

Strasbourg, 2 February 2016

Public
Working document

**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**

SECOND 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.”

This document was produced for the work of the Advisory Committee. For publication purposes, please refer to the original versions of the opinions of the Advisory Committee on the Framework Convention.

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*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 of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 40 opinions, among which 36 opinions on Article 9.

NOTE

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

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

1. Albania

Opinion adopted on 29 May 2008

Article 9

Printed media in minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that persons belonging to national minorities have their own press, albeit limited and considered that the Albanian authorities should examine how assistance could be strengthened in this field.

Present situation

Outstanding issues

The situation in this area has not changed. In many respects minority publications depend on funding from abroad for their survival. The situation is particularly critical in respect of the Aromanian/Vlach minority, which is reliant on financial support from Greece and Romania in order to continue distributing its publications. This is also true of the Roma minority, which relies primarily on international grants in order to publish its newspapers; in many cases, moreover, the latter are not published on a regular basis. As stated during the first monitoring cycle, the Advisory Committee recognises that State financial support for the media may be limited. Nevertheless, it considers that the Albanian authorities should not overlook the need to ensure that minority printed media can also rely on national resources, rather than being entirely dependent on foreign aid.

Recommendation

The Albanian authorities should support minorities' efforts so as to enable them to continue to issue regular publications in their language.

Broadcast media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that the Albanian authorities were planning to introduce changes to the legislative framework for the media. In particular, it considered that passing new broadcasting legislation should facilitate access to the media for persons belonging to national minorities.

The Advisory Committee, noting the calls for more programmes to be broadcast in minority languages on both radio and television, considered that further support for such coverage should be provided, for example by requiring that licenses oblige broadcasters to allocate a certain amount of time to programmes in minority languages.

Present situation

a) Positive developments

The Advisory Committee notes that in 2005 the National Radio and Television Council granted two licences for a radio station and a radio and television station, respectively, broadcasting in Greek. These private stations cover the Dropulli and Gjirokastër areas.

b) Outstanding issues

Albania's legislative framework for radio and television broadcasting remains unchanged. It does not provide for a specified amount or duration of radio and television programming aimed at persons belonging to minorities. The authorities did, however, include the revision of existing

media legislation in the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union.

The Advisory Committee notes that, apart from the licences granted to a few radio and television stations broadcasting in Greek or Macedonian (Radio Prespa), radio and television broadcasting aimed at national minorities or in minority languages is provided primarily by Albanian Public Radio and Television's regional branches in Gjirokastër, Korçë and Shkodër. As regards the Serbo-Montenegrin minority based in Shkodër, however, it notes that since the regional branch in question does not offer regular broadcasts, such programming is not available for this minority. The Roma and Vlach/Aromanian minorities, for their part, do not enjoy any radio or television coverage, other than the one-off programme.

Recommendations

The Advisory Committee invites the authorities to launch, without further delay, the process of revising the legislative framework for the broadcast media with a view to ensuring appropriate coverage for each minority. In doing so, the authorities should initiate consultation on these issues with persons belonging to minorities.

The Advisory Committee considers that the authorities should ensure that regional public broadcasting in minority languages is extended. They should also look for ways of ensuring that programmes of interest to minorities – including in their languages as far as possible – enjoy a greater presence in the general Albanian media landscape, rather than exclusively targeting minorities in the areas they inhabit in substantial numbers.

The Advisory Committee invites the authorities to pay specific attention to those communities for which no regular programming is available. These include the Roma and Vlachs/Aromanians, and those for which no locally produced broadcasting is available, such as Serbo-Montenegrins, and take steps to ensure that greater consideration is given to their needs.

Training and participation of persons belonging to national minorities in management bodies of media

Present situation

a) Positive developments

The Advisory Committee has noted the positive steps taken by the Albanian Media Institute with a view to training persons belonging to minorities in journalism and the management of broadcasting companies. It notes, for example, that a training course has been run for publishers and editors of Greek newspapers, and that representatives of the Roma minority have undergone radio production training.

b) Outstanding issues

As commendable as these initiatives may be, however, the Advisory Committee notes that they are confined to one-off assistance for the implementation of short-term projects. In the Advisory Committee's view, such an approach will not bring about an effective, lasting improvement in access to the media for persons belonging to national minorities.

According to national minority representatives, the Albanian National Broadcasting Council does not have sufficient regard to the programming needs voiced by persons belonging to national minorities.

Recommendations

The Advisory Committee recommends that the authorities help put in place training courses for various professions within the broadcast and printed media, addressing the specific needs of persons belonging to minorities.

The Advisory Committee invites the authorities to promote the involvement of persons belonging to minorities within the public broadcaster's management bodies.

2. Armenia

Opinion adopted on 12 May 2006

Access of minorities to the media and their presence in the media

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the authorities should step up their efforts to broaden the possibilities of minority access to the media and their presence in the media. It also found that the Law on Television and Radio was too restrictive with regard to the use of minority languages in public television and that broadcasting time allocated to minority languages in public radio and television was to be increased. Finally, it found that more state support should be provided for national minorities to set up private electronic or print media.

Present situation

a) Positive developments

Radio programmes are broadcast on public radio in Yezidi, Kurdish, Georgian, Russian and Assyrian. The Advisory Committee welcomes the fact that the programmes in Assyrian, which were interrupted in 2003, were restarted in 2006, with support from the State. It also welcomes the fact that programmes in national minority languages are planned and prepared by journalists from national minorities and minority leaders.

b) Outstanding issues

The Advisory Committee remains concerned by the provision of Article 28 of the Law on Radio and Television which establishes that the total length of the programmes in minority languages should not exceed one hour per week on TV and one hour per day on the radio.

The Advisory Committee notes that the presence of minority languages in the media remains limited, although there are a number of programmes devoted to and dealing with national minorities.

Moreover, it notes that there are no institutional arrangements for the involvement of persons belonging to national minorities in the work of the supervisory bodies of the media, the Public Radio and Television Council and the National Broadcasting Commission.

The Advisory Committee was informed during its visit that priority could be given to programmes in minority languages and programmes run by national minorities in tenders, even though the law does not allow for preferential treatment. However, the Advisory Committee was informed that due to a lack of economic capacity to engage in the creation of minority television or radio channels and broadcasting, no representatives of national minorities have so far competed for tenders, even though a tender was launched for the mainly Kurdish and Yezidi populated villages in the Aragatsnots region.

The Advisory Committee was informed by the authorities that one envisaged way of compensating for the lack of economic capacity of the national minorities could be the use of existing channels to broadcast in minority languages and to re-broadcast programmes from kin-states and neighbouring countries. However, this option would be difficult to implement for minorities without a kin-state. Furthermore, the Advisory Committee recalls that broadcasting of programmes produced in kin-states does not always sufficiently cover the needs of persons belonging to national minorities.

The Advisory Committee was also informed that, in addition to scarce economic resources, the lack of necessary training among persons belonging to national minorities prevents a more active participation in the media.

Recommendations

The Advisory Committee invites the authorities to remove possible obstacles to further broadcasting in minority languages, in particular the legal limitations of airtime for broadcasting in minority languages on public radio and television, and it encourages them to look for ways to increase participation of minorities in the media.

The Advisory Committee also encourages the authorities to provide support in the form of training of media professionals among national minorities.

3. Austria

Opinion adopted on 8 June 2007

**Implementation of the Austrian Broadcasting Corporation (ORF) Act
as amended in 2001**

Findings of the first cycle

In its first Opinion, the Advisory Committee welcomed the possibilities opened up by the new Austrian Broadcasting Corporation (hereinafter referred to as ORF) Act of 2001, which required the ORF to broadcast a reasonable proportion of programmes in the languages of national minorities; moreover, the amended act made it possible for the ORF to cooperate with private broadcasters to fulfil its mandate and it provided a seat for a representative of national minorities in the Audience Council.

The Advisory Committee observed that there was a real interest among national minorities to develop television and radio programmes in the languages of national minorities, especially among those living in Vienna. It also encouraged the authorities to cater better for the needs related to the media of the Slovenes of Styria.

*Present situation***a) Positive developments**

The Advisory Committee notes that the adoption of the new ORF Act made it possible for radio programmes in the Czech, Slovak, Hungarian, Burgenland Croat and Roma languages to be launched in Vienna on Radio 1476, the medium wave programme of the ORF.

In Carinthia, the Advisory Committee notes with satisfaction that an agreement was finally reached in 2004 to ensure continuation of radio broadcasting in the Slovenian language, after the discontinuation in 2002 of the cooperation contract between the ORF Carinthia and the two private radio stations in the Slovenian language (Radio Agora and Radio Dva). The agreement of 2004 resulted in resumed cooperation between the ORF and Radio Agora and Radio Dva. Twelve hours daily broadcasting in the Slovene language is now ensured.

Since 2003, radio and television programmes in the Roma language are broadcasted by the ORF Burgenland.

The Advisory Committee welcomes the adoption in 2004 of the Press Promotion Act, which introduces easier conditions for the print media of the national minorities to access federal funds.

b) Outstanding issues

According to information brought to the attention of the Advisory Committee, persons belonging to national minorities encounter difficulties in obtaining private radio broadcasting licences and, therefore, in cooperating with the ORF on developing programmes in minority languages – in line with the amended ORF act.

Moreover, the ORF medium wave radio service in various languages of the national minorities (Radio 1476 in Vienna) has a very limited impact and a restricted outreach as the quality of broadcasting is not high and the allocated time-slots are not popular. The Advisory Committee

is of the opinion that, although the launching of minority language radio programmes in Vienna is a positive development, it is not a sufficient response to the needs of the national minorities in the field of radio broadcasting.

The Advisory Committee notes with concern that television programmes in the minority languages are limited to a one-hour weekly ORF programme, broadcasted simultaneously in Carinthia and Burgenland, and to some additional irregularly-broadcasted programmes in Burgenland. The Advisory Committee considers that the opportunities for the minority languages to be heard on television are very limited.

The Advisory Committee observes that, in Styria, there are no radio or TV programmes in Slovenian and that, for technical reasons, Slovenian language programmes produced in Carinthia cannot be received. In Carinthia, following the agreement of 2004 between the ORF and private radios (see paragraph 101 above), the ORF Carinthia decided to reduce its programmes in Slovenian on the public radio to one hour a week. Some interlocutors of the Advisory Committee highlighted that they regret this reduction of broadcasting time in Slovenian on the public radio, which may be harmful to the overall presence of the Slovenian language in the media.

Access to the media for the Czech, Slovak and Roma minorities is still very limited. Moreover, representatives of the Roma informed the Advisory Committee that they lack the capacity to contribute more substantially in the media and that there is a need for training of Roma journalists to be able to prepare radio or TV programmes.

The Advisory Committee is of the opinion that the opportunities opened up by the new ORF Act of 2001 have not yet been adequately and fully made use of by the ORF. Moreover, the Advisory Committee notes that the Audience Council, which is in charge of approving *inter alia* the allocation by the ORF of programmes in the minority languages, is only a consultative organ with, reportedly, a limited impact on ORF programmes (see also remarks in respect of Article 6).

The Advisory Committee was informed that, although there are no legal obstacles to the reception of programmes broadcasted in neighbouring states (Slovenia, Croatia and Hungary), technical difficulties exist for the reception of some programmes. Representatives of the Hungarian minority reported that the only Hungarian programmes they can receive are on pay-channels.

Information brought to the attention of the Advisory Committee points to a substantial reduction in the federal funds allocated to national minorities' print media since 2001. Moreover, the Advisory Committee is concerned by some provisions of the draft law on press promotion in Carinthia which would increase the required minimum number of copies in circulation of a newspaper to be eligible for support. Most minority-language newspapers would, as a consequence, be deprived of support from the Carinthian authorities.

Recommendations

The Advisory Committee invites the authorities to continue to develop ways of better responding to the needs expressed by the national minorities in the field of radio and television broadcasting and to ensure that the national minorities can make full use of the possibilities offered by the new ORF Act. The Advisory Committee recalls that an enhanced presence of the languages of the national minorities on the radio and television should substantially contribute to the efforts of the latter to preserve their language and their cultural heritage.

The Advisory Committee calls on the authorities to ensure that the needs of persons belonging to national minorities in relation with the print media are adequately met.

4. Azerbaijan

Opinion adopted on 9 November 2007

Legislation on television and radio broadcasting and minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee recommended that Article 6 of the Law on State Language imposing the use of the State Language for all radio and television broadcasting be amended, so as to enable broadcasting in minority languages.

Present situation

a) Positive developments

The Advisory Committee welcomes the amendment by the Parliament, on 10 June 2003, of Article 6 paragraph 1 of the Law on State Language of the Republic of Azerbaijan, which previously stated that the Azerbaijani language shall be used in all radio and television programmes broadcasted on the territory of Azerbaijan.

b) Outstanding issues

The Advisory Committee notes, however, that a regulation on the use of the State language in television and radio broadcasts was adopted in June 2003 by the National Council for Radio and Television, which introduced an obligation to broadcast for at least 75% of the time in the State language. This applies to all channels of public and private radio and television. The Advisory Committee observes with concern that such regulation, which applies to the private media sector, severely limits possibilities for broadcasting in minority languages and prevents the setting up of a private media outlet in minority language. Such a quota, therefore, raises issues of compatibility with the provisions of Article 9 (1) and (3) of the Framework Convention. Furthermore, the authorities informed the Advisory Committee during its visit that 24 hours broadcasting in a minority language would, in their view, be problematic for the National Council on Radio and Television, whose task of supervising programmes would be further complicated by the need to hire staff with a good command of minority languages.

Recommendations

The authorities of Azerbaijan should review, as a matter of priority, the existing legislation on radio and television broadcasting. In doing so, they should take measures to ensure that obstacles to broadcasting in minority languages are removed, especially with regard to the private sector, and that persons belonging to national minorities can effectively enjoy the rights enshrined in Article 9 (1) and (3).

The adoption of legislation on the protection of national minorities, with specific provisions on access to the media by persons belonging to national minorities, could substantially contribute to enhance their participation in the media, both mainstream and own media.

Participation and presence of minorities in the media

Findings of the first cycle

The Advisory Committee recommended that broadcasting in minority languages on public radio be expanded further. Moreover, it encouraged the authorities to provide more support to newspapers of national minorities.

Present situation

Outstanding issues

The Advisory Committee notes that 15 to 20 minutes programmes in a number of minority languages (among which Georgian, Kurdish, Lezgin and Talysh) continue to be broadcasted twice a week on the public radio. However, the frequency and length of these programmes is

considered to be too limited by representatives of national minorities which the Advisory Committee met. They would like these programmes to be expanded and further supported, so as to enable them to promote effectively their language and culture through the media. Moreover, the Advisory Committee was informed that the quality of these programmes could be improved and that there is a need for more trained journalists with a national minority background. Lastly, to the knowledge of the Advisory Committee, there are very few radio programmes at the local level in minority languages or run by persons belonging to national minorities, even in regions where minorities live in substantial numbers.

There is, at the moment, no television programme, whether public or private, in minority languages, except in the Russian language. The Advisory Committee, however, learnt during its visit that there is a demand for such programmes among persons belonging to national minorities. Moreover, the Advisory Committee notes that there is no representative of national minorities on the National Council for TV and Radio.

As for print media, the Advisory Committee was informed that due to the very limited financial support available, it is increasingly difficult for minority organisations to publish newspapers in minority languages. Moreover, the Advisory Committee regrets that some minority newspapers did not obtain official registration (see also remarks in respect of Article 7) and that the distribution of others has, reportedly, been hampered by the authorities. The existence of media in minority language is an important tool for the preservation and promotion of minority languages and cultures and these media should therefore be actively supported by the authorities.

The Advisory Committee notes that the presence of persons belonging to national minorities in mainstream media is also limited. There are programmes dealing with national minorities issues, but they are, reportedly, limited to issues connected with the folklore and some cultural aspects of the life of minorities.

Recommendations

The Advisory Committee invites the authorities of Azerbaijan to find ways of encouraging the further development of radio programmes in national minority languages, in close cooperation with representatives of the national minorities.

The Azerbaijani authorities should eliminate obstacles to the publication and distribution of newspapers in minority languages. They should also provide additional support to these publications.

Airtime for broadcasting in minority languages should be allocated on the public service television and adequate programmes should be designed, in close cooperation with persons belonging to national minorities and without prejudice to the editorial independence of the media. Moreover, further steps should be taken to enhance broadcasting on various issues related to national minorities in the mainstream media, in particular on public television.

5. Bosnia and Herzegovina

Opinion adopted on 9 October 2008

Application of the State Law on National Minorities in the field of the media

Findings of the first cycle

In its first Opinion the Advisory Committee regretted that the new possibilities afforded by the State Law on National Minorities had in practice had little effect on the participation and representation of national minorities in the media. It encouraged the Communications Regulatory Agency to pay more attention to implementation of Article 16 of this law, requiring public radio and television stations to broadcast weekly programmes in minority languages.

Present situation

a) Positive developments

The Advisory Committee notes with satisfaction that the public television channel of Republika Srpska continues to broadcast a one-hour programme on national minorities every week. It also notes that a number of radio programmes in the Roma language exist at local level (for example in Tuzla or Kakanj).

