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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 9 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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1. ALBANIA

The Advisory Committee notes that freedom of expression is guaranteed under Article 22 of the Constitution of Albania and that The Law on the Press amended by Law No 8239, dated 3.09.1997 has only one article saying that “The press is free. Freedom of press is respected by law”. The Advisory Committee also notes that Law No 8410, dated 30.09.1998 on Public and Private Radio Television in the Republic of Albania guarantees to national minorities access to the electronic media, allowing broadcasting in minority languages under Article 37. The Advisory Committee also notes that no limit is placed on the ratio of broadcasting of minority languages.

The Advisory Committee notes, however, that there are plans to introduce changes in the media legislative framework. In this respect the Advisory Committee notes that a draft law on the freedom of the press was prepared, but not followed up upon, in view of negative comments from both domestic and international sources. Furthermore, the Advisory Committee understands that a new draft law on broadcasting will be proposed in the near future. The Advisory Committee considers it important that the adoption of new legislation in this field should facilitate access to the media for persons belonging to national minorities, in accordance with Article 9 paragraph 2 of the Framework Convention, and encourages the authorities to ensure that adequate consultation is carried out with all concerned persons, including those belonging to national minorities, in the preparation of new legislation.

In relation to the printed media, the Advisory Committee notes that persons belonging to national minorities in Albania have their own, albeit limited, printed media, and that while much of this media is published regularly, there are no Albanian daily newspapers in minority languages for persons belonging to national minorities. The Advisory Committee notes, however, that foreign media is available in the country in a number of minority languages. Notwithstanding that the possibility of State assistance for the media, in one form or another, may be limited, the Advisory Committee considers that the authorities should examine how assistance to minority media may be strengthened.

In relation to sound radio and television broadcasting, the Advisory Committee notes that while there are a very limited number of programmes broadcast for national minorities, such as a 30 minute radio broadcast by Radio Tirana in the Greek language twice a day, a 45 minute programme every day in Greek broadcast by Radio Gjirokastra, and news in Macedonian on Radio Korça three times a week, there is virtually no broadcasting for Roma, Aromanian / Vlach and Montenegrin minorities. Furthermore, there are no radio stations or television stations catering only for national minorities.

In relation to private sound radio and television broadcasting, the Advisory Committee notes that no requests have been made to the National Radio and Television Council for licences to establish local radio or television stations on the part of persons belonging to national minorities. The Advisory Committee understands that this lack of demand is due to the lack of prospective funding rather than a lack of interest from persons belonging to national minorities.

The Advisory Committee considers that there remains scope for extending further sound radio and television broadcasting for national minorities, and is sensitive to the calls for increased levels of coverage of minority issues and a greater number of programmes to be broadcast in the different minority languages on both radio and television. The Advisory Committee considers that further support for such coverage should be provided by the relevant authorities, for example by requiring licensees to allocate a certain amount of time to broadcasting in minority languages and that the

Steering Council of Albanian Radio Television, on which there is a representative of national minorities, should keep under review the ratio of programmes for persons belonging to national minorities, as well as the time and timing of these programmes, in order to guarantee appropriate coverage for the respective national minorities.

The Advisory Committee welcomes the steps taken by local authorities, together with the relevant decisions of the Steering Council of Albanian Radio Television, to allow the installation of TV amplifiers permitting the Greek national minority to watch Greek television, including in Tirana. The Advisory Committee also recognises that the Macedonian and Montenegrin national minorities can also receive certain radio and television programmes from neighbouring countries without special amplifiers. The Advisory Committee welcomes this situation, but considers that availability of such programmes from neighbouring states does not obviate the necessity for ensuring programming on domestic issues concerning national minorities and programming in minority languages.

The Advisory Committee considers that the training and sensitisation of journalists and media professionals to the situation of national minorities in Albania could open the way to increasing the level and quality of coverage of minority issues, in general, in the media. The Advisory Committee therefore encourages the relevant authorities, together with media professionals and journalists, to examine how such training and awareness might take place. In this, the Advisory Committee considers that particular attention should be given to matters affecting the Roma, as it is said that they have been largely ignored in the media and that allegations of negative stereotyping of persons belonging to this group continue to exist in the media (see also under Article 6 above).

In respect of Article 9

The Advisory Committee *finds* that notwithstanding the availability of regular printed media for national minorities, there is an absence of daily Albanian printed media in minority languages for Albanian national minorities. The Advisory Committee *considers* that the Albanian authorities should examine how assistance to minority printed media may be strengthened.

The Advisory Committee *finds* that there are only a limited number of broadcasts on sound radio and television for national minorities and that there are no radio stations or television stations catering only for national minorities. The Advisory Committee *considers* that further support for such coverage should be encouraged, both through licensing requirements and through training and sensitisation of journalists and media professionals about issues of relevance to national minorities in Albania. The Advisory Committee furthermore *considers* that particular attention should be given, through training and sensitisation, to avoiding negative stereotyping, in particular of the Roma, in the media.

2. ARMENIA

The Advisory Committee notes that Article 24 of the Armenian Constitution and Article 2 of the Law on the Media (October 1991) guarantee the freedom to receive and impart information through any medium. The Advisory Committee does, however, note that Article 5 of the Law on the Media mentions Armenian as the language of information dissemination through the media in Armenia. The Advisory Committee nevertheless notes that the same law acknowledges the right of persons belonging to national minorities to receive, prepare and disseminate information and to set up and use their own media in the relevant minority language.

The Advisory Committee also notes that according to Article 28 of the Law on Television and Radio Broadcasting (adopted in October 2000 and amended in October 2001), public television and radio broadcasting companies must develop programmes corresponding to the interests of national minorities and earmark air time for special programmes in minority languages. However, the Advisory Committee considers this law too restrictive, as it limits broadcasting time in minority languages to a maximum of one hour per week for all national minorities on television and one hour per day on radio. Given that, under the transitional provisions of the same law, by 2004 the programmes produced at national level must total 55% of all programmes broadcasted by radio and television companies, one can infer that broadcasting time in Russian and other minority languages will be gradually cut.

As to practice, the Advisory Committee notes with regret that access by persons belonging to national minorities to and their presence in the public electronic media are fairly limited. In connection with programmes or media in minority languages, there has been a downward trend in this respect over the last few years. This is apparently due partly to the very low level of state support and partly to insufficient action by those concerned. For instance, despite the aforementioned legislative guarantees and the open stance adopted by the authorities, the Advisory Committee notes that there are no programmes in minority languages on public television, apart from a special 7-minute news bulletin in Russian and English, broadcasted at midnight. Although there are television programmes on the cultures, identities and values of the national minorities, the authorities have apparently opted for prioritising public radio broadcasts in the minority languages. The public radio service broadcasts programmes in Russian and Yezidi (with daily transmissions), in Georgian (one hour every week), in German (more than two hours per week), as well as Kurdish and Farsi. The Advisory Committee considers that the Armenian authorities should address the above-mentioned situation and take appropriate steps to increase the broadcasting time made available in the public media for persons belonging to national minorities.

The Advisory Committee notes that there are no restrictions on the access to or presence of persons belonging to national minorities in the private media. Furthermore, it notes the open stance adopted in this respect by the various private radio and television companies, which reflect in their programmes, the concerns, traditions and values of the various communities and their cultural events. Several private television channels broadcast 20 to 50 minutes of programmes in minority languages every day, particularly in Russian, Farsi and Kurdish. Every Sunday, one major television channel devotes thirty minutes to Russian-language programmes aimed at all the Russian-speaking populations throughout the Commonwealth of Independent States.

The Advisory Committee notes that no application for an audiovisual broadcasting licence has been registered from persons belonging to a national minority. One of the main reasons for this appears to be the shortage of financial resources for setting up broadcasting companies, due to socio-economic difficulties that the country is facing. Representatives of national minorities have complained of the lack of state support for the creation of private media companies by persons belonging to these minorities. Similarly, the Advisory Committee notes that even though, according to the minority representatives, there are specialists from national minorities capable of ensuring the functioning of such media, they have insufficient opportunities for specialist training and promotion in the profession. The Advisory Committee would urge the authorities to consider this situation and increase its support to persons belonging to national minorities in this field.

As to the press, the Advisory Committee notes the existence of a number of publications, some of which are published not in the language of the minority concerned but in Armenian, Russian or English, or else in several different languages. For instance, the State Report mentions the existence, in 1999, of about ten publications in Russian, belonging to the Russian, Ukrainian,

Kurdish, Yezidi and Jewish communities. The same Report indicates that in May 2001 three new publications appeared for national minorities (Ukrainian, Jewish and Yezidi). However, the Advisory Committee notes that the representatives of national minorities are dissatisfied with the current situation. Even though in 2001 the State did grant some support to publications for national minorities in response to applications from the communities concerned, their representatives insist that the level of aid provided is far from sufficient. In the Advisory Committee's view, the Armenian authorities should examine this situation and take all the necessary steps to improve it.

The Advisory Committee notes that certain minorities enjoy support from their kin-State in this field, either directly or through intergovernmental co-operation. For instance, the Advisory Committee welcomes the effective co-operation between Armenia and Ukraine, which has enabled both countries to develop bilingual publications for the respective communities.

Overall, the Advisory Committee notes that even though access to the media is guaranteed in principle to persons belonging to national minorities, there are still shortcomings in this field. It also notes the existence of more general difficulties affecting not only persons belonging to national minorities, namely the fact that the media depend financially on the State because of the tax system and the virtual State monopoly on distribution and printing, and the heavy influence of the political parties and the business community.

The Advisory Committee considers that the Armenian authorities should intensify their efforts to implement fully the commitments entered into under Article 9 of the Framework Convention. Having been informed that draft legislation on State support to the media is currently under discussion, the Advisory Committee encourages the authorities to take account of the needs of persons belonging to national minorities when preparing and adopting this legislation. In its view, the Government should consult with national minority representatives in order to ensure that any support it provides will be sufficient to meet the needs and to strike an appropriate balance among the various national minorities in terms of media access and presence. Furthermore, the Advisory Committee considers that the authorities should ensure that all the conditions are fulfilled for media independence, so that the media can play a positive role in promoting inter-ethnic understanding.

In respect of Article 9

The Advisory Committee *finds* that, although access to the media by persons belonging to national minorities is guaranteed by law, there continue to be shortcomings, at the legislative level as well as in practice. The Advisory Committee *considers* that the authorities should step up their efforts to broaden the possibilities of minority access to and presence in the media so as to fully implement the rights protected by the Framework Convention in this field.

The Advisory Committee *finds* that the Law on Television and Radio is too restrictive with regard to the use of minority languages in the public electronic media, particularly public television. The Advisory Committee *considers* that the authorities should take the necessary measures, including at the legislative level, in order to increase the broadcasting time allocated to minority languages in the public television and radio services.

The Advisory Committee *finds* that the support offered to national minorities to set up private electronic or print media is insufficient. The Advisory Committee *considers* that the authorities should examine the situation and identify the ways and means of increasing this support when drafting and passing the law on state support to the media. Particular attention should be focused, via consultation of those concerned, on matching aid to needs and striking a balance between the various national minorities.

3. AUSTRIA

In the field of print media, the Advisory Committee notes that although they do not have their own daily newspapers, national minority organisations publish five weeklies. The Advisory Committee welcomes the fact that, by virtue of a clause in Article 2 paragraph 2 of the 1985 Law on Press Subsidies, exempting periodicals published by national minorities from the obligation to sell at least 5,000 copies and employ two full-time journalists, the five weekly publications in question receive subsidies under the general press and journalism support plan.

In radio and television broadcasting, an amendment to the Federal Broadcasting Act entered into force on 1 January 2002. Article 5, paragraph 1 of the new Act henceforth requires the Austrian Broadcasting Corporation (ORF) to broadcast a reasonable proportion of programmes in the languages of the national minorities represented in the Advisory Councils for national minorities, the air time devoted to these programmes being determined annually following consultation with the Public Audience Council. While noting that certain representatives of national minorities regret that this provision does not clearly specify the minimum amount of air time to be devoted to these programmes, the Advisory Committee welcomes the possibilities opened up by the new Act and notes that emphasis should now be placed on its implementation. It also notes with satisfaction that Article 28, paragraph 4 of the new Federal Broadcasting Act provides for a representative of the national minorities to sit on the viewers' and listeners' Council, one of whose tasks is to decide what proportion of air time is devoted to national minorities.

The Advisory Committee notes that since 1998 the Austrian Federal authorities have allocated substantial funding to the launching of radio programmes for national minorities. The final instalment of this aid was allocated in 2000. As the Government points out, the amendment of the Federal Broadcasting Act should encourage co-operation between the ORF and private producers, which will open up new prospects for private radio stations. In view of the sudden cut in financial aid compared with the sums distributed in recent years, the Austrian authorities should be particularly careful that the transition between the old and new arrangements for financing radio broadcasting does not jeopardize the existing programmes.

The Advisory Committee notes that the Slovenes of Carinthia enjoy a weekly 30-minute programme on public service television, as do the Croats of Burgenland, and that these programmes are generally considered of high quality. The Hungarians of Burgenland only enjoy a 30-minute programme on public service television four times a year. The other national minorities have no programmes aimed specifically at them, although there is a general weekly news programme about immigrants and national minorities in Austria. The Advisory Committee notes that there is a real interest among the national minorities in developing television and radio programmes. This interest is most apparent in persons belonging to national minorities living in Vienna, particularly the Czechs, Slovaks and Hungarians, for whom there are at present very few programmes if any. The Advisory Committee considers that the authorities should try to meet these expectations.

The Advisory Committee welcomes the fact that since the new Broadcasting Act came into force the principle of more programmes in the near future for the Croats of Burgenland has been agreed and the Czechs, Slovaks, Hungarians and Roma are now entitled, in Vienna, to have programmes financed or produced by the ORF. However, the Advisory Committee is aware of the alleged difficulties for the ORF to find partners capable of producing such programmes and realises that it will take time to expand the existing supply.

The Advisory Committee notes that there are at present no radio or television programmes financed by the ORF for the Slovenes of Styria. For technical reasons the Slovenes of Styria cannot receive the programmes produced in Carinthia. The Advisory Committee considers that the Austrian authorities, in consultation with those concerned, should seek to cater better for the needs of the Slovenes of Styria in the media field.

In respect of Article 9

The Advisory Committee *finds* that the amendment to the Federal Broadcasting Act which entered into force on 1 January 2002 opens up new possibilities for the ORF to broadcast programmes in the languages of the national minorities represented in the Advisory Councils for national minorities. It *considers* that emphasis will now have to be placed on the implementation of this amendment and that the Austrian authorities should be particularly careful that the transition between the old and new arrangements for financing radio broadcasting does not jeopardize the existing programmes.

