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Working document

Compilation of Opinions of the Advisory Committee relating to Article 9  
of the Framework Convention for the Protection of National Minorities (3<sup>rd</sup> cycle)

"Article 9

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

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

Table of contents

1.	<i>Albania Opinion adopted on 23 November 2011</i> .....	4
2.	<i>Armenia Opinion adopted on 14 October 2010</i> .....	5
3.	<i>Austria Opinion adopted on 28 June 2011</i> .....	6
4.	<i>Azerbaijan Opinion adopted on 10 October 2012</i> .....	8
5.	<i>Bosnia and Herzegovina Opinion adopted on 7 March 2013</i> .....	10
6.	<i>Bulgaria Opinion adopted on 11 February 2014</i> .....	12
7.	<i>Croatia Opinion adopted on 27 May 2010</i> .....	14
8.	<i>Cyprus Opinion adopted on 19 March 2010</i> .....	16
9.	<i>Czech Republic Opinion adopted on 1 July 2011</i> .....	17
10.	<i>Denmark Opinion adopted on 31 March 2011</i> .....	19
11.	<i>Estonia Opinion adopted on 1 April 2011</i> .....	20
12.	<i>Finland Opinion adopted on 14 October 2010</i> .....	23
13.	<i>Germany Opinion adopted on 27 May 2010</i> .....	25
14.	<i>Hungary Opinion adopted on 18 March 2010</i> .....	27
15.	<i>Ireland Opinion adopted on 10 October 2012</i> .....	28
16.	<i>Italy Opinion adopted on 15 October 2010</i> .....	30
17.	<i>Kosovo Opinion adopted on 6 March 2013</i> .....	32
18.	<i>Lithuania Opinion adopted on 28 November 2013</i> .....	34
19.	<i>Moldova Opinion adopted on 26 June 2009</i> .....	35
20.	<i>Norway Opinion adopted on 30 June 2011</i> .....	37
21.	<i>Poland Opinion adopted on 28 November 2013</i> .....	38
22.	<i>Romania Opinion adopted on 21 March 2012</i> .....	41
23.	<i>Russian Federation Opinion adopted on 24 November 2011</i> .....	43
24.	<i>Serbia Opinion adopted on 28 November 2013</i> .....	44
25.	<i>Slovak Republic Opinion adopted on 28 May 2010</i> .....	47
26.	<i>Slovenia Opinion adopted on 31 March 2011</i> .....	49
27.	<i>Spain Opinion adopted on 22 March 2012</i> .....	52
28.	<i>Sweden Opinion adopted on 23 May 2012</i> .....	53
29.	<i>Switzerland Opinion adopted on 5 March 2013</i> .....	55
30.	<i>"the former Yugoslav Republic of Macedonia" Opinion adopted on 30 March 2011</i> .....	56
31.	<i>Ukraine Opinion adopted on 22 March 2012</i> .....	58
32.	<i>United Kingdom Opinion adopted on 30 June 2011</i> .....	61

As of 13 May 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 36 opinions, of which 32 opinions on Article 9.

\* 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.

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 23 November 2011*

Article 9 of the Framework Convention

Printed media in minority languages

*Recommendation from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee asked the Albanian authorities to support minorities' efforts so as to enable them to continue to issue regular publications in their language.

*Present situation*

The Advisory Committee notes with regret that there has been no change since the previous monitoring cycle as regards the print media in minority languages. The authorities provide no support whatsoever to minority language media.

The Advisory Committee notes however that a number of privately owned and funded Greek language newspapers, such as the "Laiko Vima", are published with varying frequency in Gjirokaštër, and a Macedonian language newspaper "Ilinden" has recently been launched in Tirana.

*Recommendation*

The Advisory Committee urges the authorities to offer financial support for minority language printed media so as to ensure regular publication.

Broadcast media

*Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee invited 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. The Advisory Committee also considered that the authorities should ensure the extension of regional public broadcasting in minority languages.

The Advisory Committee also invited the authorities to pay specific attention to smaller communities to ensure that greater consideration was given to their needs.

*Present situation*

The situation with regard to legislation on broadcast media has not changed since the previous monitoring cycle. The local public radio and television stations in Gjirokaštër transmit some programmes in the Greek language.

The Advisory Committee notes that there are no legal obstacles to private television and radio broadcasting and that, according to the information contained in the State Report, there are ninety private television broadcasters and fifty-six radio broadcasters. The Advisory Committee also notes that, according to the same source, two privately owned Greek language television stations *Armonia* and *ALPO* and two radio stations *Armonia* and *Saranda* are licensed to operate in Albania. The Advisory Committee also notes that programmes in the Macedonian language are transmitted by the *Prespa* radio station and in Romani by *Radio Sot-7* in Tirana.

#### *Recommendations*

The Advisory Committee reiterates its invitation to the authorities to review, without further delay, the legislative framework for the broadcast media with a view to ensuring appropriate access to the media for persons belonging to national minorities, in conformity with Article 9, paragraph 4 of the Framework Convention.

The Advisory Committee also calls on the authorities to ensure that public radio and television networks expand their offers in order to include minority language programmes, in line with relevant provisions of the Framework Convention.

## 2. Armenia

*Opinion adopted on 14 October 2010*

Article 9 of the Framework Convention

### Access of persons belonging to national minorities to the media

#### *Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee invited 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 encouraged them to identify ways to increase participation of national minorities in the media.

#### *Present situation*

The Advisory Committee is pleased to note that radio and television channels continue to broadcast in the languages of national minorities. In particular, according to the information contained in the State Report, the public radio transmits daily programmes in 13 languages of national minorities and the public television news programme "Haylur" covers regularly issues affecting national minorities.

The Advisory Committee notes that there are no legal obstacles to private television and radio broadcasting and that there are twenty-two private television broadcasters, including in languages of national minorities. The Advisory Committee also notes, that according to the information provided by the authorities, representatives of the Assyrian

national minority have expressed an interest in establishing a private radio station, but , as yet, this project has not been brought to fruition.

The Advisory Committee also notes with regret that, following amendments to the Law on Television and Radio adopted in 2008, upper limits for broadcasting in minority languages have been set at one hour daily for public radio stations and two hours weekly for public television channels. Moreover, the amendments do not establish any minimum for such programmes.

#### *Recommendations*

The Advisory Committee calls on the authorities to ensure that public radio and television networks continue to produce and disseminate minority language programmes in line with relevant provisions of the Framework Convention.

The Advisory Committee further calls on the authorities to review, in co-operation with the representatives of national minorities, existing legislative provisions on public broadcasters, in particular with the view to establishing a guaranteed minimum time-frame for broadcasts in the languages of national minorities and removing the time limits set for public radio and public television broadcasting in these languages.

### 3. Austria

#### *Opinion adopted on 28 June 2011*

#### Article 9 of the Framework Convention

#### *Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee welcomed the possibilities offered by the Austrian Broadcasting Corporation (hereinafter referred to as ORF) Act of 2001 for minority media and invited the authorities make full use of the relevant provisions of the ORF Act. The Advisory Committee invited the authorities to enhance the presence of national minority languages in radio and television broadcasting as well as in the print media.

#### *Present situation*

The Advisory Committee welcomes that extensive radio broadcasts in Slovenian language continue to be guaranteed in Carinthia through privately-run stations that receive ORF funding. It further welcomes that preparations are on-going for the Carinthian radio programmes to be received in Styria, with an appropriate coverage of news stories related to the Slovene minority in Styria. Quality and outreach of radio broadcasting in minority languages in Vienna, Lower Austria and Burgenland have equally improved, following a relevant decision of the Federal Communications Board of 27 June 2008. The Advisory Committee notes with interest that the Board sustained a complaint of the Austrian National Minorities Centre, holding that the ORF had, between January 2006 and June 2007, failed to comply with its programme mandate to disseminate commensurate portions of its radio and television programmes in national minority languages. While,

according to minority representatives, this decision has led finally to a slight increase of radio and television broadcasts in minority languages since 2008, the Advisory Committee regrets that legal action had to be taken in order to achieve this increase and moreover, that an appeal against the decision by the ORF is still pending.

Public TV broadcasts in Czech and Slovak, however, are limited to short and alternating bi-weekly programmes, similar timeslots of 25 minutes are offered for TV-magazines in Hungarian. Overall, the Advisory Committee is concerned that the presence of national minority languages in the public media is inadequate and does not enable persons belonging to national minorities to preserve their language and cultural heritage as an integral part of the public life in Austria. In this context, the Advisory Committee points out that the principles of equality and non-discrimination which, according to the National Action Plan for Integration, should be communicated via the media, also imply that adequate space is allocated to national minority languages in the public broadcasting system, including for persons belonging to national minorities residing in Vienna. While acknowledging in this context the important role played by private radio stations in Vienna, which add substantially to the volume of minority language programming and accommodate some diversity in opinion within, the Advisory Committee points out that private initiatives do not alter the State responsibility to provide for a sufficient presence of minority languages in the public media.

As regards print media in national minority languages, the Advisory Committee notes the support that the Federal Communications Authority allocates to weekly newspapers in national minority languages but understands that the subsidies are far too limited to enable an adequate presence of national minority languages in the media. The Advisory Committee notes with concern that the system of Austrian Press Promotion in practice disadvantages smaller editions (including minority language newspapers), thus paying insufficient attention to the essential role played by the media in the promotion of the cultural and linguistic identity of minorities. The Carinthian Promotion Act, for example, in effect excludes national minority language editions since subsidies are conditioned upon a minimal number of prints or else supra-regional coverage, both conditions that small minority language newspapers or journals do not fulfil.

While appreciating the support of small bilingual journals by the Federal Chancellery in the scheme of its general support to national minorities, the Advisory Committee wishes to recall that the authorities, in line with Article 9 of the Framework Convention, should ensure that persons belonging to national minorities are granted the possibility of creating and using their own media within a diverse media landscape. The Press Promotion scheme should therefore entail the possibility for smaller editions in national minority languages to access a separate fund with a set of criteria that is not linked to size. The Advisory Committee underlines that the commitment to support national minority media is different in nature from the commitment to support national minority organisations for their cultural activities contained in Article 5 of the Framework Convention.

*Recommendations*

The Advisory Committee encourages the Austrian authorities to take appropriate measures so that persons belonging to national minorities have wider access to radio and television broadcasts available in their languages, including by expanding the outreach of broadcasts in the regions to be received also in Vienna.

The Advisory Committee further invites the Austrian authorities to increase the available support for national minority print media, among others by creating access to separate funding opportunities, in order to ensure an adequate presence of national minority languages in the print media.

4. Azerbaijan

*Opinion adopted on 10 October 2012*

Article 9 of the Framework Convention

Minority language television and radio broadcasting and print media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee urged the authorities to review the existing legislation on radio and television broadcasting to ensure that obstacles to broadcasting in minority languages were removed, especially with regard to the private sector, and that persons belonging to national minorities could effectively enjoy the rights enshrined in Article 9.1 and 9.3.

*Present situation*

The Advisory Committee regrets that no progress has been made concerning the existing legislation on radio and television broadcasting in minority languages. On the contrary, according to regulations adopted by the National Broadcasting Council, all films shown on public television since 2008 must be broadcasted in the state language or in Turkish. There are no state television or radio broadcasts in minority languages, apart from a 15 minutes news programme in Russian language which is broadcast on public television in the early afternoon from Monday to Friday. The Advisory Committee is further not aware of any private radio or television channels that broadcast programmes in minority languages.

