are translated and explained prior to transmission - i.e. no speech overlay is used. *NDR 1 Welle Nord* co-operates closely with *Radio Syd* in Apenrade, which is the successful regional programme of *Danmarks Radio* for Sønderjylland [North Slesvig], and keeps in contact with the DR's Copenhagen-based Department for International Relations. The Head of that Department is frequently available for talks with correspondents on Danish subjects discussed in the *Ostseemagazin* ["Baltic Sea Magazine"], a weekly one-hour joint programme of *NDR 1 Welle Nord* and *Radio Schweden*, reporting on the countries and regions border-ing on the Baltic Sea.

NDR Info repeatedly reports on the Danish Minority in Schleswig-Holstein and on German-Danish subjects in programme segments of up to 30 minutes.

North Frisian

As the NDR's *Land* programme for Schleswig-Holstein, *NDR 1 Welle Nord* provides the Frisian Ethnic Group in Schleswig-Holstein with comprehensive and multifarious reports, both in the German and the Frisian languages, on people, their region and their culture, as part of current-affairs reporting or of documentary serials and of one-hour special editions. In addition, *Norddeutscher Rundfunk (NDR)* increasingly strives to make the broadcasts available on the Internet as well (cf. below).

At irregular intervals, one-hour verbal programmes are produced in the Frisian language. Also, Frisian-language story-telling contests are organized. Under www.wellenord.de, a comprehensive audio archive can be accessed, which on a constant basis offera about 50 Frisian audio recordings for relistening.

Since 1 April 2005, via *OK Westküste* [Open Channel West Coast], *Nordfriisk Radio* (NFR) has broadcast a North Frisian-language programme produced by *Friisk Foriining*, with music and news from the region. This Frisian web radio mainly uses the Internet (www.nfradio.de) but the FM band as well.

Presence of minority languages in TV programmes aired by private and public service stations in Schleswig-Holstein

Danish

The NDR station in Kiel has, over the past years, co-operated with the Danish broadcasters in the border region on a number of EU-sponsored projects. The NDR Studio in Flensburg is of particular importance for German-Danish co-operation. The close transfrontier contacts with TV broadcasters in Denmark ensures that Danish and/or transnational subjects are regularly dealt with both in the *Schleswig-Holstein Magazin* and in the programme entitled *"Schleswig-Holstein Unser Land"*.

The Open Channel *(OK)* in the northern region of the *Land* helps citizens with the recording of special - including Danish - events by providing a mobile TV studio and trainees.

North Frisian

The programmes *"Schleswig-Holstein Magazin"* and *"Schleswig-Holstein Unser Land"*, produced by the *NDR Landesfunkhaus* [broadcasting centre] Schleswig-Holstein, comprise reports on Frisian subjects and persons of public interest. Thanks to the training of volunteers, especially in the Nordfriesland/ Flensburg region, it has been possible to include an increasing number of Frisian-language items (with subtitling) in the station's programme.

<u>Annex 2</u>

Presence of the Lower Sorbian language in sound radio and television broadcasting in Brandenburg

Promotion of the cultural heritage of the Sorbs/Wends in Brandenburg is a specific programming mandate of *Rundfunk Berlin-Brandenburg (rbb)*. There are no private broadcasting offers as regards radio or TV programmes in the Lower Sorbian language. However, so-called *Stadtfernsehen* (local community TV) channels also offer items regarding the Lower Sorbian culture to deal with special occasions/ events in the respective settlement area.

Public service sound radio broadcasting

For 11 ½ hours per week, the Lower Sorbian/Wendish radio programme broadcast from the RBB Studio Cottbus offers an interesting mixture of information and enter tainment: items on the history, culture and community life of the Sorbs/Wends in the form of documentaries, features, reports, radio plays, portraits, literature and music. In addition, there are items on church-related matters, magazines and educational programmes, and programmes for children and young persons. After their transmission, current broadcasts can be accessed on the Internet for the duration of one day, and Sunday's programme for an entire week.

The Sorbian Music Archive of the Cottbus-based RBB Studio at present already comprises more than 5,000 Sorbian titles – ranging from popular entertainment and folk music to classical music. Every year, new Studio-produced works are added to the collection.

RBB also produced three CD editions: *"Damdalija"* with Lower Sorbian folk songs, *"Naš dom"* with pop music of the Lower Lusatia Sorbs, and an edition dedidated to the 10th anniversary of the *"Rundfunkkonzerte sorbischer Musik mit jungen Künstlern"* [Radio concerts presenting Sorbian music with young musicians]. Also, the station took over programmes for children and young people and a history series from the radio programme designed for classroom instruction in the Lower Sorbian language and for the activities of the *Witaj* [kindergarden] language-learning groups in Lower Lusatia.

Public service television

The Sorbian TV magazine *"Łužyca"* has been in existence already since 1992. The items are broadcast in the Lower Sorbian language and are subtitled in German. This magazine, which deals with political and cultural interests and concerns of the Sorbs of Lower Lusatia, is aired every four weeks. A number of reports can also be accessed on the RBB's website.

Annex 3

Presence of the Sorbian language in sound radio broadcasting and television in Saxony

Once per month, the Saxony *mdr-Landesfunkhaus* [broadcasting centre] produces the 30-minute magazine **WUHLADKO** in the Sorbian language with German subtitling. As a rule, this Sorbian-language magazine is aired regionally on *Mitteldeutscher Rundfunk (mdr)* on the first Saturday of the month at 12.25 hours and is repeated on the following Monday at 09.05 hours. In addition, the magazine is transmitted twice by *Rundfunk Berlin-Brandenburg (RBB)*.

In 2006, the average viewing figure for the *WUHLADKO* programme was 0.02 million viewers, and the market share amounted to 3.4 per cent.

Since 31 March 2007, the magazine can be accessed by interested Internet users also in the livestream mode. In this way young Sorbs, in particular, who are staying in other places throughout Germany and throughout the world, can inform themselves, per simple mouse click, about the current situation and events at home.

The half-hour Sorbian-language magazine *ŁUŽYCA* of RBB is also aired as a repeat once per month (on Saturdays, at 12.25 hours) on the *mdr* regional programme. Transmission is in the Sorbian language, with German subtitling.

In February 2007, the carnival parade on the Monday before Lent *("Rosenmontag")* in Wittichenau was for the first time broadcast live as a German/Sorbian dual sound transmission.

The *Regionalbüro Ostsachsen* (Regional Office for Eastern Saxony) presents the *mdr*'s regional magazine *Sachsenspiegel* also in the Sorbian-speaking region of Upper Lusatia. In addition, a reporter for Eastern Saxony investigates subjects of relevance to this region for the *Sachsenspiegel* on a daily basis.

The 8-minute programme *Unser Sandmännchen* (Our Little Sandman) is aired, for optional reception in either the German or the Sorbian language, every Sunday by all terrestrial [over-the-air broadcasting] stations of *mdr TV* (analogue and digital).

mdr 1 RADIO SACHSEN at present airs Upper Sorbian language broadcasts from the Bautzen Regional Studio, via Hoyerswerda, over a broad-coverage FM frequency for a total of 21.5 hours per week for the daily Sorbian radio programme *SERBSKI ROZHŁÓS*. Also, a Low Sorbian programme of *RBB* amounting to 6.5 hours per week is broadcast over this frequency. These Sorbian language programmes covering 28 hours per week are aired, in addition, by *RBB* over a broad-coverage frequency from a Cottbus station (Calau). These broadcasts provide for complete coverage of the Sorbian settlement area. In addition to FM broadcasts, the *mdr* also feeds Sorbian live radio broadcasts into the Internet. Links to these programmes are provided on the *RBB*'s Internet sites.

Information submitted by Hungary

Access of national minorities to the Internet

The Hungarian State acknowledges the minorities' right to express their opinions freely in their minority languages and allows the minority communities to have an access to mass communication means. In Hungary, functioning and operation of the minority media are regulated and guaranteed by laws.

The majority of minorities live in small settlements, where access to the Internet by the community is created by the community houses (www.telehaz.hu). Owing to them, the world is accessible even by the smallest settlements of the country.

Since the beginning of 2003, all 13 minorities in Hungary have been provided with the opportunity to make communication through the Internet regular. As a first step, the minority written press appeared on the Internet. Owing to the Internet, the written press of minorities can be read on the World Wide Web sometimes earlier than in printed form. From among the national minority self-governments, the Roma, Bulgarian, Greek, Croatian, German, Slovakian, Slovenian, and Ukrainian self-governments launched their own home pages. Armenians, Romanians, Ruthenians, Serbs and Poles appear through their national organizations or organizations in Budapest or in the provinces each of which has a home page on the Internet.

More and more thematic Internet portals provide information on minorities to the majority society, providing a comprehensive picture about the issues related to Hungarian national minorities: www.kisebbseg.lap.hu, www.tolerancia.lap.hu, http://cigany.lap.hu, etc. Various databases, e.g. www.civilporta.hu, the database of home pages of civil organizations include significant communication data of minority organizations.

According to the data obtained from '*Roma community houses in Hungary*', more than half of the Roma organizations have access to the Internet, often through the local self-government or another institution. Their majority uses the Internet daily: they search mostly information on resources from tenders and a number of people read the Internet news. 38% of the Roma community houses have electronic correspondence addresses. Nowadays the Roma community houses appear on the Internet with their own content service.

A study book published in December 2003 entitled *'Minorities on the World Wide Web'* provides information on the Internet contents, service-providers and users related to the national minorities in Hungary. The publication includes also a summary in German on the new media for the minorities in Hungary, i.e. on the Internet allowing use of their native language.

Minority programmes of the public service television and radio on the Internet

The Hungarian Television makes all its minority programmes accessible through the Internet. One hour after the broadcasting one can already find and watch the programmes on the Internet. This retrospectively covers programmes of the past two months. Minority programmes of the Hungarian Radio can be assessed on the Radio's website. In order to excite the interest in minority programmes, the Hungarian Radio opened a minority page on its Internet home page (www.radio.hu) where not only the advance information and contents of minority programmes but also the reports and expositions on major minority events are available.

Minority radio programmes on the Internet

In October 2005, a Budapest-based Croatian language minority radio started operating on the Internet. The medium was set up by the National Croatian Self-government and the Croatica Public Utility Company with the aim of extending the use of the minority language and improving the information opportunities of the Croatian minority communities living dispersed across the country. For the time being, programmes are broadcast twice in a week, on Tuesdays and on Thursdays between 10-11 a.m. Programmes are accessible at the website www.radio.croatica.hu.

The Triplex Regio Net which is operated within the framework of the Danube-Kris-Mures-Tisa Euroregio is a trilingual (Hungarian, Romanian and Serbian) Internet-based radio. It can be assessed at www.triplexregio.net.

Minority newspapers on the Internet

At present, there are 18 electronic Internet-based newspapers (e.g. www.neue-zeitung.hu, (www.luno.hu, etc.) of 13 minorities. Paper-based minority newspapers get support from the Public Foundation for the National and Ethnic Minorities in Hungary, which has declared to give priority to newspapers that are also published on-line.

Government measures in order to promote the on-line appearance of minority media

In 2003 the National Minority Informatics Board was established in conformity with the co-operation agreement of the then Ministry of Informatics and Communications and the national minority self-governments signed on 20 December 2002. At that time the consultative and advisory body was composed of the political state secretary of that ministry, the chef de cabinet of the minister, representatives delegated by the national minority self-governments as well as representatives of some other line ministries concerned in the implementation of the government's minority policy. In 2005, pursuant to the proposal of the National Minority Informatics Board, the Ministry of Informatics and Communications provided 22, 5 million HUF for the national minority self-governments in order to publish paper-based newspapers on-line. At the same time we must note that due to the structural changes of the government in 2006, as a result of which the Ministry of Informatics and Communications was eliminated, the Informatics Board has held no session since 2006 and no other Board has been designated to overtake its tasks.

From among the Government's IT developments directly concerning the Roma minority, we can mention the creation of a central Roma database and national network in the framework of the PHARE-program launched by the then Minorities Office and operated currently by the Ministry of Social Affairs and Labour (www.romaweb.hu). The network provides for nation-wide coverage by interconnection of 8 regional sub-exchanges and additional 32 information points. From among the Internet home pages related to minorities, communicating measures and policies of the Government with respect to minorities, we also highlight http://www.szmm.gov.hu/main.php?folderID=1314, a website maintained by the Department for National and Ethnic Minorities at the Prime Minister's Office.

Information submitted by Italy

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

1.   Décrivez les mesures réglementaires et autres prises en matière de nouveaux médias et de nouveaux services de communication, en vue de promouvoir les valeurs fondamentales que sont le pluralisme et la diversité, le respect des droits de l'homme et l'accès sans discrimination

L'article 3 de la loi 112 de l'an 2004 établit que les principes fondamentaux du système de radiodiffusion-télévision italien sont: la garantie de la liberté et du pluralisme des moyens de communication de radiodiffusion-télévision, la sauvegarde de la liberté d'expression pour tous les hommes, y incluse la liberté d'opinion et la liberté de recevoir ou de communiquer des informations ou des idées sans limite de frontiére, l'objectivité, le caractère exhaustif, la loyauté et l'impartialité des informations, l'ouverture aux différentes opinions et tendances politiques, sociales, culturelles et religieuses et la sauvegarde des différences ethniques et du patrimoine culturel, artistique et du milieu, à niveau national et local, dans le respect des libertés et des droits, particulièrement de la dignité de la personne humaine, de la promotion et la tutelle du bien-être, de la santé et de la croissance harmonieuse physique, psychique et morale de l'enfant, assurés par la Constitution, par le droit communautaire, par les lois internationales en vigueur dans le système judiciaire italien et par les lois de l'Etat et des Régions.

Ces principes fondamentaux, confirmés par le Décret Législatif n.177 de l'an 2005, adaptent le système de radiodiffusion-télévision en entier à la technologie digitale et à la convergence parmi le système de radiodiffusion-télévision et les autres systèmes de communication interpersonnelle et de masse, c'est-à-dire les télécommunications, l'édition, électronique aussi, et Internet dans tous ses applicages.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

2.   Les prestataires de service ont-ils élaboré un code de déontologie/code de conduite de la profession ? Aborde-t-il les questions de l'accès sans discrimination et du discours de haine ou d'autres contenus illicites ?

and (see also point 3.) / et (voir aussi point 3.)

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

3.   Quels ont été les instruments mis au point pour promouvoir l'accès passif et actif des personnes appartenant à des minorités nationales aux nouveaux médias ?

Les fournisseurs d'accès n'ont pas adhéré à un code déontologique mais ils doivent se conformer au Décret Interministériel du 29 janvier 2007 qui les contraignent à avoir un filtre coupe-pédopornographie. On met en évidence que le fournissement de réseaux ou services pour la

communication technologique est libre aux termes de l'article 3 du Code sur les communications électroniques dont au DLGS 259 de l'an 2003. Le fournissement de réseaux ou de services de communication électronique est soumis à une autorisation générale résultant d'une déclaration spécifique et, pour cette raison, on peut dire que c'est très facile mettre en train ce genre d'entreprise.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

4.   Quelles ont été les dispositions légales et autres mesures prises pour promouvoir la diversité culturelle et linguistique dans les nouveaux médias ? Existe-t-il des dispositions légales spécifiques qui régissent l'emploi des langues minoritaires ?

Les groupes minoritaires linguistiques historiques italiens, pour ce qui concerne l'accès aux moyens audiovisuels et aux nouveaux moyens, jouissent:

-      de la loi-cadre 482 de l'an 1999;
-      de l'article 30, alinéas 1 et 2 du Décret Législatif 177 de l'an 2005;

Pour ce qui concerne Internet, on confirme que le fournissement de réseaux ou de services de communication électronique est libre et on ne demande rien que la dénonciation du début de l'activité.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

5.   En quoi l'évolution des nouveaux médias a-t-elle eu des répercussions sur le nombre et la disponibilité des services en langues minoritaires ? Les services à la demande sont-ils disponibles dans les langues minoritaires nationales ? Les guides électroniques de programmes sont-ils disponibles dans les langues minoritaires nationales ?

A présent il y a seulement des entreprises de la télévision qui diffusent les émissions en langue minoritaire mais il n'y a pas des entreprises qui fournissent réseaux ou services par Internet seulement pour les minorités linguistiques.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

6.   Quel est le nombre de ménages bénéficiant d'un accès à la télévision numérique par satellite ? Ce type d'accès est-il différent de la moyenne dans les régions qui présentent une forte densité de population minoritaire ?

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

7.   Quel est le nombre de ménages disposant d'un accès à la télévision par câble ? Existe-t-il des chaînes/programmes transmis sur le réseau câblé dans les langues parlées par des personnes appartenant à des minorités nationales ?

En Italie la diffusion par satellite et par câble n'est pas considérable et il n'y a pas des entreprises qui ont des émissions par câble dans les langues minoritaires.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

8.   Les initiatives prises par les autorités en matière de « nouveaux médias » englobent-elles l'accès transfrontière des minorités nationales aux médias, y compris pour les « Etats parents » ? Les initiatives prises dans le domaine des nouveaux médias (télévision numérique, par exemple) ont-elles eu des conséquences négatives sur l'accès des minorités nationales aux médias, du fait de la disparition des médias « anciens »?

Il n'y a pas des dissonances pour les nouveaux moyens en comparaison des vieux moyens mais, au contraire, l'accès aux services de la société de l'information est favorisé.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

9.   Quel est l'état d'avancement des éventuels projets de numérisation des médias de service public ? Suscitent-ils des préoccupations à l'égard des minorités et de leur accès aux médias numériques ? La couverture du réseau de télévision numérique présente-t-elle, par exemple, des carences qui touchent en particulier les zones à forte densité de population minoritaire ?

Le progrès de la diffusion de la technique digitale est à bon point. Une chaîne de télévision publique est diffusée par digitale dans la Région Sardegna pour la province de la ville de Cagliari à partir de 1° mars 2007. De plus, la Région Sardegna présente le nombre le plus grand de minorités linguistiques nationales et, pour cette raison, elle a été choisie en tant que région pilote pour l'avance de switch-off à partir de 1° mars 2008.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

10.   Quels ont été les outils mis au point pour promouvoir l'utilisation active par les personnes appartenant à des minorités nationales des nouvelles technologies de communication ?

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

11.   Quelles ont été les mesures prises (le cas échéant) pour assurer la participation la plus large possible aux médias numériques et un accès effectif et abordable à l'Internet et aux autres technologies de la communication pour les populations minoritaires ? Ces mesures politiques sont-elles fondées sur des consultations (publiques) ou autres recherches visant à évaluer les besoins et préoccupations des personnes appartenant aux minorités nationales dans le contexte des technologies numériques ?

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

12.   Des différences ont-elles été constatées en matière d'accès au haut débit entre les personnes appartenant à des minorités nationales et la population majoritaire ?

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

13.   Décrivez les dispositions légales et autres mesures prises (le cas échéant) pour lutter contre l'incitation à la haine et d'autres contenus illicites qui portent atteinte aux minorités nationales dans les TCI.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

14.   Décrivez les mesures prises (le cas échéant) par les pouvoirs publics lors de la mise en place de services publics en ligne (utilisation d'Internet pour faciliter la participation aux affaires publiques et aux processus démocratiques (démocratie électronique) aux niveaux local, régional et national) pour permettre la participation effective des personnes appartenant à des minorités nationales.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

15.   Décrivez les mesures prises (le cas échéant) pour permettre aux professionnels des médias (y compris stagiaires et étudiants) issus des minorités nationales d'acquérir les compétences nécessaires afin d'exploiter pleinement les nouvelles technologies ; par exemple l'accès en ligne à des informations fournies par le gouvernement, l'utilisation des innovations technologiques à divers étapes de la production, du contenu et de la distribution, etc. ?