The Advisory Committee *finds* that, as concerns programmes on public service television, the Hungarians of Burgenland only enjoy a 30-minute programme on public service television four times a year and the Czechs, the Slovaks and the Roma have no programmes aimed specifically at them. The Advisory Committee *considers* that, given that there is a real interest among the national minorities in developing television and radio programmes, notably among the Czechs, Slovaks and Hungarians living in Vienna, the Austrian authorities should try to meet these expectations.

4. AZERBAIJAN

The Advisory Committee notes with satisfaction that there is regular radio and/or local TV broadcasting in some of the minority languages in Azerbaijan, including in Avar, Georgian, Kurdish, Lezgin, Russian and Talysh. The Advisory Committee finds it important that such broadcasting is maintained and expanded further and that it is protected also in the relevant legislation.

Against this background, the Advisory Committee deeply regrets that, whereas the 1999 Law on Mass Media and the 1992 decree on the rights and liberties of national minorities envisage broadcasting in minority languages, the new Law on the State Language in the Azerbaijan Republic, adopted on 30 September 2002, stipulates in its Article 6, paragraph 1, that “[a]ll TV and radio broadcasting founded and operating on the territory of the Azerbaijan Republic regardless of the ownership is carried out in the state language”. This provision is not yet implemented in practice as the above-mentioned minority language broadcasting continues in Azerbaijan. While acknowledging that it is legitimate to introduce measures to promote the state language also in the media field, the Advisory Committee considers that such an overall exclusion of national minority languages from the TV and radio broadcasting is not compatible with Article 9 of the Framework Convention.

In view of the foregoing the Advisory Committee urges the authorities of Azerbaijan (in the context of a general review of the said law, proposed under Article 10) to amend Article 6 of the Law on the State Language with a view to making it compatible with the principles of the Framework Convention. Furthermore, the Advisory Committee considers that the question of access of persons belonging to national minorities to the media, including in their own language, should be addressed in the context of the on-going drafting of a new law on the protection of national minorities and of new legislation concerning public service broadcasting.

As regards print media, the Advisory Committee welcomes the existence of a number of newspapers in minority languages, but notes that the lack of financial resources is a major obstacle in this sphere. The Advisory Committee encourages the authorities to consider additional measures to support this sector and notes that certain related steps are envisaged in Article 9 of the 1992 decree of the President of Azerbaijan on the rights and liberties of national minorities. Furthermore, the Advisory Committee refers in this connection to its comment, under Article 7 of the Framework Convention, on the general situation of freedom of expression in Azerbaijan.

In respect of Article 9

The Advisory Committee *finds* that the overall exclusion of national minority languages from the TV and radio broadcasting, stipulated in Article 6 of the new Law on the State Language, is not compatible with Article 9 of the Framework Convention and *considers* that the said article should be amended.

5. BOSNIA AND HERZEGOVINA

The Advisory Committee welcomes the fact that Article 16 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities in a number of respects reflects the principles contained in Article 9 of the Framework Convention and contains elements that support both passive and active access to the media by persons belonging to national minorities. The Advisory Committee however regrets that, owing to a lack of implementation mainly at the sub-State level, this provision is not yet fully operational, in particular as concerns the obligation for radio and television stations operating as public services to secure special informative programmes in minority languages at least once a week.

According to the Communications Regulatory Agency of Bosnia and Herzegovina, no application to set up a not-for-profit radio devoted to national minorities and broadcasting in minority languages has ever been registered. A survey recently conducted by the Communications Regulatory Agency reveals that a number of broadcasters are in principle favourable to offering access for persons belonging to national minorities to their regular programmes. This contrasts with the current limited amount of programming in minority languages, notwithstanding certain information programmes broadcast in Turkish, Albanian, Hebrew and Roma languages by two private radio stations in Sarajevo and a Roma children programme broadcast by one radio in Kotor Varoš. The Advisory Committee therefore encourages the Communications Regulatory Agency to pay increased attention to Article 16 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities and to take a more proactive attitude in the implementation of this provision, particularly when deciding upon the granting of licenses. Further efforts should also be made to raise awareness among national minorities about the new legal possibilities contained in the Law and to try and evaluate their needs in this field.

In respect of Article 9

The Advisory Committee *finds* that Article 16 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities reflects in a number of respects the principles contained in Article 9 of the Framework Convention and contains elements that support both passive and active access to the media by persons belonging to national minorities. The Advisory Committee *considers* that, owing to a lack of implementation mainly at the sub-State level, this provision is not fully operational yet.

The Advisory Committee *finds* that there is currently a limited amount of programming in minority languages, notwithstanding certain information programmes broadcast in Turkish, Albanian, Hebrew and Roma languages by two private radio stations in Sarajevo and a Roma children programme broadcast by one radio station in Kotor Varoš. The Advisory Committee *considers* that the Communications Regulatory Agency should pay increased attention to Article 16 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities and take a more proactive attitude in the implementation of this provision, particularly when deciding upon the granting of licenses, and that further efforts should be made to raise awareness among national minorities about the new legal possibilities contained in the Law.

6. BULGARIA

The Advisory Committee notes that Bulgarian legislation (particularly the Radio and Television Broadcasting Law of 1998, with successive amendments) permits the use of languages other than Bulgarian in the case of audiovisual programmes of an educational nature and/or directed at Bulgarian citizens not having Bulgarian as their mother tongue. According to this law, public service broadcasting shall contribute to the development and dissemination not only of Bulgarian culture and language but also of the citizens' cultures and languages according to their ethnic affiliation (Article 7.2), and to mutual understanding and tolerance (Article 7.7). Likewise, the public service media are required, *inter alia*, to produce broadcasts intended for Bulgarian citizens not having Bulgarian as their mother tongue (Article 49.1). The Advisory Committee further notes that according to the State Report, programming for minorities is to be stimulated via the procedure for granting broadcasting licenses.

However, the Advisory Committee notes with concern that in practice the application of these provisions by the public service media is far from satisfactory, considering the limited access and presence of persons belonging to minorities.

Regarding the use of mother tongue languages in the public service media, the Advisory Committee regrets the fact that only the Turks are able to take advantage of this possibility, and notes that the programmes in question are few and of short duration. Bulgarian national television transmits news programmes (since October 2000, a ten-minute bulletin has been broadcast 5 times weekly in Turkish on the national channel), and its local stations situated in Turkish-inhabited areas also transmit brief Turkish-language programmes. A news broadcast and arts programmes in Turkish (thirty minutes, three times daily) are beamed at regions with a significant concentration of ethnic Turks by national radio and its local transmitters. It appears however that transmission of these programmes does not reach all the zones concerned.

The Advisory Committee is of the opinion that the authorities should look into the situation, in conjunction with those concerned, and take the requisite measures firstly to make these programmes longer and more frequent according to needs, and secondly to ensure that there is no discrimination regarding access to the media for persons belonging to the various minorities.

Regarding the private media, the Advisory Committee notes the transmission of programmes in Turkish by a few private radio and television stations, at the regional level in particular. It is also worth noting that a radio station and a television channel using cable transmission broadcasting in Romani which started operating in Vidin (in 1998) met with difficulties in obtaining a wider permit to cover the region. The Advisory Committee has taken note of the importance attached by the representatives of the Roma to possibilities for expressing their identity and concerns on radio, private local radio especially, in the present circumstances where their access to the state media is

severely restricted and often subject to bias. The efforts made by the Roma in this respect, particularly under co-operation arrangements with non-governmental organisations, are to be commended. The Advisory Committee encourages the authorities to take care that there is no unjustified restriction on the creation of such media or to their use by persons belonging to minorities, Roma especially but also the other, less numerically significant, minorities whose media presence is seen to be equally limited.

In this context the Advisory Committee notes that, according to the information provided to it by Roma representatives, at the date of its visit to Bulgaria the station "Radio ROMA", which had begun to operate late in 2002, was no longer authorised to broadcast. The Advisory Committee invites the authorities to examine, in conjunction with those concerned, the reasons that prompted such a situation so as to establish that there is no unwarranted obstacle to the running of this station.

The Advisory Committee has been informed that programmes about tolerance and cultural diversity, including on subjects of interest to Roma and produced by Roma, are broadcast on the state television channel 1 and by the public radio service. The Advisory Committee has also been informed that different religions have access to specialised audiovisual programmes. However, according to the representatives of minorities, these programmes do not meet current needs neither in terms of quantity or quality. Furthermore, whereas the representatives of the Council for Electronic Media informed the Advisory Committee that no severe breach of the relevant legislation nor any tendency towards intolerance had been registered, other sources report that the way in which minorities are represented by the media is not always appropriate to promoting dialogue and mutual respect (see also the observations relating to Article 6 above). The Advisory Committee urges the authorities to examine the situation and take the necessary measures where appropriate to improve minorities' access to the media and to encourage the promotion of tolerance and cultural pluralism in the media.

Regarding the press, the Advisory Committee notes an improved situation (a fairly important number of publications distributed by the Turks, Roma, Jews, Armenians, Aromanians, Vlachs, Russians, Karakachans, and others.). It should be observed, however, that the grants made by the State to the publications of minorities are virtually non-existent and so the number and quality of such publications greatly depend on the resources held by the communities concerned (and especially on the support of non-governmental organisations).

In the light of the information in the foregoing paragraphs, the Advisory Committee urges the authorities to take the necessary steps to promote better access by, and larger presence of, minorities (including those numerically smaller) in the media.

In respect of Article 9

The Advisory Committee *finds* inadequacies as regards access to, and presence in, the media of persons belonging to minorities, particularly in the audiovisual media of the state broadcasting system. The Advisory Committee *considers* that more determined measures are called for on the part of the authorities in order to improve matters and especially to ensure that there is no discrimination or undue hindrance to the exercise of the rights of persons belonging to minorities, including numerically smaller ones, in this sphere.

7. CROATIA

The Advisory Committee notes that Article 5 of the Law on Croatian Radio-Television (HRT), adopted on 8 February 2001, obliges HRT to "produce and/or broadcast programmes intended for

the provision of information to the members of national minorities in the Republic of Croatia". Apart from this in itself positive but very general obligation, there are no detailed legislative provisions on broadcasting on/for persons belonging to national minorities within the public service broadcasting or provisions guaranteeing broadcasting in the languages of national minorities therein. At the same time, the fact that the above-mentioned Law on Croatian Radio-Television envisages, in its Article 15, the appointment of a representative of national minorities to the HRT Council may contribute to the implementation of the principles contained in Article 9 of the Framework Convention, but this depends also on the status and development of the HRT as a whole.

As regards the relevant practice, the Advisory Committee notes with approval that the public service television has devoted a weekly programme to issues touching upon national minorities. At the same time, the Advisory Committee agrees with the comments made by a number of representatives of national minorities that, taking into account also the number of persons belonging to national minorities in Croatia, the time devoted to the programming on minorities and/or programming in minority languages in the public service television is much too limited in both time and substance and should be reviewed soon. As regards public service radio broadcasting, there appears to be a certain amount of programming in minority languages at the local level, which the Committee finds important, but at the state level such programming is again quite limited.

As concerns private broadcasting, the Advisory Committee welcomes the fact that Croatia has, through the adoption of the Law on Telecommunication in 1999, abolished the previously applicable undue limitations on the freedom to receive and impart information and ideas in a minority language. In accordance with Article 83 of the new Law, radio and television concession holders, at both state and local level, are entitled to broadcast in a minority language if this is envisaged in the programming sheets attached to the bids for obtaining a concession. In this connection, the Advisory Committee would support measures aimed at ensuring that broadcasters have a possibility to introduce minority language programming also after obtaining a concession. In general, the Advisory Committee expresses the view that broadcasting in a minority language should also receive attention in the context of the on-going revision of the applicable norms and expects that the norms on the granting of concessions and other related issues are implemented in a non-discriminatory manner.

In respect of Article 9

The Committee of Ministers *concludes* that the general obligation to produce and/or broadcast programmes intended for persons belonging to national minorities has only resulted in very limited programming in the public service broadcasting (HRT). The Committee of Ministers *recommends* that this situation be reviewed with a view to having additional time allocated for such programming and that the related initiative of appointing a representative of national minorities to the HRT Council be implemented without any unnecessary delay.

As concerns private broadcasting, the Committee of Ministers *concludes* that the legal status of minority language has improved but the relevant norms still restrict the introduction of minority language programming after the granting of a concession. The Committee of Ministers *recommends* that the latter issue and other factors related to broadcasting in a minority language be given full attention including in the context of the on-going revision of the applicable norms and in the implementation of these norms.

8. CYPRUS

Whereas the Advisory Committee considers that access to sound radio broadcasting and the possibility to have printed media are generally satisfactory, it would encourage the Cyprus Government to review the area of public television broadcasting with a view to enhancing access for persons belonging to national minorities. The Advisory Committee further recalls its observation under Article 6 (above) in respect of encouraging main stream media to contribute to intercultural understanding. In this context, reference is made to the Committee of Ministers' Recommendation (97) 21 on the media and the promotion of a culture of tolerance.

In respect of Article 9

The Committee of Ministers *concludes* that access to sound radio broadcasting and the possibility to have printed media are generally satisfactory. The Committee of Ministers however *recommends* that the Cyprus Government review the area of public television broadcasting with a view to enhancing access for persons belonging to national minorities.

9. CZECH REPUBLIC

The Advisory Committee acknowledges the efforts made by the Czech authorities to implement the main features of this provision.

However, the Advisory Committee notes the dissatisfaction expressed by the numerically small minorities represented on the Government's Council for National Minorities with regard to the times and length of programmes broadcast in minority languages on the Czech radio. The Advisory Committee suggests that this situation be reviewed in order to achieve a more equitable result, where possible through increasing the overall broadcasting time available to national minorities.

The Advisory Committee also notes that the time allocated on public television to programmes in minority languages was limited in 1998-1999 to twenty minutes per week, reserved for programmes on Roma culture. The Government stated in the State Report that there are no programmes reserved for other national minorities, but that the public television service broadcasts programmes about the culture of the various national minorities living in the Czech Republic. The Advisory Committee considers that the Czech authorities should review the situation in order to identify areas for improvement in consultation with those concerned.

In respect of Article 9

The Committee of Ministers *concludes* that the Government is supporting the national minorities' broadcasting media and press, and that programmes in minority languages are broadcasted on public radio and on public television. Nonetheless, considering also that the length of programmes and distribution of time among various national minorities have been criticised by persons belonging to numerically small minorities, the Committee of Ministers *recommends* that the Czech Republic consider the possibility of taking further measures to ensure that the principles contained in Article 9 of the Framework Convention are guaranteed with respect to all national minorities.