As regards print media, the Advisory Committee learned that no public support has been provided to minority language newspapers or brochures since 1997 but that cultural centres may obtain funds from private donors or international organisations, provided they ask for prior authorisation (see comments on Article 5 above). Those responsible for the special fund created under the President to allocate support to mass media confirmed that they do not provide support to minority language media and that the fund for support to non-governmental organisations was responsible. That fund, however, referred to the mass media fund as the appropriate institution. These contradicting statements testify to



the level of confusion among the various funds regarding their concrete responsibilities. The Advisory Committee regrets the complete absence of awareness of the significance of minority language media for persons belonging to national minorities to preserve and develop their specific identity, and of their rights to create and use their own media in line with Article 9.3 of the Framework Convention.

*Recommendation*

The Advisory Committee again calls on the authorities to remove the existing obstacles to radio and TV broadcasting in minority languages, and create effective opportunities, including with regard to funding, for national minority organisations to develop print and broadcast media in their own language.

Minorities in the media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee invited the authorities to expand available broadcasting in minority languages on public service radio and television in close co-operation with minority representatives and without prejudice to the editorial independence of the media, and to increase programming related to national minorities and issues of their concern in the mainstream media. In addition, the authorities were requested to eliminate obstacles to the publication and distribution of print media in minority languages and to provide additional support to such endeavours.

*Present situation*

The Advisory Committee notes no changes in the situation as regards the participation and presence of national minorities in the media. While cultural or music programmes may include minority language performances or broadcast special folklore events, there is reportedly limited coverage of issues of relevance to national minorities. A number of minority communities, particularly numerically smaller ones such as the Avar or Qriz, regret that their distinct history and culture remains largely unknown among the majority population. In a generally restrictive media environment where self-censorship continues to be broadly applied by journalists, many media professionals with minority background have been careful not to draw attention to themselves to avoid possible accusations of disloyalty. The Advisory Committee further notes continued reports regarding partiality in the media, particularly as regards the conflict over Nagorno Karabakh, which contributes to the negative image of the Armenian minority. While a Press Council has been established to review incidents of possible intolerance or hate speech in the media, no complaints related to inter-ethnic relations have reportedly been received, apart from one incident in 2009 where the identification of a woman as Armenian was considered humiliating by the Council and the newspaper asked to retract the statement.

*Recommendation*

The Advisory Committee reiterates its call on the authorities to encourage the development and broadcasting of more programmes related to issues of concern to

national minority communities and to ensure, in close consultation with minority representatives, that no harmful images against minorities are spread via the media.

The Advisory Committee calls upon the authorities to effectively guarantee the freedom of the media, including for journalists with a minority background.

5. Bosnia and Herzegovina  
*Opinion adopted on 7 March 2013*

Article 9 of the Framework Convention

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

*Recommendations from the two previous cycles of monitoring*

In its previous monitoring cycles, the Advisory Committee recommended that the authorities take measures to ensure that public radio and television stations fulfilled their obligations regarding the broadcasting of programmes for national minorities and seek means of enabling effective access to the media for persons belonging to national minorities.

*Present situation*

It remains the case that persons belonging to national minorities are entitled to establish radio and television stations and to publish newspapers and other written media in their own languages, and that public broadcasters are required to include specific programmes for national minorities in their programming schedules. The authorities have also indicated that legislation has also been in place since 2009 to provide for the setting up of a radio station intended, *inter alia* for persons belonging to national minorities. CRA (Communications Regulatory Agency) Rule 58/2011 now regulates in detail the issuing of permits for non-profit radio stations, which may be of relevance to national minorities. The Advisory Committee also notes with interest that in accordance with CRA Rule 57/2011 on public radio and television stations, local public stations are required to devote 10% of the total weekly time slots set aside in their broadcasting schedules for news and other information and educational programmes to addressing matters relating to persons belonging to national minorities.

The Advisory Committee notes with regret, however, that these provisions continue to have little impact in practice, and observes that closer monitoring by the Communications Regulatory Agency of their implementation may be needed. The Advisory Committee also regrets that the possibility of setting up a radio station intended for persons belonging to national minorities has still not been taken up and that little programming is devoted to national minorities, whether in minority or majority languages. The Radio and Television of the Federation reported making a series of 17 half-hour documentaries in 2011 on the origins, traditions, cultures, activities and future prospects of national minorities in Bosnia and Herzegovina (one programme per national minority). According to the information

provided to the Advisory Committee, it also broadcast ten news items (each) on Roma and Jews each year from 2007 to 2010, and seven news items (each) on Roma and Jews in 2011. The situation within the ten cantons of the Federation varies from one canton to another, with Sarajevo Canton indicating for example that there is no public programming in the languages of national minorities, but that national minorities are present in broadcasts such as talk shows; in Tuzla Canton, a weekly programme in Romani was forced to close for lack of translators, but footage from minority events is reportedly broadcast regularly. In the Republika Srpska, a variety of television programmes have touched on the situation of national minorities, their cultures, music and history, and a fortnightly, 50-minute programme addressing issues related to national minorities airs on the Republika Srpska Radio. The State Television of Bosnia and Herzegovina has indicated that it frequently broadcasts documentaries on national minorities, and a private television network, with the support of the Ministry of Human Rights and Refugees, made a documentary on Roma housing.

The Advisory Committee observes that while these efforts are commendable, they remain sporadic; with the exception of the *Korijeni* fortnightly radio programme in the Republika Srpska, there appears to be little effort to maintain a regular presence of national minorities in the public media. A number of the representatives of national minorities that the Advisory Committee met during its visit emphasised the lack of broadcasting in minority languages, and referred to the low level of interest of State and Entity level broadcasters in programming related to national minorities. The lack of public broadcasting in minority languages is considered a problem particularly for children, as well as for the visibility of the languages themselves. This is exacerbated by the lack of teaching in and of minority languages (see below, Article 14).

The Advisory Committee recalls that for public service broadcasting to reflect the cultural and linguistic diversity existing within society and the experiences of minorities themselves, it must guarantee an adequate presence of persons belonging to national minorities and their languages, including numerically smaller groups. This means that adequate support needs to be granted to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bilingual or multilingual formats. Particular attention also needs to be paid to overcoming difficulties experienced by numerically smaller or especially vulnerable minorities, for example due to a lack of journalists trained to work in the relevant languages.

### *Recommendations*

The Advisory Committee calls on the authorities to step up their efforts to ensure that public radio and television stations fulfil their legal obligations regarding the inclusion of specific programmes for national minorities in their programming schedules. They should furthermore take determined measures to stimulate broadcasting in minority languages. It also underlines the need for the Communications Regulatory Agency to pay increased attention to the application of the legislation in this sphere.

The Advisory Committee strongly encourages the authorities to step up their efforts, including through exploring the possibilities of enhanced access to vocational training in this field, to ensure that persons belonging to national minorities have effective access to the media.

6. Bulgaria

*Opinion adopted on 11 February 2014*

Article 9 of the Framework Convention

Broadcasting for minorities/broadcasting in minority languages

*Recommendations from the two previous cycles of monitoring*

In its previous monitoring cycles, the Advisory Committee encouraged the Bulgarian authorities 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. It also urged the authorities to ensure that the Turkish community continued to benefit from the daily Turkish TV news programme and that there were sufficient opportunities for broadcasts at appropriate times.

*Present situation*

The authorities have underlined that there are no legal restrictions on the access of persons belonging to any ethnic, religious or linguistic minority groups to the media and that all persons, irrespective of their ethnic self-identification, may create and use their own media outlets in compliance with the provisions of the Law on Radio and Television.

The Advisory Committee notes that in accordance with the provisions of this Law, one ten-minute news programme in Turkish is broadcast on Bulgarian national television, from 4:10 to 4:20pm daily. Representatives of the Turkish minority report that while these broadcasts are welcome, ten minutes of daily television programming in Turkish, at a time when few people have access to television, is insufficient to meet the needs of the approximately 8% of the population of Bulgaria whose mother tongue is Turkish. The Advisory Committee also notes with interest that three hours of daily programming in Turkish are also broadcast on a public medium-wave radio station in regions where the Turkish minority lives compactly (in particular Kardzhali, north-eastern Bulgaria and central Bulgaria). However, radio programming in Turkish reportedly does not reach areas such as south-western Bulgaria and Plovdiv, and a request to open a privately owned radio station broadcasting in Turkish has not been approved by the media licensing authority. The Advisory Committee notes nonetheless with interest that the authorities are considering measures to allow public radio broadcasts in Turkish to be received across a larger territory.

The Advisory Committee finds it regrettable that in practice, no progress has been made in the area of broadcasting in minority languages since its first monitoring cycle and that no audiovisual programmes other than those described above are produced in minority languages in Bulgaria. It observes that an increased offer of television and radio programming in Turkish as well as in other minority languages, produced in Bulgaria and covering issues relevant to life in Bulgaria, is not only necessary to cover the needs of persons belonging to national minorities but could also serve as a significant factor in strengthening integration in Bulgarian society. It moreover notes that representatives of the Turkish minority have expressed a clear desire in this respect. The Advisory Committee draws the Bulgarian authorities' attention to the requirement that they adopt adequate measures to facilitate access to the media for persons belonging to national minorities and in order to permit cultural pluralism, in accordance with Article 9.4 of the Framework Convention.

The authorities have indicated that whereas there were significant demands for special-content programmes about the cultures and traditions of minorities in the early 2000s, a mainstreaming approach is now preferred. One talk-show on national radio and one on national television have been cited as regularly discussing multicultural and minority-related issues. Otherwise, the presence of minorities in the media appears to be rather limited, with only one Roma presenter having been referred to. As noted earlier (see above, comments with respect to Article 6), media coverage of minority issues is moreover reported to be frequently negative. The Advisory Committee underlines the importance of the media to promote tolerance and cultural awareness in society, among others through the accurate portrayal of the living conditions and access to rights of the different groups, including by journalists with a minority background. To this end, it underlines that it is important that journalists receive adequate training and that the recruitment of minority representatives into the media is actively encouraged.

As regards printed media, the Advisory Committee notes that a range of news bulletins and newspapers are available in minority languages in Bulgaria, notably in the languages of numerically smaller minorities such as Jews, Armenians and Aromanians. Despite their inevitably low circulation rates, they appear to be produced without significant support from the authorities. While Article 9.3 of the Framework Convention contains mainly a negative obligation on states not to hinder the creation and use of printed media in minority languages, the Advisory Committee underlines that print media remain an important means for persons belonging to national minorities to maintain and develop their cultures and language.

#### *Recommendations*

The Advisory Committee urges the authorities to ensure that existing programming in Turkish is available in all regions where persons belonging to the Turkish minority live compactly. Programmes in minority languages should also be broadcast at times where they can be followed by the greatest possible audience.

It encourages the authorities to take adequate measures, including through relevant training activities, to increase the presence of persons belonging to minorities and their concerns in the media, including those of numerically smaller groups. Measures could also be taken to encourage the recruitment of journalists with a minority background into media outlets.

The Advisory Committee recommends that the authorities increase the financial support provided to ensure access of persons belonging to national minorities, including numerically smaller minorities, to radio and television programmes in minority languages, and encourages the authorities to step up their efforts to allocate funding for the support of printed media in minority languages, where this is requested.

## 7. Croatia

*Opinion adopted on 27 May 2010*

### Article 9 of the Framework Convention

#### Broadcasting for minorities in the electronic media. Printed media

##### *Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee concluded that the broadcasting in minority languages and on minorities was too limited in public service television and radio at national level. It considered that, taking into account the expressed demands by persons belonging to national minorities, their access to public service broadcasting for national minorities should be expanded in line with the relevant provisions contained in the Constitutional Act on the Rights of National Minorities.