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

16.   Dans quelle mesure les stratégies de promotion de la capacité à utiliser les médias ont pris en compte les besoins, intérêts et préoccupations des personnes appartenant à des minorités nationales ?

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

17.   Veuillez décrire de façon succincte un projet ou une activité en cours dans votre pays que l'on pourrait considérer comme étant une bonne pratique dans le domaine des nouveaux medias et nouvelles TIC à l'égard des minorités nationales ou ethniques.

L'instrument plus important a été l'instrument législatif introduit par la loi 112 de l'an 2004 et ensuite codifié par le Décret Législatif 177 de l'an 2005 consacré à la promotion des nouveaux moyens pour toute la population qui vive sur le territoire italien.
On n'a pas pris des mesures spéciales pour les minorités nationales mais tous les citoyens, sans différence, peuvent en toute liberté accéder au fournissement de réseaux ou services Internet.

In n'y a pas de différence d'accès à la bande-large pour les citoyens, soit qu'ils soient des minorités nationales soit qu'ils soient la plupart de la population.

La RAI – Office national public de radiodiffusion-télévision aux termes du contrat de service, met en valeur et encourage, dans ses émissions, les cultures régionales et locales en collaboration étroite avec les Régions, les Provinces Autonomes des villes de Trento et Bolzano, les Provinces, les Communes, l'Université et les organizations culturelles, en réalisant aussi une coordination pour une plus grande diffusion dans le domaine des émissions locales.

Dans ce but, on peut passer des conventions spéciales parmi la RAI, les Régions et les Provinces autonomes et l'Office national public réalise, pour compte de la Présidence du Conseil des Ministres et selon des conventions spéciales, services pour les minorités culturelles et linguistiques, de même qu'il est établi par la loi 14 avril 1975, n.103; la Rai s'engage à réaliser des émissions qui soient respectueuses des droits des minorités culturelles et linguistiques où elles concernent.

En nous référant aux conventions susdites, la RAI s'engage en particulier à réaliser des émissions de radiodiffusion-télévision en langue allemande et ladine pour la Province Autonome de la ville de Bolzano, en langue française pour la Région Autonome de la Vallée d'Aoste et en langue slovène pour les Provinces des villes de Trieste, Gorizia et Udine. La RAI, en outre, en collaboration avec les institutions locales compétentes favorise la passation de conventions, les frais à charge en tout ou en partie des administrations locales concernées, dans le milieu régional, provincial ou municipal, pour des émissions journalistiques dans les langues minoritaires nationales dans leur émissions radiophoniques et de la télévision régionale.

Information submitted by Latvia

<u>General</u>

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Latvia has ratified the European Convention on Transfrontier Television and is bound by all the obligations therein.

Article 3, part 3 of the Radio and Television Law establishes that a broadcasting organisation, having respect for a variety of views, shall defend the concept of an independent, democratic and lawful Latvian State, and internationally acknowledged human rights, and it shall act in the interests of the Latvian public.
Article 11, part 3 gives physical and legal persons, or associations of these persons registered in Latvia, the European Union or the European Economic Area the right to participate in tenders for broadcasting licences (frequencies).

In a decision on 5th June 2003, the Latvian Constitutional Court ruled that paragraph 5 of Article 19 of the Law on Radio and Television restricting the amount of broadcasting by radio and TV stations in foreign languages to no more than 25% of the total broadcast in 24 hours was unconstitutional and therefore to be removed. Other reasons given in the ruling were that these restrictions did not comply with the Constitution of Latvia, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant and Political Rights, and that they did not promote social integration.

The Council subsequently asked all broadcasters to submit any requests for changes to their format regarding the split between Latvian and foreign language broadcasting. Nine broadcasters chose to increase the amount of broadcasting time in foreign languages.

Various state policy documents provide opportunities for ethnic minorities to participate in cultural diversity in new technologies: for example „ National Programme for Promotion of Tolerance" 2005 - 2009 states that ethnic minorities are key partners in the process of promoting tolerance and diversity in Latvia. In 2006 the Secretariat of the Special Assignments Minister for Society Integration Affairs (SSAMSIA) ordered an academic research on hate speech in Internet (research was conducted by a young academician Vladislav Sorokin). Results of the research show various negative stereotypes related to different ethnic minorities.
 SSAMSIA supports projects of ethnic minorities to preserve and develop their ethnic identities also by using new media. Development of websites and access to internet are among priorities, supported by the SSAMSIA. In the years 2006 -2007 5'309.00 LVL have been granted to various NGOs of ethnic minorities for development of websites and 863.00 LVL for access to internet. There exist web sites of the following ethnic minorities: Polish, Russian, Ukrainian, Azerbaijani, Georgian, and also interethnic websites in Latvian and various minority languages. Following web sites were created with financial support of the SSAMSIA: www.lork.lv (Russian), www.rusdom.lv (Russian), www.ukr.lv (Ukrainian), www.starover-pomorec.lv (Old Believers), www.vecticibnieki.lv (Old Believers), www.zeltakamolins.lv (interethnic), www.jtm.lv (interethnic). Secretariat supported also creation of websites of Afro-Latvian (www.afrolat.lv) and Arab (www.bakc.lv) NGOs.

2.   Has a code of ethics / professional code of conduct been adopted by the service providers? Does it address the question of non-discriminatory access and hate speech or other illegal content?

The public broadcaster Latvian Television has a code of ethics and professional standards modelled on the Slovenian RTV code. The code covers the aspects of discrimination, hate speech and illegal content. We do not have information on codes adopted by private channels.

There exists since 2006 a code of Professional conduct among internet providers and on-line media which is called „ Internet – free of hate". The major aim of this code is to promote tolerance in Internet and to combat hate speech by mutual monitoring system. Among the participants of the project are major newspapers in on-line versions, NGOs active in human rights field and various web sites (www.delfi.lv, www.dialogi.lv etc.) Detailed information on the initiative can be found at: www.iecietiba.lv

The Secretariat of the Special Assignments Minister for Society Integration Affairs supports ethnic minorities in the field of human rights by monitoring hate speech and other negative phenomena in close cooperation with Latvian Bureau of Ombudsman (in Latvian: Tiesibsarga birojs). For example in December 2007 the Secretariat quickly responded to negative reports on Latvian Independent Television (LNT) in the programme „Degpunkts" (Point of alert) on Roma people (12.12. 2007.). The so-called TV media panics has been severely criticized by both Bureau and the Secretariat.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

There are no legal or any other restrictions to access to new media defined by state authorities. Any ethnic community, according to Latvian legislation and international provisions, such as Framework Convention for the Protection of National Minorities, has a right to set up any kind of media genre to provide free information flow for internal usage and priorities of the community, as well as nation wide broadcasting. The only major obstacle and factor of usage and access can be defined as socially determined and as such is applicable to various smaller ethnic groups. Among more than 150 ethnic communities living in Latvia, the most excluded community has until recently been Roma community. The access to education provided equally for every person in Latvia has not been effective in terms of Roma inclusion. Long lasting tradition of social marginalization in everyday life, negative stereotypes have provided various forms of marginalization and self-marginalization of Roma in Latvia.

Access to new media is one of the most serious problems of inclusion of Roma people into new digital technologies. The Secretariat of the Special Assignments Minister for Society Integration Affairs has provided vital support for Roma people in the sphere of usage of new media: for example the Roma NGO „ Centre for Development of Roma Culture" has received a grant 5'822.00 LVL for development of the website www.romi.lv which since 2006 is the first and the only source of information for and on Roma culture in Latvia on-line.
The information on the Year of Intercultural dialogue (2008) will be available on-line in various languages. Secretariat will inform ethnic minorities about activities of the Year. The website of the Secretariat is also available in Russian language.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

There are no specific legal provisions regulating the use of minority languages, and we think there is no need to have them, because the number of channels in cable and satellite TV packages in languages other than Latvian (predominantly in the Russian language) far outsrips the number available in Latvian. This has been left to the market.

In 2004 the Secretariat of the Special Assignments Minister for Society Integration Affairs set up the **Division of Culture and Information of Ethnic Minorities** which provides an open access to PC and internet for every NGO of ethnic minorities.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic guides available in national minority languages?

Yes, the development of cable and satellite television has increased the number of programmes in minority languages.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?
Viasat is the only satellite digital TV operator in Latvia, there are some 50 000 households with access to digital television.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

There are 370 000 cable TV households in Latvia (44.5% of the total number of households). There are many Russian language channels transmitted via the cable network. Russian speaking people constitute the biggest national minority in Latvia. (Data: Yearbook "Television in 36 European States 2007", European Audiovisual Observatory).

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of "old media?"

There are no new media initiatives that specifically involve transfrontier access of national minorities. As stated earlier Russian speaking minorities have access to a vast number of Russian channels via cable and satellite. Latvian minorities living in Europe can watch public television via satellite and the Internet. A Canadian company has recently enquired about the possibility of rebroadcasting Latvian language channels to North America where there is a sizeable Latvian minority. Lithuanians, Estonians and Belorussians have access to their programming via satellite and cable.
We do not foresee any negative effects on access of national minorities to the media with regard to the development of new media initiatives.

9.   What is the status of possible plans as regards digitalization of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

There are no concerns related to minorities with regard to digitalization of public service media. With regard to plans concerning digitalization there should be no gaps in coverage but problems may arise in border areas if frequency allocation has not been successfully co-ordinated.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

In the Year 2006 the mutual agreement among the Secretariat, the Microsoft representative in Latvia and Roma NGO „ Nevo drom" (New Way) has been signed to support Roma education in the field of new technologies. The total cost of the Project is 20'000.00 LVL. The largest provincial cities have been involved in the Project: Ventspils and Daugavpils, thus covering the geographical diversity.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

The state programme "Roma in Latvia" 2007- 2009 provides various activities in the field of education.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No data available.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Secretariat supports ethnic minorities in the field of human rights by monitoring hate speech and other negative phenomena in close cooperation with Latvian Ombudsman (Tiesībsarga birojs). For example in December 2007 the Secretariat quickly responded to negative reports on Latvian Independent Television (LNT) in the programme "Degpunkts"(Point of alert) on Roma people (12.12.2007).

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

No data available.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovation for various stages of content-production and distribution, etc.?

No data available.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

No data available.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

The initiative of a human rights NGO "dialogi.lv" as well as website iecietiba.lv includes a library of classical texts on diversity and tolerance, translated into Latvian and Russian languages and available for study and work purposes. This initiative was supported by the Secretariat and the European Commission within the Project "Latvia-equal in diversity I.

Information submitted by Lithuania

Statistics on new communication technologies	
Number of TV sets possessed by households in Lithuania in 2007	980 431
Number of active mobile connection subscribers	4 889 512
Number of Internet connection subscribers	524 514
Number of cable and multichannel television subscribers	351 700
Number of households connected to the cable television	26,8 percents
Number of subscribers in Vilnius:	119 370
number of subscribers in Klaipėda	52 300
number of subscribers in Visaginas	7 500
During year 2007 the number of subscriber of cable television increased by 8.96 points to 16,9 percents.	

Ethnic structure of the population*

Nationality	2001
TOTAL	3,483,972
Lithuanians	2,907,293
Russians	219,789
Poles	234,989
Belarusians	42,866
Ukrainians	22,488
Jews	4,007
Latvians	2,955
Tartars	3,235
Roma	2,571
Other	10,858
Proportion to the total population, percentage	
TOTAL	100
Lithuanians	83.5
Russians	6.3
Poles	6.7
Belarusians	1.2
Ukrainians	0.7
Jews	0.1
Latvians	0.1
Tartars	0.1
Roma	0.1
Other	0.3

*Data of Statistics Lithuania

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Lithuanian National Radio and Television (LRT) on overground analogue frequency operates two national television channels and four national radio channels. Along with it LRT has a right on digital radio frequency (channels) to operate radio and television programs, the number of which is fixed by Lithuanian National Radio and Television Commission upon the submission of the Lithuanian National Radio and Television Council.
Currently national television operates two channels. Programmes of the National television of Lithuania targeted at national minorities are broadcasted on first and second channels. LRT broadcasting service covers all the territory of Lithuania. Programmes targeted at national minorities are broadcasted also on first radio programme, that are accessible to national minorities living all around the territory of the country.
Lithuanian Radio and Television Law provides, that national broadcaster must ensure a variety of topics and genres and its programmes and orient them toward the various strata society and people of different ages, various nationalities and convictions. LRT is obliged to prepare and transmit programmes having regard the cultural needs of national minorities.
The law on national minorities guarantees person belonging to national minorities the right to information and mass media in native language.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The Code of ethics of Lithuanian journalist was adopted in 2005. Electronic mass media follow the provisions of the code. Electronic mass media is not obliged to adopt it special Code of ethics.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The editorial office for the programmes of national minorities operates in Lithuanian National Radio. Lithuanian National Television announces annual tenders for preparation of programmes for national minorities. Usually persons belonging to national minorities create these programmes on Lithuanian National Radio and Television.
There is also commercial radio and press on national minorities languages. In Vilnius operates polish non governmental radio station „Znad Wilii", broadcasting programmes 24 h per day. In Visaginas operates Russian non governmental radio station „Sugardas".

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

Law on the Provision of Information to the Public" provides that radio and television programmes broadcasted other language than the state language, should be translated to Lithuania language or subscribed, except for educational, occasional, musical and retransmitted foreign programmes and programmes for the national minorities. Lithuanian National Radio and Television Commission having regard the needs of the national minorities residing in the coverage zone of transmission, the

Commission may make the license subject to certain conditions indicating what proportion of the programmes should be transmitted in the language of national minorities.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

Most of published periodicals on national minorities languages have web sites. Periodicals published for national minorities pronounce all the information on Lithuanian Radio and Television programmes including cable TV programmes. The same information is announced in the biggest Lithuanian periodicals including information on programmes for national minorities.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Official information is not available. National minorities inhabit Vilnius, Vilnius County and other big cities, where all new communication technologies are available.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Official information is not available. Cable TV broadcasts Russian, Polish, Byelorussian, Ukrainian, German programmes, including many channels in English language.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

The activities of the new media (digital television, internet) do not have negative impact on national minorities media. The disappearance of old media does not curtail the access of national minorities to the media on their native language.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

The Strategy of Lithuanian National Radio and Television envisages installation of digital technologies. Currently only commercial TV apply digital technologies, although there no any programme for national minorities. The development of digital television is restricted because only small part of population purchases the decoding hardware.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

There are no any special measures aimed at motivation of national minorities to apply new communication technologies. The Department of national minorities and Lithuanians living abroad under the Government of the Republic of Lithuania supports the design of national minorities NGO web sites.
Implementing Roma integration programme measures, the computer classes are organized for roma people.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

There are no special measures, ensuring the access of national minorities to the Internet and other new communication technologies.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

In comparison with the majority population, persons belonging to national minorities have the equal access to the broadband.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Legal measures against „hate speech" in ICTs:
Article 170(1) of the *Criminal Code* reads that any one who, by the use of oral, written or communicated through the mass media public statements ridicules, expresses contempt towards, incites hatred or encourages discrimination against a group of people or against an individual person on account of their belonging to a specific national, racial, ethnic, religious or other group, shall be punished by a fine, or restriction of liberty, or imprisonment for a period of up to two years.

Article 214[12] of the current *Code of the Republic of Lithuania of Administrative Offences* (hereinafter: *Code of Administrative Offences*) prohibits the production and storage of publications, visual, audio or other production instigating national, racial or religious hatred with a view of disseminating or public demonstration of such production. The commitment of such an administrative offence is subject to a fine from LTL 1,000 to 5,000 with confiscation of the produced, stored, demonstrated or disseminated production of the type and with or without confiscation of means used to produce or demonstrate such production. Article 214[13] of the *Code of Administrative Offences* provides for liability for the establishment of an organisation instigating national, racial or religious hatred or participation in such an organisation. The records in accordance with Article 214[12] of the *Code of Administrative Offences* are drawn up by internal affairs officials or police officers (except in case of offences committed by persons on the mass media), the inspector of journalist ethics (concerning the production, storage and dissemination of production instigating national, racial or religious hatred on the mass media), or officers of the State Security Department (except for the cases of offences committed through on the mass media). Records of administrative offences under Article 214[13] of the *Code of Administrative Offences* shall be drawn up by the officers of the State Security Department. In the period from 2000 until 2005 not a single offence record under Articles 214[12] and 214[13] of the *Code of Administrative Offences* was drawn up in Lithuania.

According to Article 3(2) of the *Law of the Republic of Lithuania on the Provision of Information to the Public* producers and providers of public information as well as journalists shall adhere to the

principles of humanism, equality, tolerance and respect of a person, support the development of democracy and public openness and promote civil society. These are the fundamental principles of the provision of information to the public. Therefore any attempt to humiliate a person or a group of persons belonging to a different nation goes against such principles. As part of the supervisory task the inspector of journalist ethics seeks to ensure that journalism is free from any attempts to develop negative stereotypes in the relations among different nations.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

Municipalities, compactly inhabited by national minorities, announce the information in web sites, on national minorities languages (Vilnius district municipality- on polish language, Trakai district municipality- on polish language, Švenčionys district municipality- on polish language, Šalčininkai district municipality- on polish language; Varėna district municipality- on Russian language).

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

Persons, belonging to national minorities, have the equal opportunities to acquire the necessary skills for maximizing their exploitation of new technologies. These skills are acquired in mainstream schools during compulsory classes of informatics.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

There are many WebPages provided by national minorities NGO:

- www.russianresources.lt (different information for Russian minority)
www.litjews.lt (information for Jewish minority)
www.roma.lt (information for roma minority)
www.rkc.lt (Russian cultural center)
www.pci.lt, www.macierzszkolna.lt, www.polskidom.lt, www.zpl.lt, (webpages of polish NGO)

www.tbn.lt, www.minority.lt, www.vtkc.lt (WebPages of public entities working with national minorities).

Information submitted by Moldova

General overview

The Republic of Moldova is a multi-ethnic state. The Moldavians – the basic nationality of the state – together with the representatives of other ethnic groups - Ukrainians, Russians, Bulgarians, the Gagauz, Jews, Belarussians, Gypsies/Roma, Poles, Germans, Latvians, Estonians, Lithuanians, Greeks, Koreans, Tatars, Armenians, Azerbaijani, Uzbeks, Armenians, Georgians, Chuvash, Ossetins, people from the states of Africa and Central Asia etc. - are the people of Moldova for which the Republic of Moldova is their common motherland. Tolerance and respect for the ethnic, cultural, religious and linguistic identity of all ethnic communities living in Moldova are common for Moldavian society. This is an inalienable condition of political sovereignty and civic peace in the Republic of Moldova.

National minorities make about 1/3 of the population of the Republic Moldova.
Access of the national minorities to all types of mass-media is guaranteed by the Constitution of the Republic of Moldova, Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of Their Organizations, Law on the Functioning of Languages on the Territory of the Moldavian SSR, and other national legal instruments.