The Advisory Committee welcomes the Communications Regulatory Agency's initiative of setting aside, for a five-year period and free of charge, a radio frequency for programmes concerning national minorities or in minority languages.

The Advisory Committee takes note of the efforts made by NGOs to provide journalism training for members of the Roma minority, with the authorities' backing.

b) Outstanding issues

The Advisory Committee notes that the public-service media are generally still failing to fulfil their obligations under the State Law on National Minorities, as amended in 2005. In particular, it is to be regretted that the Federation's public television station does not regularly broadcast programmes concerning national minorities and has stopped retransmitting the programme shown on the Republika Srpska's public television channel on national minorities (see paragraph 148 above). The Advisory Committee also notes that no minority-language programmes exist on public television channels.

A number of the persons with whom the Advisory Committee held discussions during its visit pointed out that it is difficult for persons belonging to national minorities to seize the few opportunities they are offered for broadcasting programmes in minority languages or about national minorities because of a lack of resources and of trained media professionals within their communities and, in general, of scant interest and support on the part of the media. In particular, no use has reportedly yet been made of the frequency made available to national minorities free of charge by the Communications Regulatory Agency. In addition, the Advisory Committee is concerned to note that the 2005 Law on the Public Broadcasting Service does not reiterate the provisions of the State Law on National Minorities. In addition, the broadcasting law merely mentions the need for adequate representation of the "Others" category with no form of reference to the needs of persons belonging to national minorities.

Recommendations

The Advisory Committee urges the authorities to take determined measures to ensure that the public radio and television stations fulfil their obligations regarding the broadcasting of programmes intended for persons belonging to national minorities and in minority languages. It is important that the Communications Regulatory Agency pay increased attention to application of the legislation in this sphere.

The Advisory Committee invites the authorities to seek means of enabling effective access to the media for persons belonging to national minorities, *inter alia* through vocational training.

6. Bulgaria

Opinion adopted on 18 March 2010

Broadcasting for minorities/broadcasting in minority languages*Findings of the first cycle*

In its first Opinion on Bulgaria, the Advisory Committee found 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 and asked the authorities to ensure that there was no discrimination or undue hindrance to the exercise of the rights of persons belonging to minorities, including numerically smaller ones, in this sphere.

Present situation

a) Positive developments

The Advisory Committee notes that the Radio and Television Act provides that national radio and television must produce programmes for people whose mother tongue is not Bulgarian (Article 49.1) and contains provisions prohibiting programmes that incite ethnic, racial, national or religious intolerance (Articles 10.1 and 17.2). It further notes that two Roma newspapers are published with financial support of the National Council for Co-operation on Ethnic and Demographic Issues (4,000 leva each).

b) Outstanding issues

The Advisory Committee notes that public television services continue to broadcast programmes addressed to persons belonging to national minorities, including in their minority languages. The Advisory Committee regrets that the Bulgarian National Television broadcasts only one daily fifteen-minute programme in the Turkish language at 4pm with limited viewership. It considers that this schedule limits considerably the opportunities of persons concerned to follow this programme.

The Advisory Committee welcomes a new initiative launched by a Turkish youth organisation which set up a radio station for young persons belonging to the Turkish minority but regrets that, according to the organisation concerned, its sustainability is endangered by the absence of any public financial support. The Advisory Committee equally received information from representatives of numerically smaller minorities that there is no public funding available for media in their minority language and thus no access, by these groups, to the media in their languages.

The Advisory Committee regrets the lack of progress since the first monitoring cycle and stresses that the programmes currently offered in minority languages are not sufficient to meet the needs of persons belonging to national minorities in Bulgaria.

Recommendations

The authorities are encouraged to increase their financial support to ensure access of persons belonging to national minorities, including numerically smaller groups, to radio and television programmes in their language.

The Advisory Committee further urges the authorities to ensure that the Turkish community continues to benefit from the daily Turkish TV news programme and that there are sufficient opportunities for broadcast at appropriate times.

7. Croatia

Opinion adopted on 1 October 2004

Broadcasting for minorities in the electronic media

Findings of the first cycle

In its first Opinion, the Advisory Committee concluded that the legal provisions on the broadcasting for persons belonging to national minorities were positive but very general. The Advisory Committee also concluded that the volume of broadcasting in minority languages and on minorities was too limited in the public service television and in the radio at the national level and the access of persons belonging to national minorities to various media was also raised in the Committee of Ministers' first Resolution on the implementation of the Framework Convention in Croatia.

Present situation

a) Positive developments

While the relevant provisions in the Law on Croatian Radio-Television have remained unchanged, new legal obligations to introduce programming for national minorities have been included in Article 18 of the Constitutional Law on the Rights of National Minorities, which contains, *inter alia*, the obligation to produce broadcasting on the work of the council of national minorities. It also contains an obligation to involve representatives of national minorities in programmes aimed at them.

At the regional and local level, there are a number of commendable initiatives, including multi-ethnic radio stations, which have been supported through the public funds allocated by the Council for National Minorities.

b) Outstanding issues

At the national level, the situation in public service broadcasting appears to be largely similar to the one prevailing during the first cycle, with the 55-minute weekly programme *Prizma* as the only regular TV programme devoted to minority issues and with there being only a limited amount of minority radio broadcasting. Proposals have however been floated to expand the scope of such broadcasting, bearing in mind that many national minorities consider this to be a key issue of concern.

There are well-justified calls for additional measures also at the local and regional level, for example, the introduction of Ruthenian and Ukrainian language radio programmes in Vukovar.

Recommendations

Further measures are required to expand the scope of public service broadcasting for national minorities, in line with the relevant provisions contained in the Constitutional Law on the Rights of National Minorities (see paragraph 105 above) and taking into account the expressed demands.

8. Cyprus

Opinion adopted on 7 June 2007

Access to the media by persons belonging to national minorities

Findings of the first cycle

In its first Opinion on Cyprus, the Advisory Committee encouraged the authorities to identify the ways and means of improving access to public television by persons belonging to minorities.

a) Positive developments

According to the information provided by their representatives, the three minority groups appreciate the positive attitude displayed towards them by the media and are generally satisfied with their image as portrayed to the public in the media. As mentioned in the State Report, the public radio service broadcasts weekly programmes devoted to their culture and traditions, including, for the Armenians, in their own language. Since the Committee's first Opinion, the amount of airtime devoted to these programmes has increased. Although not at regular intervals, cultural information regarding the three minority groups is also broadcasted on television, in connection with their most important religious and cultural events.

The Advisory Committee notes with interest that, following a proposal from the Maronites, a consultative body comprising representatives of public radio and the Maronites was set up, to bring the content of the programmes more into line with the expectations of the group. The first meetings of this body confirmed the value of such consultation and, according to the authorities, this is to be pursued and extended to cover programmes devoted to the three minority groups.

The Advisory Committee notes with satisfaction the very recent decision by the public television service, notified during the Committee's meeting with the head of the public broadcasting corporation, to include in its schedules a weekly 30-minute broadcast dedicated to the minority groups. The Advisory Committee hopes that, as indicated by the relevant

authorities, this plan can be put into practice with effect from autumn 2007. It also hopes that the three minority groups will be duly consulted in this context.

b) Outstanding issues

Despite the information referred to above, the actual presence in the Cypriot media of the three minority groups is limited and tends to relate only to specific events. Their representatives believe that, if the authorities displayed a more active attitude, the three groups could have a stronger media presence and their cultures and identity would be better known among the rest of the population. They particularly stress that the life and concerns of their communities are still not given sufficient attention by the public television service. The Maronites have also expressed the hope that a short weekly news programme (of a few minutes) could be broadcasted in their language by the public broadcasting company.

It is only recently that the state has decided to provide support for the written publications of the three minority groups. Following a March 2006 decision by the Council of Ministers, the state should grant annual financial aid to the newspapers and publications of the three minority groups. While the three groups have periodicals covering their life and issues of more general interest, hitherto they have been financed primarily out of their own resources. The representatives of the three minority groups have asked the state to become more involved, both technically and financially, to enable them to preserve and raise awareness of their culture and identity.

Recommendation

The Advisory Committee encourages the authorities to pay increased attention to the needs of the three minority groups as regards access to the media. They should have a more visible presence in radio and television public broadcasting and their representatives should be consulted in the preparation of the programmes in question. Given the importance of written publications for the preservation and assertion of the identity of the three minority groups, the authorities are encouraged to ensure the effective implementation of their recent decision to grant annual financial support for their publications.

9. Czech Republic

Opinion adopted on 24 February 2005

Access of persons belonging to national minorities to the media

Findings of the first cycle

In its first Opinion on the Czech Republic, the Advisory Committee found that there were certain shortcomings as concerns access of persons belonging to national minorities to public television and radio, and their presence in the media. In particular, it insisted that programmes and air time must be allocated more fairly, and resources distributed more effectively, so that the needs of numerically smaller minorities could also be satisfied.

Present situation

a) Positive developments

The Advisory Committee welcomes the fact that the new legislation on public service radio and television services includes amongst the tasks of the public service media the obligation to contribute to preserving the cultural identity of persons belonging to national minorities. It should be also noted that such a contribution is now one of the criteria on which broadcasting licences are awarded.

In addition, state subsidies are awarded for publications produced by national minorities, and for the production and distribution of audiovisual programmes aimed at or devoted to national minorities, including programmes in minority languages.

In practical terms, the public television service's Ostrava studios have, since 1 January 2004, been broadcasting a weekly multi-cultural programme ("Babylon") on the lives and interests of national minorities and foreigners. This programme has given minorities the opportunity to use their languages on public television for the first time. Public television also continues to broadcast multi-cultural programmes, such as the "multi-ethnic" series, which, *inter alia*, give viewers information on the lives, traditions and interests of national minorities, including Roma. Nonetheless, minority languages are still very little used on public television, and therefore the launching, by Ostrava studios in September 2003, of a weekly news programme in Polish, is to be welcomed.

Although technical and financial difficulties persist in establishing programmes for numerically smaller minorities, the public radio service does in practice broadcast programmes devoted to national minorities and in minority languages, prepared by teams of persons belonging to national minorities, particularly Germans, Poles, Roma and Slovaks. In addition, an advisory group for national minorities has been set up by the Director for Programmes of the Czech Radio.

In the press field, it is worth noting, for example, that the Government helped to fund 20 projects for the publication of periodicals by minorities in 2003 (including four submitted by Poles, four by Roma, three by Slovaks, two by Germans, two by Bulgarians, one by Russians, one by Ruthenians, one by Ukrainians, one by Jews and one by Hungarians).

b) Outstanding issues

In spite of these positive developments, the Advisory Committee finds that the time reserved for national minorities on public television is still too limited. The programme "Babylon", for example, which is shown during off-peak hours, has a mere 15-minute slot every week, and is nonetheless expected to cater for all the country's minorities, which it can do only to a very limited extent.

Public media coverage of issues concerning national minorities also remains unsatisfactory. Germans, Croats, Russians and the other minorities (particularly the numerically smaller ones) all find that public audiences receive insufficient information about the life of different communities, diversity and multiculturalism, and that the impact of the efforts made in this field falls far short of that intended (see also comments under Article 6 above).

Recommendations

The authorities should make further efforts, particularly in terms of programme length and timing, to give persons belonging to national minorities improved media access and coverage, paying special attention to numerically smaller minorities. More sustained efforts are needed to make these persons aware of the state support available to them in this area.

While ensuring that editorial independence of the media is respected, the authorities should endeavour to make the media more aware of the problems of persons belonging to national minorities, and of the role which they themselves can play in promoting tolerance and cultural pluralism.

10. Denmark

Opinion adopted on 9 December 2004

Broadcasting on radio and television for the German minority

Findings of the first cycle

The Advisory Committee in the first monitoring cycle noted that the implementation of this Article could encompass creating the possibility for broadcasting some German language programmes in the framework of the (regional) public broadcasting system.

Present situation

a) Positive developments

The Advisory Committee welcomes that some progress has been made since the first monitoring cycle in terms of access to the media for persons belonging to the German minority, and that a dialogue has been established between the German minority and the Ministry of Culture.

The Advisory Committee welcomes that since the beginning of January 2004, the German minority newspaper *Der Nordschleswiger* has been broadcasting German language news bulletins twice daily through the private regional radio station *Radio Mojn* and that these programmes have been well received by listeners.

The Advisory Committee also notes that certain radio and television programmes can be received from Germany. The Advisory Committee, while welcoming this situation, considers that the availability of such programmes from a neighbouring country does not obviate the need for ensuring programming on domestic issues concerning national minorities and programming in a minority language.

b) Outstanding issues

Notwithstanding these positive developments, the Advisory Committee notes that as part of its commitments under the Language Charter (Article 11, paragraph 1 b i and paragraph 1 c i), Denmark has undertaken to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority language. As the Committee of Experts on the application of the Charter has noted, these undertakings have not been fulfilled.

Concerning radio broadcasting, the Advisory Committee understands that the interest of the German minority is currently focussed on obtaining a window in public sector broadcasting or receiving financial support for the news bulletin service currently provided through *Radio Mojn*, rather than seeking a licence for a dedicated radio channel for the German minority.

The Advisory Committee regrets that there appears to be little scope for the local public sector radio broadcaster *DR Syd* accommodating the needs and wishes of the German minority. The Advisory Committee notes the concern of the local public sector radio broadcaster that Danish listeners would not want to listen to German on the radio. The Advisory Committee considers, however, that this should not exclude all possibility of broadcasting in German, as public sector broadcasting should take into account a range of needs and not just those of the majority population.

The Advisory Committee notes that following discussions between representatives of the German minority and the Ministry of Culture, the German minority has been encouraged to apply for Government funding to support the German language news bulletins on *Radio Mojn*.

In relation to television broadcasting, the Advisory Committee notes with interest that a number of programmes have been successfully broadcast covering issues relevant to the German minority. It notes for example the programme “When borders divide” produced by *TV Syd*.

The Advisory Committee is aware that the German minority would like to have more local television broadcasting in German and on issues relevant to the German minority. The Advisory Committee is also aware that the local public sector television broadcaster, *TV Syd* would, in principle, be prepared to do more should additional funding be made available, in particular in terms of programmes covering the Danish – German border region.

Recommendations

The Advisory Committee encourages *DR Syd*, the local public sector radio broadcaster, to consider giving the German minority some form of window to radio broadcasting. In the absence of such a window, the Advisory Committee considers that the initiative of the newspaper *Der Nordschleswiger* to broadcast news bulletins twice daily on *Radio Mojn* is one which merits support, including possibly through Government funding.

In relation to television broadcasting, the Advisory Committee sees scope for further programming in German and for the German minority, including for the German-Danish border region. The Advisory Committee encourages TV Syd, the local public sector television broadcaster to explore this issue further with the German minority and encourages the authorities to examine whether additional funding could be made available to TV Syd in view of the additional costs incumbent on producing television programmes in German and Danish.

German printed media

Present situation

a) Positive developments

The German minority benefits from a large range of printed newspapers, magazines and publications easily available from Germany.

A daily newspaper, *Der Nordschleswiger*, is produced in South Jutland, which caters for the needs of the German minority reporting not only on international and national issues but also on local issues of direct relevance to the German minority in South Jutland.

b) Outstanding issues

The Advisory Committee recognises the importance of having a local paper catering for the needs and interests of the local German minority. No amount of published materials from neighbouring Germany can replace the need for locally produced material with local significance.

For a local regional newspaper in a minority language to flourish, it needs not only a healthy readership, but also a certain level of advertising revenue. In this respect the Advisory Committee notes that advertising by local authorities (in the form of job notices, information on planning consents, etc.) makes an important contribution to a newspaper's survival.

Recommendations

The Advisory Committee encourages the local authorities to give support to the local minority paper, including through the financial support that advertising brings.

11. Estonia

Opinion adopted on 24 February 2005

Legal guarantees and the amount of broadcasting for minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee concluded that additional legal guarantees for the broadcasting on/for persons belonging to national minorities would contribute to the implementation of Article 9 of the Framework Convention. It also noted that the volume of minority language broadcasting in the public service TV appeared limited and should be reviewed.

Present situation

a) Positive developments

While the legislative provisions referring specifically to minorities have remained unchanged, it is positive that the development plan of the Estonian Radio and Estonian Television for 2003-2005, approved by *Riigikogu* in June 2002, acknowledges that the programmes of the Estonian Radio and the Estonian Television oriented for minority groups have been insufficient and merit more attention. There are some encouraging developments also in practice, including increased programmes for numerically small minorities in Radio 4, which complements the stations valuable Russian language programming.

b) Outstanding issues

The commitment to pay more attention to TV programmes oriented for minorities has regrettably not been adequately reflected in the budgetary decisions. The amount of domestically produced programmes for minorities remained modest and substantially below the targets set in the above-mentioned development plan, and the programmes that were produced were often funded from sources outside the regular budget of the Estonian Television. The number of persons belonging to national minorities following the Estonian public television channel remained very low (see also related comments under Article 6 above).