##### *Present situation*

The Croatian Constitution guarantees the freedom of expression and the freedom of the press. The media in Croatia is governed also by legislation: the Law on Media, the Law on Electronic Media, the Law on Croatian Radio-Television and the Law on the Right to Access Information. In the past few years, these laws have been harmonised with European standards in the process of the EU pre-accession screening, as part of membership negotiations.

The media landscape in Croatia is very diverse. There are approximately 150 radio-stations and 21 TV channels that broadcast in Croatia. Of these, six radio stations and four TV channels are licensed for national coverage. The public broadcaster HRT is by far the largest and the most influential broadcaster in Croatia. The Advisory Committee notes that the HRT broadcasts a programme of 45-minutes called 'Prisma' on a weekly basis at mid-day on Saturdays which is geared towards minorities. While this is a commendable initiative, the Advisory Committee would welcome minority interests and concerns to be mainstreamed into regular broadcasts rather than singled out in one weekly programme. It further regrets, that 'Prisma' and its presentation of minority culture and folklore

appears mainly to appeal to smaller minorities but does not engage in broader political discourse of interest to persons belonging to larger minorities.

The Advisory Committee also notes that local radio stations, owned or partially owned by the local councils continue to broadcast programmes in the languages of national minorities, for example Radio Osijek in Hungarian and Slovak, Radio Rijeka and Radio Pula in Italian. A number of private radio stations broadcast programmes for national minorities. These include Radio Danube (Dunav) in Vukovar which aims at reaching persons belonging to the Serbian minority in the Srijem-Vukovar County and Radio Daruvar which broadcasts programmes in the Czech language.

The Advisory Committee welcomes the establishment in 2005 of the Fund for the Promotion of Pluralism and Diversity in the Public Media pursuant to the Law on Electronic Media and notes with interest that a number of grants distributed by the fund have been earmarked to support programmes for national minority languages and that such funding, albeit in limited amounts, was awarded also to private radio stations which broadcast programmes in the languages of national minorities.

The Advisory Committee received information from representatives of national minorities and other sources that public funding available for media in minority languages is insufficient to meet the needs of these groups, thus limiting their access to the media in their own languages.

Nevertheless, the Advisory Committee notes that a number of periodical publications in the languages of national minorities are published in Croatia. These include: in Italian - La voce del popolo, Panorama, Arcobaleno and La batana; in Czech - Jednota, Detsky koutek, Prehled and Cesky lidovy kalendar. There are also publications produced in Hungarian (Uj Magyar, Kepes Ujsag), Ukrainian (Nova Dumka), Serbian (Novosti, Identitet), German (Deutsches Wort), as well as in Hebrew (Ha-kol) and others.

#### *Recommendations*

The Advisory Committee urges the authorities to ensure that the financial support to radio and television programmes for and by national minorities disbursed from the Fund for the Promotion of Pluralism and Diversity in the Public Media be granted on an equitable basis, in order to guarantee that all national minorities including numerically smaller groups benefit from the scheme.

The Advisory Committee further urges the authorities to increase their efforts to ensure access of persons belonging to national minorities to the radio and television programmes aimed at them. In particular, the Advisory Committee encourages the authorities to ensure that public TV and radio stations mainstream the interests and concerns of all minorities into their regular programming and to confirm their commitment to pluralism and independence also through active recruitment into their staff of persons belonging to national minorities.

Licensing procedures and frequency distribution for private broadcasting media should safeguard media pluralism and assure adequate minority representation.

8. Cyprus

*Opinion adopted on 19 March 2010*

Article 9 of the Framework Convention

Access to the media by persons belonging to national minorities

*Recommendations from the two previous monitoring cycles*

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pay increased attention to the needs of the three “religious groups” in terms of media access, including a more visible presence in public broadcasting as well as involvement in the preparation of the programmes concerned.

The Advisory Committee welcomed the authorities’ decision to grant annual funding for print publications produced by the three “religious groups” and, given the importance of these publications for preserving and asserting the identity of the three groups, encouraged the authorities to ensure effective implementation of their decision.

*Present situation*

The Advisory Committee notes that, according to information from official sources, the amount of airtime devoted to programmes for the “religious groups” on public radio has increased. A positive change has been recorded over the past few years regarding the presence of information about the history, culture and identity of the Armenians, Latins and Maronites in radio and television public broadcasting for the majority population. Generally speaking, the media – both public and private – have covered the three groups’ main public events. The media attitude towards these groups is generally positive, as is the image of them conveyed to the public.

The Advisory Committee notes with regret that public television does not broadcast any programmes specifically by or for the “religious groups”. The annual Armenian-language broadcast marking the Armenian Christmas has been discontinued. Also, the Armenians’ request for a short weekly cultural programme in Armenian has not been accepted. The Advisory Committee notes that discussions have recently begun concerning the possible introduction of a half-hour programme dedicated to the three “religious groups”. However, at the time of its visit to Cyprus, no decision had been taken to accept this proposal.

Generally speaking, and despite the positive developments mentioned above, media information about the three “religious groups” remains limited. Given the importance of recognition of the Armenians, Latins and Maronites as a distinct but fully integrated part of Cypriot society, including the clear acknowledgement of their contribution to it, the Advisory Committee believes that the authorities should encourage the media, whilst



respecting their editorial independence, to pay more attention to the three groups' expectations in this area. The Advisory Committee has noted with interest that, according to the representatives of the public broadcasting corporation, digitalization of the media should offer wider opportunities for the various groups in society to disseminate and have access to information, including in their own languages. It expects that the three "religious groups" will be able to make effective use of the possibilities opened up by the new technology in order to strengthen their presence in the media and considers that the authorities should fully support them in this context.

As regards the public subsidies given to the "religious groups" for their websites and one of their publications, the Advisory Committee has been informed that because the amount has not been revised for several years, it is now inadequate and this has a considerable impact on the quality and viability of the publications concerned.

#### *Recommendations*

The authorities should pay more attention to the needs of Armenians, Latins and Maronites in terms of their media access and presence. The authorities should encourage the public broadcasting corporation and the media in general, with due regard to safeguarding the independence of the media, to provide more resolute support for the three groups' efforts to bring their identity, history and culture to the attention of the majority.

The authorities are encouraged to continue supporting the print publications of the three groups. In addition, they are encouraged to adjust subsidies to the actual media needs of these groups.

### 9. Czech Republic

*Opinion adopted on 1 July 2011*

#### Article 9 of the Framework Convention

##### Access of persons belonging to national minorities to the media

#### *Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee called on the authorities to improve access of persons belonging to national minorities, in particular the numerically-smaller ones, to the media. It also asked that the authorities, while ensuring that editorial independence of the media is respected, endeavour to make the media more aware of the specific concerns of persons belonging to national minorities, and of their role in promoting tolerance and cultural pluralism.

#### *Present situation*

The Advisory Committee notes that radio and television channels continue to broadcast a wide array of programmes for or about national minorities, ranging from documentaries

and educational programmes to news and current affairs. The Babylon review on national minority issues, broadcasted from Ostrava, has been a regular programme since 2004.

The state television continues to broadcast documentaries, feature films, drama and music in the languages of national minorities with Czech subtitles. Whereas these programmes constitute a substantial segment of broadcasting time (881 hours in 2008), most of them are not specifically targeting national minorities. The Advisory Committee notes that almost half of foreign language programmes were in English (430 hours), as compared with 176 hours of broadcasting time in the Slovak language, 28 hours in the German language and 22 hours in the Polish language, and 13 hours in the Russian language. The only broadcast in 2008 by the Czech television in a minority language and specifically targeting that minority was the "Do We Know Each Other?" programme in Polish.

The Czech public radio broadcasts programmes in the languages of the national minorities, including Slovak (146 hours yearly) and Polish (222 hours yearly). It also broadcasts a bilingual Czech and German review (130 hours) and a course on Romani language (90 hours). The Advisory Committee notes with satisfaction that a Polish studio at the Czech Radio in Ostrava has been created to produce programmes for the Polish minority living in the region.

The Advisory Committee notes that the Ministry of Culture disburses each year 30 million Kč to support printed media in minority languages, including those spoken by numerically-smaller groups.

The Advisory Committee notes however that the possibility of persons belonging to national minorities to be consulted by the editorial boards of radio and TV stations broadcasting programmes on minorities and to be involved directly in producing programmes for minorities remains limited. According to information obtained by the Advisory Committee during the visit, an advisory Assembly of Minorities has been in operation at the regional Czech Radio Ostrava, but there are no minority representatives in the Czech regional TV station in Ostrava.

#### *Recommendations*

The Advisory Committee calls upon the authorities to continue supporting radio and television broadcasting programmes for or about national minorities, and in languages of national minorities.

The authorities should ensure that national minorities are consulted by the editorial boards and encourage the direct involvement of minorities in producing programmes by recruitment of journalists belonging to national minorities into staff of radio and TV stations broadcasting programmes on minorities, especially in those regions where persons belonging to national minorities live in substantial numbers.

10. Denmark

*Opinion adopted on 31 March 2011*

Article 9 of the Framework Convention

Broadcasting on radio and television for the German minority

*Recommendations of the two previous monitoring cycles*

In the previous monitoring cycles, the Advisory Committee called on the authorities to increase the proportion of programmes broadcast in German or devoted to issues relevant to this minority.

*Present situation*

The Advisory Committee notes that, owing to the increasing digitalisation of broadcasting in Denmark and Germany, members of the German minority living in South Jutland are gradually losing access to television programmes from Germany unless they have a special decoder.

The Advisory Committee was informed that an agreement between the various parties involved was under discussion but no solution had so far been found.

The Advisory Committee is of the opinion that locally-produced programmes in German would permit an improved response to the needs of persons belonging to the German minority and avoid their being deprived of access to the media in their minority language as a result of technological developments.

*Recommendations*

The Advisory Committee calls on the authorities to ensure that developments in media digitalisation do not limit the access of persons belonging to the German minority to media in their own language.

It also encourages the authorities to look into the possibility of supporting the development of programmes in German within the Danish broadcasting service in order to respond better to the needs of persons belonging to this minority.

German print media

*Recommendations of the two previous monitoring cycles*

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to support the German minority's local newspaper, including by providing it with a source of revenue in the form of paid advertising.

*Present situation*

The Advisory Committee notes that the financial situation of the German daily *Der Nordschleswiger* has become very difficult because of competition from the electronic media.

The representatives of the German minority are worried that the newspaper might not survive if a way is not found quickly to amend the Danish legislation, which makes the allocation of public subsidies conditional upon a press publication being distributed at least five times a week. The representatives of the German minority are concerned that they might not be able to meet this condition in future given the budgetary constraints they encounter.

The authorities informed the Advisory Committee that they were aware of this problem and that the legislation on public funding for the media was currently being reviewed.

*Recommendation*

The Advisory Committee urges the authorities to adopt the necessary measures in order to ensure that persons belonging to the German minority maintain the print media in their own language. In particular, it encourages the authorities to ensure adequate funding of the German language newspaper.

11. Estonia

*Opinion adopted on 1 April 2011*

Article 9 of the Framework Convention

Minority language media

*Recommendations of the two previous monitoring cycles*

In the previous monitoring cycles, the Advisory Committee concluded that additional legal guarantees for the broadcasting on and for persons belonging to national minorities were needed for a better implementation of Article 9 of the Framework Convention and encouraged the adoption of measures, including increased budgetary support, to expand the scope of public service broadcasting for national minorities, notably as regards domestically produced programmes.