Now in Republic Moldova the following printed mass media of national minorities appears:

- published in the Ukrainian language: «Український голос» («The Ukrainian Voice»), «Рідне слово» («The Native Word»);
- published in Russian: «Русское слово» («Russian word»);
- published on Gagauz language: «Ana Sözü» («The Native Language»), «Sabaa Yildizi» («The Morning Star»), «Вести Гагаузии» («The News of the Gagauzia» - is published basically in Russian, the part of materials is published on Gagauz language;
- published in the Bulgarian language: «Български глас» («the Bulgarian voice»);
- periodicals of the Jewish community of the Republic of Moldova published in Russian: «Еврейское местечко» («The Jewish Place»), «Истоки жизни» («The Sources of Life»), «Олива» («The Olive»);
- published in the Polish language: «SPEKTRUM Polsko-Moldawskie», «Jutrzenka» («The Daybreak»).

Except for above mentioned editions, in the Republic of Moldova the significant number of the mass media printed in Russian (about half of all circulation) appears. However, the substance of these editions does not have an ethno-cultural component.

Speaking about electronic mass media, first of all it is necessary to name the public national «Teleradio-Moldova» Company. Within the framework of Company «Teleradio-Moldova» there are the Edition of television programs in languages of national minorities «Comunitate» («Community»), and Edition of radio programs in languages of national minorities «Comunitate» («Community»): Ukrainian, Russian, Gagauz, Bulgarian, Gipsy (Romany), Yiddish and Polish language.

In the autonomous territorial unit Gagauzia (Gagauz Yeri) the regional «Teleradio of Gagauzia» Company is established. The Company broadcasts in Moldavian, Gagauz, Russian and Bulgarian languages.
Moreover, the above-mentioned and other TV and radio companies which are registered in Republic Moldova, prepare in Russian a significant part of the transmission. There are private TV and radio company «Eni Ai», TV company «Bizim Audinic», TV Company «Aiin Aciic», radio-company «Pro 100 Radio» in Gagauz autonomy, which also broadcast in Gagauz language. In the Taraclia rayon, compactly populated by Bulgarians, private company «STV-41», radio-company «Albena», TV

company «Tvardita» are created, which also broadcast in Bulgarian language. There is retransmission of other states programs on territory of the Republic of Moldova (Russia, Ukraine, Bulgaria). Initially, both printed and electronic mass-media were State media and were supported from the state budget. Now absolute majority of minority media are non-governmental.

Viewers / listeners / readers / circulation

The volume of telecasting of the Edition «Comunitate» («Community») of the «Teleradio-Moldova» Company makes 60 hours per year, 1,5 hours weekly. Probable number of viewers – 50 % of the population of the Republic of Moldova.

Potential listeners of radio programs in languages of national minorities are representatives of corresponding ethnic groups, the listeners of programs broadcasted in Russian – the majority of the population of the republic. The programs in Ukrainian, Gagauz and Bulgarian languages are broadcasted weekly, in Russian and Yiddish – once in two weeks, on Gipsy (Romany) and Polish - once a month. Volume of broadcasting is for 30-60 minutes.
The volume of telecasting of the «Teleradio of Gagauzia» Regional Company makes 2 hours and 20 minutes per day (16 hours per week), including: 50 % - in Gagauz language, 40 % - in Russian, 5 % - in Moldavian, 5 % - in Bulgarian. The volume of broadcasting makes 15 hours per day, including: 60 % - in Gagauz language, 30 % - in Russian, 5 % - in Moldavian, 5 % - in Bulgarian.

The circulation of printed mass media is the following:

- «Український голос» («The Ukrainian Voice») – 1,000 copies;
- «Русское слово» («Russian word») – 3,000 copies;
- «Вести Гагаузии» («The News of the Gagauzia») – 4,500-5,000   copies;
- «Ana Sözü» («The Native Language») – 2,000 copies;
- «Sabaa Yildizi» («The Morning Star») – 1,000 copies;
- «Български глас» («The Bulgarian voice») – 1,000 copies;
- «Еврейское местечко» («The Jewish Place») – 3,000 copies;
- «Олива» («The Olive») – 2,000 copies;
- «Jutrzenka» («The Daybreak») – 500 copies.

The above-mentioned printed mass media of national minorities appear in the following languages:

- «Український голос» («The Ukrainian Voice»), «Рідне слово» («The Native Word») – in the Ukrainian language, an insignificant part of materials – in Russian and Moldavian languages;
- «Русское слово» («Russian word») – in Russian;
- «Ana Sözü» («The Native Language»), «Sabaa Yildizi» («The Morning Star») – in Gagauz language, «Вести Гагаузии» («The News of the Gagauzia») – is published basically in Russian, the part of materials is published in Gagauz language;
- «Български глас» («The Bulgarian voice») - in Bulgarian;
- «Еврейское местечко» («The Jewish Place»), «Истоки жизни» («The Sources of Life»), «Олива» («The Olive») - in Russian;
- «Jutrzenka» («The Daybreak»), «SPEKTRUM Polsko-Moldawskie» – in the Polish language, a part of a material - in Russian and Moldavian languages.

The TV programs of the Edition «Comunitate» («Community») of the «Teleradio-Moldova» Company are transmitted in Ukrainian, Russian, Gagauz, Bulgarian, Gipsy (Romany), Yiddish. The programs are subtitled in Moldavian language. The Radio-programs of the «Teleradio-Moldova» Company are broadcasted in Ukrainian, Russian, Gagauz, Bulgarian, Gipsy (Romany), Yiddish and Polish.

The «Teleradio of Gagauzia» Regional Company transmits in Moldavian, Gagauz, Russian and Bulgarian.

Ownership of the Minority media

The «Teleradio-Moldova» Company initially was the state organization, now is the public company, however gets significant financial support from the state budget.

The «Teleradio of Gagauzia» Regional Company is the State company.

Among printed mass media, the magazine «Sabaa Yildizi» («The Morning Star») and the newspaper «Вести Гагаузии» («The News of the Gagauzia») are the State media, all others, including – «Український голос» («The Ukrainian Voice»), «Рідне слово» («The Native Word»), «Русское слово» («Russian word»), «Ana Sözü» («The Native Language»), «Български глас» («The Bulgarian voice»), «Еврейское местечко» («The Jewish Place»), «Истоки жизни» («The Sources of Life»), «Олива» («The Olive»), «Jutrzenka» («The Daybreak»), «SPEKTRUM Polsko-Moldawskie» are private editions.

Presence of minorities in general mass-media

The volume of telecasting of the Edition «Comunitate» («Community») of the «Teleradio-Moldova» Company makes 60 hours per year, 1.5 hours weekly. Probable number of viewers – 50 % of the population of the Republic of Moldova.

The radio-programs in Ukrainian, Gagauz and Bulgarian languages are transmitted weekly, in Russian and Yiddish – once in two weeks, in Gipsy (Romany) and Polish – once a month. The volume of broadcasting is for 30-60 minutes.

The volume of telecasting of the «Teleradio of Gagauzia» Regional Company averages 2 hours and 20 minutes per day (16 hours per week), including: 50 % - in Gagauz, 40 % - in Russian, 5 % - in Moldavian, 5 % - in Bulgarian. The volume of broadcasting is 15 hours per day, including: 60 % - in Gagauz, 30 % - in Russian, 5 % - in Moldavian, 5 % - in Bulgarian language.

The above-mentioned programs are mostly cultural-informational by their subjects.

Internet use

There is no information about the number of representatives of the ethnic communities using the Internet. In the Republic of Moldova there is no special Internet - forum for national minorities. Representatives of national minorities have an opportunity to exchange information within the framework of the numerous Internet - forums existing in republic, and also within the framework of the Internet - forums created by some printed mass media. It is also necessary to be mentioned private computer units.

Legal regulation for minority media

The activity of mass media in Republic Moldova is regulated by the Law on TV and radio № 603-XIII from October, 3, 1995, and also the Law on publishing № 935-XIV from April, 20, 2000.

According to the Law on TV and radio, in the Republic of Moldova the right on free expression of ideas and opinions, on the free message of the information by means of TV and radio, and also the right on the full, authentic and operative information are guaranteed by the law as constitutional rights and freedoms. The pluralism of opinions and the copyright are guaranteed by the state. The TV and radio-companies are not exposed to censorship. According to this law, both public, and private TV and radio-companies transmit in a state language not less than 65 % of tele-broadcasts and programs. The

mentioned position is not applied to telecasts and the programs transmitted through the satellite and on cable networks, and also on programs of foreign stations and the stations in territories on which ethnic minority compactly live.

According to the Law on publishing, the objectives of publishing, among other, are: satisfaction of needs of the persons, society, state in publishing production; creation of opportunities for self-expression as authors regardless of race, nationality, ethnic origin, language, religion, sex, sights, political affiliation, property status or social origin; ensuring the right on freedom of idea and a word, on free expression of opinions and belief.

The use of languages of national minorities in the Republic of Moldova is regulated by the following acts: The National Policy Conception of the Republic of Moldova (adopted by the Law № 546-XV from December, 19, 2003), the Law on functioning of languages on the territory of the Republic of Moldova (№ 3465-XI from September, 1, 1989), the Law on the rights of the persons belonging to national minorities, and the legal status of their organizations (№ 382-XV from July, 19, 2001).

According to the mentioned-above laws, the Moldavian language is the state language of the Republic of Moldova. Russian language has the status of interethnic communication language.

Besides, in two regions of the republic as official some languages are used. According to the Law on special legal status of Gagauzia (Gagauz Yeri) (№ 344-XIII from December, 23, 1994), in the territory of this autonomous formation with the special status, being a component Republic Moldova, the official languages are Moldavian, Gagauz and Russian languages. According to the Law on general provisions of a special legal status of localities from the left bank of Dniestr (Transnistria) (№ 173-XVI from July, 22, 2005), in the territory of Transnistria – autonomous formation with the special legal status, being a component of Republic Moldova, the official languages are the Moldavian, Ukrainian and Russian.

According to the legislation in force of the Republic of Moldova, the state is obliged to contribute to the creation of necessary conditions to preserve, to develop and to express the ethnic, cultural, religious and linguistic identity of the persons belonging to the national minorities. The persons, belonging to the national minorities have the right to use freely their mother tongue both orally and in written form, to have access to information on their language, to broadcast it and to make exchanges of information. National minorities and their organizations have the right, according to the law regulations, to establish mass-media means, to issue literature in the national minorities languages.

15.10.2007

Information submitted by the Netherlands

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Reaction:
The Dutch government in general fosters the discussion about a fair representation of all groups present in society in the media, including new media and new communication services. The media themselves take their responsibility in this to a large extend, and stimulate discussion within the (media) sector. Participation- behind and on the screen offers the best means to ensure diversity.

Representation is required for public broadcasting via the Media Act. The relevant articles stipulate this as a relevant part of the task of the public broadcaster in Article 13c: ("The public broadcaster shall provide a balanced picture of society and of peoples current interests and views pertaining to society, culture, religion and belief and shall contribute to the development and dissemination of the socio-cultural diversity of the Netherlands")

Article 15 stipulates: "The Programme Service Foundation (part of the public broadcaster) shall provide a programme service which consists of programmes which satisfy social, cultural, religious or spiritual needs amongst the public in such a way as to ensure that this programme service, together with the programme services of the other establishments which have obtained national broadcasting time, provides a balanced reflection of the social, cultural, religious and spiritual diversity in the Netherlands"). This is also addressed to new media and new communication services.

The Dutch government also has special budget lines to support innovative multicultural radio and television initiatives, as well as multicultural print and new media projects and budget to encourage participation of minorities by NGO's. The Dutch cultural broadcasting fund promotes production of Frisian documentary and cultural productions, also in the field of new media.

It is important to realise that in the Netherlands three 'layers' of public service broadcasting exists: national, regional and local. Local and regional public service broadcasting are funded by the municipalities and provinces respectively. The 13 regional public broadcasters have together a budget of € 120 million (2006), the about 300 local public broadcasters have together a budget of about € 15 million (2006). The national government funds the national public service broadcaster. The yearly budget is about € 650 million euro (2006). A part of the budget (about € 40 million) is earmarked for development of 'new media' content.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

Reaction:
No code of ethics/ code of conduct has been adopted by service providers.
Being responsible for the content, the public and commercial broadcasters have codes of conduct dealing with standards in their journalistic work irrespective if they publish in a 'new media' setting or form. Public and commercial broadcasters are obliged to have such a code (Media Act, article 64, 64b, 71k, 71s).

The Dutch Press Council (Raad voor de Journalistiek) has - as a part of self regulation - a more detailed code of conduct dealing with responsible journalism. Most of the Dutch media subscribe to this code. It deals also with non- discrimination.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

Reaction:
The Province of Fryslân has made € 1.692.000,- available for the promotion of reading and writing in the Frisian language for the period 2007 - 2010. The basis is laid down in the notation 'Frisian written media' in order to develop a complete and varied as possible supply in Frisian written media. A part of that amount is addressed to new media.

'FARSK' (means: fresh) gives the Frisian literature access to digital media and contains different multi media films and poems and literature texts with a various kind of themes. FARSK reaches every day more than 300 visitors. Further, a special tender program has been set up for the promotion of language reading in Frisian for the target group youth in the age of 12 - 23 years. Various parties are in a position to hand in a project proposal for a new multimedia project.

For further information, the reading promotion in written media is being promoted by way of traditional media. The Province of Fryslân subsidizes theme magazines and a youth magazine 'Styl' appearing four times a year. Every theme magazine is multilingual (mixture of Frisian, Dutch and regional dialects), free of money, has a different target group and appears in an edition, ranging from 20.000 till 85.000 copies. Styl is being published in an edition of 11.000 copies.

For the Frisian literature promotion, the Provincie of Fryslân grants the publication of 'De Moanne' en 'Hjir'. De Moanne is for the greater part a Frisian opinion magazine, has as target to enrich the Frisian language and its culture and has 750 subscribers. Hjir is more focussed for the target group (300 subscribers) which is especially interested in the Frisian literature and wants to develop their literature skills.

Since 2006 a new digital educational method Frisian language, which is called Studio F, has been made available for the primary schools in Fryslân. The method is based on the use of new media. For a reduced fare - including a digital instruction dvd - the schools can buy the new material for the education in Frisian language. Studio F has been developed by Cedin (Education Service) at the initiative of the Province of Fryslân. Cedin publishes 'LinKk' and 'Switsj' as well; Frisian school magazines for the target group youth in the age of 10 - 14 years.

Omrop Fryslân is the only autonomous broadcasting station in Fryslân (and the Netherlands) that offers news by way of internet, radio and television in the Frisian language.

There are no newspapers in the Frisian language. In the autonomous provincial daily newspapers (Leeuwarder Courant and Friesch Dagblad) only quotations may appear in the Frisian language from interrogated people and articles very sometimes appear completely in Frisian. On average 3% of the texts in the Leeuwarder Courant and Friesch Dagblad are written in Frisian.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

Reaction:
The Province of Fryslân has two kinds of structural programs, from which cultural and linguistic promotion projects from external parties can be supported financially. The programs are called 'program promotion Frisian language use' (annually € 70.000) and 'cultural media productions' (annually € 30.000).

There are no specific legal provisions to regulate the use of minority languages.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

Reaction:
There is no indication that the development of new media affected the the number and availability of services in Frisian. In general the use of the Frisian language has grown due to the Internet. The regional public broadcaster, Omrop Fryslân has no EPG but displays information about programs on teletext and Internet. Information about programs of Omrop Fryslân is also available as a part of nationwide used Internet sites (public and commercial) and on screen (digital cable).

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Reaction:
The penetration of satellite distribution on national scale is about 9% of the Dutch households (600.000) (2006). No differences and obstacles are observed in distribution patterns.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Reaction:
Penetration of cable TV in the Netherlands is 94% (6.500.000 households) (2006). About 20% subscribed to the digital programs of their cable distributor. Digital use increases steadily.

One third of the habitants in Fryslân watch the Frisian public regional broadcaster ('Omrop Fryslân') every day (200.000). In one week the percentage reaches more than 50% and monthly Omrop Fryslân reaches almost 80% of all Frisians.

Omrop Fryslân is also distributed on satellite (since November 2006) and as a part of the digital offer of the cable networks all over the Netherlands. Some programs of Omrop Fryslân (radio / television) are also available on the internet site of the Omrop (live stream and 'video on demand'). The national public broadcaster also broadcasts a selection of Frisian programs (in total 37 hours every year) produced by Omrop Fryslân. They also offer a selection of Frisian programs as part of their 'video on demand' service.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

Reaction:
There is no reason to suppose that new media have negative effect on access of Frisians to the media. The use of new media is equally spread over the Netherlands. Penetration of Internet is high: up to 90%. Distribution of the Frisian regional broadcaster by satellite and the Internet gains a greater audience for the programs, also outside the country.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Reaction:
The national public broadcaster is a forerunner in digital media. A budget line (€ 40 million each year) is directed for the development of new media services. Due to the task of the national public broadcaster (stipulated in Article 13c of the media act: "The public broadcaster shall provide a balanced picture of society and of peoples current interests and views pertaining to society, culture, religion and belief and shall contribute to the development and dissemination of the socio-cultural diversity of the Netherlands") this also includes minorities in relation to the new media services.

There are no gaps in the digital distribution network. Access is possible all over the Netherlands possible via DVB-T, analogue cable, digital cable, satellite, DSL, (cable) internet.

Following the delegated responsibility of the funding of regional public broadcasting to the provincial authorities (see answer on question 1) no national funded budget line exist for regional programs in new media form for Omrop Fryslân or any other regional public broadcaster. The provision of news by new media is seen as an accepted sideline apart from radio and television, and therefore not to be financed by the national government. Nowadays, Omrop Fryslân finances the digitalisation of public service media by the small advertising profits.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

Microsoft: Since 2007 the Province of Fryslân has inaugurated a working group which constitute a Frisian Community Glossary. The Province argued that the Frisian language is lagging behind in this field, because in other MRL-regions (Wales and Catalonia) Microsoft programming has been available in its minority language for some years. A Frisian Community Glossary is necessary for creating a Frisian Microsoft programming. The Province of Fryslân hopes that a Frisian version of Microsoft will be launched in 2009 in close contact with the Dutch Microsoft headquarters.

Frisian language help: A digital help is available for as well adult people as children for typing in word-programmes in the Frisian language. The second version language help, which will be launched in June 2007, contains a digital dictionary of more than 60.000 words.
EduFrysk: From 2008 an extensive digital course programming Frisian will be made available for all the people in the world at the initiative of the Afûk. The Province of Fryslân has granted almost € 200.000,- for this initiative.

Frisian thesaurus and Tom-tom system: The Province of Fryslân has set up on its own to develop a bilingual document searching system and a Frisian navigating system. The Frisian thesaurus is able to recognize as well Dutch as Frisian words.

Private initiatives: There are also some volunteers willing to improve the active use of Frisian in existing new media, such as wikipedia, google and operamail.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed

at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

Reaction:

For the period 2008 - 2010 the province of Fryslân intends to build a policy promoting the improvement, use and extent of the Frisian language in ICT.

12. Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

Reaction:

No differences are detected.

13. Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Reaction:

Freedom of the press and self regulation of the media provide a sufficient incentive for reasonable standards in the media. Next to this, the Dutch government fosters discussion in general about a fair representation of all groups present in society in the media. The media take to a large extend their responsibilities in this.

14. Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

Reaction:

The contents of the website of the Province of Fryslân and the Frisian communities are partly multilingual (100% Dutch and lower percentages in Frisian, English and German). The Dutch - Frisian proportion is not well-balanced and the use of Frisian lags behind in this field.