Recommendations

Further measures, including increased budgetary support, are needed to expand the scope of public service broadcasting for national minorities, notably as regards domestically produced programmes. This issue merits particular attention in the envisaged new financing scheme for the Estonian Television. The need to strengthen pertinent legislative guarantees also persists and should be addressed in the on-going drafting of new legislation on public service broadcasting.

Translation requirement

Findings of the first cycle

In its first Opinion, the Advisory Committee referred to Article 25 of the Language Act and concluded that the goal of having minority language broadcasting sub-titled in the state language should be pursued principally through voluntary methods rather than by imposing a rigid translation requirement. It further called for an examination of the impact of Article 25 of the Language Act on minority language broadcasting.

Present situation

Outstanding issues

Article 25 of the Language Act remains unchanged and the Advisory Committee has received no information on any efforts to analyse the impact that it has had on minority language broadcasting. The Language Inspectorate has monitored the implementation of the translation obligation notably in the field of cable broadcasting and found in September 2004 that a Russian language Orsent TV had violated the said provision. Orsent TV received a written order from the Language Inspectorate to bring its broadcasting into line with Article 25 of the Language Act, and subsequently the transmission of its programmes was temporarily terminated by the holder of the broadcasting licence up until Orsent TV began to translate its programmes.

Recommendations

Estonia should, as a matter of priority, review Article 25 of the Language Act with a view to ensuring its compliance with Article 9 of the Framework Convention and, pending possible amendments to the said article, ensure that measures taken in connection with the monitoring of the implementation of the said provision are proportional to the legitimate aim pursued.

12. Finland

Opinion adopted on 2 March 2006

Minority language media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted with approval the status of the Swedish language in the media and the role of the Sami in the electronic media and expressed the hope that the situation in the field of print media for the Sami would also improve. It also recommended that Finland consider ways in which it could further support the media of the Russian-speaking population and Russian-language programming in the mainstream media.

Present situation

a) Positive developments

The important work of Sami Radio has been developing further since the first cycle of monitoring. The radio programmes in the three Sami languages spoken in Finland are a key tool to promote the Sami identity. The Advisory Committee also welcomes the fact that Sami language TV news programmes are, as from 2005, accessible throughout Finland. Moreover, the amended Article 6 (635/2005) of the Law on Public Service Broadcasting Company (YLE), which envisages that the Board of Directors of YLE consults the Sami Parliament before submitting its biannual report to Parliament, is a positive step, although it falls significantly short of the proposals made by the Sami Parliament and others to ensure Sami representation in the YLE structures.

The Advisory Committee welcomes the broadcasting of the Russian language daily news programme by YLE.

b) Outstanding issues

Despite the fact that a large proportion of the Sami live outside the Sami Homeland, the Sami radio broadcasting does not reach beyond northern Lapland. Another shortcoming that has been highlighted by Sami representatives is the limited availability of programmes for Sami children, which is an area where potential for regional co-operation has not been fully exploited by YLE (see also related comments under Article 18). While YLE has continued the positive practice of Roma radio broadcasts, it has been pointed out by the Advisory Board of Roma Affairs that the weekly 12-minute time slot is not sufficient to meet the demand in this sphere.

There have been no significant developments as regards Sami print media, and there is still no newspaper available in the Sami language. As regards the Russian language print media, the Advisory Committee notes that the newspaper *Spektr* has become an increasingly important source of information for the Russian language population in Finland, and it therefore regrets that the state's financial support for the said publication, after increasing between 2000 and 2003, has recently been reduced.

Recommendations

The Advisory Committee encourages the authorities to support continuous development of the Sami electronic media, taking into account also the needs of the Sami residing outside the Sami Homeland and those of Sami children. The authorities should also ensure that the development of electronic media of other minorities is adequately supported, including as regards the Roma language radio broadcasts, which remains limited.

As regards the print media, the Advisory Committee encourages authorities to examine whether the current public subsidy system takes adequately into account the specific situation of the media of national minorities and consider whether changes are necessary to provide a solid foundation for the development, *inter alia*, of Sami and Russian language print media.

13. Georgia

Opinion adopted on 17 June 2015

Access to print and broadcast media in minority languages and representation of national minorities in the media

Findings of the first cycle

In its first Opinion, the Advisory Committee encouraged the authorities to increase their support for public broadcast and print media in minority languages and to ensure that persons belonging to national minorities had adequate access to news in their own languages throughout Georgia.

Present situation

a) Positive developments

The Advisory Committee welcomes the concerted efforts made within the implementation of the 2009 NCAP with regard to the availability and quality of news and cultural programmes in minority languages in the broadcasting media. It is in addition pleased to note the determination of the Public Broadcaster to increase coverage and scale of programmes in the regions. In early 2015, public broadcasting of TV and radio programmes is available in Abkhaz, Ossetian, Armenian, Azerbaijani, Russian, and in Kurmanji. 15 minutes of daily news are aired every week night in the five main minority languages and there is a weekly radio programme in Kurmanji. Coverage throughout Georgia has reportedly improved somewhat with the advent of digital TV. Apart from these news programmes, a number of cultural programmes and documentaries on TV and radio were prepared during the reporting period, featuring information on the cultures and traditions of minority populations and raising awareness of the existing diversity in Georgia. According to interlocutors of the Advisory Committee, these programmes are appreciated in particular when they contain interactive elements and live recordings as persons belonging to national minorities are then perceived as active members of society with often very similar concerns to those shared by members of the majority population, rather than being portrayed as static communities with certain folkloristic traditions or customs. A special department within the Public Broadcaster, consisting of 25 staff representing the various national minorities, is tasked with the design and preparation of national minority programming.

The Advisory Committee further notes a number of private radio and TV channels that often operate on a regional basis and constitute welcome sources of information for national minority communities. With regard to the print media, support from the Ministry of Culture for the publication of two weekly newspapers in minority languages, in Armenian and Azerbaijani, remains available, and a number of other periodicals in minority languages, including those of numerically smaller groups, are produced on small scale with private donor or international funding.

b) Outstanding issues

Access to the media, both print and broadcast, in minority languages for persons belonging to national minorities remains insufficient according to most observers. The situation is particularly problematic in regions where national minorities live in compact communities, owing to the fact that proficiency of the Georgian language is still low in these areas and signal coverage remains scarce in some mountainous regions. In addition, national minority representatives consider that the 12-15 minute news programmes, based on a summary of the regular one hour national news programme, are far too short and superficial to constitute an attractive source of information on national and regional news. As a result, persons belonging to national minorities continue to turn towards the media options available from neighbouring countries, thereby not only missing out on local information but also sometimes gaining different contents and polarised accounts of geopolitical affairs, which is not conducive to the promotion of societal cohesion. The Advisory Committee welcomes in this context the current plans of reviving the Russian language channel (PIK), which used to air news as well as cultural programmes and was highly appreciated by national minority representatives, including those of numerically smaller groups. This initiative could offer an alternative to the existing reliance on media broadcasts from neighbouring countries and should thus be promptly implemented. In addition to the language concerns, however, the Advisory Committee notes continued reports concerning mediocre quality of cultural programmes in minority languages and a considerable need for more professionalism and training amongst journalists working in minority languages to reach out to minority communities, in particular to young people.

The Advisory Committee further finds that the specific role of the media in promoting awareness about minority identities and languages within the majority population may not be sufficiently appreciated. It is concerned by indications that minority populations are mainly noticed in the mainstream media during high-level bilateral events, or in the context of broader regional security debates. The Advisory Committee considers that such representation of national minorities may contribute to existing stereotypes of minority communities as separate and possibly adverse entities in society and does not add to the recognition and prestige of national minorities as integral members of Georgia's diverse society. According to interlocutors, the programmes in minority languages prioritise information on foreign news which further suggests that minority populations are deemed uninterested in Georgian national news. The Advisory Committee considers that a pluralist and open media environment must not only contain options of programming in minority languages but must also ensure that the concerns and views of persons belonging to national minorities on daily issues such as education, the labour market or national reform endeavours are adequately mainstreamed into the public media generally, so that a common media space between majority and minority populations is created which is used by all members of society. It points out in this context that the promotion of bilingualism in the media, such as through subtitling of programmes in Georgian, may indeed promote the creation of such a common media space while also providing a learning tool to promote proficiency in the official language amongst minority communities.

Recommendations

The Advisory Committee calls on the authorities to increase their efforts to promote an attractive and diverse media environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

It further encourages them to ensure that national minorities are adequately represented and portrayed as members of society also in mainstream public media and to promote the creation of a common media space for all members of society, including through the availability of bilingual media options.

14. Germany

Opinion adopted on 1 March 2006

Access of minorities to the media

Findings of the first cycle

The Advisory Committee recommended that the competent authorities examine the possibility of supporting the creation of programmes aimed especially at the Danish minority.

The Advisory Committee was also of the opinion that the German authorities should contemplate increasing the presence of Frisian in the media.

Present situation

a) Positive developments

The Advisory Committee welcomes the introduction of a radio broadcast in Sater Frisian supported by the *Land* of Lower Saxony, as a pilot experiment. It expects that this will be continued.

b) Outstanding issues

The Advisory Committee notes that the presence of minorities and their languages in the media remains in general weak. It recalls in this connection that implementing active policies in favour

of using minority languages in the media, when properly implemented, do not harm the freedom of the media.

The Advisory Committee notes, in particular, that persons belonging to the Danish minority still do not have broadcasts specifically aimed at them and that programmes broadcasted in Denmark cannot sufficiently address their needs. In addition, the Advisory Committee has been informed of concerns related to the process of digitalisation of the media, whose likely effect is that people living at some distance from the Danish border will no longer be able to receive Danish television broadcasts.

Finally, the Advisory Committee observes that public service television does not broadcast any programme in Frisian and that this language remains sparsely present in the media landscape in general.

Recommendations

The Advisory Committee is of the opinion that the competent authorities should better accommodate the needs of the Danish and Frisian minorities as regards broadcasting in their respective languages, particularly on public television.

The Advisory Committee invites the authorities to take steps to ensure that public service media reflect more fully the cultural diversity of society.

The Advisory Committee invites the competent authorities to ensure that the developments linked with digitalisation of the media do not hamper access of persons belonging to the Danish minority to media in their own language.

15. Hungary

Opinion adopted on 9 December 2004

Length of programmes

Findings of the first cycle

In its first Opinion on Hungary, the Advisory Committee expressed concern about the uneven allocation of resources to different minorities, notably of radio broadcasting time. For example, the Roma minority had much less broadcasting time than other minorities. The Advisory Committee also noted that the Ukrainian minority was the only one not to have its own television programmes.

Present situation

a) Positive developments

The Advisory Committee welcomes the fact that the broadcasting time allocated to minorities has increased overall since the first monitoring cycle, particularly thanks to technical and financial assistance from the public broadcasting body and the state budget.

It is particularly pleasing to see that, since 1 July 2003, radio broadcasting time allocated to the Roma has increased from 150 to 570 minutes per week. This has mainly been due to the launch of "Radio C", a private Roma radio station broadcasting one hour per day, whose programmes are recorded and transmitted across the country by the Hungarian public radio service. Since 2000, "Radio Monoster" has been broadcasting programmes in Slovenian in the Szengotthard region. Meanwhile, the Ukrainian minority is now covered by the "Rondo" television programme, which is broadcast every fortnight and serves several other minorities.

"Radio C" and "Radio Monoster" have been allocated frequencies under preferential conditions in accordance with the 2001 Media Law. "Radio Monoster" is run by the national self-government of the Slovenian minority, while "Radio C" works primarily with young Roma journalists, which shows that considerable progress has been made in terms of the participation of persons belonging to minorities in the production of programmes concerning them.

b) Outstanding issues

Despite the support of the State and the public broadcasting body, it seems that the financing of existing radio and TV programmes is not ensured for the years to come. This is particularly the case for private radio stations such as "Radio C" and "Radio Monoster", which broadcast programmes aimed at minorities.

Recommendations

Hungary should try to maintain or even increase the financial and technical support available for radio and television programmes aimed at persons belonging to minorities.

Programme slots*Findings of the first cycle*

In its first Opinion on Hungary, the Advisory Committee noted that the time slots set aside for minority programmes were not such as to reach the greatest number of the target audience. The Advisory Committee therefore invited Hungary to review this matter.

Present situation

Outstanding issues

The Advisory Committee notes that there has been no improvement in this matter since the first monitoring cycle. Television programmes aimed at minorities are still broadcast early on weekday afternoons on the main Hungarian terrestrial channel and repeated on Saturday mornings on the second channel (transmitted via satellite).

Representatives of national and ethnic minorities, particularly the national self-government of the German minority, have been complaining for several years about this unfair programming arrangement, which prevents people who work from watching the relevant programmes.

The Advisory Committee's attention was recently drawn to a decision by the President of the Hungarian Television, according to which, from autumn 2004, minority programmes would no longer be repeated on Saturday mornings but early on midweek afternoons. It seems that the representatives of 12 of the 13 national minority self-governments strongly oppose this change of slot because they think it is likely to cut the audience figures for minority programmes. These representatives also regret the lack of real negotiations or even consultation on this matter, which they consider to be a breach of the co-operation declaration signed in April 2000 by the President of the Hungarian Television and the presidents of all the national minority self-governments.

Recommendations

In view of the objections that have been raised by interested parties over several years, Hungary should reconsider the time slots for programmes aimed at minorities. In this context, greater attention should be given to consultation with the national minority self-governments, since it is very important to ensure the effective participation of persons belonging to minorities in these matters, pursuant to Article 15 of the Framework Convention.

16. Ireland

Opinion adopted on 6 October 2006

Minorities and access to the media*Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that the structure, personnel and content of the media still predominantly reflects the majority public interest and it considered that further efforts could be made to facilitate access by minorities to broadcasting and written media.

Present situation

a) Positive developments

The Advisory Committee notes that new radio programmes and a range of new minority print media have been launched in Ireland. The Advisory Committee also attaches importance to the Irish Language, Multicultural and Education Programmes of the Radio Telefís Éireann (RTÉ).

b) Outstanding issues

The RTÉ has taken some important steps to address the needs of minority communities, but it appears that its work in this sphere has not expanded at equal pace with the diversity of Ireland. Furthermore, the Advisory Committee considers that the Public Service Broadcasting Charter adopted in 2004, while noting the need to cater for the expectations of members with “minority interests”, could have addressed more explicitly guarantees for minorities’ access to the media. This issue should also be taken into account in the on-going preparations of a new Broadcasting Bill.

The Advisory Committee stresses the significance for minorities of the planned complete switchover to digital TV in Ireland. The Advisory Committee stresses that digitalisation should lead to greatly increased diversity and increased choice also in relation to minority media. It is also important that the specific situation of Travellers and other minorities is taken into account in the planning and implementation of digitalisation so as to ensure that the new technical requirements or other factors do not create new obstacles to their media access.

Recommendations

Ireland should in further stages of monitoring of the Framework Convention cover media issues more extensively. Furthermore, it should, in practice, pay more attention to the issues of access of minorities to the media, and this perspective should be carefully taken into account also in the on-going preparations of a new Broadcasting Bill as well as in the planning and implementation of pending digitalisation initiatives.

17. Italy

Opinion adopted on 24 February 2005

Broadcasting for minorities in the electronic media

Findings of the first cycle

In its first Opinion, the Advisory Committee welcomed the existence of radio and television broadcasts in French, German, Ladin and Slovenian by the public service broadcasting franchise holder (RAI) but regretted the fact that reception was not possible everywhere, in particular for the Ladins in Belluno province and the Slovenians in Udine province. The Advisory Committee also encouraged the authorities and the RAI to make full use of the new possibilities offered by Article 12 of Law 482/99 for having programmes produced and broadcast in other minority languages and invited the authorities to assess the needs of the Roma, Sinti and Travellers in this field.

Outstanding issues

No progress has been reported on the question of the reception of the Slovenian broadcasts in Udine province. This is all the more surprising since the RAI regional branch of Friuli-Venezia Giulia confirmed that extending the transmission to the Udine province would be technically possible, not be too costly a solution and that it would probably not even necessitate a modification of the convention providing for the obligations of the RAI. As far as the Ladins of Belluno are concerned, they still seem unable to receive existing programmes broadcast in their language and the Advisory Committee is not aware of any plan to overcome this problem.

As regards the development of new programmes, there is reason for concern over the absence of progress. Although Article 12 of Law 482/99 clearly asks to “secure the conditions” to protect

minority languages in the field of media in the convention between the Ministry of Communication and the RAI and notwithstanding that Article 11 of implementing decree N° 345 of 2 May 2001 requires that this convention and its subsequent contract of service indicate *inter alia* the minimum level of protection for each minority language on the basis of the choice offered by Article 11, paragraph 1a) of the European Charter for Regional or Minority Languages, no such clarification has been made. In fact, the latest contract of service 2003-2005 approved by presidential decree on 14 February 2003 only provided for the setting up of a Joint Committee between the RAI and the Ministry of Communication tasked to approve within 90 days the minimum level of protection for each minority language. This Joint Committee, however, has only met occasionally and has not fulfilled its task nearly two years after the deadline.