*Present situation*

The Advisory Committee notes that the National Broadcasting Act, adopted on 17 January 2007, merged the public broadcasting organisations Estonian Television and Estonian Radio into the 'Estonian National Broadcasting' organisation, whose goal it is to meet the information needs of all population groups, including minorities. The Advisory Committee welcomes the creation of the ETV-2 channel in August 2008, following media surveys carried out in 2007 among the non-Estonian population, which has increased the proportion of programmes intended for Russian-speaking viewers as well as those of other languages. In this context, the Advisory Committee is pleased to note the 50% increase in the budget of 2009 for Russian-language news as compared to that of 2008, given the high demand among non-Estonian speakers for domestically-produced Russian-language news. However, according to information obtained from a variety of interlocutors, the amount of Russian-language news and general programming is still considered largely insufficient and the Advisory Committee shares the expressed concerns

that the four hours per week of new programming in Russian currently planned will not be sufficient to satisfy the wide demand.

The Advisory Committee welcomes the continued broadcasting of *Raadio 4* which, founded in 1993 as a channel intended for persons belonging to national minorities, has developed into a successful public radio station that is listened to nationwide and enjoys trust in the reliability of its information amongst over 90% of its audience, including Estonians. While most of its programming is in the Russian language, *Raadio 4* also produces programmes in Ukrainian, Belorussian, Armenian, Georgian, Polish, Azeri, and Chuvash.

The Advisory Committee notes with some concern that the availability of minority language print media seems to be rapidly decreasing and that two Russian-language daily newspapers with national circulation since 1940 and 1950 respectively, *Molodyozh Estonii* and *Vesti Dnya* had to close for commercial reasons in 2009. The authorities maintain that this situation is a result of the free market and that they cannot interfere in developments since any action would compromise the freedom of the media. The Advisory Committee wishes to recall in this regard that the authorities, in line with Article 9 of the Framework Convention, should ensure that persons belonging to national minorities are granted the possibility of creating and using their own media. The current system, which entails no means of obtaining subsidies for any print media, does in practice disadvantage smaller editions (including minority language newspapers) since it is very difficult for them to become commercially viable and compete against the bigger and mainstream print media.

In this context, the Advisory Committee notes with concern that, according to research conducted at the University of Tartu, the readership of Russian-language newspapers that have to close, no longer consumes local news but is instead driven to foreign media. The above-mentioned development thus further widens the already existing gap in the media environment between ethnic Estonians and non-Estonians and runs counter to one of the objectives of the Estonian Integration Strategy, to ensure that the majority of non-Estonian speakers receive information from Estonian media sources and trust them.

The Advisory Committee understands that there are some examples of bilingual newspapers in Estonia. However, these appear to provide different information to Estonian and non-Estonian readers. The Advisory Committee was informed that one paper may, depending on the language, provide quite varying interpretations and perceptions of the same reality and will thus contribute to the existing division in society rather than help in creating the much needed common media space (see also comments on Article 6 above). In this context, the Advisory Committee underlines the role of self-regulatory bodies such as the National Broadcasting Council to promote ethical journalism and respect of the media through their own codes of conduct, while fully respecting the principle of freedom of the media.

*Recommendations*

The Advisory Committee encourages the authorities to increase their efforts to promote Russian-language radio and TV broadcasts, particularly as regards the promotion of locally-produced news, to ensure that Estonian and non-Estonian speakers share a common media environment and thereby develop a better sense of a common society. In this regard, bilingual news programmes can be particularly important and effective, provided that they distribute balanced and similar news in both languages.

The Advisory Committee further encourages the authorities to establish, jointly with minority representatives, whether there is a need for more Estonian Russian-language print media and how best to meet that demand with full respect for the freedom of the media.

The Advisory Committee encourages the authorities to ensure that the National Broadcasting Council plays a constructive role in the media space and promotes ethical journalism and objective reporting throughout the country. It is essential that minority representatives are members of the Council and actively participate in its work.

Translation requirement

*Recommendations of the two previous monitoring cycles*

In the previous monitoring cycles, the Advisory Committee urged the authorities to review §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 were proportional to the legitimate aim pursued.

*Present situation*

The Advisory Committee regrets that no changes have been made to §25 of the former Language Act which requires 'foreign language', including minority language, broadcasts to be translated into Estonian and provides for the application of fines if not implemented. The new act retains the same provision. While noting the authorities' explanation that the requirement proceeds from the aim to make broadcasts available for as many people as possible in Estonia, the Advisory Committee reiterates its concern that the overly proscriptive approach used to promote the Estonian language in public is not proportionate to the legitimate aim pursued (see also comments on Article 10 below). Moreover, given the fact that there is no subsidy system and broadcasters have to cover the costs for translations, the Advisory Committee considers that the current approach constitutes an unfair burden on persons belonging to national minorities in Estonia and negatively impacts on their freedom of expression.

*Recommendation*

The Advisory Committee urges the authorities to reconsider their rigid approach to the translation requirements of the media and develop, in close consultation with minority representatives and media professionals, more appropriate means to ensure that Estonian

and non-Estonian speaking groups of society can benefit from a diverse but shared media space.

## 12. Finland

*Opinion adopted on 14 October 2010*

Article 9 of the Framework Convention

### Minority language media

*Recommendations from the two previous cycles of monitoring*

In previous monitoring cycles, the Advisory Committee encouraged the authorities to examine whether the current public subsidy system took adequately into account the specific situation of the media of national minorities, in particular as regards print media in Sami and Russian languages, Sami language electronic media and Romani language radio broadcasts.

#### *Present situation*

The Advisory Committee welcomes the continued support for minority language media in Finland and, in particular, the decision of the Government in 2007 to allocate EUR 500,000 for 'selective press subsidies' to support newspapers and other reporting services in minority languages. At the same time, it understands that the subsidies may only be granted to weekly papers and may only cover up to 40 % of the overall cost which makes the substantial investment of private capital essential to obtain the grant and thereby excludes a number of possibly interested candidates, particularly from numerically-smaller minorities.

The Advisory Committee is pleased to note that an applicant for a Sami publication has at last been found, but regrets that the subsidy in question will only relate to one page of Sami news within the Finnish language regional paper 'Lapin Kansa'. Additionally, part of the subsidy will be used to translate the Sami news into Finnish. The Advisory Committee shares the Finnish Sami Parliament's concern that one page of weekly Sami news will not satisfy the need for a Sami language newspaper, and that the minority language subsidy should not be used for translations into Finnish, but could more appropriately be utilised for translations into the smaller Sami languages, namely Skolt and Inari Sami.

As for Sami language TV and radio broadcasts, the changeover from analogue to digital TV in Finland has, unfortunately, had a negative effect on the availability of Sami language TV in some areas of the Sami homeland which, apparently, has not been fully addressed. The Advisory Committee welcomes, however, the fact that the Finnish Broadcasting Company YLE radio broadcast in Sami is available to listeners throughout the country through its Internet service while children's programmes in Sami have also increased through the use of the Internet. The Advisory Committee reiterates that the presence of all three Sami

languages in the Finnish media is essential to maintain and promote the Sami identity in Finland.

While the presence of the Roma community and its cultural identity in the media has, according to reports somewhat increased in the past years, there are still no TV or radio programmes targeting the Roma in the Romani language, apart from a weekly 14-minute YLE news and current affairs programme which remains insufficient. In addition, the demand of Roma representatives for a Romani language network publication, remains only very partially fulfilled with various bi-monthly publications aimed at Roma which are, however, largely in Finnish language.

As for Russian broadcasting and press services, the Advisory Committee notes with regret that no significant progress has been made in the past few years. The number of YLE radio programmes in Russian language is quite limited and their quality is, reportedly, inadequate to satisfy the fast growing population of some 50,000 Russian speakers living in Finland today, who instead turn to Russian language services produced in neighbouring countries. The Advisory Committee further notes that the only subsidy granted for the Russian language press supports one page of announcements made by cultural organisations in the monthly paper 'Spektr'.

In this context, the Advisory Committee welcomes discussions regarding the creation of incentives for private media providers (through funding and allocation of frequencies, for instance) to increase access to and presence in the media of numerically-smaller minorities and their languages.

#### *Recommendations*

The Advisory Committee strongly encourages the Finnish authorities to increase their efforts to enable and promote minority language media in accordance with Article 9 of the Framework Convention by paying due attention to the essential role played by the media in the promotion of the cultural and linguistic identity of minorities. It calls on the authorities to review the current support system allowing only for subsidies to weekly publications of up to 40 % of the costs, which appears inadequate to ensure the presence of minority language media in the public broadcasting system and which is particularly damaging to numerically-smaller minorities. In this context, the Advisory Committee reiterates the positive role that minority media may play in the integration process of different minority groups into the majority society.

The Advisory Committee further calls on the authorities to provide broader support to the Sami language media, including the two smaller Sami languages, and to ensure that subsidies for the Sami language print media are effectively used for the benefit and development of the minority language. It further encourages the authorities to assess all available means as regards the Russian as well as the Romani language media and, in consultation with relevant minority representatives, to seek to provide subsidies in order to allow for an adequate presence of these minority languages in the public print and broadcasting media.



In addition, the Advisory Committee encourages the Finnish authorities to consider favourably the creation of incentives for private media providers in order to increase, in particular, access of the numerically-smaller minorities to the media.

13. Germany

*Opinion adopted on 27 May 2010*

Article 9 of the Framework Convention

Access of persons belonging to the Danish and Frisian minorities to the media

*Recommendations of the two previous monitoring cycles*

During the previous monitoring cycles, the Advisory Committee called on the authorities to take better account of the needs of the Danish and Frisian minorities as regards the broadcasting of programmes in their respective languages, in particular via public-service TV broadcasts.

It also called on the authorities to ensure that advances in digitalization of the media did not restrict the ability of persons belonging to the Danish minority to receive media in their language.

*Present situation*

The Advisory Committee notes with concern that, since radio and TV broadcasting in Denmark went digital in November 2009, persons belonging to the Danish minority and living in Schleswig-Holstein can no longer receive radio and TV broadcasts from Denmark and now have only very limited access to Danish-language programmes (chiefly on the radio).

The Advisory Committee welcomes the efforts being made by the various parties to resolve this problem. It is pleased to see that these have produced an agreement between the German and Danish cable operators to provide cover in Schleswig-Holstein. It also notes that persons belonging to the Danish minority may buy a decoder in Denmark which will in principle enable them to receive Danish TV programmes broadcast by satellite.

The Advisory Committee is keen to reiterate here the views it expressed during the previous monitoring cycles. It believes that locally produced Danish language programmes would better meet the needs of the Danish minority and would also avoid the possibility of persons belonging to this minority losing access to media in their own language as a result of technological advances.

Regarding radio and TV broadcasts in Frisian, the Advisory Committee finds it regrettable that the situation has changed little since its previous Opinion. It is however pleased to see that radio broadcasts in Sater Frisian are continuing, thanks to funding by the Land of Lower Saxony. Nevertheless, according to the information at its disposal, there are virtually no radio or TV broadcasts in North Frisian within Schleswig-Holstein. It

understands there are plans, from the spring of 2010, to broadcast programmes in Frisian via a community radio station on some of the islands where Frisian is widely spoken. According to representatives of the Frisian minority, however, funding for the programmes in question has yet to be found.

The Advisory Committee is well aware that the authorities have a duty to respect fully the freedom of the media. However, it believes that they should give as much support as possible to increasing the media presence of minorities and their languages, especially in the output of public-service broadcasters that have a duty to reflect the cultural diversity existing within society. Indeed, without official support it is sometimes difficult for minority groups to make their requests heard and secure backing for their projects in the highly competitive media sector. In this context, the authorities might also consider the creation of incentives for private media providers (through funding and allocation of frequencies, for instance) to increase access to and presence in the media of numerically-smaller minorities and their languages. The Advisory Committee also thinks it should be possible to raise the question of the portrayal of national minorities in the media and implementation of the principles of Article 9 of the Framework Convention, without breaching the principle of editorial freedom in the media. These issues might be dealt with in agreements between the Länder that regulate the organisation of the media in Germany and are adopted by the Land parliaments.