10. DENMARK

The Advisory Committee notes that the implementation of this article could well encompass creating the possibility for broadcasting some German language programmes in the framework of the (regional) public broadcasting system. It notes that the absence of such programmes is explained by the fact that no request to that effect was ever made, but points out that a formal request to that effect is not a legal precondition for considering the implementation of such a facility. The Advisory Committee also refers to its observations above concerning the personal scope of implementation.

11. ESTONIA

The Advisory Committee notes that, apart from the requirement to “satisfy the information needs of all nationalities, including national minorities”, contained in Article 25 of the Broadcasting Act, there are no specific legislative provisions on broadcasting on/for persons belonging to national minorities within the public service broadcasting or provisions guaranteeing broadcasting in the languages of national minorities therein. The Advisory Committee believes that additional legislative guarantees in this sphere would contribute to the implementation of Article 9 of the Framework Convention. These could include guarantees for the continuation of the present practice of having persons belonging to national minorities as members of the Broadcasting Council.

As far as the practice is concerned, the Advisory Committee notes with approval the fact that there exists one public service radio channel devoted to broadcasting in a number of minority languages. It is important that the programming of this channel caters increasingly to the needs of persons belonging to all national minorities, including the numerically small ones.

In the field of public service TV, the time allocated for minority language broadcasting - approximately one hour of broadcasting in Russian daily and no regular broadcasting in the languages of other national minorities - appears limited in relation to the needs and the size of the population concerned. The Advisory Committee believes that the adequacy of the time allocated for such broadcasting should be reviewed. In this connection, the Advisory Committee underlines that the availability of foreign broadcasting in Estonia in a language of a national minority does not eradicate the need for, and importance of, domestically produced broadcasting in that language.

The Advisory Committee notes, pursuant to Article 25 of the Language Act of 1995, TV broadcasters are obliged to provide Estonian translation of their broadcasting in a minority language. Some programme categories, such as directly retransmitted programmes, are excluded from this requirement. The Advisory Committee agrees that it is often advisable, and fully in the spirit of the Framework Convention, to accompany minority language broadcasting with sub-titles in the state language. However, the Advisory Committee considers that, as far as private broadcasting is concerned, this goal should be principally pursued through incentive-based, voluntary methods, and that the imposition of a rigid translation requirement mars the implementation of Article 9 of the Framework Convention by causing undue difficulties for persons belonging to a national minority in their efforts to create their own media. The Advisory Committee is of the opinion that Estonia should examine the impact of the said provision on minority language broadcasting and, on the basis of this examination, take appropriate measures to further the implementation of Article 9 of the Framework Convention.

In respect of Article 9

The Committee of Ministers *concludes* that there are no specific legislative provisions on public service broadcasting for persons belonging to national minorities and *recommends* that the introduction of additional legislative guarantees in this sphere be considered.

The Committee of Ministers *concludes* that the time allocated for minority language broadcasting in the public service TV appears limited and *recommends* that Estonia review the adequacy of the time allocated for such broadcasting.

The Committee of Ministers *concludes* that TV broadcasters are, as a rule, obliged to provide Estonian translation of their broadcasting in a minority language and *recommends* that Estonia examine the impact of this obligation on minority language broadcasting.

12. FINLAND

The Advisory Committee notes with approval the status of Swedish language in the media, including in the broadcasts of the Finnish Broadcasting Company.

Bearing in mind the size of the Russian-speaking population, the Advisory Committee finds it important that Finland consider ways in which it could further support the media of this minority, in particular those with public interest aims. Additional measures could also be taken to increase the volume of the Russian-language programming in the mainstream media, bearing in mind, *inter alia*, the example of the weekly Roma-language news and magazine programme by the Finnish Broadcasting Company.

The Advisory Committee notes with approval the role of the Sami in the electronic media, in particular the broadcasts of the Sami Radio and the Sami text TV, and expresses the hope that the situation in the field of print media will also improve, bearing in mind that during the preparation of the present opinion no Sami-language newspaper was published in Finland.

In respect of Article 9

The Committee of Ministers *concludes* that despite certain recent improvements, the situation of the media of the Russian-speaking population remains in many respects precarious. The Committee of Ministers *recommends* that Finland consider ways in which it could further support the media concerned, in particular those with public interest aims, and consider measures to increase the volume of the Russian-language programming in the mainstream media.

13. GEORGIA**Legislative framework**

Pursuant to the Law on broadcasting, which came into force in January 2005, the public radio and television service (GPB) is obliged to reflect in its programmes the ethnic, cultural, linguistic and religious diversity that exists in Georgian society and to broadcast an appropriate proportion of programmes made by minority groups in their respective languages. The law further specifies that “no less than 25% of the GPB programme budget shall be allocated to the airing of programmes

connected with Abkhazia and the Tskhinvali region, and programmes in minority languages”. In addition, the law requires all holders of broadcasting licences to ensure that the views of the persons belonging to minorities living in the area that they serve are reflected in the programmes broadcast. The Advisory Committee takes the view that these legislative arrangements reflect the Parliament's wish to safeguard the access to the audiovisual media of persons belonging to minorities, the use of their languages and a fair representation of their opinions in the programmes broadcast. These legislative provisions must be fully implemented.

Access of persons belonging to national minorities to information in their minority languages

In respect of practice, the Advisory Committee notes that public radio and television, as well as some private broadcasters, do transmit programmes for national minorities, and that progress has been reported in this field over the past few years.

A 25-minute programme of news, socio-economic or cultural reports and entertainment (“Moambe”) is broadcast by the public television service five times a week, in five languages: Abkhaz, Ossetian, Armenian, Azeri and Russian. Early in 2008, a Kurdish-language programme was added. The public radio service, for its part, broadcasts a daily five-minute news bulletin in these same minority languages and a weekly news summary in Russian. There is also a weekly programme on public radio called “Our Georgia”, which covers the history, traditions and cultures of the different ethnic and religious communities, as well as intercultural dialogue and the integration of Georgian society.

Efforts have also been made by public-service broadcasters to achieve a better reflection of, and a better promotion of, the diversity and cohesion of Georgian society in their programmes. A series of documentaries on multi-ethnic Georgia, made with the support of international organisations, is being broadcast on public television. Like the Law on Broadcasting, the Code of Ethics for Public-Service Broadcasting, adopted in December 2006, draws attention to the role which devolves to the public service in the promotion of tolerance and mutual respect, and defines the main rules applicable to media coverage of issues connected with national minorities (also see the comments under Article 6 above). The Advisory Committee also notes the setting up, in July 2006, of a supervisory committee responsible for promoting and monitoring, *inter alia*, application of these rules.

The Advisory Committee also considers as a positive development the setting up, for the public broadcasting service, of eight “public boards” with an advisory role, including one that deals with ethnic questions (set up in 2006 and bringing together 10 national minorities' organisations) and one that deals with religious issues. At the same time, it notes that, in an appeal signed by 70 member organisations of the Council for Ethnic Minorities under the aegis of the Ombudsman, national minorities asked the authorities to include their representatives on the administrative board of the public radio and television service. The Advisory Committee takes the view that, whatever the practicalities adopted to this end, the consultation of national minorities in the definition of the editorial policy of the public broadcasting service, and their direct participation in the preparation of programmes, are essential to ensure that their communities' life and concerns are properly reflected therein.

The Advisory Committee welcomes these developments over the past five years. It also welcomes the fact that some media organisations include in their teams persons belonging to minorities, and make efforts to cover issues affecting national minorities in their programmes. It notes at the same time that issues relating to national minorities are usually perceived by the media as sensitive

matters requiring careful and responsible treatment.

The Advisory Committee also notes that some local television channels have, for several years, been broadcasting programmes in regions where substantial numbers of persons belonging to the Armenian and Azeri minorities live. A channel called ATV 12 broadcasts for three hours a day in the Armenian language in the region of Akhalkalaki, and to some extent in the region of Ninotsminda, and Parvana TV also broadcasts in the Javakheti region. Another television channel, TV Imperia LLC, daily relays in Armenian the news bulletin broadcast by Rustavi 2 to the region of Samtskhe-Javakheti. For the Azeri population, a television channel called Marneuli TV relays programmes in the Azeri language, although irregularly, in the Marneuli region. In particular, it relays a 20-minute weekly news programme. In its region, the Kvemo-Kartli channel offers programmes in Georgian and Azeri. Where private radio stations are concerned, Armenians can hear a daily one-hour broadcast, Azeris have 30 minutes of news bulletins and an entertainment programme, and Kurds have a weekly 15-minute programme in their own language.

That said, many of these private television channels and radio stations do not hold a broadcasting licence, and although they are currently tolerated by the authorities, their broadcasting could be stopped at any time. The Advisory Committee notes in this context that one of the conditions for the granting of a broadcasting licence is proof of the broadcaster's capacity to transmit programmes over a 10-year period. It takes the view that, in the current socio-economic conditions in Georgia, such a requirement represents a serious obstacle to the setting up of media by national minorities. The Advisory Committee calls on the authorities to review the conditions for the granting of broadcasting licences. Given the importance of the integration of persons belonging to national minorities into Georgian society, it also encourages authorities to seek solutions likely not only to eliminate all unjustified obstacles, but also to promote the creation of media outlets specifically catering for national minorities. In this regard, specific measures could be taken, introducing more advantageous conditions or allowing a degree of flexibility for the obtaining of broadcasting licences by national minorities' media.

The Advisory Committee notes that, overall, minority languages continue to occupy a proportionately very small place in the media, and that the access of persons belonging to national minorities to media and to news remains particularly problematic in those regions where they live in substantial numbers. In practice, public radio and television do not cover the whole of Georgian territory, and the persons belonging to national minorities who live in certain regions face a news vacuum in the national media. The Advisory Committee notes that, in this context, the solution adopted by the majority of the population of these regions is to turn to foreign media outlets broadcasting from the Russian Federation, Armenia or Azerbaijan. It takes the view that, while these outlets certainly constitute additional sources of information, useful to persons belonging to minorities, the national media remain in the best position to reflect the views in Georgian society about current affairs. This is all the more important during periods of tension or conflict, when news takes on a particular importance and can play a role in maintaining and promoting of social cohesion. The Advisory Committee is concerned about this situation and considers that genuine involvement by the central authorities is essential in order to enable these persons, using their own languages, to keep abreast of the latest developments in the country's social, economic and political life, to make their own needs known and to familiarise others with their cultural and historical heritage. The setting up of local public radio and television studios and the provision of support for the setting up of private media by national minorities, as already mentioned, are ways of improving the situation in this field.

Where the print media is concerned, the Advisory Committee takes note of the anxiety of national minorities about the survival of their publications, and welcomes the efforts made by the communities concerned to ensure that their publications are distributed in their own language or in bilingual versions. The Advisory Committee notes that, to date, there are newspapers in Georgia

published in their own language by Armenians, Assyrians, Azeris, Germans, Greeks and Russians, as well as in Georgian and in Russian by Jews. Three of these publications are State-financed: “Gurjistan”, which is published in Azeri, “Vrastan” in Armenian, and “Svobodnaya Gruzia” in Russian. The representatives of minorities find this support inadequate and consider that the authorities should enter into a firmer commitment to assist them in this area. The Advisory Committee calls on the authorities to consider giving greater support to national minorities' print media.

Concerning Article 9

The Advisory Committee *finds* that even though certain programmes which concern minorities, including in their languages, are broadcast by public service television and radio, they are insufficient. Moreover, persons belonging to national minorities who live in certain regions are confronted with a vacuum of information broadcast by the national media, as public television does not cover the entire territory of Georgia.

The Advisory Committee *considers* that the central authorities should be more committed to ensuring that persons belonging to national minorities can be informed in their own languages of the latest developments of the country's social, economic and political life, as well as making their own needs heard and making their cultural heritage known. The provision of the Law on Broadcasting securing specific allocations from the budget of the public radio and television service for programmes on national minorities, or in their languages, must be fully implemented.

14. GERMANY

While the Danish minority has its own bilingual daily newspaper and the Sorbian minority several publications in Sorbian, it would seem that very few news publications in Frisian carry articles for the Frisians of the Saterland and the North Frisians. Whereas publications in the Roma language run contrary to the approaches of the Sinti, certain Roma organisations publish information through circulars in Roma.

In the State Report the German authorities point out that the *Länder* are responsible for regulating broadcasting and that the use made of the media by persons belonging to national minorities is proportional to their number and their economic and practical possibilities. The Advisory Committee notes, however, that in the electronic media the situation of each of the four national minorities is quite different, and that the differences are not explained solely by the numbers and the economic and practical possibilities of the groups concerned.

The Advisory Committee is aware of the constitutional and legal limits that prevent the Federal authorities from directly financing programmes specially for national minorities. It notes, however, that the Sorbian People's Foundation can support Sorbian media, which means that the Federal authorities and the *Länder* concerned also contribute directly through their general subsidies to the Foundation. The Advisory Committee considers that similar solutions are worth examining for the other national minorities.

While public radio and television seem to offer a wide range of programmes in Sorbian for the Sorbs in their traditional settlement areas, the same cannot be said of the Danish minority. It is true that television programmes broadcast in Denmark can be received in part of the *Land* of Schleswig-Holstein, and that they occasionally deal with subjects of interest to the Danish minority living in Germany. However, apart from a pilot project, no television programmes are produced in Germany

for the Danish minority, and only one private radio in Schleswig-Holstein broadcasts a daily news programme in Danish. The Advisory Committee notes that there is keen interest in such programmes among the Danish minority, who consider the programmes produced in Denmark insufficient to cover their needs. The Commissioner responsible for minority issues to the Minister-President of the *Land* of Schleswig-Holstein supports this request from the Danish minority, which she considers justified. The Advisory Committee therefore considers that the competent authorities should re-examine the needs of persons belonging to the Danish minority in terms of radio and television programmes and the possibility of supporting the creation of programmes aimed specially at this minority.

For the Frisians there are at present no television programmes in Frisian and the public radio *Norddeutscher Rundfunk* broadcasts only one three-minute programme per week in North Frisian. The Advisory Committee notes that the representatives of the Frisian minority expressed the desire to have more radio and television programmes in their language. As many Frisians do not speak Frisian as their first language, they feel that Frisian needs to be given a higher profile in the media in order to strengthen the language and prevent its decline. The Advisory Committee is therefore of the opinion that the German authorities should envisage the possibility of increasing the presence of Frisian in the media.

In respect of Article 9

The Advisory Committee *finds* that apart from a pilot project, no television programmes are produced in Germany for the Danish minority, and only one private radio in Schleswig-Holstein broadcasts a daily news programme in Danish, although there is keen interest in such programmes among the Danish community. It therefore *considers* that the competent authorities should re-examine the Danish minority's needs in terms of radio and television programmes and the possibility of supporting the creation of programmes aimed specially at this minority.