This regrettable state of affairs has caused a great deal of disappointment not only among the minorities concerned, but also among certain regional authorities like those of the Friuli-Venezia Giulia, whose interventions to encourage prompt implementation of Article 12 of Law 482/99 have so far remained unsuccessful. The Friulan minority appears particularly affected by the situation since the current existing television programmes in Friulan, which are mostly funded by the Region Friuli-Venezia Giulia, are extremely limited, and do not comprise news. Owing to its limited autonomy and despite its valuable efforts, the RAI regional office of Friuli-Venezia Giulia has not been able to bring about tangible improvements since the decision-making remains very centralised in this field. In addition to the Friulans, several other minorities are also concerned by this state of affairs and their umbrella association considers the unsatisfactory situation in the field of media to be a common priority.

One of the reasons put forward by different actors - including the RAI itself - to explain the lack of implementation of Article 12 of Law 482/99 is that to date, Italy has not ratified the European Charter for Regional or Minority Languages and, therefore, not made a final choice as regards the options offered in Article 11, paragraph 1a) of this instrument. The Advisory Committee recognises that the needs of the minorities protected by Law 482/99 vary - particularly in the field of media - and that there might be a need to determine their respective level of protection in an appropriate legal basis more precisely than what Article 12 of Law 482/99 does. The absence of ratification of the European Charter for Regional or Minority Languages, however, cannot be regarded as a valid argument to justify the lack of development of sound radio and television programmes in minority languages as such an obligation derives from Article 9 of the Framework Convention.

The Advisory Committee is not aware of any assessment made by the authorities concerning the needs of the Roma, Sinti and Travellers as regards electronic and print media.

Recommendations

More resolute action needs to be taken to give effect to Article 12 of Law 482/99 as a matter of priority as the availability of minority language programmes is currently insufficient for several minorities, notably the Friulans. This may necessitate a review of the work of the Joint Committee established between the RAI and the Ministry of Communication.

The Advisory Committee considers that the competent authorities and relevant bodies should step up their efforts to make it technically possible for the Slovenians residing in the Udine province and the Ladins in the Belluno province to receive the programmes already broadcast in their language.

The Advisory Committee echoes its conclusions of the first monitoring cycle that the authorities should assess the needs of the Roma, Sinti and Travellers in the field of media and, if appropriate, consider making the necessary arrangements to meet these needs.

18. Kosovo*¹

Opinion adopted on 5 November 2009

Access of minority communities to print and broadcast media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted delays in the processing of applications for licenses to broadcast in areas that were currently underserved and of applications for multi-ethnic stations and considered that such applications for radio and TV licenses needed to be processed rapidly while expanding the scope and diversity of broadcasting for and by minority communities.

The Advisory Committee expressed concerns about the lack of reception of public service television in certain areas of compact residency of the Gorani and Bosniac communities. It recommended to take further steps to ensure equal access of all communities to public service broadcasting.

a) Positive developments

The Constitution guarantees access of persons belonging to national communities to, and special representation in, public broadcast media as well as programming in their languages. In addition, the Law on Radio and Television of Kosovo (hereinafter: Broadcast Law), adopted in 2006, gives a solid legal basis for multi-ethnic and multi-lingual public service broadcasting.

The Advisory Committee notes with satisfaction that there is a lively minority language print media-scene with fifty-one minority print outlets. Persons belonging to the Serbian, Bosniac, Turkish, Gorani and Roma communities have managed to establish their own minority and broadcasting media. In addition, the Advisory Committee finds it encouraging that, apart from the public broadcasters, some private broadcasters have decided to include programmes for and about minority communities in their broadcasting scheme.

The Advisory Committee is pleased to note that the backlog of applications for broadcast media licenses has been solved. Licences have been issued to a number of low power radio stations for local broadcasters. As stated in the Progress Report, the Independent Media Commission (IMC), the role of which is to regulate the broadcasting sector, has engaged in revising the licensing system of the broadcast frequency spectrum. The Advisory Committee notes with satisfaction that persons belonging to some minority communities have been involved in the work of the Commission, including in its Secretariat.

The Advisory Committee welcomes the establishment of the Media Fund, the role of which is to provide financial support to minority, multi-ethnic and disadvantaged media. It appears that 10% of the Media Fund was earmarked for minority and disadvantaged media in 2009. This Media Fund offers an opportunity to strengthen multi-ethnic and multi-cultural media in Kosovo* provided that it is properly managed and that adequate funding is allocated.

b) Outstanding issues

Persons belonging to minority communities continue to face difficulties in having access to public service broadcasting while at the same time paying for it via electricity bills to the Kosovo Energy Corporation (KEK). The lack of reception of public service television persists in some territories traditionally inhabited by national minorities, such as the Bosniacs, Gorani, Turks and Serbs. In practice, the Public Service Broadcaster (RTK) covers 78% of the Kosovo* territory as against the 90% required in Article 8(1) of the Broadcast Law. Information received by the Advisory Committee suggests that the lack of coverage may be partly caused by the use of frequencies by KFOR and UNMIK. Notwithstanding the envisaged digitalisation of the media sector in Kosovo* and widespread use of satellites, the Advisory Committee considers that the persisting lack of reception of public service broadcast media in some areas impairs the

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.

right of persons belonging to minority communities to have access to information, including in their respective languages, as guaranteed in Article 9 of the Framework Convention. In this respect, it is essential that the frequency distribution plan is designed to pay due attention to the needs of persons belonging to minority communities.

Persons belonging to certain minority communities, in particular the numerically smaller ones, complained of insufficient time allocated to minority community programmes in the broadcast media. For example, while there is a programme in the Romani language on public broadcast television, no specific programmes for Ashkali and Egyptians have been proposed. Criticism has also been voiced by Roma, Ashkali and Egyptians in relation to the refusal to grant a licence for a Kosovo*-wide television channel in the Romani language. The RTK has the legal obligation to broadcast 15% of its broadcasting time in non-Albanian languages. While the RTK claims to comply with this requirement, the threshold has been disputed by the IMC which considers the actual broadcasting time to be about 10%.

The Advisory Committee received complaints about the low quality of programmes for minority communities broadcasted on the public service television. The need for additional multi-ethnic programmes aimed *inter alia* to raise awareness of issues relating to minority communities has also been mentioned. No adequate equipment or adequately trained staff appear to be available which negatively affects the quality of programmes designed for persons belonging to minority communities. More generally, there is a need to improve the technical equipment of public media broadcasting as well as to provide journalists with adequate human rights and multicultural training, including training at the university level. The Advisory Committee also considers that the availability of programmes broadcast in the majority language with subtitles in minority languages would improve access of persons belonging to minority communities to these programmes.

Persons belonging to numerically smaller minorities have expressed their concerns over the insufficient financial means allocated by the authorities to the print media of minority communities. The current limited and irregular financial support does not contribute sufficiently to ensure sustainability of minority print media. There is therefore a need for the authorities to provide print media outlets with sufficient funding, including through the aforementioned Media Fund.

The Advisory Committee received complaints about insufficient representation of the numerically smaller communities in the boards of print and broadcast public media. In this respect, the Advisory Committee recalls that the Framework Convention also implies adequate representation of minority communities in the media. Considering the impact of decisions issued by the boards and supervisory bodies of public media on the right to freedom of expression, due attention should be paid to the independence and competences of its members, whether from minority or majority communities.

Recommendations

The authorities should remove obstacles preventing access by persons belonging to minority communities, in particular those living in a substantial number in certain areas, to public broadcast media.

The Advisory Committee calls upon the authorities to ensure that the Public Service Broadcaster applies the time allocated to broadcasting for minority communities as stipulated in the Law on Radio Television.

The authorities should allocate increased financial, human and technical support to minority media as well as for the production of minority programmes in the mainstream media. Care should be taken to distribute funding by the Media Fund to minority media, which should be done in a transparent manner upon established criteria and in consultation with the minority communities concerned.

Increased attention should be paid to the effective representation of persons belonging to minority communities, including numerically smaller ones, in public media boards and media

supervisory mechanisms. The political and financial independence of the Independent Media Commission needs to be ensured.

19. Latvia

Opinion adopted on 18 June 2013

Article 9 of the Framework Convention

Minority languages and participation of minorities in the media

Findings of the first cycle

It is first monitoring cycle, the Advisory Committee welcomed the opportunities granted to persons belonging to national minorities to access audio-visual media in their minority language, both in the public and private sectors, but considered that the financial difficulties faced by certain minorities, in particular the numerically smaller ones, in maintaining their print media deserved increased attention from the authorities.

Present situation

a) Positive developments

The Advisory Committee notes that the overall media environment in Latvia continues to be characterised by a multitude of outlets, operating mainly in Latvian or Russian and thereby providing good access for speakers of those languages. The Electronic Mass Media Law, adopted in 2010 to supersede the 1995 Radio and Television Law, lowers the overall proportion of radio and TV broadcasting that must be in the official language to 65%. The fifth television channel and Channel 4 radio continue to broadcast mainly in Russian, as well as some other minority languages, being publicly referred to as ‘integration channels’. Following technical advances, the reception of Russian-language Channel 4 radio has now been improved and reportedly also covers the Latgale region. As regards print media, the Advisory Committee notes the continued edition of five non-commercial magazines by national minority organisations, albeit with a very limited outreach. The Advisory Committee further notes the establishment of the Electronic Mass Media Council as an independent institution that shall represent the public and oversee its activities to comply with the Constitution. In addition, the establishment of a Public Advisory Council is foreseen in the law to ensure the participation of the public in the process of elaborating a national strategy for the development of media.

b) Outstanding issues

The Advisory Committee observes that, despite the continued high number of media outlets in Latvia, the overall environment is still marked by the presence of two parallel systems, in the Latvian and Russian languages, featuring quite divergent content. The Advisory Committee is concerned at the reported division between the audiences of those two media spaces, who receive news often marked by considerable differences in geo-political viewpoints and have very little interaction. According to minority representatives, there is very little information on minorities and their particular issues of concern in the Latvian-language media, which exacerbates the division between both language groups as persons belonging to national minorities are discouraged from accessing Latvian-language media. The Advisory Committee further notes that the state programming in minority languages is still considered by communities to be of low quality, featuring mainly issues related to sports or folklore but providing little coverage

of current issues of political relevance in Latvian society. It further notes reports suggesting that the reception of Latvian broadcasts in the Eastern parts of the Latgale region remains highly problematic, resulting in parts of the population relying entirely on neighbouring countries for news and entertainment. The Advisory Committee appreciates that this situation is acknowledged as problematic by the Electronic Mass Media Council and notes efforts to increase the audience of Latvian minority language TV by promoting its quality and outreach.

With regard to print media, the Advisory Committee regrets that in the course of 2012, the three Russian language newspapers were merged into just one, *Vesti Sevodnja*. While acknowledging that privatisation can be beneficial to the freedom of expression in the media, the Advisory Committee is concerned that the number of smaller media outlets is continually decreasing due to economic reasons. This has a particular impact on persons belonging to numerically smaller minorities and reduces pluralism and diversity in the media, which, given the divide in public opinion on important themes related to integration (see above comments on Article 6), may lead to further polarisation. In addition, the perceived lack of attractive and independent media in Latvia increases the popularity of TV channels and other media from neighbouring countries, which does not promote inter-cultural understanding and dialogue among the various audiences surrounding issues of common interest. The Advisory Committee reiterates the crucial role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of minority communities. It regrets in this context the absence of bilingual media outlets to ensure that both language groups consume the same content of information, even if in different languages.

The Advisory Committee further notes with regret reports that the representation of minority communities in the media is frequently marked by stereotypes and prejudice. Roma representatives, for instance, consider it disrespectful that the ethnicity of criminal offenders with Roma origin is regularly revealed in the press. Russian minority representatives argue that public media outlets often use terminology that associates Russian speakers with “enemy powers” and “alien occupation”, which is offensive to Slavic minorities. The Advisory Committee notes in this regard the role of the Electronic Mass Media Council to regulate radio and TV broadcasts, including with regard to content and ethical journalism. It regrets that there is no minority representation in the Council and is concerned by allegations that the Council is not playing its role of independent observer but has acted with particular firmness against Russian-language media professionals. The Advisory Committee notes with interest current discussions surrounding the establishment of a Media Ombudsman Institution and appreciates the acknowledgement within the Electronic Mass Media Council that more efforts should be made towards the development of a code of ethics for all journalists as well as relevant training activities to ensure that no hostile and offensive language is used in the media and promote an adequate balance between editorial independence and ethical oversight. In addition, the establishment of a Public Advisory Council, as foreseen in Section 63 of the Electronic Mass Media Law, should be accelerated and attention should be paid to promote the due representation of minority communities and concerns in the Council.

Recommendations

The Advisory Committee calls on the authorities to increase their efforts, while fully respecting the freedom of expression, to promote an attractive and diverse media

environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

The Advisory Committee further invites the authorities to effectively ensure that the views of minority communities are reflected in oversight bodies established for the media and that the ethics of journalism are adequately and independently monitored to promote the positive role that the media can play in the formation of social cohesion.

20. Lithuania

Opinion adopted on 27 February 2008

Access of persons belonging to national minorities to the media. Presence of minorities and minority languages in the media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted a tendency towards a reduction in the amount of broadcasting time granted by public radio and television services to national minorities' programmes, and towards moving these programmes to less favourable time-slots. The authorities were encouraged to identify ways to counter this tendency. They were also encouraged to seek new ways of supporting national minorities, including numerically smaller minorities, in the print media sector.

Current situation

a) Positive developments

The Advisory Committee notes that Lithuanian public broadcasting services continue to broadcast programmes addressed to national minorities, including some in the minorities' own languages. Furthermore, Lithuania has private radio stations which broadcast programmes in national minorities' languages. In those areas where substantial numbers of minorities live, there are also some private local television stations which provide programmes in local minorities' languages. The Russian, Polish, German and Jewish minorities also have newspapers and other publications in their languages. The less numerous minorities, for their part, have newspapers published in Lithuanian or Russian and, in some cases, in English.

Commendable efforts have been made in Lithuania in the last several years to cope with the challenge resulting from the appearance of the Internet and its development as a widely used media instrument. The Advisory Committee notes a genuine growing awareness among the authorities of the importance and impact of this new means of communication, both for the majority and for persons belonging to minorities, as well as for the maintenance of a climate of respect for diversity and intercultural dialogue. It notes that, according to the responsible institutions, such as the office of the Inspector for Journalistic Ethics and the Commission on Journalistic and Publishing Ethics, the legal framework in force in Lithuania in respect of freedom of expression and information is insufficient to take account of the specific nature of the Internet, and needs updating. It appears, for example, that Article 20 of the Law on the Public Dissemination of information, which prohibits the publication of information inciting to national, racial or religious hatred, cannot be applied to the Internet.

The Advisory Committee notes that, while ensuring respect for freedom of expression and information, the aforementioned authorities have made significant efforts, in recent years, to monitor the main Internet discussion fora on the media, with a view to preventing racial hatred or incitement to hatred and discrimination (see in this context the comments on Article 6, above).

b) Outstanding issues

The Advisory Committee notes with concern that the daily news programme broadcast in Russian since 1991 by the first radio station of the public broadcasting service has been recently taken off the air. It also understands that, in spite of the requests made by the Russian minority and its approaches to the various responsible authorities, there are no plans to reintroduce this programme.

Since its first Opinion, the Advisory Committee has found no substantial improvement in the broadcasting times of programmes aimed at national minorities. While it is aware of the constraints connected with the allocation of slots to different programmes, the Advisory Committee considers the situation to be worth examining. It notes with regret that the request made by the Council of National Minorities to be allowed to be represented on the Lithuanian Broadcasting Council has not received a positive reply from the authorities concerned. Consequently, it is important that minorities have other channels through which they can effectively convey their needs in this field.

The Advisory Committee notes that the State Report does not include indications about how programmes aimed at the population as a whole, cover information relating to national minorities and their cultures, and which are likely to stimulate dialogue between the different groups. In this connection, the Advisory Committee recalls that the public should also be adequately informed about issues relevant to persons belonging to national minorities, which should also be part of the mainstream media reporting.

Non governmental sources have indeed underlined the insufficient amount of news programmes in the languages of national minorities. They have stressed that, in addition to news in the Lithuanian language, these persons can only obtain information on important issues under discussion in Lithuania via programmes from abroad, which do not always properly reflect the perspective of the Lithuanian society.

Where print media is concerned, the Advisory Committee notes that national minorities report difficulties in their efforts to maintain their publications and would like to receive state support in this field. It was informed that funding could be provided through the Media Foundation Support. The Advisory Committee notes in this context the cessation, in October 2007, of the publication of the Russian-language version of a long-established daily newspaper in Klaipėda. Non-governmental sources deplore this decision and emphasise that this edition met the news needs not only of the Russians in Klaipėda, but also of persons belonging to other minorities living there. The Advisory Committee expresses the hope that the initiatives begun at local level so as to be able to continue to meet these needs, will be successful, if necessary benefiting from the authorities' support. Among the aims of these initiatives is the launch of a local weekly newspaper in the Russian language.

The representatives of Belarusians, for their part, told the Advisory Committee that, whereas in the past they were able to have their own publications printed, this was no longer the case and that support from the State was needed in this respect.