#### *Recommendations*

The Advisory Committee calls on the authorities to ensure that persons belonging to the Danish minority continue to have sufficient access to radio and TV programmes in their language that are broadcast from Denmark. It again encourages them to consider supporting the development of Danish language radio and TV programmes produced in Germany, in order to meet more effectively the needs of persons belonging to this minority.

The Advisory Committee encourages the authorities to give greater support to requests for the development of Frisian-language programmes, in particular those produced by public-service broadcasters, in order to provide a more appropriate response to the needs expressed by persons belonging to this minority, and to consider favourably the creation of incentives for private media providers to increase access in particular of numerically-smaller minorities to the media.

#### Representation of minorities in media regulatory bodies

##### *Present situation*

The Advisory Committee welcomes the fact that the Danish minority has secured a seat in the body which regulates the media in Hamburg and Schleswig-Holstein. It also notes with satisfaction that the framework agreement between the authorities of Rhineland-Palatinate and the association of Roma and Sinti in that Land explicitly provides for the Roma and Sinti to be represented in the Land's regulatory body. These developments should contribute to ensuring better accommodation of the interests of persons belonging

to national minorities in the radio and TV programmes of the Länder concerned.

The Advisory Committee regrets that in 2009 the Sorbian minority lost its seat in the media regulatory body for the Land of Saxony. It further notes that, despite repeated demands, the Frisian minority has still not managed to secure representation in the regulatory body for Schleswig-Holstein.

*Recommendation*

The Advisory Committee encourages the authorities to support demands for better representation of persons belonging to national minorities in media regulatory bodies, with due regard for the independence and the cultural diversity of the bodies concerned.

14. Hungary

*Opinion adopted on 18 March 2010*

Article 9 of the Framework Convention

Legal framework for access of persons  
belonging to national minorities to the media

*Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee recommended that the authorities maintain, if not increase, the financial and technical support provided for the broadcasting of radio and television programmes for persons belonging to national minorities.

As timeslots reserved for minority programmes did not facilitate an optimal number of viewers or listeners, the Advisory Committee invited the authorities to review the timeslots of those programmes in consultation with the national bodies representing minorities.

*Present situation*

The Advisory Committee is pleased to note that radio and television channels continue to broadcast in the languages of national minorities. It notes in particular that, following amendments to the law on minorities, an independent budget has been allocated since 2005 for the purpose of guaranteeing the creation and dissemination of high-quality programmes for minorities, launching a new public radio channel in minority languages and broadcasting several programmes intended specifically for the Roma.

Nevertheless, the Advisory Committee was informed that the budget allocated to State television in 2010 would be heavily cut. It further noted claims that the State television authorities may stop creating new programmes for national minorities and content themselves with broadcasting repeats of old programmes. The Advisory Committee is concerned that State television authorities, in doing so, would not be complying with the Law on the Media. Taking note of the political will of the Government to monitor closely

the evolving situation together with the representatives of minority self-governments, the Advisory Committee invites the Hungarian authorities to take the necessary steps to ensure that members of national minorities are not unduly affected by the budgetary trade-offs under discussion.

Furthermore, according to information received from representatives of national minorities, programmes by, for and about national minorities are still broadcast at off-peak times when few persons are able to watch them. The Advisory Committee regrets that this situation, criticised by representatives of national minorities for many years, remains unchanged. It notes that the Working Group on the media, set up in 2008 under the responsibility of the Secretary of State for Minorities, has not managed to reach an agreement with the State television authorities on this issue despite several attempts. The Advisory Committee reiterates its view that the Hungarian authorities should take adequate measures to enable members of national minorities to watch the programmes intended for them.

#### *Recommendations*

The Advisory Committee calls on the authorities to ensure scrupulously that public television broadcasting complies with its legal obligations and continues to produce and disseminate minority language programmes in line with relevant legislation.

In addition, the authorities should take resolute measures to find a solution to the problem of the broadcasting times of programmes intended for minorities in consultation with the representatives of minorities.

#### 15. Ireland

*Opinion adopted on 10 October 2012*

Article 9 of the Framework Convention

#### Minorities and access to the media

##### *Recommendation from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee considered that further efforts could be made to facilitate access by minorities to broadcasting and written media and encouraged the authorities to take into account minority concerns in the preparation of a Broadcasting Bill as well as in the planning and implementation of pending digitalisation initiatives.

##### *Present situation*

The Advisory Committee notes with satisfaction that the legislation on broadcasting in Ireland has been consolidated in Ireland into the Broadcasting Act 2009. The Act established the Broadcasting Authority of Ireland as the regulator of broadcasting content, one of the tasks of which is "to ensure that the number and categories of broadcasting services made available in the state best serves the needs of the people of the island of

Ireland, bearing in mind their languages and traditions and their religious, ethical and cultural diversity.”

The Advisory Committee further notes that in accordance with the Code for Programme Standards adopted by the Broadcasting Authority, “programme material shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race or religion.”

In this context, the Advisory Committee notes that the Broadcasting Authority has been given the task of supervising the activities of radio and television broadcasters for compliance with the Code for Programme Standards. It considers in the “second instance” complaints from viewers and listeners not satisfied with the broadcaster’s initial response, with whom any complaint should be lodged first. Although the Broadcasting Authority does not publish detailed statistics on the number of complaints and the grounds which are invoked, its twice yearly publication of the resumé of cases shows over sixty decisions that are handed down each year, amongst which a breach of the Code is found in less than 10 cases. The Advisory Committee notes, however, that the Broadcasting Authority does not have the power to impose penalties on the offending broadcasters.

The Advisory Committee notes that according to Travellers’ representatives Travellers “experience unequal participation within the domain of media [and] instead experience extraordinary imbalance both in the way issues which relate to their community are reported and how little value is placed on their views on wider Irish society. While no concrete measures have been implemented to remedy or give affirmative actions to increase Travellers input into the media infrastructure in explicit recognition of their individual protection within the Equal Status Legislation; the opposite is often true exemplified by bad practice in relation to fundamental principles governing the way in which some broadcast media engage with Travellers, on issues decided by that media - as newsworthy Traveller related broadcast items”.

The Advisory Committee notes the on-going process of introducing a digital terrestrial television network, which is due to be completed at the end of 2012 and which will offer opportunities for new broadcasting channels and content. This should provide an opportunity for Travellers to be present in the television media, which would help to overcome existing stereotypes.

#### *Recommendations*

The Advisory Committee calls on the authorities to encourage the Broadcasting Authority to monitor the strict observance of the Code for Programme Standards and, while fully respecting the editorial freedom, to encourage balanced and fair reporting on issues affecting Travellers.

The Advisory Committee further urges the authorities to increase their efforts to ensure involvement of persons belonging to minorities in all dimensions of radio and television work, including programmes aimed at them.

16. Italy

*Opinion adopted on 15 October 2010*

Article 9 of the Framework Convention

Access to media for persons belonging to minorities

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, having noted the shortage of minority language programmes for several minorities, particularly the Friulians, the Advisory Committee encouraged the authorities to take firmer action to remedy the situation, including a review of the work done by the RAI/Ministry of Communication Joint Committee in this field.

The competent bodies and authorities were invited to step up their efforts to make it technically possible for Slovenes residing in the province of Udine and Ladins in the province of Belluno to receive the programmes broadcast in their languages.

The authorities were encouraged to assess the media needs of Roma and Sinti and, where appropriate, take the necessary steps to meet these needs.

*Present situation*

Very little progress in the media field has been reported since the previous monitoring cycle for persons belonging to minorities. Despite numerous demands by minority representatives and the undertakings made by the national broadcasting corporation (RAI) under its agreement with the central government and the associated service contract, the implementation of the legal guarantees available in this field is still hampered by substantial delays and numerous shortcomings. In view of the public broadcasting service's limited commitment, minorities have been obliged to turn to private sources to finance broadcasts in their own languages (such as the Arberia TV Occitana project, in co-operation with the University of Calabria).

The Advisory Committee is deeply concerned by the lack of progress concerning reception of RAI's Slovene broadcasts. At the time of the Advisory Committee's visit to Italy, the province of Udine still failed to receive these broadcasts. According to representatives of the Slovene minority, RAI has nevertheless undertaken, in its new 2010-2012 service contract, to do its best to remedy this situation. RAI's digital switchover in the Friuli Venezia Giulia region, scheduled for the end of 2010, holds out hope that a solution will finally be found for existing reception problems. The Slovene minority representatives have also expressed their wish that local variants of Slovene be used in these broadcasts as well.

With regard to Friulian, it has been reported that, despite the agreement concluded between the region and RAI in this connection, the resources needed to implement it have still not been made available by the central government. This has resulted in considerable delays in implementing the guarantees laid down in the legislation on radio and television broadcasting in this language. The Advisory Committee welcomes the fact that the region has used special subsidies to support radio and television broadcasts in Friulian by RAI/private broadcasters. It nevertheless notes that, for television in particular, these are irregular broadcasts at off-peak times. Greater central-government support for the Friulian print media is also expected.

In the light of these problems, the Advisory Committee notes with interest the developments recorded in this field by the State Report, including recent legislation on subsidies to publishers and broadcasters for the publication of newspapers and broadcasting of programmes in minority languages. It further notes that, in its new service contracts (for 2010-2012), RAI has undertaken to increase the number of broadcasts in minority languages. The Advisory Committee hopes that these measures, and especially the transfer of funds within the agreed time-limits, will allow more substantial progress in the use of minority languages in public broadcasting. The digital switchover should also offer better prospects in this respect.

The Advisory Committee is pleased to note that the access to media in their own language for persons belonging to, particularly, the German and the French speaking minority remains broad, both with respect to locally-produced media (public and/or private) and to access to media from abroad. In this context, the Advisory Committee recalls that, under special agreements, persons belonging to linguistic minorities are provided with full access to programmes from the 'kin-State', as is the case, for example, for the German speaking minority in South Tyrol, where, since 1975, most programmes broadcast from Austria, Switzerland and Germany can be received.

As regards print media, official sources show that, under Law 296/2006, the Government has continued to provide specific subsidies to daily newspapers published in French, German, Ladin and Slovene. According to minority representatives, government contributions, especially those received in 2010, are not sufficient to guarantee the survival of these daily newspapers or the periodicals of the various minorities. In this connection, the Advisory Committee has taken note of the particularly difficult situation of *Primorski dnevnik*, the Slovene daily newspaper published in Trieste, and the Slovene community's concerns in this regard.

The Advisory Committee is concerned about the problems encountered by numerically-smaller minorities in their efforts to acquire a media presence, have programmes devoted to their languages and culture, and maintain their publications.

Furthermore, as in the previous monitoring cycle, it notes with concern the authorities' failure to assess the needs of Roma and Sinti with regard to the electronic and print media.

*Recommendations*

The Advisory Committee calls on the authorities to ensure that persons belonging to linguistic minorities have sufficient access to broadcasts in their own languages, in accordance with existing legislation and over the whole of the areas concerned.

The authorities should ensure that the service contracts concluded with the national broadcasting corporation are effectively implemented and that the time-limits for transferring public funds for these broadcasts are respected.

The Advisory Committee encourages the authorities to provide more support for minorities' publications, as the communities concerned are finding it particularly difficult to maintain these publications during a recession.

The authorities are strongly encouraged to review the needs and the situation of persons belonging to the numerically-smaller minorities, as well as those of the Roma and Sinti, in terms of access to and presence in the media. Appropriate measures, accompanied by adequate funding, should be adopted to meet these needs as required by domestic legislation and the provisions of the Framework Convention.