The availability of digital information in Frisian depends on policy measurements of each public authority. The national government intends to publish information in Frisian on its website from 2007, only if the subject is about the Frisian language. Also many sites of the villages and towns in Fryslân are for a small part in Frisian. In many cases, only standard information is published in Frisian.

15. Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

Reaction:

The national government has offered no specific measures so far. There is in general no indication Frisians or media professionals with a Frisian background lag behind. The province of Fryslân recently set up a tender system for creating a Frisian multimedia project for improving the language reading and writing skills among young people. One of the criteria of the Province is to find a well-balanced collaboration form including expertise in the field of communication technology

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

Reaction:

In Fryslân and other Dutch provinces there are no strategies and traineeships with special attention for 'media literacy' relating to interests and concerns of persons belonging to national minorities. The provincial government believes that the subject 'multilingualism' (special attention for the bilingual situation in Fryslân) must be an integrated part of traineeships in the field of journalism and communication technology.

Further, there is in Fryslân a need for a Frisian grammar checker, a Frisian text-to-speech system, a T-9 tool for Frisian in sending sms-messages and an automatic translator Frisian - Dutch.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

Reaction:

A short description can be made concerning the project 'language help'. The language help stimulates people to write Frisian in correct form and gives on demand explanations in grammar.

In June 2007 the second version of the Frisian language help was launched which contains technical improvements with respect to the first version of 2003. The second version contains a digital dictionary as well in Frisian - Dutch and visa versa, a new grammar lexicon, an attractive lay-out and a special tool which is able to separate syllables in a correct form (hyphenation module). The target of the language help is to stimulate people more to write Frisian and to lower the threshold among people who think to make mistakes in advance.

Information submitted by Norway

<u>General</u>

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

There are no new regulatory or other measures taken specifically in respect for human rights and non-discriminatory access. However, the Norwegian Government's political platform stresses that "everyone shall have access to knowledge and insight to enable their participation in democratic processes, and that a commitment must be made to new, universally designed technology and a *proactive ICT-policy in the public sector*".

The Government has set out its objective for all citizens to be offered a connection to broadband Internet by the end of 2007, to which end public funds will be used to assist in achieving broadband extensions in areas where this is not commercially viable.

The HØYKOM-programme is a key instrument in underpinning these goals. As of 2004, a new sub-programme was established, "HØYKOM-district", specially geared to fostering demand for broadband in outlying districts.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The service providers have established a CPA-agreement (Content Provider Access**)** which is a code of conduct, and concerns among other things "hate speech" and "illegal content". These CPA-agreements may also be seen as useful/relevant in terms of mobile content.

<u>Access to analogue and digital new media</u>

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The project "*Roman –- from childhood to adult*" uses new technology (internet) to allow teaching of Romani pupils during time of travelling. The main purpose of the project is to ensure that education is given, but as a result of this, the pupils' competence with the new media is increased.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

It is a political aim to make Sami language more visible in the public sphere, and to make Sami a functional language in new domains of society. As a part of this strategy, the Government's official Internet portal is available in Sami language (regjeringen.no). At this websites there are information of all Ministries in Sami language. In addition, all documents from the Ministries written in or translated to Sami language can also found at this site.

Norwegian authorities have worked for several years to find a solution to the problems concerning the Sámi diacritic letters (which fall outside of the so-called "Latin-1" character set), including in public records. Several ministries are now working in close conjunction with the Sámi Parliament to ensure the viability of Sámi language in a computer context. As a part of this effort, public authorities shall

examine their requirements in view of necessary support for their application of Sámi language. When upgrading computer software and platforms, public authorities shall take account of their requirements in relation to application of Sámi language.

With the purpose of making it easier for public administrations to apply Sámi letters with diacritics, the Ministry has formed a joint competence pool of experts in Sámi language and information technology. Public administrations can address the competence pool for support. The competence pool is operating a website (www.samit.no), where users will find general information, references to legislative documents, technical specifications in relation to the application of Sámi, as well as other relevant information concerning Sámi languages.

Norway, Finland and Sweden have a joint strategy for the computer standardization of Sámi language. These issues are to be coordinated by a Working Group, established under the Nordic Committee of Senior Officials, for dealing with matters of Sámi concern. The Presidents of the Sámi Parliaments and the Ministers responsible for Sámi matters in Norway, Finland, and Sweden have made a joint request to the computer industry, inviting the industry to take steps to promote the development of support for Sámi language in their computer software as soon as possible. Due to this initiative, Microsoft has offered full integration of Sámi diacritics in their operation system Windows XP since autumn 2004. Also Apple and Linux now have solutions for Sami language.

There are still some challenges. In example is the National Popular Register, which has not yet been able to solve their practical difficulties of integrating Sámi diacritics in their computer software.

Spell checkers for the Sami Language is seen as an important tool to develop. The Government and the Sami Parliament has financed development of spell checkers for the Sámi languages. In the first phase of the project this means spell checker and hyphenation for Northern Sámi, and spell checker for Lule Sámi. The tools will work on Windows, Linux and Mac, with the usual office environment programs. Further information is available at www.divvun.no.

The Sami Parliament has analysed the possibility to develop text to speech (TTC) for the Sami languages to be uses as an additional tool, in combination with other software.

The Høykom-programme (www.hoykom.no) has supported a project in the municipality of Karasjok for the development of a school-portal for Sámi language and culture. In connection to this, there e.learning courses in northern-sami language has been developed, as a contribution to fulfil the individual right to the use of Sami language in schools.

The European Telecom-Standardisation organisation (ETSI) has established a common standard on which Sami characters can be available through mobile phones. The challenge today is the absence of mobile phones that support these characters.

The Norwegian Sami Act lists obligations for governments according to the Sami language. This act was made before the development of the new media, but has to be interpreted in light of the development of these media.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

The Government has launched a new interactive web portal for public serve, called MinSide (MyPage). This web portal is also available in Sami Language. From this portal the public can get information and communicate with the authorities. Each citizen has his own custom page on the portal. It will also give an overview of what information the individual agencies have on the individual. The information and services on MyPage will be provided by agencies and authorities at all

levels of public administration, ranging from large central government agencies to small local authorities.

Digital television and parabola antenna has increased the possibility for Kven minority to watch television channels in the Finnish language. The internet has also increased the number of services available in Sami.

As far as we know, electronic programme guides are not yet available in national minority languages.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Approximately 30 percent of the population has satellite digital television distribution.We are not aware of any factual information which makes it possible to say whether the regions with compact minority population differ from the average in this respect.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Somewhere between 40 and 50 percent of the population has cable TV distribution. Most cable networks transmit Swedish television. The Swedish national television does send some programs in Finnish and Sami. Some networks also transmit Finnish television on demand.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

The Norwegian government will support the strengthening of the connection between radio stations for the Sami population in the various countries in the northern region, and encourage the establishment of a joint radio station once the digital network is developed in the Nordic countries.

We are not aware of any negative effects on the access of national minorities to the media caused by the disappearance of old media.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

The Norwegian government has assigned a license to Norges Televisjon AS to establish and operate a digital television ground-network. The new digital ground network is planned to be launched in 2007-200 and is required to cover 95 percent of the Norwegian population. Households situated in areas not covered by the digital ground network shall have the possibility to access the services of Norwegian public service broadcaster, NRK, through a satellite distribution service.

We are not aware of any specific concerns related to the access of minorities to digital media.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

We refer to the answer in question 5.11

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

The preparation of the white paper to the Storting on ICT-policy, fall 2006, (*An Information Society to all*) was based on an open consultation process, both written and extensive meetings, including dialogue with *The Sami Parliament.*

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

We do not have any factual information to answer this question.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

We refer to the information given in the answer to question 1, about the CPA-agreement.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

As a part of the preparation of making a white paper, the public has been invited to give comments about the Sami policy at internet.

The Ministry publishes two electronic newsletters with information on the policy of national minorities and the Sami people, respectively.

15   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

We do not have any knowledge of such measures.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

The new reform in primary and secondary education (The Knowledge Promotion) has integrated in all subjects the ability to use digital tools as a basic skill (among 5). The national curriculum is adjusted to the needs of the Sami people. Many of the objectives deal with competencies in the use of Internet

and the ability to critically assess sources of information. Other objectives concerns use of ICT in a broad variety of ways.

Learning is used in education in the different Sami languages to serve a target group spread over large areas in Norway.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

We would like to highlight our policy to make Sami language visible in the public sphere and to make it possible to use the Sami language in new domains, as a general effort to increase the status of the language.

We find it worth highlighting the Knowledge Reform mentioned above and the Høykom-project described in question 4.

We will also highlight the cooperation with the software-developers and our work to make it possible to use the Sami diacritic letters.

Information submitted by Poland

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Poland does not make difference between so called old and new media on a legislative level. The current legislation applies to both analog and digital television broadcasting.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

On March 29, 1995 The Media Ethics Charter has been adopted. The document comprises "the principle of respect and tolerance" that enshrines respect for human dignity and the right to privacy, protection of individual's rights, personal interests and reputation. Furthermore, the Charter includes "the principle of truth and responsibility" affirming the responsibility of journalists, editors, producers and providers for the content and form of transmitted information and the consequences flowing thereof. The observance of the principles stated in the Charter is guarded and monitored by the Media Ethics Council.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The Act of January 6, 2005 on national and ethnic minorities and on the regional language (JL of 2005 no. 17, item 141) amended the Broadcasting Act of December 29, 1992 (JL of 2004 no. 253, item 2531) by broadening the public providers' mission and imposing the duty of paying due regard to the needs of national and ethnic minorities.
Article 21 paragraph 1a of the above-mentioned Broadcasting Act defines the tasks of public providers:

" The tasks of public radio and television arising out of the implementation of the mission referred to in paragraph 1 shall include in particular:
(…)
8a) paying due regard to the needs of national and ethnic minorities and communities speaking regional languages, including broadcasting news programmes in the languages of national and ethnic minorities and in regional languages;"

Article 30 paragraph 4a of the Broadcasting Act states:

"4a) When appointing Programme Councils of branches broadcasting programme services in the languages of national and ethnic minorities and in regional languages, branch directors shall take into account candidates put forward by social organisations of national and ethnic minorities and communities speaking regional languages."

The regional branches of public radio and television broadcast programmes directed to national and ethnic minorities, also in their languages. Due to the financial aspects there is only one programme in a foreign language transmitted in a shared slot (Ukrainian "Telenowyny" in TVP3 Regionalna).

The Minister of the Interior and Administration supports policies aimed at protection, preservation and development of cultural identity of minorities and their linguistic diversity. In particular, the Minister subsidises activities conducted in order to create internet websites designed for minorities or to provide them with the access to internet magazines and newspapers related to the minority issues.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

See supra answer to question 3.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages?
Are electronic programme guides available in national minority languages?

There is no services on demand and electronic programme guides available in national minority languages.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

About 2 millions of households in Poland had access to satellite digital television at the end of 2006 (a 70%-increase comparing to data gathered in 2005). Since there is no data on the access to satellite digital television in the regions with compact minority populations, no comparison can be conducted in this regard.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

About 4,5 millions of households in Poland had access to cable TV at the end of 2006. In addition to the programmes directed to national and ethnic minorities produced and broadcasted by regional branches of public television, the channels in languages spoken by persons belonging to national minorities are transmitted via the cable network (inter alia in German, Russian, Czech, Slovak language).

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

No initiatives involving transfrontier access of national minorities to the media originating in their "kin-states" have been taken by the authorities. There was no indication that introduction of new media (e.g., digital television) and the disappearance of old media could have negative effects on access of national minorities to the media. Terrestrial digital broadcasting is currently at the stage of testing.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Terrestrial digital broadcasting is currently tested. At this stage there are no indications that the process of digitalization could affect the access of minorities to digital media. There is no information on the issue of gaps in the coverage of the digital television network that particularly affects areas with compact minority population.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

No special instruments as for national minorities.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations?
To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

No policy measures have been taken with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations. The organisations for national or ethnic minorities have not signalised the need to introduce such measures. The access to information and communication technologies is provided to persons belonging to national minorities and to the rest of the population on equal basis. In this respect it must be pointed out that the representatives of national and ethnic minorities were appointed to the Programme Councils of the regional branches of public radio and TV (e.g. Białystok Radio, Koszalin Radio, Kraków Radio, Rzeszów Radio, Wrocław Radio, Opole TVP (National TV)).

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No differences have been detected as regards access to broadband by persons belonging to national minorities compared to the majority population. Persons belonging to minorities and the majority population have the same access to broadband. The Minister of the Interior and Administration, who is the competent minister in charge of religious denominations and national and ethnic minorities, has not received any complaints concerning the differences in access to broadband between persons belonging to national or ethnic minorities and the rest of the population.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

The Constitution of the Republic of Poland prohibits existing of the political parties and organizations whose activities and programmes are based on totalitarian methods and allow for racial or national hatred.

Extract form the Constitution of the Republic of Poland

Article 13

Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be forbidden.

Article 119 of Poland's Criminal Code punishes the use of violence or threats towards a group of persons or an individual because of their national, ethnic, political or religious affiliation. In addition article 256 punishes the public propagation of fascist or totalitarian systems and incitement of hatred based on national, ethnic, racial or religious differences, while article 257 punishes the public insulting of a group or person because of national, ethnic, racial or religious affiliation.

Extracts from the Criminal Code

Article 119. § 1. Whoever uses violence or makes unlawful threat towards a group of person or a particular individual because or their national, ethnic, political or religious affiliation, or because of their lack of religious beliefs, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who incites commission of the offence specified under § 1.

Article 256. Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 257. Whoever publicly insults a group within the population or a particular person because of his national, ethnic, race or religious affiliation or because of his lack of any religious denomination or for these reasons breaches the personal inviolability of another individual shall be subject to the penalty of deprivation of liberty for up to 3 years.

In 2004 the Group for Monitoring Racism and Xenophobia was established within the Department of Religious Denominations and National and Ethnic Minorities of the Ministry of Internal Affairs and Administration.
Moreover in May 2004 the National Action Plan of Counteracting Racial Discrimination, Xenophobia and Intolerance 2004-2009 was initiated. One of its aims is to oppose and combat racial discrimination and xenophobia in media and on the Internet. Furthermore, the National Initiative for Children Hotline Polska- Dyżurnet.pl monitors and reacts to the occurrence of illegal contents such as racism and xenophobia on the Internet since 2005.
It should be also pointed out that the Ombudsman's office continues its action in the field of combating racism and racial discrimination.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

No special measures as for national minorities.

15   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

No special measures have been taken to enable media professionals from national minorities to acquire the necessary skills for maximising their exploitation of new technologies.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

See 15.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

There are WebPages provided by national minorities.

Information submitted by Romania

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

 a.   Law concerning the Audiovisual no. 504/2002:

− Art. 17.1.d. stipulates that the National Audiovisual Council is authorized, in the application of the present law, to issue decisions that are to be interpreted as regulation norms with a view to fulfilling its functions and regarding non-discriminatory policies concerning race, sex, nationality, religion, political convictions and sexual orientation.
− Art. 29.1. stipulates that advertising and home-shopping have to abide by the following conditions: they should not include any form of discrimination on grounds of race, religion, nationality, sex or sexual orientation; they should not offend the religious or political convictions of the viewers or listeners.

b.   National Audiovisual Council Decision no. 187/2006 regarding the Regulation Code of Audiovisual Content encompasses the following regulations relevant for national minorities:

− Art. 12 stipulates that any pejorative or discriminatory remarks regarding ethnic origins, nationality, race or religion of a child, including a possible handicap.
− Art. 46 stipulates that the broadcast of any audiovisual programs that contains any forms of antisemitic or xenophobic manifestations is forbidden; any discrimination in audiovisual programs on the grounds of race, religion, nationality, sex, sexual orientation or ethnic belonging is also forbidden.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

DIR is not in the possession of such data.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

See answer to question no. 1.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

a.   The Romanian Parliament has recently ratified the European Charter for Regional or Minority Languages (Law no. 282/2007). The ratification law includes extensive measures that encourage, promote and facilitate cultural and linguistic diversity in the media and in all other areas of implementation set by the ECRML. Under the terms of this law, the provisions of the Charter apply to the following minority languages used on Romania's territory (namely all the national minority languages spoken on Romania's territory): Albanian, Armenian, Bulgarian, Czech, Croatian, German,

Greek, Italian, Yiddish, Macedonian, Hungarian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak, Tartar, Turkish, Ukrainian.

The law offers protection to ten minority languages used in Romania (Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian) under the headings regulated by Part III of the ECRML: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges. In accordance with the provisions of Art. 2.1 in the European Charter for Regional or Minority Languages, the provisions of Part II of the Charter apply to the following minority or regional languages: Albanian, Armenian, Greek, Italian, Yiddish, Macedonian, Polish, Romani, Ruthenian, and Tartar.

b.   The Law on Education No. 84/2005 (republished, subsequently amended and completed) is the organic law that regulates the education conditions for the persons belonging to national minorities (Ch. XII, Articles 118 - 126). The Education Law ensures recognition for the languages belonging to the officially recognized national minorities and has thus significantly contributed to the expansion of minority rights protection in Romania. Under the Romanian educational system there are three main categories of educational configuration that involve tuition in minority languages: units with tuition in a minority language, units with partial tuition in a minority language and units with tuition in Romanian, but which include the study of the minority language as a subject matter. Outlined below are some of the key provisions stipulated by the Education law.

Article 118 of the Education law stipulates that the persons belonging to national minorities have the right to study and be taught in their mother tongue at all levels and forms of education, as well as at all types of education for which there is a sufficient demand, under the terms provided by the law. Another provision relevant for the protection and promotion of the linguistic identity of Romania's national minorities is contained in Article 119: depending on local necessities, classes, units or schools with tuition in minority languages can be organized - at request and under the terms of the law, without obstructing the study of and teaching in the official language of the state.

Article 120 specifies the terms under which the Romanian language and Romania's history and geography are to be taught in units/ schools with tuition in a minority language at undergraduate levels. Another significant provision in the Education law is contained in Article 123, which stipulates that in the framework of state higher education, units, sections, colleges or departments with tuition in minority languages can be established at request and under the terms of the law. The right of persons belonging to national minorities to set up private higher education institutions is granted, under the terms of the law. Article 123 also emphasizes that the establishment of higher education institutions with multicultural structures and activities is encouraged by the present law.

c.   The Local Public Administration Law No. 215/2001 (republished, subsequently amended and completed by Law 286/2006) regulates the general regime of local autonomy and the organization and functioning of the local public administration authorities. Article 17 is relevant, as it stipulates that in the administrative-territorial units where the number of citizens belonging to a national minority exceeds 20% of the total population, the local public administration authorities will ensure that the respective minority's mother tongue is also used in relations with them, in conformity with constitutional provisions, with the present law and with the international conventions that Romania is a signatory party of.

In addition, Government Decision No. 1206/2001 approved the norms for the application of the stipulations regarding the right of citizens belonging to a national minority to use their mother tongue in local public administration, encompassed in the Local Public Administration Law No. 215/2001.

d.   Law No. 304/2004 (republished, subsequently amended and completed) regarding judicial organization regulates the use of minority language in judicial proceedings as outlined below.
Article 7

(1) All individuals are equal before the law, without privileges and discrimination.

(2) Justice is done equally for everyone, no matter their race, nationality, ethnic origin, language, religion, gender or sexual orientation, opinion, political affiliation, wealth, social background or status or any such discriminatory criteria.