The Advisory Committee was unable to find, in the State Report and elsewhere, information about available programmes or publications on the Roma and/or for the Roma.

Recommendations

The authorities, in co-operation with the representatives of minorities, should check whether the news programmes broadcast by public broadcasters in the languages of national minorities, *inter alia* in the Russian language, meet the needs that exist, and, within the framework of the Lithuanian legal system, seek means of making the requisite improvements.

With due respect to their editorial independence, the authorities should encourage the media that reaches out to the population as a whole, to give increased attention to aspects relating to national minorities' cultures.

Improvements could be made to the time-slots allocated, within the public broadcasting service's schedules, to the programmes addressed to national minorities.

Where print media is concerned, the authorities should examine the situation and, if necessary, support minorities, especially the most vulnerable ones, in their efforts to create or maintain their own print media.

21. Moldova

Opinion adopted on 9 December 2004

Minorities' access to the media

Findings of the first cycle

In its first Opinion, the Advisory Committee called for efforts to ensure a greater balance between persons belonging to the various national minorities in respect of access to and presence in the media. The authorities were encouraged to support media in minority languages at local level, particularly for the numerically smaller minorities, including the Roma.

Present situation

a) Positive developments

The rapid development of private electronic media in Moldova has opened up new opportunities for access to the media by national minorities and the use of their languages in this context. Of around 150 private radio stations and television channels, about fifteen transmit their programmes, or at least some of them, in minority languages in areas where significant numbers of persons belonging to national minorities live: Russian, Gagauzian (several private radio and television channels broadcast in Gagauzia, as well as the public company Teleradio-Gagauzia), Bulgarian (in Taraclia and Gagauzia), Ukrainian (in Chisinau, Balti and the Edinet region), Polish (in Balti), Romany (in Sorooca). Those concerned are also able to follow programmes from foreign radio and television channels (in particular, Russian and Ukrainian) retransmitted in Moldova.

Public television and radio continue to broadcast programmes on special themes for national minorities nationwide. These are broadcast in minority languages at the rate of 30 minutes per week in Ukrainian, Gagauzian and Bulgarian respectively, and 30 minutes once a month in Roma language and Hebrew respectively. Public channels also broadcast a 30-minute programme in Russian twice a month and a monthly bilingual (Moldovan/Russian) programme that brings together representatives of the various national minorities. These programmes are produced by teams that include persons belonging to the national minorities and the television programmes are subtitled in the State language. The minorities are also represented on the Observers' Council of the Public Radio and Television Company and the Broadcasting Council.

With respect to the press, the existence of periodicals and newspapers published by national minority organisations in Ukrainian, Russian (by the Gagauzians, Jews and Azerbaijanis, as well as by the Russians), Bulgarian, Gagauzian and Polish is to be welcomed.

b) Outstanding issues

There has certainly been an improvement in access to and presence in the national media by Ukrainians and the Ukrainian language. Nevertheless, their representatives consider this situation unsatisfactory and would like to have more news programmes in Ukrainian, even if they were short (five to seven minutes). At the same time, further measures are still needed at local level. According to the relevant authorities, the present situation is not the result of a lack of political will, but rather to underuse of existing opportunities by those concerned, among other reasons because of continuing problems with regard to the training of journalists and problems connected with lack of resources.

Generally speaking, minority representatives consider that the volume and quality of the programmes mentioned above, as well as the broadcasting times allocated to them, do not respond sufficiently to their needs. Moreover, the coverage of issues of interest to the numerically smaller minorities (Armenians, Belarusians, Azerbaijanis, Tatars, Poles,

Lithuanians, etc) remains limited. As for the print media, their number and quality are also considered inadequate. Most of these publications are issued only irregularly due to the fact that private funding, on which they rely, is not consistently available.

The use of minority languages in the media still seems largely dependent on financial resources, political interests and existing levels of professionalism. The State language and Russian are therefore still those most widely used in the media.

Recommendations

Moldova should continue to make efforts, within its economic possibilities, to stimulate the preservation and development of the media in the various national minority languages at both central and local levels. Special attention should be paid, including with respect to the training of journalists and airtime, to the requests of the Ukrainians and persons belonging to numerically smaller minorities who still consider themselves disadvantaged in this field.

22. Montenegro

Opinion adopted on 19 June 2013

Article 9 of the Framework Convention

Access to the media for persons belonging to national minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that broadcasting of national minority programmes was considered insufficient at the local level and considered that the authorities should review the situation in order to develop further programming in minority languages at the local level.

The Advisory Committee also found a lack of domestically-produced programmes targeting national minorities other than the Albanian minority and considered that journalists from national minorities should be involved to a greater extent in the production of education, cultural and other mainstream programmes.

a) Positive developments

The Advisory Committee notes that the Law on Electronic Media was adopted in 2010 replacing the Law on Broadcasting of 2002. The new law obliges public broadcasters to produce and broadcast programmes expressing the cultural identity of all segments of society, including national minorities, and to produce and broadcast programmes in languages of national minorities in the areas inhabited by such groups. Furthermore, the law proscribes that the state budget and that of local self-governments shall provide funds for the production and broadcasting of these programmes. With regard to commercial broadcasters, the law stipulates that part of the revenue from state lotteries shall be allocated to support “programmes important for national minorities”.

The Advisory Committee notes that public television and radio continue to broadcast programmes addressed to persons belonging to national minorities, including in their languages. The state television broadcasting company produces daily 10-minute information programmes and weekly 45-minute long programmes in the Albanian language. The Advisory Committee welcomes the subtitling in the Montenegrin language of the daily news programme in the Albanian language.

As regards the public radio, the Advisory Committee commends the information provided in the State Report on the daily 30-minute long broadcasts in Albanian and Romani.

The state Television Broadcasting Company, in co-operation with the Centre for the Preservation and Development of Minority Cultures, produces also a weekly 30-minute cultural programme “Mostovi” (“Bridges”) dedicated to art and cultures of national minorities in Montenegro. The Advisory Committee notes with satisfaction that once a month this programme is broadcast in Romani.

The printed media of national minorities in Albanian, Bosnian, Croatian and Serbian languages continue to be published with the support of the Fund for Minorities. It is also noteworthy that the magazine “Alav”, written in standardised Romani and produced by Roma journalists started is in print since 2012, and was the first such paper in Montenegro.

A local Croat radio-station and a local newspaper in Kotor in the Croatian language have been established with the financial help of Croatia.

b) Outstanding issues

The Advisory Committee notes that in spite of the above-mentioned positive developments, representatives of national minorities continue to raise concerns about the territorial coverage of programmes produced in languages of national minorities. In addition, recent cuts in the funding of the public TV and radio programmes had a negative effect on the number of journalists employed to produce programmes for national minorities.

Representatives of national minorities also informed the Advisory Committee about the lack of interest of mainstream media in national minority issues and in particular in the work of the National Minority Councils, which impacts negatively on the perception of their mandate and work in society.

Recommendations

The Advisory Committee encourages the authorities to continue supporting radio and television broadcasting in the languages of the national minorities.

The authorities are invited to increase their efforts to ensure access of persons belonging to national minorities to the radio and television programmes produced for them, and in particular to take the necessary measures to provide adequate radio and television coverage of the regions where national minorities live.

Furthermore, the authorities should ensure that public TV and radio stations mainstream the interests of minorities into their regular programming and confirm their commitment to pluralism and independence also through active recruitment and continued employment of journalists belonging to national minorities.

23. Netherlands

Opinion adopted on 20 June 2013

Article 9 of the Framework Convention

Broadcasting in Frisian

Findings of the first cycle

In its first Opinion, the Advisory Committee found that *Omrop Fryslân* was the only public broadcasting company broadcasting in Frisian and it invited the authorities to pay attention to the discussions on decentralisation in order to ensure that adequate conditions, including financial ones, were maintained for *Omrop Fryslân* to effectively fulfil its functions.

Present situation

a) Positive developments

The Advisory Committee notes that the regional public broadcasting company, *Omrop Fryslân*, has become one of the main actors to promote and strengthen the minority language in the region by using only Frisian language in all its television and radio programmes. *Omrop Fryslân* has developed various new products on the Internet with the focus on live streaming of important events covering culture and sports. A 24-hour channel with only Frisian music was also launched in 2010. These initiatives have contributed to keeping the Frisian language alive in the daily life of persons belonging to the Frisian minority.

During its visit, the Advisory Committee was informed that the authorities have confirmed that *Omrop Fryslân* will remain the designated regional media for the province of Fryslân and that its concession period, which ends in 2013, will be renewed for a further five years. In addition to the funding that *Omrop Fryslân* receives from the province of Fryslân, the central authorities intend to continue providing an annual contribution for the development of Frisian-language programmes of a cultural nature as well as children's programmes, despite reductions in the budget of the national public broadcasting company. As a result, *Omrop Fryslân* should be able to maintain all of its activities in 2014-2015.

b) Outstanding issues

The Advisory Committee has been informed that a new Media Act is expected to be enacted in 2014 following the decision taken by the government to proceed with the recentralisation of the competencies for regional television from the provinces to the national authorities and the integration of the regional public broadcasters in the national broadcaster. As a result, the financial responsibility for Frisian regional broadcasting, which has been attributed to the province of Fryslân since 2006, will be transferred to the central level. According to the representatives of Frisian associations, this transfer of competencies might result in a reduction of the broadcasting time in Frisian as well as a decrease in the funds available when the province of Fryslân no longer supports *Omrop Fryslân*. They also fear that the independent position of *Omrop Fryslân* might be endangered.

The Advisory Committee notes with interest that in May 2012, the authorities established the "Temporary Committee to Safeguard the Frisian Language in the Media" (the Hoekstra Committee) charged with issuing recommendations in respect of the preservation of the Frisian's special position in the Netherlands when the national and regional broadcasting companies are integrated. It is pleased to note that the Hoekstra Committee's advisory report, adopted in April 2013, refers to the international obligations of the Netherlands under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The

Advisory Committee welcomes the recommendations of the Hoekstra Committee according to which "the special position enjoyed by the Frisian language must also be translated into a special policy with reference to Frisian-language public media services". The Hoekstra Committee also recommends that there should be a fully-fledged range of programming in the Frisian language available daily on a variety of platforms and a region-wide broadcasting channel for Frisian-language programming. The Advisory Committee expects that the authorities will pay due attention to these conclusions during the examination of the new Media Act.

Recommendations

The Advisory Committee calls on the authorities to maintain their efforts to provide adequate support and resources both at central and provincial levels to *Omrop Fryslân* in order to safeguard adequately the Frisian language in the media.

The Advisory Committee encourages the authorities to pay due attention to the recommendations of the Hoekstra Committee and to consult the representatives of the Frisian minority widely in the process of drafting the new Media Act.

Print media in Frisian

Findings of the first cycle

In its first Opinion, the Advisory Committee encouraged the authorities to pursue their support to Frisian media while fully respecting the editorial independence of the media.

a) Positive developments

The Advisory Committee notes that there are currently two newspapers published in Dutch which use Frisian for some articles as well as a weekly Frisian column about Frisian regional topics. In these newspapers, Frisian speakers are also always quoted in their language. In addition, the province of Fryslân has allocated some funding for the publication of Frisian language magazines.

b) Outstanding issues

The Advisory Committee has been informed that only 5% of articles published in Frisian daily newspapers are written in Frisian and they mainly focus on cultural pages and culture supplements. According to Frisian interlocutors, the use of Frisian is stronger in radio and television than in print media due to the lack of knowledge of the written form of the language by many native speakers and second language learners.

Recommendation

The Advisory Committee invites the authorities to maintain the available support for Frisian minority print media, in order to ensure an adequate presence of this national minority language in the print media.

24. Norway*Opinion adopted on 5 October 2006***Access to the media and presence of persons
belonging to national minorities in the media***Findings of the first cycle*

In its first Opinion on Norway, the Advisory Committee noted that the measures introduced by the authorities to support access to the media for the Kvens and their presence on the radio and in the press were inadequate, and encouraged the authorities to step up their efforts to improve the situation.

More generally, the Advisory Committee took note of the limited amount of information about minorities in the media. The authorities were invited to make greater efforts to encourage the media to give greater coverage to minority issues.

*Present situation***a) Positive developments**

The Advisory Committee welcomes the inclusion in the mandate of public-sector television, through an amendment to its statutes in June 2004, of an obligation to broadcast programmes on national minorities and in minority languages. It also welcomes the multicultural programmes broadcast by the public radio and television service, prepared by producers from the various communities. The Advisory Committee notes with satisfaction the priority given to the educational dimension of these programmes, which cater to the whole population of Norway.

The Advisory Committee welcomes the efforts the authorities have made in recent years to increase government subsidies to the monthly publication “Ruijan Kaiku”, the only publication available to the Kvens.

b) Outstanding issues

Minorities traditionally living in Norway still have little access to the media and their presence in the media is limited. At the same time, it seems that the media continue to provide insufficient coverage of national minorities. According to the minorities’ representatives, the information provided does not adequately reflect their lifestyles and artistic events and is often detrimental to them. In particular, the Romani/Taters, when they met the representatives of the Advisory Committee, stressed that they had virtually no access to the public-sector media and were rarely covered by them.

In the audio-visual sphere, despite improvements in the regulations, broadcasting time afforded to national minorities, in particular the Kvens, has not increased. State radio (NRK) currently broadcasts only one 12-minute programme a week devoted to national minorities, in particular the Kvens. The Kven representatives consider this air time far from adequate in relation to their needs, and would like it to be increased, but the requests addressed to the authorities concerned over a number of years have not produced results. The Advisory Committee was informed that discussions were under way on this subject.

As regards the press, despite the increase in government funding, the Kvens consider that the resources available to them for their written publications do not enable them to meet the needs of the Kven and Finnish-language population satisfactorily. In addition, they think that increased funding on a more stable basis is essential in order to achieve the current objective of the Kven community, which is to convert the journal into a weekly publication.

Recommendations

The Advisory Committee encourages the authorities to consider the needs of national minorities in terms of access to the electronic and print media and step up public support to them for this purpose.

While respecting the editorial independence of the media, the authorities should strongly encourage the media to give more coverage to the problems of national minorities and, in general, take greater care to reflect the diversity of Norwegian society.

25. Poland

Opinion adopted on 20 March 2009

Legislation on television and radio broadcasting in minority languages

Findings of the first cycle

In its first Opinion on Poland, the Advisory Committee found that there was a general wish on the part of representatives of several national minorities to receive more broadcasts in their own languages. The Advisory Committee encouraged the authorities to address the existing shortcomings in the geographical cover of broadcasting.

The Advisory Committee considered that the authorities should pay more attention to involving persons belonging to national minorities in the preparation of programmes for national minorities and/or in the bodies which supervise these programmes.

Present situation

a) Positive developments

The Advisory Committee notes that the Polish public radio and television services continue to broadcast programmes addressed to national minorities, including in the languages of national minorities. The Act on Radio and Television Broadcasting of 1992 was amended in 2004 to oblige public broadcasters to broadcast information programmes in the languages of national minorities. The Act also obliges directors of regional branches of public radio and television services to consider applications from persons representing national minorities when establishing programming councils.

According to the information provided by the National Broadcasting Council, in its Report for 2007, twelve regional branches of public radio broadcast 1302 hours of programming in national minority languages, equivalent to 0,9% of air-time, and 216 hours of programming on national minorities in the Polish language. The country-wide transmitter broadcasts 50 hours of programming on national minorities in Polish. In addition to public radio stations broadcasting programmes in national minority languages, a number of private radio stations broadcast all or part of their programmes in national minority languages.

The Advisory Committee also notes that, according to the same source, the country-wide public television service has not broadcast programmes on national minorities or in the languages of national minorities. However, all 16 regional branches of public television broadcast 334 hours of programming in national minority languages, equivalent to 0,3% of air-time. Almost half of this air-time was allocated to programmes broadcast in the Ukrainian language.

The printed media of national minorities continue to be published with the support of the Polish authorities. In 2006, subsidies allocated to publications in national minority languages amounted to € 802.000.

b) Outstanding issues

The Advisory Committee has taken note of the national minorities' concern with respect to the marginalisation of programming for national minorities and the lack of dialogue between the bodies of the public broadcasting service and minority representatives. The Advisory Committee notes with regret that, according to information obtained from national minorities, despite legislative provisions to that effect, no representatives of national minorities have been appointed to the programming councils in those regions where national minorities live traditionally in large numbers. By way of example, it has been observed that, in the broadcasting council of the Opole branch of the public radio, there is no representative of the German minority; in the Olsztyn broadcasting councils for public radio and television, there are no

representatives of the Ukrainian minority and there is no representative of the Kashubs present either in the regional Gdańsk radio broadcasting council, or in the TV broadcasting council.

The Advisory Committee has also taken note of the national minorities' concern with respect to broadcasting times (usually very early in the morning or late at night) of programmes destined for their communities and of the inadequate coverage by the regional broadcaster of the areas inhabited traditionally in large numbers by national minorities. In the southern part of the Podlaskie region, inhabited by a substantial number of persons belonging to the Ukrainian minority, it is impossible to receive the programmes in Ukrainian transmitted from Białystok, and the Lublin radio-station, whose signal covers this region, does not transmit such programmes.