The Advisory Committee *finds* that there are at present no television programmes in Frisian and the public radio *Norddeutscher Rundfunk* broadcasts only one three-minute programme per week in North Frisian, although the representatives of the Frisian minority expressed the desire to have more radio and television programmes in their language. The Advisory Committee *considers* that the German authorities should envisage the possibility of increasing the presence of Frisian in the media.

15. HUNGARY

The Advisory Committee welcomes the efforts made by the Hungarian authorities to implement the key elements of this provision, notably the freedom to receive and impart information, facilitating access to media for persons belonging to national minorities, the possibility to create and use their own media, to promote tolerance and to permit cultural pluralism.

However, the Advisory Committee is concerned about the uneven allocation of resources to different minorities, notably of sound radio broadcasting time. It is, of course, aware that some minorities have had access to electronic media for a longer time than others. Nonetheless it considers that the current situation, where the largest minority, the Roma, has broadcasting time amounting to less than a quarter of that of some of the other minorities, is disproportionate. The Advisory Committee therefore considers that this situation should be reviewed in order to achieve a more equitable result, where possible through increasing the overall broadcasting time available to minorities.

Concerning television broadcasting, the Advisory Committee notes that programmes for 12 of the 13 recognised minorities are produced. It welcomes that the Hungarian authorities are to pursue the already agreed objective of also providing such possibilities for the Ukrainian minority.

The Advisory Committee notes for both sound radio and television broadcasting that the hours of the day at which minority programmes are broadcast are not such as to reach the greatest number of the target audience. It considers that this matter should be reviewed.

The system for the granting of local broadcasting licenses to private entities through a competitive system favouring those tenders, which include minority programming, is welcomed by the Advisory Committee as a constructive and appropriate measure. However, the Advisory Committee is concerned about reports that complaints about local radio stations not respecting their license obligations have not been investigated. It considers that the competent authorities should do so.

Finally, the Advisory Committee notes that the general public, as far as it does not access minority media, is hardly informed by other media about cultural life within minority communities and events and problems affecting them. In this respect the Advisory Committee draws attention to the Council of Europe Committee of Ministers' Recommendation (97) 21 on the Media and the Promotion of a Culture of Tolerance and considers that its implementation should be actively pursued.

In respect to Article 9

The Committee of Ministers *concludes* that the current situation, where the largest minority, the Roma, has broadcasting time amounting to less than a quarter of that of some of the other minorities, is disproportionate. It *recommends* that this situation be reviewed in order to achieve a more equitable result, where possible through increasing the overall broadcasting time available to minorities.

The Committee of Ministers *concludes* for both sound radio and television broadcasting that the hours of the day at which minority programmes are broadcast are not such as to reach the greatest number of the target audience. It *recommends* that this matter be reviewed.

The Committee of Ministers *concludes* that there is reason for concern about complaints regarding local radio stations not respecting their license obligations in respect of minority broadcasting not having been investigated. It *recommends* that the competent authorities do so.

The Committee of Ministers *concludes* that the general public, insofar as it does not access minority media, is hardly informed by other media about cultural life within minority communities, and events and developments affecting them. It *recommends* that Hungary actively pursue the implementation of Recommendation (97) 21 on the Media and the Promotion of a Culture of Tolerance.

16. IRELAND

The Advisory Committee notes that the structure, personnel and content of the broadcast media still predominantly reflects the majority public interest and that, notwithstanding recent positive examples, there are only a few programmes for and by persons belonging to the Traveller community and other groups.

The Advisory Committee understands however that the authorities have recently received a number of expressions of interest for broadcasting by the Dublin Community Media Forum. The Advisory Committee hopes that the authorities will give full consideration to such expressions of interest with a view to further facilitating access to the media for persons belonging to national minorities.

The Advisory Committee also notes that while Traveller organisations have newsletters and publications and while there are a number of comprehensive Internet sites for Travellers, these need to be supported and extended in order to ensure that all Travellers have the possibility of being fully informed and involved in matters of direct relevance to them.

In respect of Article 9

The Advisory Committee *finds* that the structure, personnel and content of the media still predominantly reflects the majority public interest. The Advisory Committee *considers* that further efforts could be made to facilitate access by minorities to broadcasting and written media, in particular for persons belonging to the Traveller community.

17. ITALY

The Advisory Committee notes with satisfaction the financial support provided by the State, regional and local authorities for the printed press of the historical linguistic minorities, and advocates the continuation of these commendable practices.

Regarding sound radio and television broadcasting, the Advisory Committee notes that under Law No. 103 of 14 April 1975 and agreements reached between the Presidency of the Council and the public service broadcasting franchise holder (RAI), the latter is required to broadcast programmes in French in the Aosta Valley region, in German and Ladin in the Trentino-Alto Adige region, and in Slovenian in the Friuli-Venezia Giulia region. While welcoming the existence of these programmes and their state funding, the Advisory Committee notes that unfortunately reception is not possible everywhere; for instance, the Ladins in Belluno province and the Slovenes in Udine province cannot pick up the broadcasts produced in their languages by *Radio Televisione Italiane* (RAI) although they traditionally reside in these areas. The Advisory Committee considers that the Italian authorities should try to remedy this state of affairs. In this regard, it welcomes the indication in the State Report that there was a possibility of extending Slovenian language broadcasts to Udine province. It further notes that the Slovenes and Ladins have expressed their interest in obtaining an extension of the air time allocated to them, and considers that the Italian authorities should look into the matter.

The Advisory Committee notes that for national minorities other than those mentioned in the preceding paragraph, RAI does not at present make special sound radio and television broadcasts. The few infrequent spots on the air in Sardinian, Franco-Provençal or Friulian in fact result from the personal initiative of a few journalists but have no legal basis and receive no funding.

The Advisory Committee is pleased that Article 12 of Law No. 482 of 15 December 1999 henceforth expressly stipulates that agreements reached between the State and the company holding the franchise for public service radio and television broadcasting must prescribe arrangements to protect linguistic minorities. It notes that this new provision forms the requisite legal basis for producing and broadcasting programmes for all the linguistic minorities protected by Law No. 482 of 15 December 1999, once the protection perimeters have been determined for each. With regard

to funding of the new broadcasts, the Advisory Committee notes that there is a point of divergence between the minorities and the franchise-holding company: whereas the former contend that broadcasting of programmes in minority languages is embodied in the public service obligations of RAI, the latter bases its position on the idea that it is only required to produce and broadcast programme in minority languages when such programmes are financed under specific agreements with the State or the regions concerned. While aware that the needs of the various minorities in this respect vary considerably and that some can be fulfilled by private operators, the Advisory Committee takes the view that the Italian authorities, in consultation with the minorities concerned and RAI, should endeavour to make full use of the new possibilities afforded by Law No. 482 of 15 December 1999 for having programmes produced and broadcast in minority languages.

Where the Roma are concerned, the Advisory Committee notes that for the time being they do not receive any broadcast in their language or specifically intended for them, or any financial support for their newspapers. It considers that the Italian authorities, in consultation with the Roma, should seek to define their needs in this respect and if appropriate consider making the necessary arrangements to meet these needs.

In respect of Article 9

The Committee of Ministers *concludes* that reception of the radio and television broadcasts made by the company holding the franchise for public service broadcasting is still not technically possible for, in particular, the Ladins in Belluno province and the Slovenes in Udine province. It therefore *recommends* that the authorities remedy this state of affairs.

The Committee of Ministers *concludes* that for many national minorities, the public service broadcasting franchise holder does not at present make radio and television broadcasts and that there is still divergence over the possible funding of such broadcasts. The Committee of Ministers *recommends* that the Italian authorities, in consultation with the minorities concerned and the franchise holder, endeavour to make full use of the new legal possibilities for having programmes produced and broadcast in minority languages.

The Committee of Ministers *concludes* that for the time being the Roma do not receive any broadcast made in their language or specifically intended for them, or any financial support for their newspapers. It *recommends* that the Italian authorities, in consultation with the Roma, seek to define their needs in this respect and if appropriate consider making the necessary arrangements to meet these needs.

18. KOSOVO¹

Article 9

The Advisory Committee notes that there are no formal restrictions on the use of minority language media in Kosovo, and Chapter 4 of the Constitutional Framework contains commendable provisions on the right of communities and their members to access to information in their own language, on their access to, and representation in, public broadcast media as well as on programming in relevant languages.

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

As regards practice, the Advisory Committee has taken note of the information contained in the UNMIK Report on the significant number of minority language media. Representatives of a number of minority communities have, however, reported shortcomings in terms of the situation in the field of media. Even though the situation as regards print media is not fully satisfactory, including as regards Gorani, Roma, Ashkali and Egyptians, the main area of concern is the access of minority communities to the broadcast media.

As regards the licensing of broadcast media, which is for the time being the responsibility of the Temporary Media Commissioner (TMC), a key concern brought to the attention of the Advisory Committee is the processing of applications for licenses to broadcast in areas that are currently underserved and applications for multi-ethnic stations. The process has involved significant delays, and certain persons belonging to minority communities are still waiting for a reply to their applications submitted after the process was started in December 2003. The Advisory Committee finds it important that the TMC processes the said applications as a matter of priority, and the Committee hopes that licensing decisions improving further the access of persons belonging to minority communities to broadcast media will soon be taken.

The Advisory Committee welcomes the fact that the UNMIK Regulation No. 2001/13 on the Establishment of Radio Television Kosovo contains specific guarantees for the provision of minority language programming in public service broadcasting, by providing that not less than 15% of the Radio Television Kosovo (RTK) programming, including prime time news coverage, must be in the language(s) of communities other than the language of the majority community, both on television and on the combined broadcasts of the RTK radio frequencies. The Advisory Committee was pleased to learn that similar guarantees, albeit formulated in a more flexible manner, are included in the draft Law on RTK, which is currently being prepared, and that more general provisions on the issue are included also in the draft law on languages.

Pursuant to the above-mentioned obligation, RTK regularly broadcasts minority language programmes, including in Bosnian, Romani, Serbian and Turkish languages. Aside from these positive measures, the Advisory Committee encourages RTK to take into account also the specific needs of other minority communities, such as Ashkali and Egyptian, whose mother tongue is mostly Albanian.

There are also certain concerns expressed by persons belonging to minority communities that appear to result from technical difficulties. These include lack of reception of public service TV in certain areas of compact residency of the Gorani and Bosniac communities, where the residents are nevertheless required, pursuant to the UNMIK regulation on the topic, to pay the standard public broadcast fee to support RTK's television and radio operations. While understanding that such reception problems affect also the majority population in certain areas, the Advisory Committee considers that this is an important issue not only in terms of persons' access to media but also in terms of their participation and integration.

19. LATVIA

Legislative framework

In Latvia the audiovisual sector's legal framework has its basis in the 1995 Law on the public radio and television services, as amended in 1997, as well as in the Law on the press and other mass media and the decisions of the National Radio and Television Council. Amendments to the Law on radio and television concerning language-related matters were passed in 1997 and 1998.

The Advisory Committee notes that, under the terms of Article 62.3 of this law, public radio and television stations can allocate up to 20% of annual broadcasting time to programmes in the languages of the national minorities. The Advisory Committee had also noted that, originally, Article 19.5 of the law imposed a limit of 25% of total broadcasting time for programmes broadcast in a language other than Latvian. On that basis, a number of Russian language radio stations that did not comply with this limit were suspended by the National Radio and Television Council, which also reprimanded Latvian television channels that broadcast too many films in Russian. The language quotas for radio and television were, however, repealed by the Latvian Constitutional Court on 5 June 2003. This decision by the Constitutional Court is to be welcomed as a positive development in this field.

Broadcasting in minority languages

The Advisory Committee notes that, in practice, public and private television stations broadcast programmes in Latvian and also in minority languages, particularly Russian. The State Report even mentions a trend towards a reduction in the quantity of programmes broadcast in Latvian, with a clear tendency for the number of programmes in Russian to increase in absolute and percentage terms.

According to official information, in 2006-2007 programmes in Russian accounted for 25.90% (26% with other languages other than Latvian) of television broadcasting time, and 31% (34% with the other languages) of radio broadcasts. In this connection, it can be noted that, of the 30 private radio stations operating in the country, nine broadcast in Russian, whereas, of the 26 private television stations, several channels are specifically aimed at the Russian-speaking population of Latvia and the region. In addition, 40 cable television operators broadcast their principal programmes in Russian.

Concerning the efforts made by the public radio and television service to reflect and promote the diversity of Latvian society, the Advisory Committee notes with satisfaction that, apart from the first public radio and television channels' programmes devoted to integration of Latvian society, more specific programmes are broadcast by the public radio station "Latvian Radio 4". The Advisory Committee is also pleased to see that the content of this station's weekly programme on intercultural dialogue and the activities of the various ethnic communities' cultural organisations is produced by persons from these ethnic backgrounds. In addition, each week this station broadcasts twelve programmes lasting 30 minutes each in various national minority languages, giving an annual total of 100 hours' broadcasting time.

The print media

The Advisory Committee notes with satisfaction that most of the national minorities in Latvia have their own publications, issued in either their minority language or in a bilingual format. The funding primarily comes from the communities' own resources, supplemented by state grants and, in some cases, financial contributions from "kin-states". The Roma of Latvia also have their first newspaper, published in Latvian.

The Advisory Committee nonetheless notes that the positive situation described above must be tempered by the financial difficulties some minorities face in keeping their publications alive. This applies in particular to the numerically smaller minorities, which have been obliged in certain cases to either cease publication or reduce the publication frequency.

In respect of Article 9

The Advisory Committee *finds* that the persons belonging to national minorities benefit from legal

and practical opportunities to have access to the audiovisual media and receive and impart information in their minority language, both in the public and private sectors. At the same time, it *considers* that the financial difficulties faced by certain minorities, in particular the numerically smaller ones, to maintain their print media deserve increased attention from the authorities.

20. LIECHTENSTEIN

See Article 7

21. LITHUANIA

Article 2 of the law on national minorities guarantees the “right to have newspapers and other publications and information in the mother tongue”. The Advisory Committee notes that the law on public information (of 29 August 2000) provides further details on the linguistic aspect of that right. For example, programmes aimed at national minorities are among the exceptions to the rule that audiovisual programmes broadcast in a language other than the State language must be translated into Lithuanian. A similar exception is to be found in Section 13 of the law on the State language.