Article 11

(1) Judicial procedure takes place in Romanian.
(2) Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts, under the provision of the present law.
(3) In case one or more parties demand to express themselves in their mother tongue, the court must ensure, without charge, the use of an interpreter or a certified translator.
(4) When all the parties demand or agree to express themselves in their mother tongue, the court must insure the exercise of this right, as well as good management of justice, observing the principles of contradictoriness, orality and publicity.
(5) The requests and procedural papers are drawn up only in Romanian.
(6) The debates held by the parties in their mother tongue are recorded in writing under the court president's dictation and only in Romanian. The objections raised by the parties with respect to translations and their transcription have to be settled by the court until the end of the debates in the case and recorded in the final document of the proceedings.
(7) The interpreter or the translator shall sign all the documents when these were drafted or transcribed upon his/her translation.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

The main cable service providers in Romania (RDS/RCS, UPC etc.) have included in their program grids TV channels in languages spoken by national minorities in Romania. There are also program grids that include TV channels from several national minority kin-states: e.g. RTL, PRO7 (German-language channels - Germany); Interstar, Show TV, Samanyolu, Kanal D (Turkish-language channels - Turkey); ERT (Greek-language channel – Greece), RAI 1, RAI 2 (Italian-language channels – Italy). A special program grid offered by one of the most important cable and internet service providers in Romania (RDS/RCS Romania) includes 13 TV channels in the Hungarian language (e.g.: DUNA TV, Minimax Ungaria, Hálózat TV etc.).

There are also TV shows in the languages of national minorities broadcast by the Romanian National Television (in the German and Hungarian languages) and TV shows about different aspects related to national minorities. What is more, within the Romanian National Television there are three separate units: the Hungarian-language Unit, the German-language Unit, and the Unit specialized on the other national minorities in Romania. There are also radio programs in the languages of national minorities and dedicated to the national minorities as well as to the public at large on the national radio station (Radio Romania News); such programs are also aired on the local radio station in multiethnic centers in Romania (e.g. Constanţa, Timişoara, Harghita, Covasna, Târgu Mures). Additionally, there are local private radio stations that broadcast in the Hungarian and Romanian languages). An example of a private radio station that started its activity in December 2007 and whose programs are in Hungarian is Erdély FM (located in Târgu Mureş). Part of the same project is also the set up of a private TV station (Erdély Magyar Televizió), in the second half of 2008. Important funds for this project are allocated by the Communitas Foundation, which is an organization of the Hungarian minority in Romania.

Another example of a private radio station that airs shows in various national minority languages is Radio DEKA FM, which started broadcasting in December 2007.
As far as the programme guides in national minority languages are concerned, such programs exist in the newspapers that are edited in the languages of national minorities. A list of such newspapers is available on the DIR site (www.dri.gov.ro).

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Although this type of statistics is not available, the access of persons to any means of mass communications (including satellite digital television) is not encumbered by their ethnic background. In rural areas, the access to advanced means of mass communication is lower than in the urban areas (including the areas where compact minority populations reside), but that is not due to any type of discrimination.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

See answer to question no. 6.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

See answer to question no. 5.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

The Romanian Television started the digitalisation process, according to the EU standards in the field. It includes 4 channels: TVR 1, TVR 2, TVR Cultural, TVR International.

The persons belonging to national minorities have an equal access to all types of media. There are no restrictive provisions in this respect. The access to media and other means of communication (telephone, internet) in general is more reduced in rural areas than in urban areas. That, however, holds true for national minorities, as well as for the rest of the population and it is strictly related to reasons of geographical remoteness and financial means.

A particular situation is encountered in the case of some of the members of the Roma minority, whose living standard and education level are lower, and so is their access to the media and other means of mass communication. The public policies and programs in this field are affected by the National Agency for the Roma (http://www.anr.gov.ro/).

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research

aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Questions no. 10-13 are addressed in the following paragraphs:

Major legal items regulating discrimination and racism:

−   Government Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination;
−   Law no. 48/2002 for the approval of Government Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination;
−   Government Decision no. 1194/2001 regarding the organization and functioning of the National Council for Combating Discrimination;
−   Government Emergency Ordinance no. 31/2002 regarding the prohibition of organizations and symbols bearing a fascist, racist or xenophobic character and of the promotion of the cult of persons guilty of having carried out crimes against peace and humanity.

Other relevant legal items:

−   Law no. 121/2006 for the modification and completion of Law 365/2002 regarding electronic commerce.
−   Law No. 278/2006 for the modification and completion of the Romanian Criminal Code stipulates that Art. 317 contains the following provisions related to the instigation to discrimination: "Instigation to hate on the grounds of race, nationality, ethnic background, language, religion, gender, sexual orientation, opinion, political adherence, convictions, wealth, social origins, age, disability, non-contagious chronic disease or HIV infection is liable to be punished with jail sentence from 6 months to 3 years or with a fine."
−   Law No.124 / 1998 for the modification and completion of Law No. 41/1994 regarding the organization and functioning of the Romanian Radiobroadcast Society and the Romanian Television Society. Art. 4.1. stipulates that the Romanian Radiobroadcast Society and the Romanian Television Society, in accomplishing their objectives of information, education and entertainment, are under the obligation to objectively present socio-political realities […], to ensure the correct informing of the citizens […] and to promote the values of the Romanian language and authentic cultural creations, as well as those of the national minorities, alongside with democratic, civic and moral values […]. Furthermore, Art. 37.1. stipulates that in the case of the territorial studios that have programs in national minority languages, then the ruling boards should also include representatives of those that carry out such programs.

In Romania, the audiovisual field is regulated by the following institutions:

−   The National Audiovisual Council (CNA);
−   The Ministry of Communications and Information Technology (MCTI);
−   The National Regulatory Authority for Communications and Information Technology (ANRCTI).

The legal framework in the area of electronic communications and postal services is regulated by the following legal items:

- Government Emergency Ordinance no. 79/2002 regarding the general framework for the regulation of communications, approved by Law no. 591/2002 (subsequently modified and completed);
- Law no. 133/2007 regarding the approval of Government Emergency Ordinance no. 70/2006 regarding the modification and completion of some normative acts in the field of electronic communications and postal services.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

On 13 November 2001, the Memorandum of Understanding for Unfolding the eGovernance Project was signed. The Memorandum is an inter-state project aimed at facilitating the communication between the signatory states at the level of their representatives (institutions, agencies etc.) and at increasing the efficiency of the administrative process through the creation of advanced networks and mechanisms of communication. Although in its incipient stages, the eGovernance process is indeed aimed at facilitating the access to government services and at enabling effective participation of the Romanian citizens (including the persons belonging to national minorities).

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

DIR has organized training sessions for journalists writing for newspapers published in national minority languages and for countrywide newspapers. These sessions have, however, been aimed at raising awareness and creating skills in what concerns the promotion of ethnocultural, linguistic and religious diversity, since it is that specific area which lies in the attributions of DIR. Another similar training session is upcoming on 9-11 March 2008 and will tackle the sub-field of Intercultural Dialogue.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

DIR is not in the possession of such data.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

A.   One such example is the "Cyber Hate Watch" project, which was presented at the round table concerning "Freedom of Speech vs. Racism on the Internet" (Bucharest, 9 November 2006) and was financed by the DIR.

B.   Taking into consideration the necessity of increasing the usage rate of the latest technologies among the end users, the Ministry of Communications and Information Technologies poses at the disposal of the public, for information, free of charge, the centre for presenting the latest communications technologies, in order to familiarize the population with the multiple services that these technologies offer.

Information submitted by Russian Federation

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

By the assessments of the Russian authorities interested, the questionnaire on the access of national minorities to the "new media" is premature because the "new media" have not fully developed now in the Russian Federation.

As provided by the Russian Federal Agency on press and mass communications, since the 25th of October 1991 the Russian Federation has implemented the Law "On the languages of peoples of the Russian Federation". This Law acknowledges the equality of all languages in Russia as regards their maintenance and promotion. All languages of the Russian Federation' peoples enjoy state support.

Pursuing its functions the Agency at the expense of federal budget assigns on a competitive basis subsidies to socially important projects to promote digital mass media, namely websites, which can be referred to the "new media". In 2004-2006 the Agency financed 84 websites to the total sum of 200

billion rubles. As one of the priorities of state financial support in 2007 to social projects in digital media was maintenance and promotion of traditional national folk culture. In this connection the Agency is ready to support the creation of websites on national minorities' languages, if requested.

As to the promotion of digital technologies, today the work of drafting the Federal target program "The development of television and radio broadcasting in the Russian Federation (2008-2015)" is continuing under the auspices of the Governmental commission on promoting television and radio broadcasting in the Russian Federation. This draft is designed to ensure the transition of TV broadcasting to digital technologies. It is supposed that by 2015 the full transition to digital TV broadcasting will provide 100% population coverage for no less than 6 TV channels. There are no problems foreseen in reduction of TV coverage on territories with compact residence of national minorities. The considerable increase of TV channels' number on the territory of the Russian Federation will allow for TV broadcasting promotion on national languages.

Information submitted by Serbia

<u>General</u>

1.   Describe what regulatory and other measures have been undertaken with respect to the modern technological information media and contemporary communication services with a view to promotion of the fundamental values of pluralism and diversity, respect of the rights of man and non-discriminatory approach.

The modern technological information media and contemporary communication services are regulated by the general laws in the filed of information, which incorporate the fundamental values of pluralism and diversity, respect of the rights of man and non-discriminatory approach.

Pursuant to the **Law on Information**, Article 11, "Public media include the newspapers, radio broadcasted programmes, television broadcasted programmes, services of newspaper agencies, Internet and other electronic forms of the stated public media, as well as other public information media that use words, images and sound to convey ideas, information and opinions intended for public distribution and for indefinite number of users. A public medium shall not have the capacity of a legal entity".

The Law on Public Information prohibits restriction of the freedom of public information, free flow of ideas, information and opinions. For the purpose of protecting the principles of free competition and pluralism of ideas, any form of monopoly in the field of public information is prohibited. Prohibition of the hate speech is regulated by Article 38 of the Law on Public Information, which stipulates: "Publication of ideas, information and opinions that incite discrimination, hatred or violence against an individual or a group of individuals stemming from their belonging or not belonging to a particular race, religion, nation, ethnicity, sex or due to their sexual orientation shall be prohibited, regardless of whether a criminal offence has been committed by the publication of such ideas, information or opinions."

The Law on Information stipulates that the Republic, the autonomous province and/or local self-government provide a part of the funds or other conditions for operation of the public media in the languages of national minorities and ethnic communities, for the purpose of exercising the rights of national minorities and ethnic communities to information in their own language and to foster their culture and identity.

The Broadcasting Law defines broadcasting as a general term for radio and television as electronic media of mass communication, achieved by the analogue or digital transmission of text, speech, sound, still and moving images in the form of programme contents intended for the general public via radio waves or cable distribution systems to adequate reception devices.

The regulation of relations in the broadcasting sector rests, inter alia, on the principles of freedom, professionalism and independence of the public broadcasting media; prohibition of any form of censorship; full affirmation of the civil rights and freedoms, in particular the freedom of expression and pluralism of opinion; application of the internationally recognised standards and principles with respect to the broadcasting sector, especially the respect of human rights in this sector; impartiality, prohibition of discrimination and transparency of the procedure for issuing the broadcasting licenses.

The Republic Broadcasting Agency issues licenses for broadcasting programme through terrestrial, cable or satellite transmission, either digital or analogue. Programme broadcasting by means of Internet webcasting is not subject to the obligation of obtaining the license; however, the provisions of this law apply to the contents of the programme. Pursuant to Article 21 of the Broadcasting Law, the Republic Broadcasting Agency ensures that the "broadcasters' programmes do not contain information inciting discrimination, hatred or violence against an individual or a group of individuals on the

grounds of their different political affiliation or their belonging or not belonging to a particular race, religion, nationality, ethnicity, sex, or due to their sexual orientation."

The Broadcasting Law envisages that the programmes produced and broadcast as part of the public broadcasting service must ensure diversity and balance of contents upholding democratic values of modern society, in particular the respect of human rights and the cultural, national, ethnic and political pluralism of ideas and opinions. With the purpose of fulfilling the general interest in the field of the public broadcasting service, the public broadcasting service providers are obliged, inter alia, to produce and broadcast programmes targeting all segments of the society, without discrimination, taking particular consideration of the specific social groups such as the children and youth, minority and ethnic groups, the disabled, socially and medically vulnerable persons, persons with impaired hearing/speech abilities and others; to adhere to the linguistic and speech standards, both of the majority population and, in an adequate proportion, of the national minorities and/or ethnic groups, in the territory where the programme is broadcast; to ensure that the needs of the population are met by providing sufficient programme contents that express the cultural identity, both of the nation as well as of the national minorities and/or ethnic groups, through the possibility of receiving certain programmes or blocks of programmes in their mother tongue, both spoken and written, in the territory they inhabit and work in; to ensure the application and development of the contemporary technical and technological standards in programme production and broadcasting, as well as to draft and implement the plans for shifting towards the new digital technology in the specified timeframe. In the course of production and broadcasting of news programmes, the public broadcasting service providers are obliged to abide by the principle of impartiality and objectivity in treating different political interests and different persons, to uphold the freedom and pluralism of expressing the public opinion, as well as to prevent any form of racial, religious, national, ethnic or other type of intolerance or hatred, or intolerance on the grounds of sexual orientation. The provisions of the Broadcasting Law that pertain to the public broadcasting service in terms of the special obligations in programme production also apply to the radio and/or television stations of the civil sector and of local and regional communities.

2.   Have the providers of such services adopted the ethical/professional code? Does it include the issue of non-discriminatory approach, hate speech and other prohibited contents?

Pursuant to Article 8, paragraph 1, clause 5 and Article 12, paragraph 5 of the Broadcasting Law, on 26th June 2007 the Council of the **Republic Broadcasting Agency** issued the **General Binding Instruction Regarding the Conduct of Broadcasters** (**Broadcasters' Code of Conduct**). The Broadcasters' Code of Conduct is a by-law passed with a view to determining, elaborating and implementing the Broadcasting Law, and is binding for all radio and TV stations within the competence of the Republic Broadcasting Agency. The Code is a system of general binding instructions that regulate the conduct of the broadcasters; it is not a professional ethical code of conduct of the journalists, editors and their associations; it is not an occupational code, it is directly applicable only to the conduct of the broadcasters and all the measures that the Republic Broadcasting Agency has the mandate to undertake are exclusively related to the broadcasters. The measures that the Republic Broadcasting Agency may undertake in the cases of non-compliance with the binding instructions include pronouncement of a reprimand or a warning, as well as the measures of temporary or permanent revocation of the broadcasting license.

The broadcasters have the general obligation to realize their programme in accordance with the principles expounded in this Code. The instructions related to the basic programme standards in the news programmes and political programmes, inter alia, prohibit discrimination: "The broadcasters shall not discriminate against individuals or social groups on account of their sex, racial, ethnic, religious, social or national affiliation."

Access to analogue and digital new media

3.   What means have been developed in the promotion of passive and active access of the national minorities to the modern technological information media?

4.   What regulatory and other measures have been undertaken in promotion of the cultural and linguistic diversity in the modern technological information media? Are there special legal provisions that regulate the use of minority languages?

The right of national minorities to information in their mother tongue is stipulated by the laws governing the field of minority rights and the laws that regulate the exercise of the right to information. The use of language and the provision of information to the minorities in Serbia are regulated by the Law on Protection of the Rights and Freedoms of National Minorities, the Law on Local Self-Government, the Law on the Capital City, as well as by the ratified international documents: the Law on Ratification of the Framework Convention for the Protection of National Minorities and the Law on Ratification of the European Charter for Regional or Minority Languages. Other laws of importance for the exercise of the right of persons belonging to national minorities to information in their mother tongue are the Law on Information, the Broadcasting Law and the Law on Free Access to Information of Public Importance.

According to the Broadcasting Law, the public broadcasting services are obliged, inter alia, to adhere to the linguistic and speech standards, both of the majority population and, in an adequate proportion, of the national minorities and/or ethnic groups in the territory where their programme is broadcast. Furthermore, they are obliged to ensure the satisfaction of the needs of citizens for programme contents expressing cultural identity both of the nation and of national minorities and/or ethnic groups, by enabling them to follow certain programmes or blocks of programmes in the territory they inhabit and work in, in their mother tongue, both spoken and written.

Once a year, the Ministry of Culture invites applications for co-funding of the projects/programmes in the field of public information in the languages of the national minorities. The subject of the competition is co-funding of the programme contents and development of the technical infrastructure of the public media in the minority languages, on the local and regional levels, and the principal criteria for the selection of the programme contents are: the significance of the project for promotion of the linguistic and cultural identity, promotion and development of multiculturalism and advancement of the right to information in minority languages. Under the Law on the Establishment of Specific Competences of AP Vojvodina from 2002, the funds from the Republic Budget intended for the programmes of ethnic communities were mainly transferred to the autonomous province for the regular actions of the provincial secretariats (the Secretariat for Education and Culture, the Secretariat for Regulations, Administration and National Minorities, the Secretariat for Information), whereby decision-making, state efforts and provision of assistance for the minorities living in Vojvodina were decentralised. At the same time, the indigenous minorities (Hungarians, Slovaks, Romanians, Ruthenians, Ukrainians), as well as Croats, Roma, Bosniacs and Macedonians were enabled under the law to preserve the level of their acquired rights in the field of information, as well. In addition to the regular funding, media and programme contents are supported through competitions, as well as through seminars and other forms of training.

5.   How has the development of modern information media influenced the number and availability of services in the languages of national minorities? Are the services directly available in the languages of national minorities? Are electronic programme guides available in the languages of national minorities?

According to the data from the Republic Broadcasting Agency, in the course of issuing the programme broadcasting licenses at the local level, the RBA Council has, in line with its competences stipulated by law, ensured that the stations that broadcast programmes in the languages of national minorities are evenly distributed in precisely those regions where there are needs for information that the public services of Serbia and Vojvodina are unable to meet in the scope and quality that is satisfactory for all minority and ethnic groups.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of this access?

According to the data of the Republic Telecommunication Agency (RATEL), there are approximately 110,000 households with access to satellite digital television.

7.   What is the number of households with access to cable television? Are there channels/programmes in the languages spoken by persons belonging to national minorities, which are broadcast through cable networks?

According to the data of the Republic Telecommunication Agency (RATEL), the number of households with access to cable television is approximately 800,000.

8.   Do initiatives regarding the modern information media launched by the authorities include cross-border access to the information media by national minorities? Have the initiatives regarding modern media (e.g. digital television) had any negative impact on the access of national minorities to these media as a result of the closure of the previous information media?

9.   What is the status of the possible plans regarding digitalisation of the public media service and is there any particular concern with respect to the minorities and their access to the digital media? Are there, for instance, gaps in the coverage by the digital television network, which particularly affect the regions with compact minority populations?

On the basis of the adopted decisions of the International Telecommunication Union (ITU), the radio and TV digitalisation plan in the Republic of Serbia envisages digitalisation at the latest by the middle of 2015. The representatives of the Ministry of Culture, the Ministry of Telecommunications and Information Society, RATEL and RBA agreed in November 2007 that the process of transition of electronic media in Serbia from the analogue to the digital system should be initiated. The envisaged plan was to establish an expert task force with the mandate to create the Serbian Digitalisation Development Strategy, review and estimate the time needed for the shift to the digital system, as well as to propose concrete measures and steps for execution of this task.