The Advisory Committee is concerned that, given the dispersal of the Ukrainian minority and the number of regional branches transmitting programmes in Ukrainian, the great majority of regional branches of public television in Poland transmit on average no more than seven minutes per week of programming in this language.

Another issue of concern is the inconsistent approach to financing the production of minority programmes. Whereas Article 21.1(8a) of the Act obliges the public radio and television services only to broadcast information programmes in the languages of national minorities, the practice which has evolved in the years since the adoption of the Act, has led in addition to the public radio and television services financing the production of such programmes. The Advisory Committee notes with concern that, in at least one instance, there was an attempt to change the current practice by asking national minorities to produce programmes using their own financial resources.

Various sources, including the representatives of national minorities, have informed the Advisory Committee about the Government's legislative initiative aimed at changing the Act on Radio and Television Broadcasting of 1992. They have underlined the importance of maintaining provisions obliging the public radio and television services to broadcast programmes in the languages of national minorities in any future legislation.

Recommendations

The authorities should ensure that national minorities are represented in public radio and television broadcasting councils, especially in those regions where they live in substantial numbers.

The authorities are encouraged to increase their efforts to ensure access of persons belonging to national minorities to the radio and television programmes aimed at them, and in particular to take the necessary measures to provide adequate radio and television coverage of the regions where national minorities live.

The authorities should consult with the Joint Commission of Government and National and Ethnic Minorities on any changes to the Act on Radio and Television Broadcasting of 1992 affecting national minorities, in line with the provision of Article 23.2(3) of the Act on National and Ethnic Minorities and on Regional Language. In addition, they should duly ensure that any changes introduced do not contravene the provisions of the Framework Convention.

26. Romania

Opinion adopted on 24 November 2005

Access of persons belonging to national minorities to the media

Findings of the first cycle

In its first Opinion on Romania, the Advisory Committee called on the authorities to ensure a more balanced distribution of resources concerning both television and radio programmes among the various minorities, paying particular attention to the needs of the Roma and the

numerically smaller minorities. The authorities were also encouraged to try to improve the time slots for minority radio and television programmes.

Current situation

a) Positive developments

The Advisory Committee welcomes the efforts made by Romania to improve national minorities' access to the public media. It draws particular attention to the opportunities available in this respect to the Hungarian and German minorities. The Hungarians have two weekly programmes in Hungarian on public television, lasting 75 minutes and 50 minutes respectively. The Germans have one 75-minute programme in German. Two dedicated departments, including members of the two minorities in question, are responsible for producing these programmes, which are almost entirely subtitled in Romanian.

The Advisory Committee also notes a weekly 48-minute programme entitled "Convietuiri/Living Together", reserved for the other 18 national minorities. At the same time, the second public channel broadcasts weekly programmes lasting 52 minutes for the Hungarians, Germans and Roma respectively, along with an inter-ethnic magazine for the other minorities and two intercultural programmes ("Ethnic Atlas" and "Children's Caravan"). Other programmes for national minorities are broadcast by "România Cultural" and "TVR International", and for the Hungarian and German communities by the Cluj and Timișoara local public television stations.

On public radio, programmes amounting to a weekly total of 380 minutes in Hungarian and 370 minutes in German are broadcast from the Bucharest studios. Most programmes in minority languages are, however, broadcast by local and regional studios, accounting for over 10% of their total output. Depending on the region, programmes are broadcast in Armenian, Bulgarian, Croatian, Hungarian, German, Greek, Romani, Russian, Serbian, Slovak, Tatar, Czech, Turkish, Ukrainian, and also in Aromanian.

In view of the limited budgetary resources available to public service radio and television, the Advisory Committee notes with satisfaction the clear commitment shown by the producers of public radio and television programmes for national minorities. According to different sources, there has also been a significant improvement in the quality of these programmes in recent years. The Advisory Committee appreciates in particular the efforts made by the producers of the programmes for the Roma community to diversify their content and introduce new dimensions. It notes that these programmes now cover, above and beyond key aspects of Roma traditions and culture, the problems faced by the Roma today, the challenges of integration into society and what the Roma themselves have to say about these challenges.

The minorities have numerous publications, mostly in the minority language or bilingual. The Hungarians and the Germans in particular, who have a long-standing tradition in this field, have a network of newspapers and publications with a wide readership. In 2003 alone, there were over 120 publications in Hungarian (the press and on-line) in various counties in the country, which received state funding. The German community has several weeklies and a number of monthly cultural magazines in German. The Advisory Committee also notes that, according to the statistics of the Department for Interethnic Relations, in 2004 there were over 30 publications, mostly bilingual, published by organisations of the other minorities.

b) Outstanding issues

Despite the above positive developments, the Advisory Committee notes that there is a continuing imbalance between the various national minorities in the media sector, particularly with regard to the air-time allocated to them by the public audio-visual broadcasting service.

On the one hand, the Hungarians and Germans have programmes specifically for their communities and a prominent presence in the media; on the other hand, the audio-visual presence of the other minorities is much smaller and less individualised, even though they are given some television and radio air-time. Although the Roma have been given broader media coverage during recent years, their opportunities to use the media in order to raise awareness of

Roma issues, remain limited. Roma representatives have expressed their wish to have increased possibilities to produce Roma programmes on local radio and receive state support when applying for licences for their own radio stations.

The Advisory Committee notes that, despite the existence of high quality television programmes prepared by journalists for and about minorities, these programmes are broadcast during day-time hours inconvenient for the general public. Both the journalists concerned and the minorities would like at least part of these programmes to be repeated at weekends or at later hours.

The national department responsible for radio programmes for national minorities claims that more effort needs to be made to extend these programmes' coverage to certain more remote areas where persons belonging to minorities live, even if in small numbers, who are unable to receive them.

Recommendations

The authorities should show greater determination in their efforts to deal with the imbalance, already highlighted in the past by the Advisory Committee, between the different minorities as regards access to the public media. Further efforts are necessary to increase Roma access to local radio, both through licencing measures and by providing material support for the production of Roma programmes.

In order to facilitate mutual understanding and dialogue and to increase public awareness about minorities, the public television service should find ways to provide more convenient time-slots for minority programmes. The authorities should also examine the reported shortcomings concerning the geographical coverage of certain radio programmes.

27. Russian Federation

Opinion adopted on 11 May 2006

Access to the media for persons belonging to national minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee found that, whereas federal legislation was generally permissive as regards the use of the languages of national minorities in the media, in practice a number of minorities faced difficulties in ensuring access to electronic media in their own language.

In terms of legislation, the Advisory Committee encouraged the authorities to address a number of shortcomings, including the overall exclusion of the use of minority languages in federal radio and TV broadcasting, and the restrictions on the use of non-state languages in the media found in the legislation of certain subjects of the federation.

Present situation

a) Positive developments

The Advisory Committee notes with satisfaction that there is a lively minority language print media scene in most subjects of the federation and that, in 2003, the authorities allocated 9,301,000 roubles from the federal budget to support newspapers and magazines published in the languages of national minorities as part of a more general programme to support print media.

According to Article 3 paragraph 9 of the new Federal Law on the State Language of the Russian Federation of 1 June 2005, the requirement for Russian to be used in federal radio and TV broadcasting shall be waived in the case of companies established specifically for the purpose of broadcasting radio and TV programmes in the languages of the peoples of the Russian Federation. This represents an improvement on the wording of Article 20 paragraph 1 of the 1991 Law on the Languages of the Peoples of the Russian Federation, which implies the exclusion of minority languages from federal TV and radio broadcasting without exception.

b) Outstanding issues

Taken together with Article 10 of the 1991 Federal Law on Mass Media, which establishes that the language(s) in which the mass medium is going to be published should be indicated during registration, the waiver provided for in Article 3 paragraph 9 of the State Language Law still appears unduly restrictive as it would seem to require TV and radio channels operating at the federal level to re-register if they decide to broadcast in an additional language.

The language laws of a number of subjects of the federation still do not adequately reflect the principles of Article 9 of the Framework Convention as far as the use of languages other than Russian and the languages of the “titular nation” in the mass media are concerned.

The Advisory Committee is concerned about the effects of a decision made in February 2004 to make all state-owned TV and radio companies in the subjects of the federation directly subordinate to the main national broadcasting company *VGTRK* based in Moscow. This has reportedly had a negative impact on the amount of broadcasting in the languages of national minorities in a number of subjects of the federation, including Altai *krai*, Mordovia and Karelia, by reducing the amount of airtime dedicated to regional issues.

Only those subjects of the federation that have established broadcasting companies outside of *VGTRK*, such as Tatarstan, have been able to avoid this development. Tatarstan’s independent broadcasting efforts have also had positive knock-on effects for Tatars living in other subjects of the federation, e.g. in Sverdlovsk *oblast*, who have received financial support from Tatarstan *inter alia* to support media initiatives.

The support envisaged for the publications and media of national-cultural autonomies in the Federal Law on National-Cultural Autonomy has also been reduced following amendments to the Federal Law on National-Cultural Autonomies brought about by Federal Law No. 122-FZ (see also comments under Article 5). The latter repealed the provision in Article 15 of the Federal Law on National-Cultural Autonomy, providing for inclusion of assistance to the media of national-cultural autonomies in all federal programmes concerning support to mass media.

Persons belonging to national minorities who reside outside their territorial formations or who do not have a specific formation within the Russian Federation continue to face particular difficulties in ensuring access to electronic media in their own language. Particular difficulties have also been reported as regards access to media by persons belonging to certain “titular nations”, including a number of Finno-Ugric groups, who nevertheless find themselves in vulnerable positions within their territorial formations. In Mordovia, for instance, the Mordva have seen cuts in funding for publications in the Erzya and Moksha languages and in Mari El, cuts have also been reported in the amount of air time dedicated to Mari language programmes.

Recommendations

Existing federal and regional legislation regulating the use of languages in the media should be reviewed to ensure that it is consistent with the principles contained in Article 9 of the Framework Convention.

The impact of the re-organisation of *VGTRK* on minority language broadcasting should be examined and compensatory measures adopted in those regions where cuts have been recorded in radio and TV programmes in minority languages.

Media outlets publishing and broadcasting in the languages of dispersed or otherwise vulnerable minorities should be given particular attention when allocating state funds.

28. Serbia*Opinion adopted on 19 March 2009***Legislative framework relating to minority media***Findings of the first cycle*

The Advisory Committee found that the Broadcasting Law lacked clarity with regard to the application of a Serbian language quota for broadcasters using a minority language. The authorities were invited to clearly exclude programming in minority languages from any undue language quota to broadcast in the Serbian language.

Present situation

Debates on legislation relating to minority media have recently been dominated by the issue of privatisation of the media. Indeed, according to the current legislation (2002 Broadcasting Law and 2003 Public Information Law), media privatisation, including media in minority languages, should have been completed by the end of 2007. However, a new set of laws (namely the Law on Local Self-Governance and the Law in the Capital City Belgrade) was passed in late 2007 allowing local authorities to continue their ownership over minority language media.

The Advisory Committee acknowledges that the impact of privatisation on the sustainability of media in minority languages has raised legitimate concerns among representatives of national minorities. However, the Advisory Committee notes that there are diverging views regarding this exemption from privatisation of minority media. Against this background, the Advisory Committee regrets that the introduction of such an exemption has not been preceded by adequate consultations with all the relevant stakeholders, including representatives of national minorities. The Advisory Committee finds that, as a result, there is great confusion and sometimes tension, between private media outlets and municipally owned ones.

The Advisory Committee notes with concern that Serbian authorities have not taken measures to follow up on its recommendation to exempt explicitly minority language broadcasters from the obligation to have 50% of their broadcasting time in Serbian (Article 73, paragraph 1 of the Broadcasting Law). As mentioned in its first Opinion, the Advisory Committee finds that the application of such a language quota would pose disproportionate obligations to minority language broadcasters operating at local and regional levels.

Digital broadcasting should replace terrestrial broadcasting by 2012 in Serbia. Such an evolution may open up new possibilities for minority media but at the same time new obstacles, including technological ones, could emerge. Such a switchover therefore needs to be carefully prepared and its impact on the access of national minorities to media in minority languages should be thoroughly analysed in advance.

Recommendations

The Serbian authorities should ensure that there are no discrepancies in the legal framework relating to minority media. The authorities should ensure that the legal solution found maintains the obligation of the State to guarantee adequate conditions for the right of national minorities to create and use their own media and pay due attention to its consequences on media content in order to ensure the existence of plurality and adequate coverage of minority issues.

The Serbian authorities should exempt explicitly broadcasters using minority languages from the obligation to have 50% of the broadcasting time in Serbian.

The switchover to digital TV should be carefully prepared, in due consultation with national minorities, including through their national councils, with a view to ensuring that such a change results in positive developments for the access to media of persons belonging to national minorities.

**Access to media of persons belonging to national minorities
and minority media empowerment**

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the authorities needed to pay increased attention to the shortcomings identified in terms of access to media by certain national minorities such as the Vlachs and the Roma.

Present situation

a) Positive developments

The Advisory Committee notes that there is currently an important amount of broadcasting in minority languages as well as a considerable number of newspapers and other publications in minority languages in Serbia.

b) Outstanding issues

No progress was reported with regard to increasing the availability of minority language broadcasting in certain regions of the country. In particular, the Advisory Committee notes that in the absence of re-broadcasting of the Romanian language programme of Radio and Television Novi Sad in North-East Serbia, the Vlachs living in this region do not have access to broadcasts in their minority language.

Certain national minorities highlighted that one particular problem in accessing minority broadcasting results from the difficulties in obtaining or retaining regional frequencies which would enable broadcasting companies to reach out to the territorially dispersed minority. The Advisory Committee notes in particular that following the decision of the Radio Broadcasting Agency of March 2008, Radio Subotica switched from a regional to a local frequency, excluding those Croats living outside Subotica from accessing programmes in their language. Similar concerns were expressed by the Hungarian minority regarding the lack of coverage of Southern Banat or Western Backa in the territory of the Province of Vojvodina.

A related problem concerns the fact that “licenses for civil sector radio and television” which are providing more favourable conditions for national minorities may only cover local areas (Article 95 of the Law) and are not very much used in practice. Furthermore, the Advisory Committee notes that the programming requirements and standards including in public tenders for regional or local TV stations are such that they *de facto* do not stimulate the provision of information in minority languages. In particular, the provision requiring that 50% of the programmes be self-produced is considered excessive for minority language broadcasters.

The Advisory Committee notes that electronic media in minority languages often lack adequate equipment and resources, including human resources, to provide quality programming. Against this background, a number of minority representatives expressed the view that attracting young and adequately trained journalists is likely to constitute a serious challenge ahead to ensuring continuity in minority programming. This situation has already resulted in difficulties for some minority programmes such as programmes in the Ruthenian language. It also resulted in difficulties to maintain an equal share between programmes in minority language and Serbian language as reported for example for Bulgarian programmes in Local TV Radio Caribrod.

The Advisory Committee further notes that according to a survey, one third of the persons belonging to national minorities show discontent with the media in their own language, citing *inter alia* reasons of lack of expertise and sometimes politically influenced editorial policies. In particular, the Advisory Committee understands from representatives of the Bosniac community that minority media in Sandžak are particularly exposed to political influence. Such a situation has caused increasing dissatisfaction among persons belonging to this minority.

The Advisory Committee finds that the current lack of minority participation in the RBA Council (see also above, under Article 6) which determines the conditions and procedures for issuing radio and TV licenses, may also negatively affect the access of persons belonging to national minorities to media in minority languages. It notes that, as far as the Province of

Vojvodina is concerned, dissatisfaction was expressed by some minorities, including the Hungarian minority, regarding the lack of attention paid to minority representation in the Management Board of Radio and Television Novi Sad.

Recommendations

The Serbian authorities are encouraged to take positive measures to facilitate access of national minorities to broadcasting licenses both at regional and local levels. This would be particularly important for those minorities who are not compactly settled on the territory of Serbia.

The Serbian authorities should take measures to promote the development of professional training, including vocational training of journalists belonging to national minorities.

29. Slovak Republic

Opinion adopted on 26 May 2005

Broadcasting for minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee noted with approval the Government's increasing support for electronic and print media of national minorities and welcomed the broadcasting of programmes in minority languages on public television and radio, but suggested that more detailed legislative provisions in this field could be helpful. It also regretted the fact that very little broadcasting time was devoted to radio programmes in the Roma language. Finally, the Advisory Committee drew attention to certain provisions in the State Language Law of 1995, such as Article 5(6), that could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages, and invited the authorities to address this issue.

Present situation

a) Positive developments

Act No. 16/2004 Coll. of 4 December 2003 on the Slovak Television now explicitly provides in its Article 5(1) that the main activities of the Slovak Television include the broadcasting of programmes in the languages of national minorities or ethnic groups living in the territory of the Slovak Republic. A similar provision has been introduced by Act No. 619/2003 of 4 December 2003 as regards the main activities of the Slovak Radio.

b) Outstanding issues

While recognising that the State Language Law does not seem to have had a negative impact on broadcasting in minority languages so far and that no warnings or sanctions for non-compliance or violations of the said law have been reported, the Advisory Committee considers it important that continuous attention be paid to ensuring freedom to receive and impart information and ideas in minority languages.