On a practical level, the Advisory Committee notes that the public television service broadcasts programmes in minority languages for Poles, Russians, Belarusians and Ukrainians and also programmes in Lithuanian aimed at numerically smaller national minorities. These programmes are produced by teams which include persons belonging to the various national minorities concerned. The public radio service broadcasts programmes aimed at national minorities on both its stations: a daily one-hour programme in Russian on the main channel, which has the largest audience, and shorter daily programmes in the minority languages on the second channel: 30 minutes per day for Poles, 10 minutes per day for Belarusians, and 10 minutes per day, alternatively, for Ukrainians, Tatars and Jews.

Representatives of national minorities reported a trend towards reducing broadcasting time reserved for national minorities on the public television and radio services and moving the programmes concerned to less advantageous time slots. They also claimed that the authorities intend to broadcast most of these programmes in Lithuanian in the future. The Advisory Committee considers such trends to be regrettable, since the practice as reflected in the State Report satisfied the needs of national minorities and the abovementioned changes entail a reduction in access to the media by persons belonging to national minorities.

With regard to the written media, although the Advisory Committee recognises the existence of a significant number of publications aimed at national minorities, it notes that that number is tending to decrease. In so far as the national minorities encounter difficulties in financing their publications, the Advisory Committee urges the authorities to increase the relevant State support and to pay particular attention to the numerically smaller minorities, who do not have sufficient resources to sustain their publications.

In respect of Article 9

The Advisory Committee *finds* that, according to the representatives of national minorities, there is a trend to reduce the time available on public television and radio for programmes aimed at national minorities, or to relegate these programmes to less favourable time slots. Insofar as the present arrangements satisfy the needs of the national minorities, the Advisory Committee *considers* that changes that would lead to a reduction of the opportunities which currently exist in this area would be difficult to justify. The Advisory Committee also *considers* that, depending on needs, the authorities should find additional ways of providing more support for national minorities, including the Roma, in the written media.

22. MALTA

See Article 7

23. MOLDOVA

The Advisory Committee notes with satisfaction that the Moldovan Audiovisual Co-ordination Council has issued broadcasting licences to applicants from national minorities. At the request of persons belonging to the respective communities, 33 broadcasting licences have been issued to the Russians, 14 to the Gagauzians, 5 to the Bulgarians and 1 to the Ukrainians. However, the Advisory Committee is concerned by the low use of this opportunity by the Ukrainian minority and encourages the authorities to support persons belonging to this minority in order to redress this imbalance.

The Advisory Committee also welcomes the fact that Moldova's public radio and television services, broadcast programmes for persons belonging to national minorities, with their participation and generally in their languages, during advantageous time slots. The Advisory Committee notes that the statute of Teleradio-Moldova, the state broadcasting corporation, requires it "to guarantee the citizens' right to information, to promote the real values of the national culture, the cultures of the resident minorities and international culture" (Article 22).

The Advisory Committee notes that according to Article 13 paragraph 3 of the Audiovisual Broadcasting Law (1995), "audiovisual institutions, public or private, broadcast at least 65% of their audiovisual programmes in the state language. This provision does not extend to the television programmes broadcast via satellite and provided by cable, as well as foreign stations that broadcast in areas compactly populated with ethnic minorities". The Advisory Committee notes that the application of this article led to the temporary suspension by the Audiovisual Council of the licenses of certain radio stations and television stations broadcasting in Russian. This situation gave rise to controversy and criticism both at the national and international levels and as a result an interpretative amendment was adopted in September 2000 by the Moldovan parliament.

The parliament in its amendment explained that this condition refers exclusively to the locally produced programmes and does not refer to the time of broadcast when audio-visual institutions that function on the territory of Moldova perform the re-broadcasting of foreign channels' programmes. The Advisory Committee is of the opinion that the authorities should ensure that the implementation of these provisions will not result in excessive limitations of the right of persons belonging to national minorities to impart or receive information in minority languages.

The Advisory Committee appreciates the efforts made by the Moldovan authorities at the legislative level and in terms of implementing policies in order to guarantee freedom of expression and access to the media for persons belonging to national minorities. In this respect the Advisory Committee welcomes the recent initiative of the Moldovan public service television to produce and broadcast, in addition to the existing cultural programmes, a special programme aimed at cultivating an interethnic relations culture, based on tolerance, understanding and acceptance of differences and respect for diversity.

The Advisory Committee nevertheless considers that additional measures are required to achieve a better balance between the various national minorities in respect of access to and presence in the

media. The Advisory Committee notes that the public channels prepare and broadcast between 30% and 35% of their basic programmes (main news, cultural and social programmes) in Russian, in parallel with their broadcasting in the state language. It also notes that “Radio Russia” programmes may also be received in the capital (12 hours per day), as well as 3 cable television programmes produced in Russia. Compared to this situation, the Ukrainian minority enjoys fewer opportunities in this field. The situation is particularly acute in rural areas, where certain communities live in isolation, and lack the necessary resources to create their own media. The Advisory Committee considers the present unbalanced situation regrettable. The Advisory Committee notes that the Ukrainian minority, although numerically the largest, remains disadvantaged and needs more support from the Moldovan authorities.

The Advisory Committee considers that the Moldovan authorities should review this situation through bodies such as the monitoring and information division of the Department for Interethnic Relations, and seek to strike a proper balance in consultation with the communities concerned. The Government should, for example, pay special attention to supporting the creation of media at the local level, particularly in areas where there are large concentrations of persons belonging to national minorities. Local newspapers and local radio stations addressing these communities in their own languages (where there is a demand) are excellent means of helping the numerically smaller minorities, including the Roma, which seem to be the most disadvantaged in this respect, to preserve their language and identity.

In respect of Article 9

The Advisory Committee *finds* that the provisions of Article 13 paragraph 3 of the Moldovan Broadcasting Act (concerning the percentage of programmes that must be broadcast in the state language) led to the temporary suspension of certain broadcasting licenses. This gave rise to controversy and as a result led to an interpretative amendment adopted by the Moldovan parliament. The Advisory Committee *considers* that the Moldovan authorities should ensure that the implementation of these provisions do not result in excessive limitations of the right of persons belonging to national minorities to impart or receive information in minority languages.

The Advisory Committee *finds* regrettable the imbalance between national minorities in respect of access to and presence in the media. It *considers* that the authorities should support national minorities, in particular the Ukrainian minority, in order to assure a balanced use of the existing opportunities. The Advisory Committee *considers* that the authorities should, for example, in consultation with the persons concerned, pay special attention to supporting the establishment of minority media at the local level, particularly for the numerically smaller minorities, including the Roma.

24. MONTENEGRO

Legislative framework

The Advisory Committee welcomes the fact that the legislative framework of Montenegro includes specific provisions regarding minority language use and programming in the media. The legal framework described in its first Opinion on the then Serbia and Montenegro has been supplemented by a specific provision in the 2006 Minority Law, which obliges the authorities to provide appropriate public broadcasting time for minority language programmes. This provision also gives the authorities the possibility to adopt incentive measures for private broadcasters to include minority language programming. This additional guarantee is a welcome development.

Minority broadcasting in practice

The Advisory Committee finds that in practice there is a 15-minute daily programme in Albanian on the first public channel and a 50-minute programme at the weekend. Efforts have been made to provide programmes intended for Roma. These take the form of documentaries broadcast occasionally on the public channel and a weekly show broadcast by an independent radio, Radio Antena with the support from the Ministry of Culture, Sports and Media, a local NGO and international organisations. While these are positive examples, the Advisory Committee finds that the volume of minority programming could benefit from a regular review so as to ensure that it indeed reflects the needs of the national minorities concerned. Furthermore, the development of minority programme broadcasts is reported to be insufficient at the local level. This state of affairs does not seem to be in line with Article 100 of the Broadcasting Law according to which not only the Republic but also local administration units shall provide a part of the funds for the programming in minority languages. The Advisory Committee recommends that a review of the situation be made so as to encourage the development of further programming in minority languages at the local level.

National minorities may receive certain radio and television programmes from their kin-State as is the case for the Albanians, Croats, Bosniacs/Muslims, Serbs, Slovenes and Macedonians. With the exception of the Albanians, domestically produced programmes are non-existent for the other national minorities and their specific needs in terms of cultural content are not adequately catered for. In this connection, the Advisory Committee finds it important that access of journalists from these national minorities be further promoted and that in practice, these journalists be closely involved in the production of educational, cultural and other mainstream programmes, something that is apparently lacking.

Print media

In the field of print media, the Advisory Committee welcomes the fact that the Ministry of Culture, Sport and Media is co-financing a monthly supplement of the Albanian newspaper *Pdjeba* which is also available on the internet. Yet, the Advisory Committee finds that the existing support – albeit limited – could also address the needs of other national minorities. In particular, more attention should be paid to the situation of the press of other minorities such as the Croats and the Bosniacs/Muslims, which as of today largely rely on non-governmental funds and find it increasingly difficult to maintain their publishing activities.

In respect of Article 9

The Advisory Committee *finds* that broadcasting of national minority programmes is considered insufficient at local level and *considers* that the authorities should review the situation in order to develop further programming in minority languages at local level.

The Advisory Committee *finds* that domestically-produced programmes are non-existent for national minorities other than the Albanian minority and *considers* that this situation calls for a greater involvement of journalists from national minorities in the production of education, cultural and other mainstream programmes.

The Advisory Committee *finds* that support to the press of national minorities should address the needs of all minorities.

25. NETHERLANDS

Broadcasting in Frisian: legislative framework and practice

The Advisory Committee notes that the 1987 Media Act, as amended, provides that as far as public broadcasting is concerned, organisations that have been allocated broadcasting time shall devote 50% of their television broadcasting time to original programming in Dutch or Frisian. There is only one regional broadcasting company broadcasting in Frisian (Omrop Fryslân) which is treated as any other regional broadcasting company and the Advisory Committee notes with regret that it does not enjoy an increased level of support from national authorities to fulfill the additional tasks implied by broadcasting in a minority language.

The Advisory Committee notes that such a situation has been largely compensated by the Provincial authorities' financial commitment to the production of additional programmes in Frisian language. At present, Omrop Fryslân broadcasts two hours of television and 17 hours of radio daily, it has developed an internet site which is, in its view, the key to staying attractive, especially among its younger audience. The Advisory Committee notes however that current discussions on decentralisation have triggered new concerns with regard to the financial sustainability of Omrop Fryslân broadcasting in Frisian, should increased decentralisation not be accompanied with adequate funds. The Advisory Committee considers that Omrop Fryslân has acquired an important role in promoting the Frisian language and that the national authorities should pay due attention to maintaining conditions, in particular financial ones which would enable Omrop Fryslân to effectively fulfill its functions.

As far as private broadcasters are concerned, the Advisory Committee notes that they are obliged to have 40% of the programmes broadcast in Dutch or Frisian according to the aforementioned Media Act. The Advisory Committee notes with regret that no use is made of Frisian in regional private broadcasts and while understanding that there is low demand, it considers that the authorities should examine the legal and practical incentive measures which could promote Frisian-language private broadcasting.

Print media in Frisian

The Advisory Committee notes that articles in Frisian, although limited in number, are published in the two provincial daily newspapers, including in their weekly supplements. Articles of these newspapers written in Dutch usually quote Frisian speakers in their language. It also welcomes the fact that the Province of Fryslân has allocated specific funding for the publication of Frisian language magazines as part of its policy on the use of Frisian in the written media for 2007 to 2010. This support has proven instrumental in ensuring that some Frisian language press is able to remain visible in a Dutch media environment. In this context, the Advisory Committee encourages the authorities to pursue such a supporting policy while fully respecting the editorial independence of the media.

In respect of Article 9

The Advisory Committee finds that Omrop Fryslân is the only one public broadcasting company broadcasting in Frisian and that the latter does not enjoy specific support from national authorities to fulfill its tasks although this has been compensated by the provincial authorities' financial commitment. In this context, it considers that current discussions on decentralisation should ensure that adequate conditions, including financial ones are maintained for Omrop Fryslân, to effectively fulfill its functions.

26. NORWAY

The Advisory Committee notes with approval the support given to the Sami language in the print and electronic media, as reflected, for example, in the extensive broadcasting of the Sami Radio of the Norwegian Broadcasting Corporation. The Advisory Committee considers that these positive experiences should also be drawn upon in the context of other minority media.

The Advisory Committee notes that some measures have been taken to support radio broadcasting for persons belonging to the Kven minority. These measures are however rather limited, as the broadcasting time allocated by the Norwegian Broadcasting Corporation for broadcasting in Finnish has been reduced to 12 minutes per week and its coverage is limited to Tromsø and Finnmark counties. The Advisory Committee considers that the volume and coverage of such broadcasting should be expanded, as has been proposed by the Public Service Broadcasting Council.

The Advisory Committee considers that the subsidy scheme designed for Sami newspapers is commendable - in 2001 subsidies amounted to 10 million NOK - and it has facilitated the regular availability of Sami print media.

The Norwegian authorities have also allocated support for the only newspaper of the Kven minority, which is the main information source on issues pertaining to this minority. Although there has been an increase in these subsidies (from 250 000 to 350 000 NOK in 2001), a shortage of resources continues to hamper the operation of the newspaper and there appears to be a need for a considerable increase in the level of public support in order to ensure the regular publication of the said newspaper.

Finally, the Advisory Committee notes that the general public, as far as it does not access minority media, receives only very limited information through other media about cultural life of national minorities and events and problems affecting them. In this respect the Advisory Committee draws attention to the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance and considers that its implementation should be actively pursued.

In respect of Article 9

The Advisory Committee *finds* that measures taken to support radio broadcasting for persons belonging to the Kven minority are rather limited and *considers* that the volume and coverage of such broadcasting should be expanded.

The Advisory Committee *finds* that a shortage of resources continues to hamper the operation of the only newspaper of the Kven minority and *considers* that there appears to be a need for a considerable increase in the level of public support.

The Advisory Committee *finds* that the general public receives only very limited information through the media about national minorities and *considers* that the implementation of the Committee of Ministers' Recommendation No. (97) 21 on the Media and the Promotion of a Culture of Tolerance should be actively pursued.

27. POLAND

The Advisory Committee notes with satisfaction that, on the basis of Article 21, paragraph 9 of the Broadcasting Act, and as stated in the State Report and the appendix to it, there are regular radio and television broadcasts in many minority languages. It is worth observing that the Draft Law on National and Ethnic Minorities would go further than current legislation in two ways: firstly public broadcasters would have a duty to produce and broadcast programmes in minority languages and secondly editorial boards responsible for preparing minority programmes should include members proposed by the national minorities themselves, an indication that progress is possible in this sphere.

The Advisory Committee notes that representatives of several national minorities said they were interested in receiving more broadcasts in their own languages. It seems however that to date – according to the information from the National Council of Radio and Television Broadcasting – only the Belarusians and Germans have formally applied for broadcasting licences. The Belarusians were awarded a licence, and the Germans, after an initial refusal some years ago, reapplied at the end of 2002 to be allowed to set up their own radio station at Opole.