Information and communication technologies (ICT)

10.   What means have been developed in promotion of the active use of the new communication technologies by the minorities?

Several conventions organised by RATEL have been held, addressing the topic of promotion of e-commerce, implementation of the new Internet domain, round table discussion of broadband development in the Republic of Serbia, all of this with the purpose of ensuring equal treatment for all with respect to access to information and the use of new Internet-based technologies. .

11.   What political measures have been undertaken (if any) with the purpose of ensuring digital inclusion and efficient and affordable access to the Internet and other ICT for the minority population? To what extent are these political actions based on the (public) consultations or other research directed at meeting the needs and requirements of persons belonging to national minorities in the context of digital technologies?

12.   Have any differences been identified with respect to broadband access for the persons belonging to national minorities in comparison with the majority population?

According to the data from RATEL, there are currently more than 150 registered Internet operators, mostly concentrated in the big cities, but there are also operators in smaller towns and nationally diverse communities. Unfortunately, the number of broadband users in Serbia is still on an unsatisfactory level. Most of the users are concentrated in the more developed communities, and the access technologies used are ADSL, cable and wireless access. The differences in using this technology are based on the degree of economic development rather than the national affiliation.

13.   Describe which legal and other measures have been undertaken (if any) in terms of more efficient combating/suppressing the hate speech or other prohibited contents, which jeopardize the national minorities with respect to the ICT?

Article 38 of the Law on Public Information prohibits the publication of ideas, information and opinions that incite discrimination, hatred or violence against a person or a group of persons on the grounds of their belonging or not belonging to a particular race, religion, nation, ethnic group, sex or due to their sexual orientation, regardless of whether a criminal offence has been committed by the publication of such information. All public media, including those modern technological information media that fall into the category of public media, are obliged to abide by this law.
Pursuant to the rules and other instruments adopted by RATEL, all operators are obliged to ensure provision of services on a non-discriminatory basis regardless of the racial, religious and national affiliation. If the competent authority establishes that the Internet operator's servers contain data of an offensive nature, the operator is obliged under the rules of RATEL to remove such contents. The issue of the contents of CDS[2] operator's programme falls under the competence of the Republic Broadcasting Agency (RBA). The Republic Broadcasting Agency is competent to undertake measures within the sphere of broadcasting with a view to preventing the broadcasting of programmes containing information that incite discrimination, hatred or violence against an individual or a group of individuals on the grounds of their belonging or not belonging to a particular race, religion, nation, ethnic group or sex (Article 8, paragraph 2, clause 3 of the Broadcasting Law). Furthermore, RBA ensures that the broadcasters' programmes do not contain information inciting discrimination, hatred or violence against an individual or a group of individuals on the grounds of their different political affiliation or their belonging or not belonging to a particular race, religion, nationality, ethnicity, sex, or due to their sexual orientation (Article 21 of the Broadcasting Law).

14.   Describe what measures have been undertaken (if any) by the competent authorities in the course of development of the uninterrupted (on-line) public service (use of the Internet in supporting the participation of the population in the public affairs and the democratic process (e-democracy) both on the national and the local and regional levels, which enables efficient participation of persons belonging to national minorities.

15.   Describe what measures have been undertaken (if any) in order to enable the staff of the public information media (including the interns/students) belonging to national minorities to attain the

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[2] CDS – Cable Distribution System (translator's note)

required level of skills in terms of their maximum utilisation of new technologies, e.g. continual/open access to the official information, use of technological innovations in different stages of contents production and its distribution, etc.

Through the competitions announced by the Ministry of Culture for co-funding of the projects/programmes in the field of public information in the minority languages, it is also possible to obtain funds for the projects that stimulate employment and education of journalists (including interns/students) of the minority media and programmes.

16.   To what extent do the strategies regarding the promotion of media skills training take into account the needs, interests and preferences of the persons belonging to national minorities?

The project of Universal Service is currently in progress, which should enable the implementation and use of ICT in all communities, irrespective of the level of development, geographical region and the structure of the population.

17.   Please enclose a short description of the projects and activities that are already being implemented in your country, which could be considered as good practice in the field of new information media and the new ICT relevant for the national and ethnic minorities?

Several conventions organised by RATEL have been held, addressing the topic of promotion of e-commerce, implementation of the new Internet domain, round table discussion of broadband development in the Republic of Serbia, all of this with the purpose of ensuring equal treatment for all with respect to access to information and the use of new Internet-based technologies.

The competition announced by the Ministry of Culture for co-funding the projects/programmes in the field of public information in the minority languages includes both programme contents and the development of technical infrastructure of the public media in the minority languages, which are also related to the modern technological information media.

Information submitted by the Slovak Republic

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Law on digital broadcasting of program services and on other services provided by means of digital transmission (Digital Broadcasting Law) was adopted in March 2007. It entered into force on 5 May 2007. The law liberalizes the authorization scheme for the TV and radio broadcasting and creates conditions for the establishment of new on-line services platforms (e.g. e-government, e-learning, e-culture etc.). The Law establishes at the same time the register of services provided in digital terrestrial environment that are based on other access to the content than the program service. The register of the service providers is and alternative to the hot-line in terms of Council of Europe Recommendation (2001) 8. The principles of pluralism, diversity, respect for human rights and non-discriminatory access are respected.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

In general, the issue of hate speech is addressed by the Criminal Code of 2007 that applies also to the on-line environment (Article 424 - incitement of national, racial and ethnic hatred). All on-line service providers (e.g. chat rooms etc.) are addressing the issue of hate speech by setting the registration requirements or by related means. Non-discriminatory access to the on-line services is established by the Law on Equal Treatment in Certain Areas and Protection against Discrimination (Anti-discrimination Law) of 2004. In its Article 5 it establishes the principle of equal treatment in social security, healthcare, provision of goods and services, and in education.

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The Grant scheme/program – the financial instrument of the Ministry of Culture of the Slovak Republic – includes the sub-program "Non-periodical press". The priority of this sub-program is predominantly to support the cultural projects of/for national minorities carried out via Internet and to support the publishing of cultural and scientific information.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

The linguistic and cultural diversity is not particularly addressed. The Law on Slovak Radio of 2003 and The Law on Slovak Television of 2004 include provisions on the activities of public broadcasters with regard to national minorities. The Law on Use of Languages of National Minorities and other laws are regulating the use of national minority languages also in the field of media.

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages?
Are electronic programme guides available in national minority languages?

n. a.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

No exact statistics are available. It is estimated that about 5% of households have access to satellite digital television.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

It is estimated that about 33% of households have access to cable TV. The program service includes also the retransmission from "kin states".

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

n. a.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

n. a.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

See answer No. 3.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations?
To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

n. a.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

n. a.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.
See also answer No. 2.

In order to fight all forms of intolerance and discrimination (including hate speech) the Slovak Government adopts regularly Action Plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance. It aims at the creation of a tolerant and democratic state, developing a multi-cultural character of the society, increasing the tolerance of the society and preventing of all forms of discrimination by means of various activities implemented by relevant ministerial departments, NGOs and other entities working in this area. Action Plan is also the response of the Slovak Republic to the second 2005 – 2014 United Nations Decade for Human Rights Education declared at the 59th UN session.

The 2006-2008 Action Plan is already the fourth Action Plan since 2000 and it builds on the achievements of previous Action Plans. This Action Plan also aims at facilitating systemic and permanent attention to the issues of human rights compliance and prevention of discrimination in the individual sectors as well as developing cooperation of ministerial departments with individual NGOs and other entities.

The Action Plan priorities include also activities in the field of extremism and anti-Semitism prevention.

The 2006 – 2008 Action Plan priorities:

Systemic education and training of members of professional groups who, in the discharge of their professional duties, have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance**.**
Systematic education of and opinion-making activity for professional groups and the public in the area of preventing discrimination against migrants.
Intensifying the fight against extremism by drafting and applying legislation, improving the efficiency of detecting, investigating, proving and sanctioning racially or other intolerance-motivated crime and by systemic education and opinion-making activities in the field of extremism prevention.
Intensifying monitoring, systemic education and opinion-making in the prevention of anti-Semitism.
Implementing activities aimed at addressing the challenges of disadvantaged groups of the population.
Supporting cultural and social sciences activities concerning the compliance with human rights and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism, and other expressions of intolerance.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

The Digital Broadcasting Law enables the establishment of e-government services on local level. The use of national minorities languages in official communication on municipal level in regulated by the Law on the Use of Languages of National Minorities.
The Law on Free Access to Information of 2000 guarantees non-discriminatory access to public information including the on-line access.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

n. a.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

n. a.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.
n. a.

Information submitted by Slovenia

General

1. Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

People belonging to Hungarian and Italian national minority have the right to use their mother tongue in the public media. Therefore RTV Slovenija has clear obligations at preparing and broadcasting radio and television programmes for Italian and Hungarian national communities. This is stipulated by the *Constitution of the Republic of Slovenia, Radiotelevizija Slovenija Act, Public Media Act* and *Strategy of the Development of RTV Slovenija 2004-2010*. Apart from a strict observance of the rights of minorities to being informed in their mother tongues, RTV Slovenija also complies with a range of international treaties, signed and ratified by Slovenia: *Convention for the Protection of Human Rights and Fundamental Freedoms (with later protocols), European Cultural Convention* and *European Charter for Regional or Minority Languages*.

Apart from the abovementioned, a Digital Broadcasting Act is being developed, which is going to govern procedures of regulation of digital broadcasting in Republic of Slovenia, conditions for implementation of digital broadcasting, rights and obligations of the provider etc. Until 2012, a digitalization of television transmitters needs to be carried out, which means that all analogue transmitters will be switched off and television programme will only be transmitted through digital transmitters. Nevertheless, there is a danger that older people (and socially weaker) will not be able to change to digital television. This could especially affect the Hungarian minority, as well as the Italian, as the age pyramid of both minorities is considerably below the national average and shows signs of distinctive ageing.

In the future, after the implementation of the Radiotelevizija Slovenija Act (adopted on 15 June 2005) also the national RTV (till now regional radio and TV stations have been broadcasting Roma programmes) will gradually produce Roma radio and TV programs.

2. Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

As far as the topics and programs shown in the media is concerned, the code for journalists is applicable. At internet providers, in cases of intolerant and hostile topics about members of minorities, the webmasters are to take action. The affected people can turn to Human Rights Ombudsman for legal help.

Access to analogue and digital new media

3. What instruments have been developed to promote the passive and active access of national minorities to the new media?

Radio and television programs for the Hungarian National Community are produced within the public Radiotelevizija Slovenija, at the Regional Radio and Television Centre Maribor – Hungarian Programs Studio Lendava. There are 18 hours and 15 minutes of radio program daily, including Saturdays and Sundays, while the television program comprises the TV series MOSTOVI-HIDAK (Bridges) that are broadcast by the national television and by the regional TV channel Maribor. 30-minute episodes of the MOSTOVI-HIDAK series are broadcast by the national television four times a week (with an additional rerun of each episode) through most of the year, and three times a week (plus reruns) in the

summertime. The 30-minute episodes are also shown four times a week by the Regional Channel Maribor through most of the year, and three times a week in the summertime.

The radio and TV station in the Italian language (similarly as with the Hungarian programme) function as part of the state radio and TV station.

Regular daily radio and television programs are produced within the public Radiotelevizija Slovenia, at the Regional Radio and Television Centre Koper-Capodistria (national RTV Slovenia). There is 18 hours of radio program daily which amounts to 126 hours weekly, while television programs are broadcast for 9 hours on Tuesdays, Wednesdays, Fridays, Saturdays and Sundays, and for 7.5 hours on Mondays and Thursdays. The programs of national communities have been additionally co-financed by the state (Office for National Minorities) in view of the provision of Article 30 of the Radiotelevizija Slovenija Act (Official Gazette, No. 96/05).

Apart from electronic media, Italian and Hungarian minorities also have printed mass media at their disposal. The central publication for Italian minority is a daily newspaper »La voce del popolo«, and for Hungarian minority, this is a weekly newspaper »Népújság«. Both are available through the Internet (www.nepujsag.net and www.edit.hr).

Two radio stations; the Murski val from Murska Sobota and the Studio D from Novo mesto have been broadcasting regular weekly programs for the Roma for eight consecutive years. The first one covers the region of Prekmurje, and the second one the regions of Dolenjska, Bela Krajina and Posavje. Both, the Slovene and Roma languages are used in the program, which provides information about the work and life of the Roma, reports on their cultural, sports and other events, including Roma music and original contributions by Roma authors. The program has been well received by the Roma themselves as well as by other audiences.

Since 2002 Office for National Minorities has also been financing Roma TV broadcasts. In the region of Prekmurje the cable TV-IDEA from Murska Sobota prepares these broadcasts, and for the region of Dolenjska, Bela Krajina and Posavje it is the TV Vaš Kanal from Novo mesto (the latter has been recently included in the Office for National Minorities' financing) that prepares these type of broadcasts. The contents of these TV broadcasts are similar to Roma radio programs (already described), but the issues broadcast through TV apart from sound carry also picture, and are therefore more easily accepted by broader audience. Both TV stations through regional TV stations exchange distribute their Roma broadcasts also to other interested TV stations in Slovenia.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

No data

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

No data

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

No data

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Data available only for the Hungarian minority:

a.) Cable television

More than half of the members of Hungarian minority in the mixed area of Prekmurje have access to cable television. In the Lendava municipality, where 3/4 of all Hungarians in the nationally mixed area live, Lendava and the surrounding settlements have access to cable television. Those are: Lendava, Lendavske gorice, Dolga vas, Dolgovaške gorice, Čentiba, Dolina, Trimlini, Dolnji Lakoš, Gornji Lakoš, Gaberje and Kapca. The following settlements in Lendava municipality have no access to cable television: Kamovci, Genterovci, Radmožanci, Mostje, Banuta, Kot, Pince, Pince Marof and Petišovci. Cable television, managed by UPC Telemach, offers 36 channels and video pages. Of those, 6 are in Hungarian language. First and second channel of Hungarian national television (MTV1 and MTV2), Duna TV and two (2) commercial channels (TV2, RTL Klub), whereas Hallmark channel is synchronized in Hungarian and has Slovenian subtitles.

Apart from the aforementioned settlements in Lendava municipality, nationally mixed area has cable television only in Dobrovnik municipality (UPC Telemach), whereas the other bilingual settlement in the same municipality, Žitkovci, does not have one. In Dobrovnik, cable television offers 30 channels and video pages. Of the 30, 5 are in Hungarian language. First and second channel of Hungarian national television (MTV1 and MTV2), Duna TV and two (2) commercial channels.

In both municipalities, Lendava and Dobrovnik, the menu on cable television is in both languages – Slovenian and Hungarian. Both municipalities use the video pages to inform people about current events and programs (cultural, sports etc.) in the municipality and around it.

Nevertheless, three municipalities in Goričko (Hodoš, Šalovci and Moravske Toplice) are completely without cable television or even wireless cable television (MMDS). Here, it needs to be said that these settlements, as well as the rest of them in Goričko with Slovenian population, do not have cable television due to their remoteness from the centres (Murska Sobota and Lendava) and the fact that they are sparsely populated. These areas are at the same time also the least developed in Republic of Slovenia. Also in Lendava and Dobrovnik municipalities, there are some remote settlements without cable television.

Access to the Hungarian channels in bigger towns in Slovenia, where there is a higher number of Hungarians varies a lot. In the capital, Ljubljana, cable television providers offer a free access – the subscription is covered by Republic of Hungary – to two Hungarian channels (Duna TV and MTV2, both are broadcasted via satellite), nevertheless, the users need to buy a decoder for them. Cable television providers in Murska Sobota also offer two Hungarian channels (Duna TV and MTV2). In the second biggest Slovenian town, cable providers do not enable any channels in Hungarian language.

The Hungarian minority in Prekmurje does not have their own cable television or wireless cable system (MMDS).

b.) Wireless cable system (MMDS)

Access to a wireless cable system (MMDS) is available to inhabitants in Dobrovnik and Lendava municipalities. The wireless system (MMDS) enables access to 31 channels, of which 9 are also in

Hungarian language. Five (5) channels are only in Hungarian (those are the already mentioned channels of the Hungarian national television (MTV1 and MTV2), Duna TV, and two commercial channels (TV2 and RTL Klub). Three channels are synchronised – those are foreign channels which are translated and synchronised (Travel, History, National Geographic).

As mentioned before, the bilingual areas in Goričko (municipalities Hodoš, Šalovci and Domanjševci) have no access to wireless cable system either.

8. Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

No data

9. What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Data available only for the Hungarian minority:

a.) Classic and mobile telephone

The nationally mixed area is satisfactorily covered with classical telephone network. Mobile network has a worse coverage, especially in the settlements near the Slovenian - Hungarian border, where the signals of mobile operators are really bad. The coverage with UMTS signal is worse by far.

b.) Internet

Accessibility to internet through broadband (ADSL) connection is satisfactory, as it is enabled in all bilingual areas in the nationally mixed area in Prekmurje. Apart from this, the Republic of Hungary organised e-points (within the programme »e-pontok«) in 10 bilingual villages - Domanjševci, Dobrovnik, Žitkovci, Kamovci, Genterovci, Dolga vas, Lendava, Trimlini, Gaberje, Kapca, where people can access internet free of charge. Mostly these points are in the multipurpose village houses. Apart from these e-points, internet access is also available in two bars in Lendava (Kavarna Bánffy and Route 66).

Republic of Slovenia also financially supported the project of e-village in Dobrovnik, which is a bilingual village in the nationally mixed area in Prekmurje, but the project has come to a halt and is not yet completed.

Information and communication technologies (ICT)

10. What instruments have been developed to promote the active use of new communication technologies by minorities?

No data

11. What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research

aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

No data

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

No data

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

No data

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

No data

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

No data

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

No data

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

Among the open projects in Slovenia, which deal with access of national minorities to new media, we would like to expose the research project with the working title »Cooperation with Scientific, Research and Tertiary Education Institutions in Hungary«. In the framework of the project, a special attention is given to research of access to new media for national minorities and within this with the proposal for a formation and development of an integrated (regional, international) electronic database on minorities, especially in the area of north-eastern Slovenian border (Slovenia, Hungary, Austria and Croatia). The research project, financed by Government Office for National Minorities, is carried out by the Institute for Ethnic Studies.

Information submitted by Sweden

1. Background

Before trying to answer the questions at hand Sweden would like to give the following information concerning statistical data collection and the application of the principle of equal value of every human being in Sweden.

1.1.Statistical data collection

Quarterly, half-yearly and annual statistics on the population of Sweden are compiled by the national statistics agency, Statistics Sweden. Population statistics are presented in three sub-groups. The first includes population broken down by e.g. sex, age, citizenship and country of birth. The second describes population changes, e.g. migrations, births and deaths. And finally, future population trends are forecasted. Sweden does not compile official statistics on people's ethnic origin, however, apart from their citizenship and country of birth, since there are no methods of calculating ethnic origin that are both ethically acceptable and scientifically reliable. It is hence not possible for Sweden to submit statistical data on concerning its national minorities. In accordance with the Personal Data Act (1998:204),TPF3FPT it is also forbidden to process personal data that reveals race, ethnic origin or religious belief.