The Advisory Committee is not aware of any increase in the programmes broadcast in the Roma language, which are quite limited (30 minutes a week).

Recommendation

The authorities are invited to continue and develop their commendable practices as regards minority language broadcasting, including by expanding programmes for the Roma minority, and ensure that no undue interpretation of the State Language Law hinders these achievements.

30. Slovenia

Opinion adopted on 26 May 2005

Access to media by Hungarians and Italians

Findings of the first cycle

In its first Opinion on Slovenia, the Advisory Committee welcomed the situation of the Hungarian and Italian minorities in relation to public radio and television. At the same time, the authorities were encouraged to assist both communities in eliminating ongoing shortcomings – in respect of programme reception for the Italian community, and the duration of minority-language programming for the Hungarian community.

Present situation

a) Positive developments

The Advisory Committee notes that the public radio and television service continues to broadcast radio and television programmes for the Hungarian and Italian minorities, in Hungarian and Italian respectively. These programmes, partly financed by the State, are produced and broadcast by regional public radio and television centres, and reach, in accordance with the law, at least 90% of the “ethnically mixed areas”. Both communities also receive financial assistance from the State for the publication of a number of print media, including daily newspapers and periodicals, in Hungarian and Italian. The Advisory Committee notes with interest that some of the Italian-language publications receiving a financial contribution from the Slovene State are published in Croatia, targeting Italian-speakers in both countries.

The Advisory Committee is pleased to note the increased duration of television programming broadcast in Hungarian, and welcomes the setting up, in Lendava, of a public radio and television studio for the Hungarian minority. It expresses the hope that, by making full use of the transmission capacities of this new facility, the Hungarian community’s needs in the audio-visual sector can be met more fully, in accordance with the requirements laid down by Slovene law in this area.

b) Outstanding issues

The Advisory Committee has taken note of the Hungarian and Italian minorities’ concerns with respect to a number of worrying tendencies – regarding their access to, and presence in, the media. It appears, in particular, that the comments and criticisms made by their representatives in relation to a new bill on public audio-visual services, under discussion in early 2005, did not meet the attention needed from the authorities (see also comments under Article 15 below).

In essence, the Hungarians and Italians fear a reduction in the opportunities currently available to them in the audio-visual sector, particularly as regards the financial independence they wish to enjoy in this area.

In this connection, the Advisory Committee also notes the fears articulated by the Italians in recent years, regarding the prospect of a reduction in the amount of Italian-language programming produced and broadcast by regional channels; such a possibility appears to be under consideration by the authorities in the wake of the financial crisis faced by RTV Slovenia. As to the Hungarians, they consider that, despite the launching of the radio and television studio in Lendava, their situation as regards broadcasting time and resources, equipment and staff, does not correspond to their needs.

Recommendation

The Advisory Committee expresses the hope that the concerns and expectations of the Hungarian and Italian minorities regarding their access to, and presence in, the media will be heard during the forthcoming legislative procedure, and that the text of the new bill on public audio-visual services will make it possible to respond to their needs appropriately.

Access to, and presence in the media of the Roma

Findings of the first cycle

In its first Opinion on Slovenia, the Advisory Committee considered that the State should step up the assistance granted to the Roma in this area, particularly as regards the setting up of their own media outlets.

Present situation

a) Positive developments

The Advisory Committee finds that there have been a number of positive developments in respect of access to the media by the Roma. Although a great deal still remains to be done in this regard, it notes the efforts made, in the public media, to raise awareness of Roma culture and traditions. The Advisory Committee also recalls that two private radio stations, in Murska Sobota and Novo Mesto, regularly broadcast programmes on Roma, partly in the Roma language, and is pleased to note that they continue to receive financial assistance from the State. At the same time, it notes that, whereas a cable TV studio in Murska Sobota has been broadcasting programmes aimed at Roma since 2002, in 2004 a Roma-language programme was also being made for the Dolenjska region. In the print media, the Union of Roma of Slovenia continues to publish a Roma newspaper four times a year.

b) Outstanding issues

Despite a number of positive developments, the Advisory Committee finds that the efforts of the public media in respect of the Roma remain limited, given the latter's needs in terms of preserving and affirming the specific values of Roma culture and identity and raising awareness of those values among the majority population.

While welcoming private initiatives giving Roma space to express themselves in the media, the Advisory Committee considers that programmes on Roma by the public media might have an additional impact on the rest of the population, and help to improve the image of Roma within Slovene society (see also comments under Article 6 above). More generally, the Advisory Committee considers it essential, in order to ensure that the media adequately reflects the lives and concerns of the Roma, that the latter participate directly in producing and broadcasting the programmes for them and about them.

Recommendation

The authorities are encouraged to continue, and step up, their efforts to promote the presence of Roma in the media, *inter alia* by assisting them to set up private media outlets. At the same time, more effective ways should be found to raise media awareness of Roma concerns and of the need to help improve the image of the Roma among the rest of the population.

Language legislation and the media

Outstanding issues

As regards the language used in the media, the Advisory Committee notes, as indicated above, that Article 61 of the Slovene Constitution guarantees all individuals the right to express freely their affiliation with a nation or ethnic community, to develop and express their culture and to use their language and alphabet. At the same time, it notes that the recent Act on Public Use of the Slovene Language states that Slovene is the language to be used in the media, press conferences and written statements submitted to the media, and in web pages financed from public funds.

It is noted that Article 3 of the aforementioned Act (like specific provisions of Slovene legislation relating to the media) guarantees the use of the languages of the Hungarian and Italian national communities in the media, and also allows, under certain conditions, the use of foreign languages by foreigners. However, the Advisory Committee notes with concern that the

law in question does not contain such guarantees for other Slovene citizens, other than Hungarians and Italians, who do not have Slovene as their mother tongue. The Advisory Committee therefore finds the provisions of the aforementioned Act problematic as regards the freedom of these persons to receive and circulate information and ideas in the minority language.

Recommendation

Regarding the 2004 Act on Public Use of the Slovene Language, the authorities should ensure that there are no legal obstacles hindering the use of mother tongue in the media by the Roma and others who might be affected. Amendments to the law should be introduced to ensure its full compliance with the relevant provisions of the Framework Convention.

31. Spain

Opinion adopted on 22 February 2007

Roma access to the media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that access by Roma to the public media and their presence in the media was limited and called on the authorities to identify means, including financial support as appropriate, of helping the Roma to improve this situation.

Present situation

a) Positive developments

The Advisory Committee is pleased to note that, although the situation varies considerably across regions, efforts have been made by the governments of certain Autonomous Communities to allocate broadcasting time to Roma issues on publicly funded radio and TV. The Advisory Committee is particularly pleased to note the efforts made by the Government of Andalusia, which provides financial support for Andalusia's public radio station to broadcast a half-hour programme produced by and for Roma on a weekly basis. Andalusia's public television station has also broadcast a documentary series on Roma traditions and everyday life.

Roma radio programmes are sometimes broadcast at local level in other Autonomous Communities, but they tend to be precariously financed. One positive development brought to the Advisory Committee's attention was the emergence, in April 2006, of a new internet radio service, entirely run and financed by Roma associations, especially Roma women, based in the province of Barcelona. This radio service, *Rromane Glasură* (Roma Voices), aims at reversing the poor visibility and frequent stereotyping of Roma women in the mass media by giving Roma women a platform to have their voices heard.

As regards the print media, the Advisory Committee welcomes the regular publications produced by Union Romani (Spain's largest federation of Roma associations): *Nevipens Romani*, a fortnightly publication, and *I tchatchipen*, a quarterly publication; and by Fundación Secretariado Gitano (Spain's largest non-governmental organisation working with Roma), which produces the bi-monthly magazine *Gitanos*. These magazines are funded by the Spanish Ministry of Labour and Social Affairs (under the Roma Development Plan) and the European Union. The Advisory Committee welcomes the fact that all three publications are accessible on the internet, thereby reaching out to a larger audience.

b) Outstanding issues

The Advisory Committee regrets that the good practices found in Andalusia as regards enabling Roma access to and presence in the media are not reproduced in other Autonomous Communities, nor are such practices encouraged in national level public broadcast media, where programmes produced by and addressed to Roma do not exist. On the contrary, documentaries and news items that touch upon the life of Roma broadcasted on national radio and television

too often focus on situations or events that are damaging to the image of Roma (see comments under Article 6 above).

While acknowledging the positive role of the internet in diversifying access to the media for persons belonging to national minorities, the Advisory Committee notes that new, digitalized media, including internet services, are not readily available to all social groups. The Advisory Committee is therefore concerned about the virtual absence of programmes produced by and for Roma on traditional media supports and regrets that few Roma in Spain have the training and resources needed to produce such programmes.

Recommendation

The authorities are urged to take steps to support the participation of Roma in the media at the national and regional levels, including, as appropriate, by providing financial assistance to Roma initiatives in this regard, by providing training to Roma journalists, and by encouraging media self-regulation to combat stereotypes of Roma in the media.

32. Sweden

Opinion adopted on 8 November 2007

Minority language broadcasting

Findings of the first cycle

In its first Opinion, the Advisory Committee referred to certain marked cuts in the public service minority language broadcasting and called on the authorities to monitor that the public service broadcasting companies implement their obligation to increase their efforts in this field.

Present situation

a) Positive developments

The licensing conditions for the five-year concession period starting in 2002 instructed the public service radio (SR) and television (SVT) to increase their efforts to cater to the needs of national minorities. Romani Chib was also added to the list of national minority languages to be considered in this context. The importance of national minority languages is recognised also in the plans for 2007-2012 and the latest license condition issued by the authorities for 2007-2009 contains a call for increasing minority access to TV broadcasting.

In practice, public service broadcasting companies continued to provide a range of important minority language programming. Representatives of national minorities have expressed particular appreciation, *inter alia*, of the comprehensive Finnish language broadcasting by *Sisuradio*, which has paid particular attention in its programmes to the implementation of Sweden's obligations in the field of national minorities.

b) Outstanding issues

As regards TV broadcasting, the implementation by SVT of its obligation to increase efforts in minority language broadcasting between 2002 and 2006, notably concerning Finnish language TV broadcasting, has been criticised by certain national minority organisations. It appears that, whereas the overall number of hours broadcasted in Finnish increased from 117 hours of programming in 2001 to 139 hours in 2005, the overall resources devoted to such programming remained stagnant and the share of domestically produced programming decreased. While recognising the budgetary constraints involved, the Advisory Committee recalls that the availability of foreign broadcasting in a language of a national minority does not replace the need for, and importance of, domestically produced broadcasting in that language.

The impact of the switchover to digital TV broadcasting in the terrestrial network, to be completed by February 2008, is an issue that needs to be carefully considered from the point of view of national minorities. While this switchover may open up new possibilities that need to be

seized, it is important to ensure that it does not at the same time create new technical or other obstacles in the access of persons belonging to national minorities to broadcasting.

Recommendation

The Swedish authorities should ensure that broadcasting in languages of national minorities is given constant attention by the public broadcasting media during the new concession period. Furthermore, minority language programming should include an adequate amount of domestically produced programmes. The impact of the switchover to digital TV on minority languages merits being carefully monitored with a view to ensuring that it results in positive developments in the media access of persons belonging to national minorities.

Print and Internet media

Findings of the first cycle

In its first Opinion, the Advisory Committee identified scope for improvements in the situation of print media in minority languages and urged the authorities to ensure that the relevant subsidy schemes take into account the situation of minority language print media.

Present situation

a) Positive developments

The Advisory Committee welcomes the fact that the press subsidy system has been examined in detail, with a view to ensuring adequate support for the newspapers of national minorities. The committee tasked to consider the issue has made certain proposals on how to facilitate the establishment of minority language newspapers by revising some of the eligibility criteria contained in the present press subsidy regulations. These include a proposed lowering of the circulation threshold. They also include the amendment of the requirement that minority language newspapers have at least 90 per cent of the subscribed circulation in Sweden, which can at present constitute an obstacle for minorities' media initiatives, including those for Sami and Tornedalers.

b) Outstanding issues

While the proposals to revise the press subsidy system are pending, the availability of printed press in national minority languages remains limited, with existing titles consisting largely of local newspapers and periodicals. An attempt to launch a Finnish language daily newspaper failed in 2005 because of financial difficulties, and initiatives to create a Sami language newspaper have not yielded concrete results.

Persons belonging to national minorities have introduced certain encouraging Internet-based news and information initiatives but their sustainability is largely uncertain due to limited funding prospects.

Recommendation

Sweden should complete its review of the press subsidy system and introduce any revisions necessary to ensure the viability of minority language press. There is also a need to examine how to support the availability of minority language information through the Internet.

33. Switzerland*Opinion adopted on 29 February 2008***Radio and television programmes***Findings of the first cycle*

In its first Opinion, the Advisory Committee noted with satisfaction the existence of a considerable number of radio and television programmes in German, French and Italian as well as regular slots of television programmes and a public service radio in the Romanche language.

*Present situation***a) Positive developments**

A new Federal Law on Radio and Television entered into force in April 2007, which confirms the existing terms of reference of the Swiss Broadcasting Company (SSR) and its obligation to broadcast programmes in German, French and Italian of the same quality all over the country. The terms of reference have been consolidated regarding the Romanche language with an explicit obligation to broadcast at least one radio programme schedule for Romanche-speaking Switzerland and a duty for the Government to lay down the principles governing provisions to meet the specific radio and television needs of this linguistic region.

The Advisory Committee was given to understand that the radio programme in Romanche should continue to allow the use of the five idioms of the Romanche language where appropriate. The daily duration of the programmes broadcast in Romanche by the public service radio have been significantly extended since the first monitoring cycle due to the opening of a new media centre in Chur in 2006. Since April 2005 the public service Romanche television has also increased its airtime. This has included a more frequent news bulletin.

b) Outstanding issues

Ongoing discussions are taking place on the possible creation of a regional TV station in Graubünden to broadcast in Romanche. Despite the interest shown by Romanche speakers, this project has not yet materialised due to a lack of funding.

Recommendation

The authorities are invited to continue to monitor the needs of the Romanche speakers in terms of broadcasting time and make sure that the new legal provisions are fully implemented in practice.

Print media*Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the wide variety of titles existing in the four national languages but noted that the only Romanche daily newspaper was in a difficult situation.

*Present situation***a) Positive developments**

The new Languages Act of the canton of Graubünden provides in its Article 12 that the canton may subsidise Romanche newspapers and journals if they have made an important contribution to protecting the language, provided that these services could not have covered their own costs. The newspapers and journals published in Romanche have continued to benefit from indirect support in the form of editorial services and the substantial public funding of the Romanche press agency has been maintained.

b) Outstanding issues

Although printed media are numerous in the Italian language, representatives of the Italian-speaking community of the canton of Graubünden regret the lack of media coverage in Italian of the political, economic and cultural life of their canton. This is linked to the fact that existing newspapers are essentially based in Ticino, so that they tend to focus almost exclusively on what is happening in canton Ticino as well as on Federal issues. There are continuing discussions, including some with the Swiss Telegraphic Agency, around the possible appointment of an Italian-speaking media correspondent in Chur to fill this gap.

Recommendation

The authorities should pursue their laudable efforts to support printed media especially in Romanche and Italian languages in canton Graubünden, as well as make the best use of the new opportunities opened up by the new legislative provisions on languages.

Media and Travellers

Findings of the first cycle

In its first Opinion, the Advisory Committee noted the existence of limited radio broadcasting in Roma language and the existence of a Yenish title and invited the authorities to examine, with Travellers' representatives, whether this situation corresponded to their needs.

Present situation

The Swiss authorities consulted the Association of Travellers on the findings of the first cycle. The Association considers the possible broadcasting on local radio of a programme in Yenish desirable, without however demanding it. Other representatives of the Yenish community have put a stronger emphasis on this issue - including in their exchanges with the Advisory Committee - and call for the development of a proper media policy to assist the Yenish, Sinti and Roma. The Swiss authorities have suggested that the needs of Travellers in the field of media could become a future topic for discussion in the Foundation.

Recommendation

Efforts should be made to respond better to the needs of Travellers in the field of media and increased attention could be devoted to this question in the relevant institutions in which the Confederation and the cantons are represented.

34. “The former Yugoslav Republic of Macedonia”

Opinion adopted on 23 February 2007

Access to the media for persons belonging to national minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee urged the authorities to address problems with the running of the third public television station, which broadcast in minority languages only, in order to guarantee its quality and viability.

The Advisory Committee found that the statutory requirement to broadcast in Macedonian in addition to minority languages made it difficult to obtain licences for private broadcasting in the languages of the various communities. It urged the authorities to address this situation in connection with review of the Broadcasting Act. The authorities were invited to concentrate more on the concerns voiced by the smaller minorities about their access to the media.

a) Positive developments

The legal basis for media access for persons belonging to national minorities has been strengthened by the new Broadcasting Act adopted in 2005. The new Act expressly requires public service radio and television and encourages private operators to broadcast programmes

on the cultures and concerns of national minorities in languages other than Macedonian that are spoken by over 20% of the population (Albanian) as well as in the languages of the other communities.