17. Kosovo

*Opinion adopted on 6 March 2013*

Article 9 of the Framework Convention

Access of minority communities to print and broadcast media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to remove continuing obstacles to access of persons belonging to all minority communities to public broadcast media throughout the territory and to ensure that sufficient time for minority language media was allocated in programming, as stipulated in the Law on Radio Television. It further called on the authorities to increase support for the production of minority media as well as minority programmes in mainstream media in line with transparent criteria and in consultation with the minority communities concerned, and to pay increased attention to the effective representation of minority concerns within media boards and supervisory mechanisms.

*Present situation*

The Advisory Committee notes the overall favourable national legislation concerning minority language media. Implementation, however, remains incomplete due, among others, to continued lack of coverage of public broadcasting in remote areas, such as Dragash/Dragaš, which is inhabited in significant numbers by minority communities. According to the Independent Media Commission (IMC), RTK broadcasts around 15% of its TV and radio programmes in minority languages. In addition, five out of 21 licensed TV



channels broadcast in Serbian, and one in Turkish, and there are 26 private radio stations in Serbian, three in Bosnian, two in Turkish, two in the Gorani language and one in Romani. Representatives of minority communities contend, however, that the quality of the reporting and programming in minority languages is often low and that more attention must be paid to the recruitment and training of qualified media professionals with minority background in all programmes. A second public television channel broadcasting in Serbian and dedicated also to the languages and concerns of numerically smaller minority communities is expected to be established in the course of 2013, which is welcomed by most members of minority communities. However, some representatives expressed scepticism towards the independence and professionalism of the IMC following changes to its composition and mandate in April 2012. The Advisory Committee indeed expects that the IMC will take appropriate steps to review RTK's reporting methods related to inter-ethnic incidents (see above comments on Article 6).

The Advisory Committee welcomes the fact that the Fund for Support to Minority and Multi-Ethnic Media and Other Disadvantaged Groups has finally been constituted and that some 30 beneficiaries were selected to receive grants in 2011 and 2012 by the committee managing the fund. It regrets, however, to note that access to print and broadcast media in their languages of persons belonging to numerically smaller communities remains difficult, particularly for numerically smaller communities living outside their enclaves, such as in the capital. A request made by Askhali and Egyptian representatives to RTK for the inclusion of programming dedicated to their communities remained unanswered by the end of 2012. A Turkish language channel in Prizren has received no support since 2008 when international aid was discontinued and there is still no Kosovo\*-wide radio programming in Romani despite continued efforts by Roma representatives. Overall, it appears that the awareness of authorities of the importance of minority language media for the preservation and development of minority identities, cultures and languages, as well as for the overall appreciation of diversity in society, remains insufficient.

In addition, the Advisory Committee is concerned by reports that members of minority communities still do not feel accurately reflected in mainstream media, and do not consider that their concerns are sufficiently or adequately covered. More attention must be paid to ensure that minority languages are adequately represented in broadcast and print media and that minority representatives are appropriately involved in the decision-making processes related to content of programming, management and oversight, including as concerns the allocation of grants and subsidies. The Advisory Committee regrets that efforts towards bilingual media, aiming to reach a broader audience and promote inter-ethnic understanding through the creation of common media spaces, are still rare. The Advisory Committee underlines the role played by media in influencing attitudes and conceptions in society and points in particular to the importance of bridging ethnic and language divides through the targeted development of multilingual media outlets, including through the subtitling of programmes into the other official or minority languages, as a means of bringing communities closer together.

*Recommendation*

The Advisory Committee calls on the authorities to increase their efforts to provide adequate access to print and broadcast media to persons belonging to minority communities in their own languages. Financial and training support must be equally available to representatives of all communities and more attention paid to the contribution of bilingual and multilingual media outlets to promote inter-ethnic understanding and tolerance in society.

18. Lithuania

*Opinion adopted on 28 November 2013*

Article 9 of the Framework Convention

Access of persons belonging to national minorities to the media and presence in the media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee invited the authorities to review, in co-operation with minority representatives, whether the public news broadcasting in the languages of national minorities was adequate to existing needs. In addition, it pointed out that media outlets should be encouraged, with due respect to their editorial independence, to reach out to the population as a whole, giving increased attention to aspects relating to national minorities' cultures. Lastly, the Advisory Committee encouraged the authorities to support minority associations in their efforts to create or maintain their own print media.

*Present situation*

While a variety of national minority language broadcasting in Belarusian, Polish, Russian and Ukrainian continues to be offered, the Advisory Committee regrets to have received reports from minority representatives that available programmes on public TV and radio have decreased continuously since the second monitoring cycle. Russian language broadcasts on public TV, for instance, have diminished to only two: one 30 minute programme of a cultural nature broadcasted once a week (called "Russian street") and one 30 minute programme directed more at the Christian Orthodox community, broadcasted once biweekly. No efforts have been made to reinstall a Russian language news programme, despite repeated requests. Public radio airs a daily 30 minute news programme as well as some cultural productions in Russian language. Minority representatives report, however, that the latter were reduced from 60 to 30 minutes despite their popularity. As regards bilingual print editions, including Internet dailies, the two language versions are reportedly often not identical, with the news in minority languages published with a delay of at least 24 hours. Numerically smaller minorities report an overall diminished interest in providing support to their media outlets, including from the Media Fund, which has resulted in the successive closure of a number of

minority language print media. While acknowledging the importance of the freedom of the press, the Advisory Committee regrets that no particular provision seems to be made in the Media Fund to support smaller editions, such as those published in minority languages, despite the fact that their small size usually does not render them commercially viable.

The Advisory Committee further notes the concerns of minority representatives that the few available minority language media outlets are often not providing news or information on issues of daily concern but focus on cultural or music renditions that may foster stereotypes of the traditions and identities of minority communities. The Advisory Committee shares the view of a number of its interlocutors that more efforts should be made to ensure that minority representatives are directly involved in the development of minority language programming and have an effective influence on its content. In addition, the Advisory Committee considers it essential that the views and concerns of minority representatives are adequately portrayed in mainstream media. It notes with concern the impression among its interlocutors that the reflection of minority communities in public media is often negative and politicised and that there appears to be little interest in providing an objective account of their point of view with regard to particular issues in the public debate, such as the education reform. Representatives of a variety of minority communities, including numerically smaller ones, expressed their frustration with the lack of objective media reporting on their daily life and concerns as Lithuanian citizens with minority background, as such programmes could in their view help to promote awareness and understanding of their particular difficulties and fears, thereby easing controversy. While complaints to the Ethics Commission of Journalists and Publishers have been made, those were reportedly ineffectual and the Commission is not viewed by minority representatives as an independent or influential player in changing media habits (see also above comments on Article 6).

### *Recommendations*

The Advisory Committee calls on the authorities to increase their efforts to support adequate access to minority language media for persons belonging to national minorities, including the numerically smaller ones. In addition, minority representatives should be closely involved in the development of relevant programmes to ensure that they meet the current needs and interests of national minorities.

The Advisory Committee further invites the authorities to increase their attention to ensure that the views and concerns expressed by minority representatives are adequately reflected in mainstream media and that the Ethics Commission is enabled and encouraged to effectively and independently play its important role as self-regulatory body, including through relevant training.

19. Moldova  
*Opinion adopted on 26 June 2009*

## Article 9 of the Framework Convention

Legal framework for access of persons belonging to national minorities to the media

### *Recommendations from the two previous cycles of monitoring*

In previous cycles of monitoring, the Advisory Committee welcomed the efforts made to increase access by persons belonging to national minorities to the electronic media, including by clarifying the existing legislation.

### *Present situation*

The Advisory Committee takes note of the adoption, in July 2006, of the Broadcasting Code of the Media, which introduces new rules concerning the languages of broadcasting. The Code sets the quota of broadcasting in the State language at 70%, and 80% as of 2010, whereas it was previously set at 65%. This provision does not apply to regions where minorities live in substantial numbers, but it applies notably to the regions of Chisinau and Balti. The Advisory Committee notes with concern that, as a consequence of this quota, there would be no possibility for private media outlets to establish a minority language radio or TV channel in Chisinau or Balti, despite the fact that persons belonging to national minorities live in substantial numbers in these cities. Notwithstanding this limitation, the Advisory Committee is aware that programmes broadcast in languages other than the State language by media outlets in neighbouring countries are widely available in Moldova.

Additionally, the Advisory Committee notes that, in regions where persons belonging to minorities live in substantial numbers, programmes of the public broadcasters have to represent at least 20% of the programmes broadcasted and private media outlets broadcasting in minority languages have to have at least 20% of their programmes in the State language.

### *Recommendation*

The Advisory Committee calls on the authorities to ensure that existing language quotas for broadcasting do not result in obstacles to the setting up of minority language media outlets.

## Minority language broadcasting

### *Recommendations from the two previous cycles of monitoring*

In previous cycles of monitoring, the Advisory Committee stressed that despite the existence of a number of programmes in minority languages on radio and TV, these were not sufficient to meet the needs of persons belonging to national minorities. This was especially the case for the Ukrainian minority, as well as for numerically smaller minorities. There was also a lack of programmes in minority languages in the rural areas where persons belonging to national minorities live in substantial numbers.

*Present situation*

The Advisory Committee notes that both public radio and TV continue to broadcast programmes in various national minority languages (Ukrainian, Gagauz, Bulgarian, Romani and Russian as far as TV is concerned) as well as a programme in Russian on all national minorities. The public radio also broadcasts programmes in Yiddish and Polish, in addition to the languages mentioned above.

However, the Advisory Committee notes with concern that the situation of minority languages broadcasting on public TV seems to have deteriorated since the adoption of its second Opinion. Minority representatives with whom the Advisory Committee met have underlined that the amount of minority language broadcasting decreased since the reorganisation of public TV in 2004 and that minority programmes are no longer broadcasted in prime time. Furthermore, they assess the quality of programmes as relatively low because of a lack of means and editorial freedom for those in charge of designing minority language programmes on public TV. According to various representatives of the national minorities, public media does not adequately reflect the multicultural character of the Moldovan society.

The Advisory Committee is informed that, in regions where persons belonging to national minorities live in substantial numbers, these have hardly any access to quality programmes in minority languages in prime time. Therefore, they have to rely, for information in minority languages, on programmes broadcasted by media outlets from neighbouring countries, and notably from Russia, which are widely available. Roma, as well as persons belonging to numerically smaller national minorities, have very limited access to media in their own languages.

*Recommendation*

It is essential to ensure that the provisions of the Broadcasting Code of the Media of 2006, notably those concerning representation of the cultural, linguistic and religious diversity of Moldovan society, are effectively implemented. Additional steps should be taken to ensure that public TV broadcasts an adequate share of its programmes in minority languages, including languages of numerically smaller national minorities.

## 20. Norway

*Opinion adopted on 30 June 2011*

Article 9 of the Framework Convention

Access to the media and presence of persons belonging to national minorities in the media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the authorities were invited to increase the proportion of programmes targeting the Kven minority and to take proper account of the needs of

national minorities in the media in order to reflect more accurately the diversity prevailing in Norwegian society.

*Present situation*

The Advisory Committee welcomes the inclusion in the charter of the public television, by an amendment to its statutes in June 2009, of the obligation to promote the culture of the various minority groups in the media and to contribute through new programmes to the development of a multicultural society.

Moreover, the Advisory Committee notes that the state continues to provide subsidies for the monthly periodical of the Kven community (*Ruijan Kaiku*). According to the representatives of the Kven community, these grants are however not sufficient to cover their needs.