Although, in the authorities' opinion, the Germans now seem to meet the statutory technical requirements for being granted a licence, a licence has not so far been awarded reportedly due to a lack of available frequencies. While not denying such difficulties, the Advisory Committee nevertheless recalls that Article 9, paragraph 3 of the Framework Convention also contains a positive obligation on States Parties – as clearly attested by the explanatory report – notably as regards allocation of frequencies. Consequently, and given that the Germans have several times expressed their wish to have more programmes in German and seem technically and financially able to produce such programmes themselves, the Advisory Committee urges the competent authorities to look into meeting the Germans' needs which Opole public radio, with its limited programmes in German, does not appear to meet.

An amendment to the Broadcasting Act (Articles 4 and 39b) introduced in 2001 the concept of "social broadcaster". Broadcasting companies recognised as social broadcasters are exempt from fees for award of a broadcasting licence. It seems, however, that no minority organisation has yet applied to be recognised as a social broadcaster, despite the advantages this status may grant. The Advisory Committee therefore encourages the competent authorities, in particular the National Council of Radio and Television Broadcasting, to step up relevant information aimed at minority organisations and, more generally, to design a more proactive policy as regards access to media for persons belonging to national minorities.

The Advisory Committee notes that because several national minorities are dispersed over a large part of Poland, it is sometimes difficult, for many of those concerned, to receive the programmes broadcast for them. This applies, for example, to the Ukrainians, whose communities in west Pomerania and the Carpathian lowlands complain of not being able to receive the programme *Telenowyny*, broadcast solely by the Warsaw region station of the third public television channel. The Advisory Committee notes that the authorities are aware of the problem, which is apparently essentially a technical one. The Advisory Committee calls on the authorities to investigate means of remedying the situation speedily. More generally, the authorities, in consultation with the representatives of the national minorities concerned, could review the existing shortcomings in the geographical cover of broadcasting and consider with them how the situation could be improved, including the feasibility of producing and broadcasting certain programmes for national minorities at the national level and no longer exclusively at the regional level.

As regards public radio and television stations' programmes intended for national minorities, the Advisory Committee notes that although national minorities' representatives are involved in a number of them, and some of them are produced by journalists belonging to national minorities, some other programmes are prepared without significant consultation with national minorities. This apparently applies, for instance, to "Ethnic Climate", a national programme on cultural diversity which is broadcast by the third public television channel, and also to "Unsere Heimat", a bilingual German-Polish programme broadcast by Opole public radio. The Advisory Committee considers that the competent authorities should pay more attention to involving persons – including journalists – belonging to national minorities in the preparation of programmes for those national minorities and/or in the bodies which supervise these programmes (see related comments under Article 15 below). The authorities could also intensify their efforts to sensitise producers and broadcasters to this question and promote journalism training for national minorities in order to meet the existing needs.

In respect of Article 9

The Advisory Committee *finds* that representatives of several national minorities said they were interested in receiving more broadcasts in their own languages. Although, in the authorities' opinion, the Germans now seem to meet the statutory technical requirements for being granted a licence, a licence has not so far been awarded reportedly due to a lack of available frequencies. Given that the Germans have several times expressed their wish to have more programmes in German and seem technically and financially able to produce such programmes themselves, the Advisory Committee *considers* that the competent authorities should look into meeting the Germans' needs which Opole public radio, with its limited programmes in German, does not appear to meet.

The Advisory Committee *finds* that because several minorities are dispersed over a large part of Poland, it is sometimes difficult, for many of those concerned, to receive the programmes broadcast for them. The Advisory Committee *considers* that the authorities should investigate means of remedying the situation speedily. The Advisory Committee also *considers* that the authorities, in consultation with the representatives of the minorities concerned, could review the existing shortcomings in the geographical cover of broadcasting and examine with them how the situation could be improved, including the feasibility of producing and broadcasting certain programmes for national minorities at the national level and no longer exclusively at the regional level.

The Advisory Committee *finds* that although national minorities' representatives are involved in a number of public radio and television stations' programmes intended for minorities, other programmes are prepared without significant consultation with minorities. The Advisory Committee *considers* that the competent authorities should pay more attention to involving persons – including journalists – belonging to national minorities in the preparation of programmes for these national minorities and/or in the bodies which supervise these programmes.

28. PORTUGAL

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

29. ROMANIA

The Advisory Committee notes that the Romanian authorities have clearly tried to implement the essence of this article, which is designed to guarantee members of national minorities freedom to receive and impart information, access to the media, and the right to establish and use their own media, as well as tolerance and cultural pluralism.

The Advisory Committee is concerned, however, at the uneven distribution of resources, concerning both television and radio programmes, among the various minorities. It considers the present situation problematic, since one of the main minorities, the Roma community, seems to have far less airtime than the others, particularly for programmes in its own language. Some programmes for Roma also appear to have been dropped. It is therefore important that the authorities look into this matter, and try to revise the balance – but without cutting airtime for other minorities.

The Advisory Committee also notes that the time slots allocated for minority radio and television programmes do not make it possible to reach a maximum number of listeners and viewers in the target audience. It is of the opinion that the authorities should examine this situation and try to find ways of improving it.

Lastly, the Advisory Committee is of the opinion that the Romanian authorities should ensure that the numerically smaller minorities also get adequate media attention. On this point, it refers the Government to the Committee of Ministers' Recommendation (97) 21 on the media and the promotion of a culture of tolerance, and calls for an ongoing implementation of this instrument.

In respect of Article 9

The Committee of Ministers *concludes* that there is reason for concern about the uneven distribution of resources, concerning both television and radio programmes, among the various minorities. It *recommends* that the Government try to revise the balance and consider the allocation of additional airtime to the Roma community as well as ways to make it possible for the smaller minorities to get adequate media attention.

The Committee of Ministers *concludes* that the time slots allocated for minority radio and television programmes are not such as to reach a maximum number of listeners and viewers. It *recommends* that this matter be reviewed.

30. RUSSIAN FEDERATION

With regard to the print media, the Advisory Committee notes that freedom of persons belonging to national minorities to receive and impart information and ideas in their language without interference by public authorities is largely respected. The 1991 Law on the Languages of the Peoples of the Russian Federation provides, in its Article 20, that founders of magazines and newspapers can choose the language in which these publications are issued and in practice a considerable number of newspapers and other publications are published in the languages of national minorities.

The 1996 Law on National-Cultural Autonomy envisages support by both federal and regional authorities for publications of cultural autonomies and the need to encourage mass media in minority languages at the central, regional and local level is recognised in Article 9 of the 1996 Concept of the State National Policy. Some support has been provided in line with the aforementioned provision, notably at the level of the subjects of the federation, for example in the Orenburg region, but there is a need to consolidate and expand such practices throughout the federation. The Advisory Committee understands that financial difficulties are a major obstacle in particular with respect to the media of numerically small as well as dispersed minorities such as Azeris and Ukrainians, and it considers that the federal authorities should increase their efforts to address this issue.

With respect to the electronic media, the Advisory Committee notes that Article 20, paragraph 1, of the Law on Languages of the Peoples of the Russian Federation provides that broadcasts of the “all-Russian” TV and radio programmes are conducted in the Russian language. At the same time, Article 20, paragraph 2, of the said law envisages the use of other languages in the mass media of the subjects of the federation. While recognising that the Russian Federation can legitimately demand broadcasting licensing of broadcasting enterprises and that the need to promote the state language can be one of the factors to be taken into account in that context, the said article appears to be overly restrictive as it implies an overall exclusion of the use of the languages of national minorities in federal radio and TV broadcasting. The Advisory Committee considers that such an *a priori* exclusion is not compatible with Article 9 of the Framework Convention, bearing in mind, *inter alia*, the size of the population concerned and the fact that a large number of persons belonging to national minorities are dispersed and reside within several subjects of the federation.

Furthermore, the Advisory Committee notes that in the legislation of a number of subjects of the federation, the legitimate goal of protecting the language of the “titular nation”, alongside the Russian language, has been pursued through legislation that does not adequately reflect the principles of Article 9 of the Framework Convention. In particular, regulations envisaging only the use of Russian and the language of the “titular nation” at issue in the public TV and radio of the subject of the federation, as is provided for example in Article 28 of the 1992 Law of the Republic of Buryatia on the Languages of the Peoples of the Republic of Buryatia, are not suitable for regions with a large number of residents who have other minority languages as their language. Similarly, the Advisory Committee considers that Article 19 of the 1996 Law of the Republic of Tatarstan on the Languages of the Peoples of Tatarstan, which provides that languages other than Russian and Tatar can be used in the mass media if the minority concerned constitutes a majority of the territory at issue, is too restrictive in nature for the circumstances prevailing in the said subject of the federation.

As regards practice, the Advisory Committee welcomes the fact that broadcasting in a minority language has been introduced in a number of subjects of the federation. With some exceptions, such programmes are largely provided in the language of the titular nation of the subjects at issue. In contrast, persons belonging to minorities who find themselves outside their territorial formation or who do not have a specific formation within the Russian Federation face widespread difficulties in ensuring access to electronic media in their own language. The Advisory Committee recognises that in some subjects of the federation, for example in the Samara region, promising initiatives have been launched to introduce broadcasting in a range of minority languages, but such initiatives need to be expanded further.

In respect of Article 9

The Advisory Committee *finds* that the media environment is to a large extent dominated by Russian language publications and *considers* that there is a need to consolidate and expand support given to the media of national minorities.

The Advisory Committee *finds* that the overall, *a priori*, exclusion of the use of the languages of national minorities in federal radio and TV broadcasting, implied in the Law on Languages of the Peoples of the Russian Federation, is overly restrictive and not compatible with Article 9. It further *finds* that the pertinent legislation of a number of the subjects of the federation does not adequately reflect the principles of Article 9 of the Framework Convention and that in practice a number of minorities face widespread difficulties in ensuring access to electronic media in their own language. The Advisory Committee *considers* that the authorities concerned should address these shortcomings.

31. SAN MARINO

See Article 7

32. SERBIA AND MONTENEGRO

The Advisory Committee welcomes the fact that the legislation of Serbia and Montenegro, including Article 17 of the federal Law on the Protection of Rights and Freedoms of National Minorities, and Article 78 of the Broadcasting Law of Serbia in a number of respects reflect the principles contained in Article 9 of the Framework Convention and contain elements that support both passive and active access to the media by persons belonging to national minorities (see also comments under Article 6 above regarding bodies dealing with broadcasting issues).

The Advisory Committee is however concerned about the lack of clarity in certain language requirements contained in the aforementioned Broadcasting Law. Whereas programmes for national minorities are explicitly excluded from the scope of Article 72, paragraph 1, of the Law which provides for the general obligation to broadcast in Serbian or with translation into Serbian, the law does not contain such a clear exemption in respect of the obligation that at least 50 percent of the broadcasting time must be in Serbian, contained in Article 73, paragraph 1. The Advisory Committee considers that the application of this language quota to broadcasters using minority languages would be highly problematic notably as far as local and regional broadcasters are concerned, bearing in mind, *inter alia*, the size of the population concerned and the fact that they often reside compactly in specific regions. In the light of the foregoing, the Advisory Committee consider that the authorities should clearly exclude broadcasters using minority languages from the scope of the 50 percent quota contained in the said paragraph.

As regards Montenegro, Article 3 of the 2002 Media Law of Montenegro contains certain guarantees for the use of minority languages and Article 95 of the 2002 Broadcasting Law of Montenegro envisage programmes in minority languages. These norms are however of a rather general nature, and the Advisory Committee expects that more detailed guarantees for the implementation of Article 9 of the Framework Convention will be introduced, possibly in the forthcoming law on the protection of national minorities in Montenegro.

With regard to practice in the field of print media, the Advisory Committee notes that the freedom of persons belonging to national minorities to receive and impart information and ideas in their language without interference by the public authorities, following serious problems during the Milosevic regime, is largely respected in Serbia and Montenegro. A considerable number of newspapers and other publications are published in the languages of national minorities, in particular in Vojvodina, often with support from public sources, although financial difficulties remain a major obstacle for further progress in this sphere.

In this connection, the Advisory Committee notes that certain public authorities are currently in the process of cutting back the publishing of minority language publications and designing alternative forms of support for such publications. The Advisory Committee finds it important that the maximum availability, quality and diversity of minority language publications are assured in this process.

As concerns the electronic media, the Advisory Committee welcomes the fact that, in practice, a number of radio and TV broadcasters, of both private and public service nature, use minority languages at the regional and local level, although scarce resources, weak transmission capacity and other problems persist. The Advisory Committee welcomes the fact that the authorities have in recent years addressed certain clear shortcomings in this sphere, including by supporting the introduction of Albanian language radio broadcasting in Southern Serbia.

The Advisory Committee notes that a number of additional concerns about access to the media expressed by national minorities merit further attention. This relates, *inter alia*, to persons belonging to the Vlach minority, who report that they have no regular access, passive or active, to print or electronic media in their area of compact residence in North-Eastern Serbia. As regards Roma, certain valuable media initiatives have been launched – including a private Roma TV station, but this is at the early stages and further progress is called for, including at the state level, bearing in mind that Roma are a dispersed national minority.

The Advisory Committee notes that the authorities of Montenegro have made some important efforts to secure adequate access for Albanians to the public radio and TV. However, the needs of other national minorities in Montenegro merit increased attention in the on-going process of developing a public service broadcasting service, taking into account, for example, the pending proposal to introduce Roma language radio programmes.

In respect of Article 9

The Advisory Committee *finds* that there is a lack of clarity in certain language requirements contained in the Broadcasting Law of Serbia and *considers* that the authorities should more clearly exclude the application of undue language quota on minority language programming.

The Advisory Committee *finds* that the legislation of Montenegro on minority languages programmes is of a rather general nature and *considers* that more detailed guarantees for the implementation of Article 9 of the Framework Convention should be introduced.

The Advisory Committee *finds* that the remaining concerns about access to the media expressed by certain national minorities, such as the Vlachs and Roma, merit further attention.

33. SLOVAK REPUBLIC

The Advisory Committee notes with approval the Government's increasing support for electronic and print media of national minorities. The Advisory Committee also welcomes the minority language programmes on public television and radio, although it regrets that relatively little broadcasting time is devoted to radio programmes in the Roma language. The Advisory Committee calls for the continuation of these commendable practices and considers that more detailed legislative provisions on broadcasting in the languages of national minorities could be helpful in ensuring the consistent implementation of these practices in the future.