1.2 Equality before the law

One of the cornerstones of the Swedish judicial system is the principle of the equal value of every human being. This principle and the principle of treating everyone equally before the law are explicitly provided for in the Swedish Constitution. The Swedish Constitution also contains a provision for protection of vulnerable groups. Hence the Instrument of Government Chapter 1, Article 2 stipulates that the public institutions not only shall promote the opportunity for all to attain participation and equality in society but shall combat discrimination of persons on the grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person. In order to promote complete and effective equality between persons who belong to the majority population and those who belong to a national minority, Sweden has substantial protection against discrimination through both civil and penal law.[3] Sweden also has several ombudsmen against discrimination. One of these is the Office of the Ombudsman against Ethnic Discrimination (DO) whose task it is to ensure compliance with the above-mentioned anti-discrimination legislation as regards discrimination on the grounds of ethnic origin, religion or other belief.

2. The questions raised in the questionnaire and Sweden's answers to them

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

There is nothing in Swedish legislation nor in practice that prevents national minorities from producing or using any forms of media. No distinction is made between people as regards their constitutional rights to the freedom of the press and the freedom of expression. Everyone is free to start and run media companies or to use or not use the media.

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[3] Act on Measures against Ethnic Discrimination in Working Life on Grounds of Ethnic Origin, Religion or Other Belief (1999:130), the Ombudsman against Ethnic Discrimination Act(1999:131), Equal Treatment of Students at Universities Act (2001:1286), the Prohibition of Discrimination Act (2003:307), the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67), the Ordinance on Anti-Discrimination Terms in Procurement Contracts (2006:260) and Chapter 16, Article 8 of the Penal Code.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

Service providers as such have not adopted a professional code of conduct. A voluntary Code of Ethics for Press, Radio and Television in Sweden has been adopted by four press organisations: The Swedish Newspaper Publishers' Association, The Magazine Publishers' Association, The Swedish Union of Journalists and The National Press Club. These organisations are responsible for drawing up the code and they finance the Swedish Press Council.
The code does not directly address non-discriminatory access and hate speech or other illegal content, http://www.po.se/Article.jsp?article=1905&avd=english

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

As mentioned under question one there is nothing in Swedish legislation nor in practice that prevents national minorities from producing or using any forms of media. Nonetheless, the Swedish Government has considered it important to implement appropriate measures to facilitate access to the mass media for persons belonging to national minorities.

Public service media bear a major responsibility for paying heed to the needs of the national and ethnic minorities. Broadcasting licences for public service companies, Sveriges Television (SVT – Swedish Television), Sveriges Radio (SR – Swedish Radio) and Sveriges Utbildningsradio (UR – the Swedish Educational Broadcasting Company) have long stipulated that they are to increase their efforts to cater for Sweden's national and ethnic minorities. Under the broadcasting license that applied up until 2002, Sámi, Finnish and Meänkieli were given a unique standing as regards programming. For the current licensing period, which has been running since 2002, Romani Chib shall also be given special treatment. Moreover, the Government Bill that forms the basis of the current broadcasting license stipulates that the public service companies shall also take Yiddish into consideration as a recognised minority language. In March 2006, the Government adopted the bill More important than ever! Public service radio and television, 2007– 2012 (Viktigare än någonsin! Radio och TV i allmänhetens tjänst 2007– 2012 – Government Bill 2005/06:112). The Bill stipulates the overall guidelines that are to apply for SVT, SR and UR for the next licensing period. In the Bill, the Government also proposes that broadcasts in the national minority languages shall continue to be a priority area and that accessibility shall be further improved.

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

There are no specific legislation concerning the use of minority languages in media but the public service broadcasters have in their licences conditions concerning linguistic and ethnical minorities in their activities. The national minority languages Sami, Finnish, Meänkieli, Romany Chib and Yiddish shall then have a special position in that area.
(Also se answer under question number three.)

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

The development of new media, as the Internet, seems to have increased the numbers of services and their availability in minority languages. As for services on demand there is a possibility for access from other countries (via the Internet), that may as an example be the case for services in Finnish. Otherwise the Swedish Radio and TV Authority[4] has no information if there are any services on demand or electronic programme guides available in national minority languages.

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

There are about 4,1 million TV households in Sweden. Of those approximately 25 percent, 1 million TV households, have access to satellite TV. The Swedish Radio and TV Authority has no specified statistics concerning regions with compact minority populations.

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

Approximately 50 percent of the TV households, 2,1 million TV households, receive programmes through cable TV networks. The Swedish Radio and TV Authority has no specific information of what programmes the different network operators transmit but a search at the Internet shows that a large variety of programmes in several different languages is transmitted in the major networks.

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

The new media initiatives can not be said to have had any negative impact on access of national minorities to the media. One organisation that earlier broadcasted Finnish programmes via the analogue terrestrial network in certain areas now has a licence to broadcast in the digital terrestrial network.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

A switchover to digital terrestrial television is due to finish in December 2007. As for radio there are no special plans for a transition. There are no specific concerns related to that issue. The radio public broadcaster has nevertheless started several channels over the Internet broadcasting in national minority languages. There are no gaps in the coverage of the digital television network affecting areas with compact minority population.

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

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[4] The Swedish Radio and TV Authority is a national authority for the media sector. The Authority reports to the Ministry of Culture and is headed by a Director-General.

GSM standards

The rapid increase in different electronic communication methods is an important factor in further developing today's society. The possibility of easily sending text messages, particularly using mobile phone SMS, is one of special significance to consumers everywhere. In this area the Swedish government mainly has work with encouraging the private sector to make necessary changes.

A problem in this connection has been the limited letter repertoire of the original GSM standard, often preventing correct spelling of words in messages. This problem exists in particular for lesser-used languages. The European Telecommunications Standards Institute (ETSI) standard ES 202 130 *Character repertoires, ordering rules and assignments to the 12-key telephone keypad*, published in 2003, is therefore most welcome, since it takes a broadly language-oriented view of the problem.

For Sweden, that standard extends the number of characters available in the original GSM specification with several letters desirable for correct writing of text in Swedish. Further, the specifically Sámi letters needed in Sweden are included. This is important because of Swedish ratification of the Council of Europe charter on regional and minority languages.

IT support for Sámi

When it comes to ICT the Swedish government has mainly worked through encouraging the private sector to make changes that would have a positive affect for the national minorities. In November 2002 the Finnish, Norwegian and Swedish ministers responsible for Sámi affairs and the presidents of the respective Sámi parliaments endorsed the document "Requirements for support of Sámi languages in data processing" (Sámediggi 01/850-51). The ministers and presidents also stated: *"The computer industry is called upon to ... embark upon efforts to introduce support for Sámi languages in industry products as soon as possible"*.

IT support for Sámi is a matter of high importance not only for the Sámi-speaking community. It is also of Government concern. Swedish legislation requires, namely, the use of Sámi in public authorities in the "Administrative area for the Sámi language" (most of northern Sweden), and also in a number of national-level authorities.

So far, complete support for the Sámi languages complying with the documents has been implemented in Windows XP, in its recent Service Pack 2. Some limited support has also been implemented in Macintosh OS X. Other major IT companies are expected to eventually introduce support also.

Local development agreements

Within the area of metropolitan policy local development agreements have been undertaken, some of these have an IT component attached to them. For instance in Gothenburg students have access to help with homework both in Swedish and in their native languages, IT access is provided. (Government Bill 2004/05:175 appendix 17 page 396-397).

The Mother Tongue Theme Website (Webbplatsen Tema Modersmål)

The National Agency for School Improvement is one of two sector agencies in the education field. The Agency supports municipalities and schools in their efforts to improve quality and results. The responsibility for implementation and results has been decentralised to local governors. To improve quality and increase the degree of goal achievement in all parts of the Swedish education system, the Government is investing resources to stimulate local school development. School principals, teachers and chief education officers working in the preschool, school and adult education sectors are the Agency's chief target groups.

The Agency's efforts as regards the national minorities manifest themselves primarily through the Mother Tongue Theme Website (Webbplatsen Tema Modersmål). Between 2000 and 2005, the Government has invested SEK 10 million in the construction and development of the website. It is intended as a resource not only for those working in child-care and in schools but also for everyone

interested in mother tongue support, mother tongue tuition and mother tongue study guidance. It contains information and communication tools as regards mother tongue and covers about 30 different languages, including all of Sweden's recognised minority languages. The website is run by professionally active mother tongue tutors. In addition to producing teaching material, the editors of the website arrange national conferences for teachers of all the minority languages. The aim is to highlight good teaching resources and create good opportunities for meetings. In November 2003 the website was awarded "The Best Global Website Award" at a European computer conference.

As regards the national minority languages, the Agency has consulted the Sámi Schools Board on three variants of Sámi and also gathered Sámi language teachers together for further training. The Yiddish section of the website has been developed in co-operation with the Jewish Central Council in Sweden. Responsibility for Finnish has been delegated to Språkcentrum in Stockholm and Trollhättan Municipality has been responsible for Romani Chib. Apart from the Mother Tongue Theme Website, the initiatives for Roma have consisted of support to the development of dictionaries and teaching media in five different variants of Romani Chib for various age-groups. As regards Romani Chib, the Agency has also worked together with the Finnish National Board of Education and the Council of Europe. As regards Meänkieli, the support function for the Mother Tongue Theme Website is located in Pajala. It should also mentioned that the first conference ever in Meänkieli has been held in Sweden.

Over the years and via the Mother Tongue Theme Website, the Agency has further developed the pilot scheme that began in the autumn of 2004 by introducing part-time distance mother tongue tuition. This tuition is for pupils from compulsory year 6 (average 12 – 13 year-olds) and upward and is carried out in a number of different languages including Sámi. The Agency intends to continue to develop these activities.

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

The goal for the Swedish IT Policy is that "Sweden must be a sustainable information society for all". This goal applies to all individuals in Sweden regardless of ethnic origin.

Affordable access for all is achieved through the national implementation of the EU-wide legislative framework for electronic communications where the overall objective in Sweden is: "Private individuals, companies and authorities shall have access to effective and secure electronic communications. These electronic communications shall provide the greatest possible benefit as regards the range of transmission services, their price in quality. In an international perspective, Sweden shall be at the cutting edge in these respects. The electronic communications shall be sustainable, of practical use and satisfy future needs. The best way of achieving this is to create the conditions for effective competition."

These policy objectives have been developed through public consultation mechanisms.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

There are no statistical information concerning the relevant issue, please see the information concerning statistical data collection above. However in the Government Bill 2004/05:175 page 375, also mentioned under question ten, it is noted that the use of Internet is increasing in society as a whole. It is also noted that according to surveys made there is a difference between men and women

and age groups when it comes to access and use of Internet. The surveys also show that there are differences when it comes to education, income, ethnic origin and disability. However it is important to remember that the different factors interact and strengthen one another and that the spreading of new media works in a different pace in different groups which complicates comparisons of this sort. Different assumptions can be made depending on which factors of Internet use is being measured or to which groups the surveys has been limited.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

Legal measures
The Swedish Penal Code (Chapter 16, section 8) prohibits agitation against a national or ethnic group. The provision criminalizes statements or communication threatening or expressing contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin, religious belief or sexual orientation. The penalty for racial agitation is imprisonment for a maximum period of two years. For the most serious crimes of racial agitation, the penalty is imprisonment for between six months and four years.

The crime Agitation against a national or ethnic group is a limitation of the freedom of speech. The criminalization does not cover statements in the private area. It only covers statements that undoubtedly exceed the limit of a trustworthy and objective discussion. The provision covers verbal and written statements and also statements made through pictures and gestures. Also distribution of statements within an organization can be punishable. Statements are always judged depending on the context they are made in. Agitation against a national or ethnic group is criminalized no matter if the statement is made in the media, on Internet or elsewhere.

The act on Responsibility for Electronic Bulletin Boards (1998:112) also counteracts agitation against national or ethnic groups. Electronic bulletin boards means a service for mediation of electronic messages. If a user submits a message to an electronic bulletin board, the supplier of the electronic bulletin board must remove the message if the message content constitutes for example agitation against a national or ethnic group.

Other measures
The Swedish police services have consistently prioritised hate crimes since 2003. The effort is on a broad front and covers everything from initiatives against unlawful discrimination in places of public entertainment to actions aimed at inducing estate agents and renters of commercial premises not to provide premises to e.g. Nazi organisations.

Reports from the police show that trends related to these crimes vary across the country. Resource allocation and methods are governed by local conditions. Half of all police authorities in Sweden have held training courses for various target groups, both internal and external. Intelligence-based operations by police authorities are being continually improved. The police cooperate and exchange information with ethnic organisations, schools and local authorities towards increasing understanding of hate crimes and identifying effective measures against them. Internationally, the Security Service cooperates with corresponding police organisations in Europe concerning hate crimes linked to the white power movement.
The National Police Board has produced manuals aimed at encouraging police to take victim-support measures early in the investigative process that improve opportunities for the police to clear the crime. The manuals are a key component in police efforts to fight hate crimes.

The Swedish Prosecution Authority gives priority to cases concerning hate crimes and has established guidelines for the fight against such crimes The guidelines establish i.a. that cases regarding hate crimes should be treated with priority and stresses the importance of an effective and ongoing cooperation with the police. The Prosecution Authority has established a special prosecution

development centre with agency responsibility for issues including legal development and legal inspection of cases involving hate crime and matters related to the European Convention on Human Rights. This prosecution development centre carried out a comprehensive project in 2005 oriented towards identifying and rectifying problems related to police and prosecutorial initiatives against hate crimes. The project reviewed a large number of cases involving unlawful discrimination and agitation against a national or ethnic group. The project was concluded with a memorandum whose contents included guidelines for direct support to prosecutors. The memorandum has been made available to all prosecutors in the country.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

When developing on-line public services, no special measures have been taken to facilitate participation by persons belonging to national minorities.

Sweden has followed the discussions about and the development on issues related to e-democracy, both nationally and internationally, and one of the initiatives taken by the former government was to set up a working group on IT and democracy with the task to follow and promote the development of democratic processes using information technology. One of the reports from the working group was a **Strategy for reducing digital gaps in Sweden** (2004).

The new Swedish Government (since September 2006) wants e-democracy/e-governance to become a political priority and Sweden will become more active in this area. This includes considering the possibilities to strengthen and facilitate the use of information technology in the democratic process.

The interest for "e-democracy" in Sweden has so far focused on the local level. There are several incidences of municipalities that have set up some form of on-line opinion poll in which citizens are able to send their views on various issues to the local authority website. Individual politicians have also taken initiatives towards establishing forums where they can meet the public. Examples of such forums include political cafés, regular meeting times at libraries and public question times at council and board meetings. E-mail lists, electronic conference systems and discussion forums are used as a tool in communication in connection with "consultations" or opinion polls, etc. The preconditions for IT use for democratic purposes are quite good in Sweden. The penetration of Internet use in the population has passed 50 %. All municipalities have a Web site, even the very small ones with as little as around 3 000 inhabitants. In 2003, 35 % had an online debate forum. A large number of the forums gave the citizens the possibility to set the agenda for the discussions. Some cities had dedicated forums for special issues, like schools. These cities most often also had open forums.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

No special measures have been taken within this field.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

No special measures have been taken within this field.

17.	Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

For examples on good practise, please especially see the answer to question number ten.

Information submitted by Switzerland

Questions d'ordre général

Remarque générale :

Le 1er avril 2007, sont entrées en vigueur la loi fédérale sur la radio et la télévision (LRTV; RS 784.40), après une révision totale, et son ordonnance d'exécution (ordonnance sur la radio et la télévision ; ORTV, RS 784.40). Le critère d'application de la LRTV à une prestation est le fait que celle-ci soit présentée sous la forme d'un programme de radio et de télévision, les autres prestations tombant alors sous le coup de la loi fédérale sur les télécommunications (LTC, RS 784.10). La distinction entre les deux régimes juridiques n'est donc pas d'ordre technique.

En d'autres termes, les contenus régis par la LRTV doivent être conformes à certaines règles générales. Par contre, s'ils tombent sous la LTC, ils seront en principe libres.

Précisons encore que la LRTV prévoit, comme principes généraux applicables aux contenus :

− Des exigences minimales, dont le respect des droits fondamentaux, notamment la dignité humaine et le principe de non discrimination. En outre, le contenu ne doit pas contribuer à la haine raciale, ne pas porter atteinte à la moralité publique, ne pas faire l'apologie de la violence ni la banaliser (art. 4, 1er al. LRTV).
− La diversité des événements et des opinions dans les programmes (art. 4, al. 4 LRTV).
− Des mesures particulières (par exemple horaire de diffusion ou signaux acoustiques ou visuels) quant aux émissions préjudiciables aux mineurs (art. 5 LRTV).
− Les diffuseurs conçoivent librement leurs programmes et en choisissent notamment les thèmes, le contenu et la présentation ; ils en sont responsables (art. 6, al. 2 LRTV).

1.   Décrivez les mesures réglementaires et autres prises en matière de nouveaux médias et de nouveaux services de communication, en vue de promouvoir les valeurs fondamentales que sont le pluralisme et la diversité, le respect des droits de l'homme et l'accès sans discrimination.

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

Pour les prestations relevant de la LRTV, les indications fournies ci-dessus sont prioritaires.

Pour le respect des minorités linguistiques, on s'en remet notamment au mandat de service public. Donc c'est la « SRG SSR idée suisse » (SSR; média de service public) qui est chargée d'équilibrer la représentation des régions du pays dans ses programmes, ainsi que des langues. Son mandat légal précise encore qu'elle doit fournir à l'ensemble de la population des programmes de radio et de télévision complets et de même valeur dans les trois langues officielles et qu'elle doit promouvoir la compréhension, la cohésion et l'échange entre les différentes parties du pays, les communautés linguistiques, les cultures et les groupes sociaux et tenir compte des particularités du pays et des besoins des cantons (art. 24, 1er al, let. a et b LRTV). Dans l'offre de la SSR, les francophones et italophones disposent de 2 programmes TV et au moins de 3 programmes radiophoniques. Les romanches ont une radio SSR, et des fenêtres programmatiques sur la SF DRS et sur la TSR (cf. art. 24, al. 2 LRTV).

La représentation de la diversité linguistique et culturelle est complétée par l'apport des diffuseurs locaux, notamment ceux qui émettent en romanche et ceux qui sont bilingues (à Bienne et à Fribourg notamment).

Quant à la problématique de l'accès, dans la mesure où il s'agit de programmes de radio et de télévision, soulignons en particulier que :
La liberté de réception est garantie (cf. art. 66 LRTV).
Les réseaux de lignes (à savoir notamment les réseaux câblés) doivent assurer une offre minimale (must-carry-rule ; cf. art. 59 LRTV). Doivent être diffusés les programmes SSR et les programmes dont la concession est assortie d'un mandat de prestations (en particulier les diffuseurs locaux ayant reçu un mandat s'approchant du service public). De plus, un certain nombre de programmes étrangers doivent être compris dans l'offre de base des réseaux câblés (France 2, Rai Uno, ARD, ORF 1, TV5, 3sat, ARTE et Euronews). Quant aux autres programmes, les exploitants des réseaux de lignes sont responsables de leur choix.

2.   Les prestataires de service ont-ils élaboré un code de déontologie/code de conduite de la profession ? Aborde-t-il les questions de l'accès sans discrimination et du discours de haine ou d'autres contenus illicites ?

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

La SSR n'a pas de code de conduite global, mais les différentes rédactions linguistiques éditent pour leur propre compte des lignes rédactionnelles internes. Elles doivent s'aligner au minimum sur les principes généraux applicables aux contenus selon la LRTV en vigueur (cf. supra ad remarque générale).