The Advisory Committee is concerned that national radio only broadcasts one weekly programme in the Finnish and Kven languages, lasting twelve minutes directed at persons belonging to the Kven minority and Finnish speakers, including recent immigrants, which is totally inadequate to meet the needs of this minority. The Advisory Committee regrets the lack of progress since the first monitoring cycle, despite requests in this regard lodged by the representatives of this minority over several years. The authorities are aware of this problem but declare that they cannot intervene in this debate, being bound to uphold the independence of the media. While agreeing that the principle of the independence of the media must be respected, the Advisory Committee is of the opinion that the authorities should ensure that public media adequately reflects diversity in society.

*Recommendation*

The Advisory Committee calls upon the authorities to ensure that the needs of persons belonging to the Kven minority are duly accommodated by increased public radio broadcasting, while respecting the independence of the media.

21. Poland

*Opinion adopted on 28 November 2013*

Article 9 of the Framework Convention

Print and broadcast media in minority languages

*Recommendation from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee asked the authorities to ensure, in consultation with representatives of the various national minorities, access of persons belonging to national minorities to the radio and television programmes which concerned them and in particular to take the necessary measures to provide adequate radio and television coverage of the regions where national minorities live.

The Advisory Committee also asked the authorities to ensure that national minorities were represented in public radio and television programming councils, especially in those regions where they lived in substantial numbers.

#### *Present situation*

The Advisory Committee notes that the public radio and television channels continue to broadcast programmes in the languages of national minorities, and that since the completion of digitization of broadcasting in Poland, the radio and television coverage of regions inhabited by persons belonging to national minorities has improved significantly. The regional branch of the public television TVP in Białystok broadcasts weekly programmes in Belarusian and Lithuanian, and the Katowice and Opole branches of the TVP broadcast a weekly German-language programme. A number of programmes are also broadcast in the Ukrainian language. Following the full digitization of broadcasting in 2013, the *Telenowyny*, the oldest 30-minute long news programme in the Ukrainian language with Polish subtitles, reaches the country wide audience on the TVP Regionalna channel. Kashubian language programmes are broadcast by the TVP in Gdańsk albeit with varying frequency.

The Advisory Committee further notes that the regional public radio stations in Białystok, Gdańsk, Katowice, Koszalin, Kraków, Rzeszów, Szczecin and Wrocław continue to broadcast programmes in Belarusian, German, Kashubian, Lithuanian and Ukrainian languages. In 2011, the last year for which figures are available, the Polish radio broadcast 927 hours of programmes in these languages.

In addition to broadcasting by public radio and television stations, there are a number of private radio stations broadcasting in Belarusian, German, and Kashubian languages. The Advisory Committee welcomes information provided in the State Report ascertaining that public funding for private radio and television programmes in minority languages and the regional Kashubian language in 2011 amounted to over 950 000 zloty (€226 000) and covered over 50% of the cost of producing such programmes.

The Advisory Committee also notes that the authorities support publication of a large number of periodicals ranging from weeklies (such as the *Wochenblatt* in the German language, *Niwa* in the Belarusian language or *Nasze Słowo* in the Ukrainian language), bi-weeklies (such as *Aušra* in the Lithuanian language) monthlies (for example *Dos Yidish Wort - Słowo Żydowskie* in Yiddish) and quarterlies, including for numerically smaller national minorities (such as *Awazymyz* partially in *Karaim* or *Besida* and *Watra* in the Lemko language).

Against this generally positive background, the Advisory Committee notes with regret that television programmes aimed at the Roma, Tatar and Russian minorities, which until September 2011 were broadcast by the TVP Białystok, have been discontinued. Also, according to representatives of national minorities, the underfunding of the public radio and television, a fact which is widely recognised in Poland, is constantly threatening the

very existence of the remaining programmes broadcast in minority languages. The main cause for this situation is that funding allocated by the national public broadcaster TVP to its regional branches does not take into account the fact that those branches of the TVP which produce programming in the minority languages need to cover additional costs. As each regional TVP branch is a separate commercial entity and no specific funding is earmarked for minority programming, the decisions on the level of financing and timing of broadcasting are left entirely with the branch directors and the regional public radio and television programming councils.

In this context, the Advisory Committee also regrets that very few representatives of national minorities have been appointed to the regional public radio and television programming councils. In fact, Article 30(4a) of the Act on Radio and Television Broadcasting of 1992, obliges directors of regional branches to consider candidates proposed by organisations representing national minorities. Regrettably, such consideration rarely results in appointment of minority representatives. Currently, no representative of national minorities sits on any of the regional television programming councils. It has to be noted that representatives of the Ukrainian minority participate in the work of the radio programming councils in Rzeszów, Koszalin, Olsztyn and Szczecin. In addition, one representative of the German minority participates in the work of the programming council in Opole and one representative of the Belarusian minority in Białystok. The Advisory Committee considers that the expiry of the term of office of the current radio and television programming councils in 2014, and the on-going public competition for the councils, offers an excellent opportunity to address this issue.

The timing of broadcasting of programmes aired by public radio and television is also a matter of concern. By way of example, the Advisory Committee regrets to note that the *Telenowyny*, which until recently were broadcast on Saturdays at 4 pm, reaching an average audience of 228 000 people, which demonstrates significant interest in the programme beyond the persons belonging to the Ukrainian minority, has been rescheduled for Mondays at 9 am since September 2013. This seriously undermines the possibility of reaching the target audience and additionally, given that it is the only programme addressing national minority concerns broadcast nationally, undermines the visibility of national minorities in Poland.

### *Recommendations*

The Advisory Committee reiterates its call on the authorities to ensure, if necessary by taking legislative measures, that national and ethnic minorities are represented effectively in regional public radio and television programming councils, especially in those regions where they live in substantial numbers.

The Advisory Committee encourages the authorities to ensure access of persons belonging to national minorities, including the numerically smaller ones, to radio and television



programmes destined for them, and in particular to take the necessary measures to provide adequate radio and television broadcasting at suitable times.

## 22. Romania

*Opinion adopted on 21 March 2012*

Article 9 of the Framework Convention

### Access of persons belonging to national minorities to the media

#### *Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee considered that 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 and to increase material support for the production of Roma programmes.

The Advisory Committee also called on the authorities to improve the geographical coverage of certain radio programmes and to ensure more convenient time-slots for minority programmes broadcast by public television.

#### *Present situation*

The Advisory Committee notes with satisfaction the various efforts made by the authorities to improve the access of national minorities to public media, especially following the aftermath of the ratification of the European Charter of Regional or Minority Languages. The Advisory Committee welcomes, in particular, the creation by the Romanian Television Society of the TV3 channel, in 2008, dedicated to local and regional communities. The launching of this channel has increased the time for broadcasting in minority languages and about minority communities. Besides long-established broadcasting in German and Hungarian, programmes in Bulgarian, Turkish, Tatar, Croat, Russian, Greek, Czech, Slovak and Ukrainian were introduced in October 2008. Programmes in minority languages have been established after consultations with the minorities represented in the Council of National Minorities.

The Advisory Committee further notes that, according to the State Report, five national television channels broadcast programmes intended for national minorities. It further welcomes the continued existence of the Hungarian and German programme departments within the structures of the Romanian Public Television, as well as the department for programmes for other minorities. The Advisory Committee welcomes information on the reorganisation of the editorial office which took place in 2008-2009 and which aimed at hiring a larger number of persons belonging to national minorities.

Public radio in Romania broadcasts in 14 languages, namely in Hungarian, Ukrainian, Greek, Turkish, Russian, Tatar, Croat, Armenian, German, Serbian, Slovak, Czech, Bulgarian and Romani. Programmes for national minorities are mostly broadcast by regional radio

studios. Radio Bucharest produces weekly 380 minutes of programming in Hungarian, and 370 minutes in German. These programmes constitute a substantial proportion of total airtime in some of the local radio stations. All of the cited regional radio stations offer programmes in Romani; Radio Reșița - 30 minutes weekly, Radio Târgu Mureș - 60 minutes weekly and Radio Timișoara -30 minutes.

The Advisory Committee also welcomes the 34-minute programme in the Romani language "Traio Romano" which is broadcasted three times per month. The "Pro Europa" Roma Party produces a 3-hours weekly show "Caravan of Roma" broadcasted by a private television company. These programmes aim to combat negative stereotypes about Roma in the media and in some sectors of society.

The Advisory Committee notes however, the concerns expressed by some representatives of national minorities with regard to the unsuitable broadcasting hours for programmes in the languages of national minorities on public television.

The Advisory Committee notes with concern that, according to a number of minority representatives, including media professionals, the ongoing process of digitalisation and introduction of new media has not been assessed with regard to the needs and interests of national minorities. Some concerns were expressed about possible interruptions to reception due to technical or geographical complications in particular in remote border areas.

The Advisory Committee notes that every national minority organisation represented in the Council of National Minorities publishes at least one publication in a minority language, with regular periodicity, except for the Roma Party Pro Europa, which does not publish on a regular periodic basis. The Department for Interethnic Relations allocates funds for the publication of papers in minority languages. In addition, there are over 100 publications in the Hungarian language distributed at state level, and seven at county level. One daily newspaper in the German language is published and distributed nationally, and several others locally.

#### *Recommendations*

The Advisory Committee encourages the authorities to increase their efforts to ensure access of persons belonging to national minorities to radio and television programmes destined for them, and in particular to take the necessary measures to provide adequate radio and television broadcasting at suitable times.

The authorities should also assure continuity of reception of public service broadcasting, even during the transitional switch-over period, by persons belonging to national minorities, in particular by ensuring simulcast broadcasting in analogue and digital formats. They should only discontinue analogue broadcasting when digital reception is possible in all sectors of the population, including persons belonging to national minorities on reasonable conditions.

23. Russian Federation  
*Opinion adopted on 24 November 2011*  
 Article 9 of the Framework Convention

Minority media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee invited the authorities to ensure consistency of the federal and regional legislation regulating the use of languages in the media with the principles contained in Article 9 of the Framework Convention. They were also called upon to evaluate the impact of the re-organisation of the All-Russia State Television and Radio Broadcasting Company (VGTRK ) on minority language broadcasting.

*Present situation*

The Advisory Committee is informed that there is an increasing number of publications in minority languages on the Internet. It also notes that VGTRK and its territorial branches are required to produce yearly a certain amount of programmes in national minority languages. However, the Advisory Committee regrets that there seems to be in general a downward trend in the amount of programmes broadcast in minority languages on public radio and television, as well as on private media outlets. While there are programmes in minority languages on radio and television in some regions, notably in the Tatar language in and outside Tatarstan (including in Perm and Tyumen), it appears from reports of persons belonging to various minority groups that such programmes are far from enabling all persons belonging to minorities to receive or impart information in their minority languages, especially for those belonging to dispersed groups or persons living outside territories where they live in substantial numbers. The Advisory Committee found it surprising that persons belonging to minorities having their own territorial formation, such as Mari in Mari-El, do not have adequate access to radio and television programmes in their minority languages.

The Advisory Committee notes the authorities' view that there is a general lack of audience for media in minority languages, even within persons from these groups, and that funding is therefore better attributed by means of tenders rather than through direct support to minority media. However, the Advisory Committee believes that raising the attractiveness of programmes in minority languages necessarily requires increased quality and therefore, better trained professionals, which is not possible for minority organisations to achieve without adequate support. Additionally, the Advisory Committee reminds the authorities that it is often very difficult for persons belonging to minorities to compete in tenders with commercial companies, particularly on the very competitive media market. Additionally, it wishes to remind the authorities that minority language media contributes to creating a positive environment for the use of minority languages in daily life and thus to raising the interest of persons belonging to the minority concerned in learning these languages (see remarks on Article 14 below). Moreover, minority language

media is an important tool for the majority population to become more aware of the linguistic and cultural diversity in society.