Under the new law, private operators broadcasting programmes in national minority languages are no longer required to broadcast in Macedonian as well. On the other hand, broadcasting in minority languages is one of the criteria taken into account in the granting of broadcasting licences and is considered to be in the public interest. In addition, the Act requires operators to devote at least 30% of their daily broadcasting time to original programmes produced in Macedonian or in minority languages, this minimum rising to 40% of the daily output of public radio broadcasters. The Advisory Committee has been unable to obtain information, at this stage, on the actual proportion of programmes in the languages of the different communities.

The Advisory Committee further notes that the new law contains special provisions to ensure better representation of minorities in the public broadcaster's governing bodies and in decision-making at this level through use of the double majority principle in decisions concerning minorities (see observations under Article 15 below).

In practical terms, the Advisory Committee observes that the second public television station (MTV2), covering the whole country, is now entirely devoted to programmes for ethnic communities in their own languages, and these programmes are produced by teams consisting of persons belonging to the different communities. Public radio similarly broadcasts programmes in the languages of the different communities locally and nationally. The Advisory Committee has also noted that discussions are in progress as to how best to meet the needs of the smaller ethnic groups in the broadcasting strategy for the next five years.

In the private-media sphere, it may be positively noted that, in 2004, a private Albanian language television station with national coverage (ALSAT) was established, which also broadcasts the news in Macedonian. As for the Roma, there are two private Roma television stations, mainly commercial in nature, which broadcast programmes in Romani in Skopje. Similarly, a provincial radio station (in Kumanovo) broadcasts programmes in Romani twice a week. In addition, private radio and television stations broadcast locally in national minority languages. The Advisory Committee also welcomes the recent opening of an Internet multilingual portal of the public service of radio and television, which provides information also in the languages of the different ethnic communities.

The Advisory Committee also takes note that, according to the State Report, 28 print publications in Albanian and one in Serbian were registered at the end of 2005. In addition, the Vlachs have a magazine that appears twice a month, and some publications in Romani do exist, although, owing to financial difficulties, are not produced regularly. The Advisory Committee notes that Roma journalists are currently being trained by the Macedonian Media Institute.

b) Outstanding issues

The Advisory Committee notes that, according to representatives of the smaller ethnic communities, they have only a limited number of programmes on local radio stations and the media do not pay much attention to their concerns. In the field of print media, these communities are facing serious financial problems, which makes it difficult to ensure their continuity.

The Advisory Committee is concerned about information that, in practice, programmes broadcast by the media of the various communities are intended for and devoted to these communities alone and there is little communication and interaction through the media between persons belonging to different groups. This virtual absence of dialogue is particularly obvious and disturbing in relations between Macedonians and Albanians, who have difficulty managing to find common ground for communication in the media. The smaller groups have problems finding their place in this context (see also the comments on Article 6 above).

Many sources have pointed out a serious problem regarding the excessive political dependence of media, which also makes it difficult for them to ensure a balanced treatment of minority related issues. In addition, concerns have been raised about journalistic professional standards

and the effect of this situation on programme quality and the media's ability to play what should be a positive role as a vehicle of integration and a field of dialogue for the different communities.

Recommendations

The Advisory Committee urges the authorities to focus more on the media-access needs of numerically smaller groups and, based on the legislation in force, seek ways of improving the situation of such persons in this area.

The authorities should develop and support initiatives to increase mutual understanding and intercultural dialogue through the media. Whilst fully respecting the editorial independence of the media, they should identify means of encouraging the latter to develop multicultural programmes and promote dialogue between the different communities both through content and through a more inclusive choice of participants in media dialogue.

Greater attention should be paid to vocational training for journalists and other media professionals, especially those working in a multicultural environment. Efforts made by the media themselves and by associations of media professionals to strengthen their systems of self-regulation and self-monitoring should be encouraged and supported.

35. Ukraine

Opinion adopted on 30 May 2008

Legislation on television and radio broadcasting and minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee recognised that Ukraine could legitimately demand broadcasting licensing of broadcasting companies and that the need to promote the official language could be one of the factors to be taken into account in that context. However, an overall exclusion of the use of national minority languages in the nation-wide public service and private broadcasting sectors was not compatible with Article 9 of the Framework Convention. Despite the apparently strict wording of the Law on Television and Radio Broadcasting, the Advisory Committee noted that, in practice, a level of flexibility prevailed in terms of the interpretation of this legislation as regards broadcasting at the state-level and that, as a result, broadcasting in languages other than the official language appeared to be tolerated to a certain degree as far as private broadcasting was concerned. It also welcomed the fact that, in practice, a number of radio and TV broadcasters were using minority languages at the regional level.

The Advisory Committee regretted the existing level of legal uncertainty in the Law on Television and Radio Broadcasting and noted, for example, that crucial matters, such as the imposition of specific language-related quotas for broadcasting in Ukrainian in various regions, were largely left to the discretion of the National Television and Radio Council. The Advisory Committee therefore called on the authorities to review the provisions pertaining to the use of the languages of national minorities in nation-wide and regional broadcasting in the Law on Television and Radio Broadcasting, with a view to clarifying them and to ensuring that they were fully compatible with the principles contained in Article 9 of the Framework Convention.

Present situation

a) Positive developments

It is positive that specific language-related quotas are no longer left to the sole discretion of the National Television and Radio Council. Indeed, Article 10 (4) of the Law on Television and Radio Broadcasting explicitly stipulates that nation-wide operators must now broadcast a minimum percentage of their programming into Ukrainian within each 24 hour slot. This is

positive in terms of legal certainty, but regrettably the threshold chosen (75%) may be problematic in certain contexts (see related comments under paragraphs 132-134, below).

According to information provided by the National Television and Radio Council, which is the authority responsible for licensing decisions and overseeing license conditions, no sanction has yet been taken yet against operators for violation of the new language quota. The Advisory Committee is of the opinion that the imposition of sanctions should indeed be avoided as much as possible in this field since they may have a detrimental effect on freedom of media.

b) Outstanding issues

As a general point, the Advisory Committee is concerned that initiatives to promote the use of the State language in the media are apparently developed outside the context of the overall efforts to develop a comprehensive and coherent policy for the rights of persons belonging to national minorities. The Advisory Committee is deeply concerned about the adverse effect that the new language quotas may have on the right for persons belonging to national minorities to have access to radio and television programmes in their languages. Representatives of several national minorities, such as the Greeks, the Bulgarians and the Russians have indeed indicated that the imposition of quotas was making it extremely difficult to obtain a license for broadcasting programmes in minority languages, including at the regional level, given the obligation to broadcast such an large volume of programmes in Ukrainian. During its visit, the Advisory Committee was also repeatedly informed about plans to increase the quota for nationwide programmes from 75 to 85% within the next two years. Although the National Television and Radio Council representatives reported being unaware of these plans, the Advisory Committee considers that such an increase would clearly be inappropriate for minority language broadcasting in the current situation given the difficulties encountered to meet the existing requirements and bearing in mind that the proportion of persons belonging to national minorities represents more than 50% of the population in several regions.

The Advisory Committee has received conflicting information about whether the aforementioned language quotas entrenched in Article 10 (4) of the Law on Television and Radio Broadcasting would also apply to private operators. While the National Television and Radio Council indicated that private stations were not subject to such a quota, independent sources submitted that the quotas were also included in the licenses granted to private broadcasters. Indeed, Article 2 of the Law on Television and Radio Broadcasting prescribes that this Law covers both public service and private broadcasters. Against this background, the Advisory Committee takes the view that the imposition of a 75% quota on private broadcasters would raise issues of compatibility with the provisions of Article 9 (1) and (3) of the Framework Convention. Measures to promote the use of the state language should indeed be principally pursued through incentive-based, voluntary methods since the imposition of rigid translation or dubbing requirements cause undue difficulties for persons belonging to a national minority.

According to recent information, the National Television and Radio Council decided that foreign programmes distributed in Ukraine via cable networks would all have to be adapted to Ukrainian legislation, that is to have their programmes dubbed or translated into Ukrainian. A number of protests have been voiced against this decision, including by representatives of the Russian minority, who claim that, if implemented, this decision would prevent all retransmission from foreign channels since it is technically impossible to translate or dub all programmes.

Recommendations

The authorities should review the new language quota provisions pertaining to public service operators to ensure that the right of persons belonging to national minorities to impart or receive information in minority languages is not subject to excessive limitations. They should also consider the possibility to look for voluntary, incentive-based methods and a more flexible approach in relation to regional channels with smaller audiences, instead of rigid quotas to encourage the use of Ukrainian.

Ukraine should clarify the legal regime applicable to private operators, including through the amendment of Article 10 of the Law on Television and Radio Broadcasting, with a view to removing any language quota imposing translation requirements of minority language programmes into Ukrainian.

The authorities should review their decision to oblige operators of cable networks to translate into Ukrainian all foreign programmes broadcast in minority languages with a view to ensuring that decisions taken in this field do not pose undue obstacles to the reception of programmes in minority languages from abroad.

Law on Cinematography

Present situation

Outstanding issues

In its Decision N° 13-rp/2007 of 20 December 2007, the Constitutional Court of Ukraine ruled that the legal regime governing the use of the State language and the languages of national minorities was also applicable to the sphere of cinematography. The Court thus confirmed the constitutionality of Article 14(2) of the Law on Cinematography, which provides that before distribution in Ukraine foreign films must be dubbed, post-synchronised or sub-titled into the State language. The same provision provides that these films can also be dubbed, post-synchronised or sub-titled into minority languages in addition to Ukrainian. Failure to comply with this requirement implies that the permission to distribute and show foreign films is not given.

While recognising that there may be a legitimate aim to make foreign films more widely available in Ukrainian, there is reason for concern that the requirement to dub, post-synchronise or sub-title every foreign film into Ukrainian may prove disproportionate for those films which are produced in Russian and in other minority languages. This is of particular concern for those which are produced domestically since it is not clear that they would be exempted from the translation obligation. The Advisory Committee finds it especially problematic from the point of Article 9 of the Framework Convention that the notion of “film distribution” rooted in Article 3 of the Law on Cinematography not only covers the showing of films in special premises like cinemas, but also Television broadcasting channels. This means that all foreign films broadcast on television channels will have to be translated even if the aforementioned language quota in Ukrainian is met. This will undoubtedly create an additional heavy burden for minority language broadcasts, which is likely to impair the implementation of the rights contained in Article 9 of the Framework Convention.

Recommendation

The authorities should ensure that the production and projection of films in minority languages are not hampered by excessive requirements in terms of dubbing, post-synchronisation and sub-titles into Ukrainian in cinemas, and that television broadcasters are excluded from language requirements pertaining to cinematography.

Print media

Findings of the first cycle

In its first Opinion, the Advisory Committee noted with satisfaction that freedom of persons belonging to national minorities to receive and impart information and ideas in their language, without interference by public authorities, was largely respected in Ukraine. It also noted that a considerable number of newspapers and other publications were published in the languages of national minorities, although financial difficulties were a major obstacle, in particular with respect to the media of numerically small and dispersed minorities. The Advisory Committee underlined 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.

Present situation

a) Positive developments

A great variety of print media for national minorities continues to exist in Ukraine. For example, according to the State Report, there are 59 such media which are registered with a nation-wide circulation and 145 with a local circulation. Furthermore, out of 4335 printed media, 2728 are in Russian, 10 in Hungarian, 2 in Bulgarian, 5 in Polish, 6 in Romanian, 4 in Crimean Tatar, 1 in Moldovan, 3 in German, 1 in Byelorussian and 1 in Yiddish. There are also a number of bilingual and multilingual print media, including a large number in Russian/Ukrainian.

b) Outstanding issues

Representatives of several national minorities regret that only a very limited number of newspapers published in their languages receive financial support from the State budget: the State Committee co-finances only six publications in minority languages, namely in Armenian, Crimean Tatar, Yiddish, Polish, Bulgarian and Romanian. The Advisory Committee notes that a number of national minorities, including numerically smaller groups, are facing considerable difficulties to finance their newspapers which are an important means to preserve their language and culture. Therefore the need for public support in this field is considerable, but there are apparently no clear criteria for selecting those minority newspapers which will receive public funding.

Recommendation

Ukraine should consider increasing its financial support for newspapers published in minority languages, especially for numerically smaller groups, in order to meet better the significant needs in this field. In so doing, the authorities should try to develop, in consultation with national minorities, objective criteria to identify the publications which can receive public support.

36. United Kingdom

Adopted on 6 June 2007

Northern Ireland

Findings of the first cycle

In its first Opinion, the Advisory Committee called on the Government to 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.

Present situation

a) Positive developments

The Advisory Committee welcomes the establishment, in June 2005, of the Irish Language Broadcast Fund to provide financial support for Irish language film and television production. With a budget of £12 million pounds for a five-year period, it has the potential to make a significant contribution to the availability of Irish-language television programming. The Irish Language Broadcast Fund also provides training courses for Irish-language television producers.

The Advisory Committee notes that, while there is no dedicated Irish-language television service in Northern Ireland, Irish-language television programmes are either transmitted on BBC or on TG4, an all-Ireland television channel funded by the Irish Government. According to information provided by the Government of the United Kingdom, the Government has begun to fund the extension of reception of TG4 in Northern Ireland.

The Advisory Committee welcomes the decision by the BBC radio to begin broadcasting a half-hour programme in Ulster Scots on a weekly basis. This is an improvement on the past, where Ulster-Scots radio programmes were only broadcasted irregularly. The Advisory Committee also commends the decision to broadcast programmes on the history and culture of Ulster-Scots in Northern Ireland, which reportedly have been very popular.

b) Outstanding issues

While welcoming the Government's decision to fund the extension of reception of TG4 in Northern Ireland, the Advisory Committee regrets that reception of TG4 is still unavailable in some parts of Northern Ireland. The Advisory Committee also notes that the United Kingdom's decision to switch to digital broadcasting in 2012 may create difficulties concerning access to TG4.

Recommendation

The Advisory Committee urges the authorities to ensure that Irish speakers throughout Northern Ireland have adequate access to Irish-language television services produced in the Republic of Ireland. Preparations are necessary to ensure that reception of the all-Ireland station TG4 is not negatively affected by the digital switch-over in 2012.

Scottish Gaelic broadcasting

Findings of the first cycle

The Advisory Committee welcomed 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.

Present situation

a) Positive developments

The Advisory Committee welcomes the support given by the UK Government and the Scottish Executive to the establishment of a dedicated Gaelic digital television service, which is expected to begin operating before the end of 2007. Preparations for establishing this service, which will be run by the Gaelic Media Service (which has replaced the Gaelic Broadcasting Committee) in partnership with the BBC, are well underway. Current funding provision is sufficient to broadcast 1.5 hours of original Gaelic-language TV programming per day. This new service will significantly increase the number of hours of Gaelic language television available in Scotland.

b) Outstanding issues

The Advisory Committee understands that, when digital switch-over takes place in Scotland, the new Gaelic digital service will be available on free-to-view digital terrestrial television. However, digital switch-over is not expected until 2011, and in the meantime, access to the new Gaelic language digital service will be restricted to viewers who subscribe to a fee-paying cable or satellite television service.

The Advisory Committee is also aware that the long-term future of the new Gaelic channel is still not consolidated. The Gaelic Media Service's partnership agreement with the BBC will be reviewed in three to five years' time and there are concerns about the availability of funding and appropriate infrastructure beyond this period.

Recommendations

In view of the crucial role that Gaelic broadcasting can play in ensuring a sustainable future for the Gaelic language in Scotland, the Advisory Committee urges the authorities to ensure that the Gaelic Media Service and its new digital television channel have access to appropriate funding and infrastructural support.

Minority ethnic communities

Findings of the first cycle

The Advisory Committee noted that, notwithstanding steps already taken to open up broadcasting to minority ethnic communities, representatives of these communities still identified shortcomings and called for greater diversity and opportunities in media broadcasting.

Present situation

a) Positive developments

The Advisory Committee notes that, under the Communications Act 2003, Ofcom, the new, UK-wide communications regulator, has a duty to promote training and equal opportunities in employment by television and radio broadcasters. According to figures provided by the Government, persons belonging to minority ethnic communities made up 8.8% of the overall workforce in the field of broadcasting in 2005 (although information about their representation in senior or management positions was not made available).

The Government of the United Kingdom promotes a number of schemes aimed at providing greater opportunities for persons belonging to minority ethnic communities to create and use their own media. One of these schemes, the Audio-Visual Entrepreneurship Equal Project, with a budget of £3 million, has assisted over 600 beneficiaries to develop the skills, knowledge and experience they need to develop businesses in the broadcasting sector.

b) Outstanding issues

Research conducted into the experience of persons belonging to minority ethnic communities in the media, particularly in print journalism, indicates that, despite the industry's efforts to attract minority ethnic journalists, the numbers remain low due to workplace structures which directly or indirectly operate as barriers to journalists from ethnic minority backgrounds entering and remaining in the profession.

Recommendations

Efforts to encourage cultural diversity and equal opportunities for persons belonging to minority ethnic communities in the electronic media should be continued and in print journalism should be stepped up.