As concerns the State Language Law of 1995, the Advisory Committee recognises that its implementation has not, to date, had widespread negative impact on minority languages and that, according to the Government, no sanctions have been imposed for non-compliance or violations of the said law.

There are, nevertheless, provisions in the State Language Law that could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages. Such provisions include, but are not limited to Article 5(6) which provides, *inter alia*, that "occasional publications" intended for the public, and programmes of cultural events, must be published in the state language (if necessary, they may include translation into other languages). In order to determine conclusively to what extent this provision, as well as a number of other provisions of the said law touched upon in the present opinion, are compatible with the Framework Convention, it needs to be ascertained to what degree the State Language Law affects minority languages. The Advisory Committee finds that, in this essential question, the State Language Law is lacking in clarity.

The Advisory Committee considers that the above-mentioned ambiguous legal situation is unsatisfactory from the point of view of legal certainty and that it may give rise to negative consequences for persons belonging to national minorities. Even in the absence of sanctions imposed by the authorities for non-compliance, the law in its current form can produce a "chilling effect" extending to legitimate activities of minorities. With a view to the foregoing, the Advisory Committee considers it essential that this issue be addressed through proposals for amending the State Language Law if necessary, with a view to ensuring that the rights of persons belonging to minorities are protected in a clear and comprehensive manner in both law and practice. When discussing possible measures that could help to reach this aim, due consideration should also be given to proposals to adopt a wide-ranging law concerning the protection of national minorities.

In respect of Article 9

The Committee of Ministers *concludes* that the Government provides increasing support for electronic and print media of national minorities and that minority language programmes is available on the public television and radio. The Committee of Ministers *recommends* that Slovakia continue these commendable practices and consider whether more detailed legislative provisions on broadcasting in the languages of national minorities could be helpful in ensuring the consistent implementation of these practices in the future.

The Committee of Ministers *concludes* that there are provisions in the State Language Law that could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages and *recommends* that Slovakia address this issue, through proposals for amending the State Language Law if necessary, with a view to ensuring that the rights of persons belonging to minorities are protected in a clear and comprehensive manner in both law and practice.

The Advisory Committee notes that, according to Article 20 of the Constitution, which recognises and secures freedom of expression, the law guarantees access to the media for “representative social and political groups, while respecting the pluralism of society and of the different languages of Spain”. Furthermore, Spanish law makes provision, among the principles governing the activities of the mass media, for the observance of political, religious, social, cultural and linguistic pluralism.

With regard to Roma, the Advisory Committee notes that public television in Spain transmits no regular programmes in the Roma language. There are a few Roma radio programmes at local level, financed on a very precarious basis, some of which have in fact ceased to exist because of financial difficulties. Generally speaking, coverage of Roma and their preoccupations is rare in radio and television programmes, and those that are devoted to them often portray situations or events that are damaging to their image. The Advisory Committee is concerned by this state of affairs and considers that the authorities should look for appropriate solutions, including financial support as appropriate, in order to give Roma better access to the media.

In this connection, the Advisory Committee welcomes the fact that the parliamentary sub-committee to examine Roma problems acknowledged, in its above-mentioned report (see footnote 12 above) the necessity to devote greater effort to the needs of the Roma where media access and presence are concerned. The Advisory Committee welcomes the recent initiatives taken by the authorities in this regard, and takes note in particular of the drafting of a guide intended to improve the image of Roma conveyed by the media. The Advisory Committee is of the opinion that the introduction of specific training in Roma culture in schools of journalism might be one of a number of effective ways of enhancing the presence of Roma in audiovisual programmes, in terms both of frequency and of content.

Where print media is concerned, the Advisory Committee notes that, as indicated in the State Report, the State accords financial support at various levels to publications in the Roma language. It welcomes the existence of some important Roma publications financed by the State or local authorities (in Spanish or Catalan, with summaries in English and Roma language). While commending these efforts, the Advisory Committee observes that Roma regard these publications as insufficient and would like to have newspapers published more regularly, and even daily newspapers. The Advisory Committee takes the view that the authorities should examine the situation in co-operation with those concerned and verify, as appropriate, whether additional support could be given so as to remedy the shortcomings observed.

34. SLOVENIA

Article 39 of the Slovenian Constitution guarantees the freedom of expression, press and other forms of public communication. The Advisory Committee does, however, note that the Mass Media Act, which covers radio and television programmes as well as printed and electronic media intended for the public, requires that programming be disseminated in the Slovenian language or translated into this language, “unless [...] primarily intended for readers, listeners or viewers from any other language group” (see Article 5, para 1 of the Mass Media Act). Programming intended for the Italian or Hungarian minorities may be disseminated in the language of these minorities (see Article 5, para 4, of the Mass Media Act). A similar provision applies to the publishing of advertising material if such publishing is disseminated by means of mass media (see Article 51 of the Mass Media Act).

The Advisory Committee trusts that in practice, the authorities interpret the expression “*primarily intended for readers, listeners and viewers from any other language group*”, which is construed as an exception in the Mass Media Act, in a manner that does not result in limitations to the freedom to receive and impart information and ideas in minority languages.

As to practice pertaining to the printed media, the Advisory Committee notes with approval that Slovenia provides financial support for several publications and newspapers designed for the Hungarian and Italian minorities. It should also be noted that Slovenia participates in the funding of joint institutions of the Italian minorities of Slovenia and Croatia, including “Edit” in Rijeka, which publishes newspapers in Italian. While noting that the Roma language has not yet been codified in Slovenia, the Advisory Committee is pleased to see that the Roma minority publishes a bilingual magazine co-financed by the Ministry of Culture and urges the authorities, in consultation with Roma representatives, to step up their support for publishing activities.

With regard to radio and television, the Advisory Committee notes that the Mass Media Act contains specific provisions on the production and broadcasting of programmes in Hungarian and Italian by public radio and television stations. The Advisory Committee welcomes the Italian minority’s excellent situation: each day Koper public radio-television service (RTV Koper) produces and broadcasts, with its editorial staff and facilities, 10 hours of TV programmes and 18 hours of radio programmes in Italian. The Advisory Committee’s attention was nevertheless drawn to the fact that some persons belonging to the Italian minority were for technical reasons unable to receive RTV Koper’s programmes in some regions near the Croatian border, and the Advisory Committee urges the Slovene authorities to examine ways and means of remedying this problem.

With regard to broadcasting for the Hungarian minority, the Advisory Committee notes that public radio produces and broadcasts approximately 15 hours of radio programmes in Hungarian per day. Public television produces and broadcasts a twice-weekly 30-minute programme in Hungarian. The Advisory Committee notes with approval that the authorities and representatives of the Hungarian minority agree that there should be a substantial increase in television programmes in Hungarian, which would involve increasing the Lendava television studio’s production capacities in terms of both editorial staff and technical equipment. The Advisory Committee is pleased to note that the new studio should be operational in spring 2003 and urges the authorities to provide the Hungarian minority with the necessary support so as to meet its objective of producing and broadcasting a daily 30-minute television programme by then.

With regard to the way in which the needs of national minorities are taken into account in radio-television broadcasting, the Advisory Committee welcomes the fact that representatives of the Hungarian and Italian minorities have special seats on the bodies of Slovene radio and television (RTV Slovenia), where they sit on the board, the highest governing body of RTV Slovenia. The Advisory Committee also notes with approval the existence of programme committees for Italian and Hungarian minority broadcasts, in which representatives of these two minorities actively participate.

The Advisory Committee notes with satisfaction the launching in spring 2002 of a Roma television programme broadcast in Murska Sobota. As concerns radio programmes, it notes that the authorities apparently provide financial support only for some radio programmes broadcast by certain local radio stations, especially a weekly programme of approximately one hour broadcast by Murska Sobota radio and another weekly programme in Novo Mesto. The Advisory Committee urges the authorities to continue supporting efforts to expand radio broadcasting aimed at the Roma and to set up a radio station to be run by the Roma themselves. In this context, it encourages the authorities to provide the Roma with the necessary training in this field.

In respect of Article 9

The Advisory Committee *finds* that the Italian minority's excellent situation as concerns public radio-television service is to be welcomed, although some persons belonging to the Italian minority appear for technical reasons unable to receive RTV Koper's programmes in some regions near the Croatian border. The Advisory Committee therefore *considers* that the Slovene authorities should examine ways and means of remedying this problem.

The Advisory Committee *finds* that there should be a substantial increase in television programmes in Hungarian, which would involve increasing the Lendava television studio's production capacities in terms of both editorial staff and technical equipment. The Advisory Committee *considers* that the authorities should provide the Hungarian minority with the necessary support so as to meet its objective of producing and broadcasting a daily 30-minute television programme by spring 2003.

The Advisory Committee *finds* that the authorities apparently provide financial support only for some radio programmes broadcast for Roma by certain local radio stations. The Advisory Committee *considers* that the authorities should continue supporting efforts to expand radio broadcasting aimed at the Roma and set up a radio station to be run by the Roma themselves.

35. SPAIN

The Advisory Committee notes that, according to Article 20 of the Constitution, which recognises and secures freedom of expression, the law guarantees access to the media for "representative social and political groups, while respecting the pluralism of society and of the different languages of Spain". Furthermore, Spanish law makes provision, among the principles governing the activities of the mass media, for the observance of political, religious, social, cultural and linguistic pluralism.

With regard to Roma, the Advisory Committee notes that public television in Spain transmits no regular programmes in the Roma language. There are a few Roma radio programmes at local level, financed on a very precarious basis, some of which have in fact ceased to exist because of financial difficulties. Generally speaking, coverage of Roma and their preoccupations is rare in radio and television programmes, and those that are devoted to them often portray situations or events that are damaging to their image. The Advisory Committee is concerned by this state of affairs and considers that the authorities should look for appropriate solutions, including financial support as appropriate, in order to give Roma better access to the media.

In this connection, the Advisory Committee welcomes the fact that the parliamentary sub-committee to examine Roma problems acknowledged, in its above-mentioned report (see footnote 12 above) the necessity to devote greater effort to the needs of the Roma where media access and presence are concerned. The Advisory Committee welcomes the recent initiatives taken by the authorities in this regard, and takes note in particular of the drafting of a guide intended to improve the image of Roma conveyed by the media. The Advisory Committee is of the opinion that the introduction of specific training in Roma culture in schools of journalism might be one of a number of effective ways of enhancing the presence of Roma in audiovisual programmes, in terms both of frequency and of content.

Where print media is concerned, the Advisory Committee notes that, as indicated in the State Report, the State accords financial support at various levels to publications in the Roma language. It welcomes the existence of some important Roma publications financed by the State or local

authorities (in Spanish or Catalan, with summaries in English and Roma language). While commending these efforts, the Advisory Committee observes that Roma regard these publications as insufficient and would like to have newspapers published more regularly, and even daily newspapers. The Advisory Committee takes the view that the authorities should examine the situation in co-operation with those concerned and verify, as appropriate, whether additional support could be given so as to remedy the shortcomings observed.

In respect of Article 9

The Advisory Committee *finds* that access by Roma to the public media and their presence in them are limited and *considers* that the authorities should identify means, including financial support as appropriate, of helping the Roma to improve this situation. The Advisory Committee furthermore *considers* that the authorities should identify additional means of offering Roma greater support in the print media sector, in accordance with the existing needs.

36. SWEDEN

The Advisory Committee notes with approval that a number of measures have been taken in Sweden to facilitate access to the media for persons belonging to national minorities and that the obligation to take into account the needs of minorities are underlined in the broadcasting licences of public service radio and TV. Further, it is commendable that, during the current licensing period (2002-2005), the public service broadcasting companies are requested to increase their efforts in terms of taking into account the interests of linguistic and ethnic minorities and to pay attention to the specific position of languages of national minorities in this context.

In practice, the Swedish Radio (SR) and Swedish TV (SVT) have taken important initiatives e.g. in terms of broadcasting for Sami. The Advisory Committee also appreciates broadcasting developed for the Swedish Finns by the Swedish Radio and the Swedish TV. At the same time, the Advisory Committee is aware of the marked cuts in the broadcasting time of one of the most important media sources of information for Swedish Finns, the current affairs programme “EKG”, and of the SVT’s plans to stop this programme altogether. It has also been informed about the protests that this development has prompted amongst the Swedish Finns. While recognising the need of media outlets independently to consider reforms in their programming profile, the Advisory Committee finds it essential that the reforms in this sphere do not lead to negative developments in terms of quality and volume of the SVT’s state-wide broadcasting in the Finnish language and thereby negatively affect the implementation of Article 9 of the Framework Convention.

Bearing in mind the foregoing, the Advisory Committee urges the authorities, while respecting the independence of the media, to monitor carefully that the above-mentioned obligation of public-service broadcasting companies to increase their efforts in this sphere is implemented and to take appropriate measures if this obligation is not honoured. This concerns not only the Finnish language broadcasting but also, for example, the Romani Chib language broadcasting, the importance of which was stressed also in the Government Bill “National Minorities in Sweden” (Proposition 1998/99:143). The commendable introduction of Romani Chib language radio broadcasting in 2002 merits being pursued further in a manner that takes into account different varieties of the Romani Chib language. The Advisory Committee also finds it important that radio broadcasting in minority languages on Swedish Radio is given adequate resources both at the national and regional level and that, when evaluating the situation in this sphere, the authorities bear in mind that digital radio is presently used by persons belonging to national minorities only to a limited extent.

As regards Tornedalers, the need to take specific measures in the field of media to support their language (Meänkieli) has been recognised by the authorities only in recent years. Important, albeit limited, initiatives have since been taken notably in the Swedish Radio to introduce programming, and the Advisory Committee considers that such measures need to be consolidated further and in a manner that reflects the number and the needs of the persons belonging to this national minority.

Bearing in mind that the general public receives only a limited amount of balanced information through other media about the cultural life of national minorities and events and problems affecting them (see also comments related to reporting on Roma under Article 6), the Advisory Committee considers it useful that the state-wide TV broadcasting in Sami and Finnish languages is regularly sub-titled in Swedish.

As regards print media, the Advisory Committee notes the existence of a number of publications in the languages of national minorities, including Finnish. There is, however, scope for improvements, as noted in the report of the Swedish Press Subsidies Council on the “Media of the minorities” published in September 2002, for example, as regards newspapers published in the Sami and Romani Chib languages. The Advisory Committee further notes that the Statute of Annual Press Subsidies (1990:524), which contains regulations for direct subsidies to newspaper publishers, has as its starting point that the contents of the publication receiving subsidies should be “mainly in Swedish”. While recognising that Article 11 of the said statute also envisages subsidies “in exceptional circumstances” for newspapers published mainly in minority languages and that in practice such subsidies have been allocated for certain newspapers published in the Finnish language, the Advisory Committee questions the advisability of maintaining a separate support scheme in its current form for newspapers published mainly in minority languages in so far as these newspapers must meet stricter conditions of support than newspapers published mainly in Swedish.