Accès aux nouveaux médias analogiques et numériques

3.   Quels ont été les instruments mis au point pour promouvoir l'accès passif et actif des personnes appartenant à des minorités nationales aux nouveaux médias ?

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

La diffusion des programmes de la SSR doit répondre aux critères suivants : les programmes de radio et de télévision de la SSR sont diffusés au moins dans toute la région linguistique concernée. Au moins un programme de radio et un programme de télévision de la SSR en allemand, français et italien sont diffusés sur l'ensemble du territoire suisse. Le Conseil fédéral tient compte des besoins de la population *de langue romanche* (cf. art. 30, 1er al. LRTV).

Les réseaux de lignes (à savoir notamment les réseaux câblés) doivent assurer une offre minimale (must-carry-rule ; cf. art. 59 LRTV). Doivent être diffusés les programmes SSR et les programmes dont la concession est assortie d'un mandat de prestations (en particulier les diffuseurs locaux ayant reçu un mandat s'approchant du service public).

4.   Quelles ont été les dispositions légales et autres mesures prises pour promouvoir la diversité culturelle et linguistique dans les nouveaux médias ? Existe-t-il des dispositions légales spécifiques qui régissent l'emploi des langues minoritaires ?

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

C'est par le biais du mandat de service public que l'on assure la promotion de la diversité culturelle et linguistique, notamment par le mandat attribué à la SSR (cf. nota. art. 24, 1er al. let. a et b LRTV, et art. 24, al. 4 LRTV) et aussi par les concessions assorties de mandat qui seront attribuées aux diffuseurs locaux. Certains jouent un rôle particulièrement important à cet égard : il s'agit des diffuseurs en romanche et des diffuseurs bilingues.

5.   En quoi l'évolution des nouveaux médias a-t-elle eu des répercussions sur le nombre et la disponibilité des services en langues minoritaires ? Les services à la demande sont-ils disponibles dans les langues minoritaires nationales ? Les guides électroniques de programmes sont-ils disponibles dans les langues minoritaires nationales ?

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

Les offres numériques, que ce soit par câble ou par le mode hertzien terrestre, se développent à rythme équivalent dans toutes les langues nationales et dans toutes les régions du pays. Avec leur développement, émergent aussi des nouveaux services tels que les guides électroniques de programmes.

En ce qui concerne les réseaux de lignes, leur offre numérique par abonnement (système de bouquet) est très diversifiée tant au plan culturel que linguistique. Mais l'offre de base en analogique couvrait déjà très bien les besoins des minorités linguistiques nationales.

6.   Quel est le nombre de ménages bénéficiant d'un accès à la télévision numérique par satellite ? Ce type d'accès est-il différent de la moyenne dans les régions qui présentent une forte densité de population minoritaire ?

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

Il n'y a pas de données statistiques fiables en ce qui concerne la réception par satellite en Suisse. Vu le taux de câblage très élevé en Suisse, la réception par satellite reste marginale. Toutefois, il semble que certaines minorités culturelles y vouent une préférence, ce d'autant plus que la Suisse est quasiment au centre des couvertures par satellite européennes.

7.   Quel est le nombre de ménages disposant d'un accès à la télévision par câble ? Existe-t-il des chaînes/programmes transmis sur le réseau câblé dans les langues parlées par des personnes appartenant à des minorités nationales ?

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

En 2003, on estime le nombre de ménages abonnés à la TV par câble à 2'745'400 environ. Comme indiqué, la diversité linguistique et culturelle est assurée dans le bouquet de base, encore en numérique, et peut être complétée selon les souhaits des consommateurs par diverses offres

numériques. Le plus grand exploitant est Cablecom SA. On peut se faire une idée de la diversité de son offre sur www.cablecom.ch.

8. Les initiatives prises par les autorités en matière de « nouveaux médias » englobent-elles l'accès transfrontière des minorités nationales aux médias, y compris pour les « Etats parents » ? Les initiatives prises dans le domaine des nouveaux médias (télévision numérique, par exemple) ont-elles eu des conséquences négatives sur l'accès des minorités nationales aux médias, du fait de la disparition des médias « anciens »?

8. Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

C'est exactement dans cette optique-là que la règle de transport obligatoire imposée aux exploitants de réseaux de lignes a été étendue aux programmes étrangers diffusés dans une langue nationale suisse et remplissant des critères précis (art. 52 ORTV). A l'heure actuelle, il s'agit des programmes Arte, 3Sat, TV5, ARD, ORF 1, France 2, Rai Uno, et Euronews dans la langue de la région linguistique correspondante (cf. annexe à l'ORTV).

Dans le cadre du processus de numérisation des réseaux de lignes, il y a eu quelques divergences d'opinions quant aux choix des canaux analogiques à numériser. Toutefois, hormis la règle de transport obligatoire, ces choix relèvent de la liberté des exploitants.

9. Quel est l'état d'avancement des éventuels projets de numérisation des médias de service public ? Suscitent-ils des préoccupations à l'égard des minorités et de leur accès aux médias numériques ? La couverture du réseau de télévision numérique présente-t-elle, par exemple, des carences qui touchent en particulier les zones à forte densité de population minoritaire ?

9. What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

La numérisation de la diffusion terrestre de programmes de radio et de télévision de la SSR est bien avancée. Le souci d'assurer une desserte optimale des minorités linguistiques a été placé en priorité. Ainsi, la diffusion terrestre numérique des programmes de télévision a débuté aux Grisons et au Tessin, assurant ainsi une desserte plus large et de meilleure qualité qu'en analogique. Fin juin 2007, ce sera le tour de la Suisse romande pour aboutir à la Suisse alémanique en fin d'année.

Technologies de l'information et de la communication (TIC)

10. Quels ont été les outils mis au point pour promouvoir l'utilisation active par les personnes appartenant à des minorités nationales des nouvelles technologies de communication ?

10. What instruments have been developed to promote the active use of new communication technologies by minorities?

11. Quelles ont été les mesures prises (le cas échéant) pour assurer la participation la plus large possible aux médias numériques et un accès effectif et abordable à l'Internet et aux autres technologies de la communication pour les populations minoritaires ? Ces mesures politiques sont-elles fondées sur

des consultations (publiques) ou autres recherches visant à évaluer les besoins et préoccupations des personnes appartenant aux minorités nationales dans le contexte des technologies numériques ?

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

12.   Des différences ont-elles été constatées en matière d'accès au haut débit entre les personnes appartenant à des minorités nationales et la population majoritaire ?

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

13.   Décrivez les dispositions légales et autres mesures prises (le cas échéant) pour lutter contre l'incitation à la haine et d'autres contenus illicites qui portent atteinte aux minorités nationales dans les TCI.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

14.   Décrivez les mesures prises (le cas échéant) par les pouvoirs publics lors de la mise en place de services publics en ligne (utilisation d'Internet pour faciliter la participation aux affaires publiques et aux processus démocratiques (démocratie électronique) aux niveaux local, régional et national) pour permettre la participation effective des personnes appartenant à des minorités nationales.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

15.   Décrivez les mesures prises (le cas échéant) pour permettre aux professionnels des médias (y compris stagiaires et étudiants) issus des minorités nationales d'acquérir les compétences nécessaires afin d'exploiter pleinement les nouvelles technologies ; par exemple l'accès en ligne à des informations fournies par le gouvernement, l'utilisation des innovations technologiques à divers étapes de la production, du contenu et de la distribution, etc. ?

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

16.   Dans quelle mesure les stratégies de promotion de la capacité à utiliser les médias ont pris en compte les besoins, intérêts et préoccupations des personnes appartenant à des minorités nationales ?

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

17.   Veuillez décrire de façon succincte un projet ou une activité en cours dans votre pays que l'on pourrait considérer comme étant une bonne pratique dans le domaine des nouveaux medias et nouvelles TIC à l'égard des minorités nationales ou ethniques.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

Concernant les questions 10 - 17 du questionnaire du Conseil de l'Europe, la Suisse n'a que peu d'informations à fournir.

En dehors du mandat de service public de la SSR pour *les minorités francophone, italophone et romanche* présenté ci-dessus, il n'existe pas en Suisse de mesures spécifiques pour l'accès aux nouveaux médias des autres minorités nationales, ainsi *les membres de la communauté juive ou les gens du voyage*.

Dans le domaine de la société de l'information, le Conseil fédéral a adopté en 1998 une "Stratégie sur la Société de l'Information en Suisse". En janvier 2006, une stratégie actualisée a vu le jour, qui poursuit le même but que celle de 1998, à savoir: déployer les technologies de l'information et de la communication (TIC) rapidement, de manière coordonnée et au profit de tous.

Parmi les objectifs clé de la nouvelle stratégie figure aussi l'accès de tous aux nouveaux médias. Tous les habitants du pays font partie intégrante de la société de l'information et jouissent d'un accès égalitaire et sans obstacle aux TIC, de manière à pouvoir les utiliser conformément à leurs besoins privés ou professionnels. Il est également tenu compte des besoins des groupes de population potentiellement désavantagés. En particulier, la Confédération soutient les mesures visant à assurer l'égalité des sexes face aux TIC.

Comme mesure prioritaire de la mise en oeuvre, le Conseil fédéral a mandaté les Départements et Offices compétents pour élaborer une stratégie nationale de cyberadministration, une stratégie nationale "eHealth", ainsi qu'un concept pour le traitement des données et des documents électroniques au sein de l'administration fédérale. S'agissant de la stratégie de cyberadministration, elle ne contient pas de références à des mesures à prendre pour la promotion d'accès ou de la capacité d'utilisation pour les groupes visés par le présent questionnaire.

Davantage d'informations sur la stratégie du Conseil fédéral sur la société de l'information ainsi que sur les travaux de mise en oeuvre sont disponibles sur le site web de l'OFCOM à l'adresse suivante: http://www.bakom.ch/themen/infosociety/index.html?lang=fr

Dans le contexte de la politique suisse pour la promotion de la diversité culturelle et linguistique, et en particulier pour la promotion de la *minorité linguistique romanche*, on peut par contre faire référence au projet de Loi fédérale sur les langues nationales et la compréhension entre les communautés linguistiques (Loi sur les langues, LLC) : http://www.admin.ch/ch/f/ff/2006/8563.pdf   qui sera discuté en juin 2007 par le Parlement suisse.

Par ce projet, la Confédération tient compte du mandat de politique des langues dans son ensemble. Ce projet règle l'emploi des langues officielles par les autorités fédérales et dans les rapports des citoyennes et citoyens avec ces dernières (art. 70, al 1 Cst.). Il inscrit explicitement l'équivalence des langues officielles et le statut et l'utilisation du romanche comme langue officielle régionale de la Confédération. Quant aux nouveaux médias, on peut y trouver une seule référence, dans le chapitre "Langues officielles de la Confédération": cf. Art. 12: "Les autorités fédérales se présentent au public dans les quatre langues officielles, en particulier, … b) dans les pages d'accueil de leur site Internet, …".

S'agissant de la question no 16 du questionnaire (promotion de la capacité à utiliser les nouveaux médias des personnes appartenant à des minorités nationales), il faut là aussi encore une fois souligner qu'il n'existe pas de mesures spécifiques de formation pour ce groupe de personnes.

Par contre, étant donné que la politique de formation au niveau non-universitaire relève de la compétence des cantons, on peut se référer à la Stratégie de la CDIP (Conférence des directeurs cantonaux de l'instruction publique), adoptée par les 26 directeurs et directrices cantonaux de l'instruction publique le 1er mars 2007, qui actualise la stratégie de la CDIP en matière de médias et de technologies de l'information et de la communication (TIC). Les directeurs y confirment leur engagement pour les TIC dans les écoles suisses et redéfinissent leurs priorités dans la coopération nationale en la matière. http://www.edk.ch/PDF_Downloads/ICT/ICT-Strategie_Kantone_f.pdf

Information submitted by Ukraine

In Ukraine according to the national legislation and in conformity with the common international norms and standards the central bodies of the executive power, other institutions realize appropriate measures on providing of rights and basic freedoms to the citizens of Ukraine.

The legislation of Ukraine guarantees equal political, economic, social and cultural rights to the citizens of Ukraine who are representatives of different nationalities living on its territory.

General

1.   Describe what regulatory and other measures have been taken with regard to the new media and new communication services in order to promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access?

It should be noted that respective provisions concerning the intolerable abuse of the right to the information are reflected in Laws of Ukraine „On information", „On printed mass media (press) in Ukraine", "On information agencies" and „On television and radio broadcasting", "State Support for Mass Media and Social Protection of Journalists".
According to the first part of article 46 of the Law of Ukraine "On information" information shall not be used to incite the overthrow of the constitutional order, violate the territorial integrity of Ukraine, or to propagandise war, violence, cruelty, fan racial, ethnic or religious enmity, commit terrorist attacks, or encroach on human rights and freedoms.
For infringements of Legislation of Ukraine on information article 47 of the above-mentioned Law envisages disciplinary, civil, and administrative liabilities, as well as criminal prosecution in keeping with the laws of Ukraine.
Also, in conformity with the provisions of the part 3 of the article18 of the Law of Ukraine „On printed mass media (press) in Ukraine" in the case of the racial, national, religious enmity the court suspends the emission of the edition.
The article 4 of the law of Ukraine "On television and radio broadcasting" stipulates: the government by every legal means prevents any regular, single-minded and unreasonable concentration of attention on or positive portrayal (treatment) of war, violence and cruelty, inciting of racial, ethnic or religious hostility in newscasts and other television and radio broadcasts and promote ideological and political plurality in the domain of audio-visual media.

2.   Has a code of ethics/professional code of conduct been adopted by the service providers? Does it address the questions of non-discriminatory access and hate speech or other illegal content?

The Code of Ethics of Ukrainian Journalist has been adopted by journalists at the session of Commission on Journalists' Ethics. According to the Code "no one can be discriminated because of gender, language, race, religion or ethnic, religion, social origin or because of political preferences".

Access to analogue and digital new media

3.   What instruments have been developed to promote the passive and active access of national minorities to the new media?

The Laws of Ukraine "On information", On information agencies" and „On television and radio broadcasting" and "The main principles of the development of the information society in Ukraine for the period of 2007-2015" promote the passive and active access of national minorities to the new media.

As for questions 4-11 we have only such information

4.   What regulatory and other measures have been taken to promote cultural and linguistic diversity in the new media? Are there any specific legal provisions regulating the use of minority languages?

5.   How has the development of new media affected the number and availability of the services in minority languages? Are the services on demand available in national minority languages? Are electronic programme guides available in national minority languages?

6.   What is the number of households with access to satellite digital television? Do the regions with compact minority populations differ from the average in terms of such access?

7.   What is the number of households with access to cable TV? Are any channels/programmes in languages spoken by persons belonging to national minorities transmitted via the cable network?

8.   Do the "new media" initiatives on the part of the authorities involve transfrontier access of national minorities to the media, including in respect of "kin-state"? Have new media initiatives (e.g., digital television) had any negative effects on access of national minorities to the media caused by the disappearance of old media?"

Appearance of new media initiatives did not have any negative effect on access of national minorities to the new media.

9.   What is the status of possible plans as regards digitalisation of public service media and are there any specific concerns related to minorities and their access to digital media? Are there, for example, gaps in the coverage of the digital television network that particularly affect areas with compact minority population?

Information and communication technologies (ICT)

10.   What instruments have been developed to promote the active use of new communication technologies by minorities?

11.   What policy measures have been taken (if any) with regard to ensuring the digital inclusion and the effective and affordable access to the Internet and other ICTs for minority populations? To what extent are such policy measures based on (public) consultation exercises or other research aimed at ascertaining the needs and concerns of persons belonging to national minorities in the context of digital technologies?

According to the part 4 of the article 4 of the Law of Ukraine „On television and radio broadcasting" the government does not impede direct reception of television and sound programmes and broadcasts emitted from other countries in a minority language or a regional language similar to it.
The point „b" of the part 14 of the article 25 of the Law stipulates while reviewing applications the National Council gives priority to a broadcasting organisation that gives advantage to socially

important programming (news, public affairs, children's programmes, etc.), satisfies the information needs of ethnic minorities and promotes free speech.

According to the article 42 of the Law re-transmission of television and radio programmes and broadcasts the content of which complies with the requirements of the European Convention on transfrontier television shall not be subject to limitation in the territory of Ukraine. The procedure of re-transmission is governed by this Law.An economic agent in the jurisdiction of Ukraine which intends to carry out re-transmission and has been authorised to do so by the copyright holder (producer) who does not come under the jurisdiction of an EU member state or another state party to the European Convention on transfrontier television must adjust the content of the programmes intended for re-transmission to the requirements of the Ukrainian legislation.

The right to re-transmit television and/or radio programmes or broadcasts is determined by a broadcast license or a programming service provider's license. The maximum scope of re-transmission and tentative list (per genre) of programmes and broadcasts intended for re-transmission shall be determined by the programming philosophy as required by this Law.

Programme service providers carry out re-transmission of television and radio programmes and broadcasts in multichannel networks in compliance with the list of television and radio programmes and broadcasts proposed for provision in the programming service.

Taking into account the peculiarities of the national composition of certain regions of Ukraine, the broadcasting is aired by: Zakarpatska, Gytomyr, Odessa, Tchernivtsi Oblast State Tele-radio Companies, State Tele-radio company „Krym", TRC „Atlant-SV", TRC „TAV-Dair", AR Krym, TRC „Soiuz TV", Gytomyr, TRC „TVA", Tchernivtsi, TRC „MAN" and TOV „Ritz „Nezalegnist", Lviv, Izmail telestudio, TRO „Real – ATV", Bolgrad, TRO „Novyny Prydniprovia", Belgorod-Dnystrovsky.

12.   Are there any differences detected as regards access to broadband by persons belonging to national minorities compared to the majority population?

Ukrainian state guarantees equal political, economic, social and cultural rights to all citizens of Ukraine who are representatives of different nationalities living on its territory.

Discrimination because of nationality is prohibited and punished by the law according to Declaration on rights of nationalities of Ukraine (article 1).

According to Article 24 of the Constitution of Ukraine there "shall be no privileges or restrictions based on race, color of skin, political, religious and other believes, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

All citizens of Ukraine, including national minorities have equal access to the new media.

13.   Describe what legal and other measures have been taken (if any) to effectively counter/combat "hate speech" or other illegal content which affects national minorities in ICTs.

See 1.

14.   Describe what measures have been taken (if any) by public authorities when developing on-line public services (use of the Internet to facilitate participation in public affairs and democratic processes (e-democracy) at national as well as local and regional levels) to enable effective participation by persons belonging to national minorities?

All citizens of Ukraine who are representatives of different nationalities living on its territory have access to the web-sites.

15.   Describe what measures (if any) have been taken to enable media professionals (including trainees/students) from national minorities to acquire the necessary skills for maximising their exploitation of new technologies, e.g. accessing government-held information online, use of technological innovations for various stages of content-production and distribution, etc.?

National Council of Journalists of Ukraine holds different seminars and trainings on qualification of journalists, as well as to acquire the necessary skills for maximising their exploitation of new technologies.

16.   To what extent do strategies for the promotion of media literacy take the needs, interests and concerns of persons belonging to national minorities into account?

Strategies for the promotion of media literacy extent to all citizens of Ukraine, including persons belonging to national minorities taking into account their needs, interests and concerns, without any discrimination.

17.   Please give a short description of a project or activity already running in your country that might be considered as good practice in the field of new media and new ICTs with relevance for national or ethnic minorities.

We have no concrete examples in the field of new media and new ICTs with relevance for national or ethnic minorities.