It is also important that the distribution subsidy scheme is designed in a manner that takes into account the specific situation of minority language newspapers.

In respect of Article 9

The Advisory Committee *finds* that certain marked cuts have recently been introduced in the public service minority languages broadcasting and *considers* that the authorities should monitor carefully that the public service broadcasting companies implement their obligation to increase their efforts in this field in 2002-2005.

The Advisory Committee *finds* that there is scope for improvements in the situation of print media in minority languages, including Sami and Romani Chib, and in their support and *considers* that the authorities should ensure that the relevant subsidy schemes take into account the situation of minority language print media.

37. SWITZERLAND

The Advisory Committee expresses satisfaction at the existence of a considerable number of radio and television programmes in German, French and Italian which can be received throughout the country. It notes with satisfaction that the weekly airtime of television programmes in the Romanche language averages 70 minutes and that the public radio broadcasting service broadcasts approximately two hours of programmes in Romanche every day in Graubünden.

As far as the press is concerned, the Advisory Committee welcomes the wide variety of titles existing in the four languages of the country. However, according to the representatives of the Romanche-speaking minority, it seems that the only Romanche daily newspaper is in a difficult financial situation. The Advisory Committee therefore encourages the authorities to examine, in consultation with the Romanche minority, the various possibilities for securing sufficient funding for this daily newspaper, although it is aware that substantial public subsidies are already granted to the Romanche press agency.

Based on the information available to the Advisory Committee, it seems that only one local Zürich radio station regularly broadcasts a programme in Roma language and, as far as the press is concerned, the Jenish people have only one title. The Advisory Committee encourages the authorities to examine, in consultation with Travellers' representatives, whether the present situation corresponds to their needs and, if necessary, to consider other support measures in the field of the media.

In respect of Article 9

The Advisory Committee *finds* there are reports according to which the only Romanche daily newspaper is in a difficult financial situation. The Advisory Committee therefore *considers* that the authorities should examine, in consultation with the Romanche minority, the various possibilities for securing sufficient funding for this daily newspaper.

The Advisory Committee *finds* that there seems to be only one local radio station regularly broadcasting in Roma language and one press title for the Jenish people. The Advisory Committee *considers* that the authorities should examine, in consultation with Travellers' representatives, whether the present situation corresponds to their needs and, if necessary, to consider other support measures in the field of the media.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee notes that the domestic legislative framework guarantees freedom of expression for persons belonging to minorities and allows them to establish their own media.

With regard to the public broadcasting sector, the Advisory Committee notes with approval that under Article 45 paragraph 2 of the Law on Broadcasting, the public broadcasting company is required to broadcast programmes in minority languages. The Advisory Committee further notes that the law does not provide any guarantees as to the minimum duration of these programmes. It welcomes the introduction at the end of 2002 of a third television station, MTV3, which broadcasts solely in minority languages and allocates airtime mainly to Albanian but also to other languages: namely, Turkish and, to a lesser extent, Romani, Vlach, Serbian and Bosniac. The Advisory Committee understands, however, that there are a number of problems with the running of this station, which so far has been operating on a trial basis. Among the problems brought to the Advisory Committee's attention are the tendency to cancel programmes in certain languages (Turkish and Vlach) or to postpone them to times when few people are watching, the lack of reception in certain rural areas where, for example, there is a large Turkish population and the heavy reliance on repeats owing to lack of proper resources. The Advisory Committee notes that, as a result, the channel attracts only a small audience. The Advisory Committee considers that the authorities should look closely at the problems encountered in practice and take the necessary measures, including financial ones, to ensure the quality of the programmes broadcast and the

viability of the station itself. The Advisory Committee notes with satisfaction that at the local level, the Law on Broadcasting states that in areas where the majority or a substantial number of the population consists of national communities, the local broadcasting service must broadcast in the languages of these communities and that in practice, 7 of the 29 local broadcasting services broadcast in the languages of the Albanian, Turkish, Roma, Vlach and Serbian communities.

The Advisory Committee notes that as regards privately-owned broadcasters, the Broadcasting Council awards licences to private broadcasting companies broadcasting in minority languages, which are also required to broadcast in Macedonian in addition to the minority languages under Article 45 paragraph 4 of the Law on Broadcasting. The Advisory Committee notes that this requirement to broadcast a certain proportion of programmes in Macedonian (the percentage which must be broadcast in Macedonian has reportedly been set at 20%) in addition to the minority languages makes it difficult to obtain a licence. The Advisory Committee is aware that amendments to the Law on Broadcasting are currently being considered and hopes that this revision will enable safeguards to be introduced, making it easier for minorities to access the media. The Advisory Committee notes in particular that the fact that no licences have been awarded at national level to private media broadcasting in Albanian is a source of dissatisfaction and expects that a solution can be found in order to meet the needs of this community.

As regards the written media, the Advisory Committee notes that grants are awarded on an annual basis to minority-language newspapers and magazines, including the Albanian-language newspaper, Flaka, and the Turkish-language newspaper, Birlik. The Advisory Committee notes, however, that there have been complaints to the effect that funds are not being distributed fairly and considers that the authorities must take care to ensure a proper balance when providing assistance in this area, taking into account the needs that exist among numerically smaller minorities. The Advisory Committee notes in the information provided by the Government that the current privatisation process of the largest publishing house will have a bearing on the publishing in the languages of the communities. While noting that the on-going privatisation is a concern for the entire press of the country, the Advisory Committee considers that the written media of minorities, and in particular the numerically smaller minorities, are in a particularly vulnerable position because of the limited nature of the market in which they operate and that the authorities should look at ways to ensure that this evolution does not disproportionately affect the written media of minorities.

As already mentioned in respect of Article 6 above, the Advisory Committee considers that more support should be given to training journalists and raising their awareness of minorities in order to ensure wider, high-quality coverage of issues affecting minorities. The Advisory Committee notes that minorities are under-represented in the public media sector. It also learnt from representatives of the Albanian community that staff from the Albanian section of public television broadcasting do not have the necessary technical and human resources to perform their tasks properly. The Advisory Committee therefore considers that further efforts could be made to help journalists from minority groups obtain employment in broadcasting companies and become fully integrated within these companies.

In respect of Article 9

The Advisory Committee *finds* that a third television station broadcasting solely in minority languages has been in operation since 2002 but *considers* that the authorities should address the problems encountered in the running of this channel in order to ensure its quality and viability.

The Advisory Committee *finds* that the legal provision relating to private broadcasting in minority languages requires that broadcasting be made in Macedonian language in addition to minority

languages and that this poses difficulties in practice in obtaining a license. The Advisory Committee *considers* that there is a need to address this situation in the context of the current revision of the Law on Broadcasting.

The Advisory Committee *finds* that the concerns about access to the media of minorities, in particular numerically smaller minorities merit further attention.

39. UKRAINE

With regard to the print media, the Advisory Committee notes that freedom of persons belonging to national minorities to receive and impart information and ideas in their language without interference by public authorities is largely respected in Ukraine and it is guaranteed, e.g. in Article 5 of the Law on Print Media. A considerable number of newspapers and other publications are published in the languages of national minorities, although financial difficulties are a major obstacle in particular with respect to the media of numerically small and dispersed minorities. At the same time, the Advisory Committee stresses that the problems pertaining to freedom of the media and the rights and situation of journalists in general may also affect the environment surrounding the print and other media published by persons belonging to national minorities and that the authorities should be vigilant in protecting these rights and freedoms and addressing related concerns. The Advisory Committee also underlines that the system of registration of newspapers and other print media should be carried out in a manner that fully protects freedom of the press and does not hinder the creation and use of printed media by persons belonging to national minorities.

With respect to the electronic media, the Advisory Committee notes that Article 6 the Law on National Minorities provides for the right of persons belonging to national minorities to “satisfy their needs in the field of mass media”. At the same time, Article 9 of the Law on Television and Radio Broadcasting stipulates that TV/radio organisations shall broadcast in the official language but that “programs beamed on certain regions may be in the language of the numerically prevalent local ethnic minority in the regions where national minorities live compactly”. While recognising that Ukraine can legitimately demand broadcasting licensing of broadcasting enterprises and that the need to promote the official language can be one of the factors to be taken into account in that context, an overall exclusion of the use of the languages of national minorities in the nation-wide public service and private broadcasting sectors is not compatible with Article 9 of the Framework Convention, bearing in mind inter alia the size of the population concerned and the fact that a large number of persons belonging to national minorities reside outside areas of compact residency.

The Advisory Committee acknowledges that, in practice, a level of flexibility prevails in terms of the interpretation of Article 9 as regards broadcasting at the state-level and that, as a result, broadcasting in languages other than the official language appears to be tolerated to a certain degree, albeit not encouraged, by the authorities concerned, as far as private broadcasting is concerned. The Advisory Committee considers it important that a maximum level of flexibility is maintained pending amendments to the relevant legislation.

The fact that licenses can be granted for broadcasting in a minority language in regions where national minorities live compactly is in itself positive, although the provision falls short of encouraging such broadcasting. The Advisory Committee further notes that the term “compactly” is not defined in any manner in the legislation, and this fact has caused a level of legal uncertainty and, as a result, this crucial matter is largely at the discretion of the authority responsible for licensing decisions, namely the National Television and Radio Council.

The Advisory Committee further notes that, when taking its licensing decisions, the National Television and Radio Council has imposed specific language-related quota for broadcasting in various regions, indicating what percentage of the programming must be in the Ukrainian language. The Advisory Committee considers that, bearing in mind its implications for persons belonging to national minorities and the fact that excessive quotas may impair the implementation of the rights contained in Article 9 of Framework Convention, this practice needs to be implemented with caution. Furthermore, it would need to be rooted in a more precise legislative basis than what is contained in the above-quoted provision of Article 9 of the Law on Television and Radio Broadcasting.

In the light of the foregoing, the Advisory Committee considers that Ukraine should review the provisions pertaining to the use of the languages of national minorities in nation-wide and regional broadcasting in its Law on Television and Radio Broadcasting, with a view to clarifying them and to ensuring that they are fully compatible with the principles contained in Article 9 of the Framework Convention.

While regretting the aforementioned shortcomings in the pertinent legislation, the Advisory Committee welcomes the fact that, in practice, a number of radio and TV broadcasters use minority languages at the regional level, although scarce resources are a continuous problem. At the same time, there is scope for improvement inter alia with respect to TV and radio broadcasting in the Crimean Tatar language, and the Advisory Committee regrets the reports that the time allocated for broadcasting in this language has recently been reduced in the public service TV and radio in Crimea. In this connection, the Advisory Committee also notes that the receipt of such broadcasting is technically impossible in some parts of Crimea, including in some settlements of Crimean Tatars. It therefore considers it important that the authorities step up their efforts to facilitate minorities' access to the media in particular in Crimea.

In respect of Article 9

The Advisory Committee finds that a number of newspapers and other publications are published in the languages of national minorities but problems pertaining to freedom of the media and the rights and situation of journalists in general may also affect the environment surrounding the media of persons belonging to national minorities. The Advisory Committee considers that the authorities should be vigilant in protecting the rights and freedom at issue.

The Advisory Committee finds that the Law on Television and Radio Broadcasting curtails the use of the languages of national minorities in the nation-wide public service and private broadcasting sectors in a manner that is not compatible with Article 9 of the Framework Convention and gives large discretion to the authority responsible for licensing. The Advisory Committee considers that Ukraine should review the provisions pertaining to the use of the languages of national minorities in the law at issue, with a view to clarifying them and to ensuring that they are fully compatible with the principles contained in Article 9 of the Framework Convention.

The Advisory Committee finds that, in practice, a number of radio and TV broadcasters use minority languages at the regional level, but the availability of broadcasting in the Crimean Tatar language is limited. The Advisory Committee considers that the authorities should step up their efforts to facilitate minorities' access to the media in particular in Crimea.

40. UNITED KINGDOM

The Advisory Committee takes note of the information provided by the Government on the regional radio stations licensed to serve the ethnic minority communities (five for Asian groups, three for African Caribbean audiences and another serving a range of ethnic minority groups) as well as the availability of programme streams on local digital television multiplexes (eight of which contain streams for ethnic minorities).

The Advisory Committee notes with approval the level of coverage and support for television in Welsh on Channel S4C, with 4,388 of its total of 10,255 hours annual broadcasting in Welsh. The Advisory Committee similarly notes that BBC Radio Cymru broadcasts in Welsh for approximately 18 hours daily.

In relation to Gaelic in Scotland the Advisory Committee notes that the Gaelic Broadcasting Committee receives £8.7 million to finance the production of Gaelic programmes, training and research and that some 130 hours of television programming are broadcast on BBC1 and BBC Scotland in Gaelic each year.

The Advisory Committee welcomes the statement in the Government's Communications White Paper, published on 12 December 2000, that consideration will be given to the recommendations of the Gaelic Broadcasting Taskforce on the feasibility of a dedicated Gaelic television service once digital television becomes widely available.

The Advisory Committee notes that there is no Irish language television station in Northern Ireland. The Advisory Committee also notes that there have been complaints from members of the Irish speaking community in Northern Ireland about the lack of progress on the development of Irish language television production and understands, in this respect, that there are calls for specific legislation on Irish language broadcasting for Northern Ireland.

The Advisory Committee also understands that there are complaints from members of the Ulster-Scots community about the lack of provision for broadcasting Ulster-Scots on the television and the radio in Northern Ireland.

In view of the importance of these matters for the communities concerned and noting the importance attached to linguistic diversity under the Belfast (Good Friday) Agreement (1998), the Advisory Committee considers that the Government should explore what further steps could be taken to cater for the needs of persons belonging to the Irish speaking community in particular as well as the needs of those persons belonging to the Ulster-Scots speaking community in terms of facilitating access to the media and their ability to create and use their own media.

More generally and notwithstanding the different steps already taken, the Advisory Committee has received calls for greater diversity and opportunity in media broadcasting. The Advisory Committee recognises the limited frequencies accessible for broadcasting, and the competition for the limited licences available. The Advisory Committee also notes that digital, cable and satellite broadcasting will bring with it new and further possibilities for meeting demands. Encouragement should be given to opening up broadcasting further to national minorities, using for example opportunities offered by the implementation of new technologies.

In respect of Article 9

The Advisory Committee *finds* that importance should be attached to linguistic diversity in Northern Ireland and *considers* that the United Kingdom should explore further how to cater for the needs of the Irish speaking community in particular, as well as the needs of the Ulster-Scots speaking community, in terms of their access to and creation of their own media.