As far as print media is concerned, the Advisory Committee notes with satisfaction that there continues to be a large selection of newspapers and other publications prepared by national minority organisations, both in Russian and in the minority languages. It was pleased to learn, for instance, that the first-ever weekly publication entirely in the Komi-Permyak language has been issued in the Komi-Permyak *Okrug* since 2009. A newspaper in Tatar and a magazine for children are also regularly published, with support from the Perm *Krai* authorities. It understands that the same situation is to be found in a number of subjects of the Federation. Nonetheless, it was also informed by representatives of various minorities that the overall public support for publications in minority languages is diminishing at all levels.

*Recommendation*

The Advisory Committee invites the authorities to facilitate access of minority organisations and media outlets to public funding available to the media. Additional resources should also be made available to support the training of journalists and media professionals working in minority languages or on minority-related issues.

24. Serbia

*Opinion adopted on 28 November 2013*

Article 9 of the Framework Convention

Legislative framework relating to minority media

*Recommendations from the two previous cycles of monitoring*

In its previous monitoring cycles, the Advisory Committee recommended that the Serbian authorities ensure that the legal framework relating to minority media was coherent and consistent with the need to ensure plurality and the adequate coverage of minority issues, and that national minority councils be consulted in this field.

*Present situation*

The Advisory Committee notes that since its previous Opinion, the competences of national minority councils in the field of media have been set out in the Law on National Councils of National Minorities. In addition, the goals of the State as regards privatisation of media have been set out in the Strategy for the Development of the Public Information System in the Republic of Serbia until 2016, adopted in 2011. Harmonisation of the laws in this field was due to be completed within 18 months but is still ongoing. At provincial level, the 2009 Law on Establishing Competences of the Autonomous Province of Vojvodina defines the latter's competences in matters related to public information.

While proposals to amend media laws being drawn up as part of the media privatisation process – aiming at the privatisation of local rather than state-level or provincial media services – may provide a valuable opportunity to define the notion of public interest in this field and include provisions on information in national minority languages and intercultural broadcasting, representatives of national minorities have also expressed considerable concerns in this context. In particular, proposals to abolish television licence fees and to require media outlets to bid for public funding in future are seen by some as a serious threat to the independence of the media; there are also concerns that reduced funding at local level may threaten the continued existence of some minority media. It has moreover been pointed out that in the case of numerically smaller minorities that are dispersed across various parts of the territory, such as Ukrainians and Macedonians, few private media companies would consider it commercially viable to broadcast in their languages and existing programmes may therefore be lost as a direct result of the privatisation process.

The Advisory Committee observes that minority media are reliant on external support for their survival. In consequence, local authorities and national minority councils often directly fund the media outlets that they own. A number of questions regarding editorial and political independence as well as respect for pluralism in minority media may arise as a result. Confusion may moreover easily arise as national minority councils are elected bodies but appear essentially to act as private media owners when exercising founders' rights.

#### *Recommendation*

The Advisory Committee recommends that national minority councils be closely consulted in the process of drawing up and enacting legislation governing media privatisation. Particular care should be taken to ensure that this process does not lead to a reduction in the offer of broadcasting in minority languages, especially where there may be issues of commercial viability of such broadcasting. Questions surrounding the role of national minority councils with respect to the media also need to be resolved, in full consultation with these councils as well as with media outlets and associations themselves.

#### Access to media of persons belonging to national minorities

#### *Recommendations from the two previous cycles of monitoring*

In its previous monitoring cycles, the Advisory Committee encouraged the Serbian authorities to take measures to facilitate access of national minorities to broadcasting licences both at regional and local levels and to promote the development of professional training, including vocational training of journalists belonging to national minorities.

#### *Present situation*

A significant amount of broadcasting in minority languages continues to be available in Serbia, with public radio and television broadcasting now available in nine minority

languages in Vojvodina (an increase in the number of languages covered since the Advisory Committee's previous Opinion) and several weekly programmes in Romani on the national broadcaster. Furthermore, local community and other broadcasters provide radio and/or television broadcasting in three additional minority languages. Public broadcasting services in minority languages nonetheless face a number of significant challenges, including difficulties in recruiting staff on long-term contracts and a lack of trained journalists in the relevant languages. The introduction of broadcasting in more minority languages on a single radio station in Vojvodina has also meant that there has been a reduction in the number of hours of broadcasting in the minority languages that were already offered.

According to the information provided by the authorities, 139 radio and 33 television licences for broadcasting national minority languages were issued between 2006 and 2012. The switchover to digital television, which is still being prepared, should increase the opportunities for providing more channels at national level, which may be of interest to minorities that are dispersed rather than compactly settled. However, fewer channels will be available at local level. This may adversely affect broadcasting in minority languages for minorities that are mostly concentrated in a small number of municipalities.

As regards print media, the Advisory Committee welcomes the fact that public support is provided to a wide variety of media in minority languages in Vojvodina. Outside Vojvodina, however, financial support for minority language print media is no longer provided on a regular footing but depends on sporadic grants made in the context of open competitions of the Ministry of Culture. This has negatively affected publishing in minority languages, notably in the case of Bulgarian.

The Advisory Committee recalls the important role played by both print media and broadcasting media in ensuring that persons belonging to national minorities are able to exercise in practice their right to information and underlines that public support plays a crucial part in the realisation of this right.

#### *Recommendations*

The Advisory Committee again encourages the Serbian authorities to promote the development of professional training, including vocational training, of journalists belonging to national minorities. It also encourages the authorities, notably at state level, to take into account the need for sufficient and stable funding to guarantee the viability of media in minority languages, as an integral part of ensuring access to information for persons belonging to national minorities, in particular outside Vojvodina.

The Advisory Committee recommends that the impact of the introduction of digital television broadcasting on minority media be carefully reviewed, in full consultation with national minority councils. The increased opportunities for reaching dispersed minorities should be fully exploited while at the same time taking all necessary measures to preserve

broadcasting at local level for national minorities concentrated in certain parts of the territory.

25. Slovak Republic  
*Opinion adopted on 28 May 2010*

Article 9 of the Framework Convention

#### Minority broadcast and print media

##### *Recommendations from the two previous cycles of monitoring*

In previous cycles of monitoring, the Advisory Committee invited the authorities to continue and develop their commendable practice as regards minority language broadcasting, including by expanding programmes for the Roma minority, and to ensure that no undue interpretation of the legislation on the State language would hinder these achievements.

##### *Present situation*

The Advisory Committee notes with satisfaction that there is a lively minority print and broadcast media scene in the Slovak Republic, both at the central and local levels. State subsidies are awarded for publications produced by national minorities, as well as for the production and distribution of audiovisual programmes devoted to national minorities, including programmes in minority languages. Many representatives of minorities nevertheless consider that the subsidies allocated to minority print and broadcast media are insufficient.

As indicated in the State Report, there is a special programme for persons belonging to the Hungarian and Roma minorities as well as for numerically-smaller minorities on the Slovak television. The Advisory Committee was informed that, due to changes in frequencies, persons belonging to the Hungarian minority have in some regions faced obstacles in accessing the public service broadcasting in the Hungarian language on radio 'Patria'. It is therefore pleased to note that the authorities made swift and successful efforts to remedy this situation, thereby ensuring again access of persons belonging to the Hungarian minority to radio programmes in their minority language. In spite of these positive developments, the Advisory Committee notes the dissatisfaction expressed by the representatives of some national minorities, including those of the Ukrainian minority, with regard to the time and length of programmes broadcast in minority languages. Moreover, irregularity in broadcasting of programmes in some minority languages has also been brought to the attention of the Advisory Committee.

Concerns have also been raised by representatives of national minorities about the low quality of programmes for persons belonging to national minorities, in particular numerically-smaller minorities, on the public service broadcasting. Persons belonging to smaller national minorities, such as the Polish and Bulgarian minorities, consider that the time and resources devoted by regional and national editors to the preparation of their

programmes are not sufficient. As far as the preparation of television programmes is concerned, persons belonging to national minorities are often contacted by editors at short notice, thus not giving them sufficient time to prepare quality programmes. Moreover, the lack of appropriate equipment and adequately trained journalists has had a negative impact on the quality of programmes.

The Advisory Committee notes with satisfaction that representatives of the Roma minority have organised their own private radio, which has received some financial support from the authorities. However, Roma representatives consider that the absence of a national concept on the role and support of the media in the Romani language has negative consequences on the development of such media. Moreover, there is a lack of qualified Roma journalists who master the Romani language and the audience does not have a sufficient knowledge of the standardised form of the Romani language. The Advisory Committee is of the opinion that the media, in particular the Roma media, can play an important role in the promotion of the Romani language amongst those concerned as well as in the inclusion of persons belonging to the Roma minority into society by inter alia providing information on issues of interest to society. The Advisory Committee is of the view that such media should receive increased public support.

The Advisory Committee notes with interest that some minority radio broadcasters have opted, on a voluntary basis, for bilingual broadcasting, that is, in the minority and Slovak languages. In the opinion of the Advisory Committee, this step makes such programmes accessible for the majority population without command of the minority languages and, therefore, it contributes to raising awareness on minority cultures. At the same time, the Advisory Committee welcomes the fact that the 2009 State Language Law provides for the possibility for radio broadcasters to broadcast regionally and/or locally programmes designed for persons belonging to national minorities in minority languages, without their immediate rebroadcast into the State language.

According to representatives of the Hungarian minority, the legal obligation imposed on local and regional television broadcasters, including private ones, to re-broadcast minority language programmes in the State language, has had a negative impact on the development of such programmes. The costs of programmes in minority languages are reportedly around 30% higher than those made in the Slovak language only and licenses are attributed to minority media on the basis of their capacity to re-broadcast minority programmes in the State language. The broadcasting of interactive programmes and live transmissions appears to be particularly challenging in such circumstances. The Advisory Committee considers that further efforts are needed to support television programmes in minority languages, including at the local level.

While the 2009 State Language Law contains a number of principles on the use of the Slovak language in broadcast media, the Advisory Committee is concerned that no detailed guidelines on this matter are provided in the corresponding Government Principles. The authorities have informed the Advisory Committee that, since the supervision of the use of languages in broadcast media is carried out by the Council for



Broadcasting and Retransmission (hereinafter: Broadcasting Council), specific implementation principles could be elaborated by the latter. Nevertheless, the Advisory Committee has not received information from the Broadcasting Council as to any specific plans to draw up such guidelines.

The Advisory Committee has been informed of the insufficient representation of persons belonging to national minorities, in particular the numerically-smaller ones, on the boards of print and broadcast media, including in the Broadcasting Council. While noting that the former Chairman of the Broadcasting Council was a member of the Hungarian minority, the Advisory Committee is concerned that, at present, no national minority is represented in this body. In this respect, it recalls that the principles of the Framework Convention also imply adequate representation of persons belonging to national minorities in the media and on their boards and supervisory bodies.

The Broadcasting Council is entrusted with the monitoring of the implementation of the use of the State language in the broadcast media. In this respect, the Broadcasting Council is empowered to impose fines ranging from 99 to 6,638 Euros for infringements of legal provisions in this domain. The Advisory Committee is concerned that there are no clear guidelines on the application of sanctions, which may open the door to abuse.

#### *Recommendations*

The Advisory Committee encourages the authorities to step up their support to the access and participation of Roma in the media at national and regional levels including, where appropriate, by elaborating a strategy for the Roma media. In addition, the authorities are invited to provide increased financial assistance to initiatives taken by the Roma media, including training of Roma journalists.

The Advisory Committee calls on the authorities to examine the possibility of allocating increased financial support to minority media, including support for targeted training of journalists belonging to national minorities, as well as for the production of quality programmes designed for national minorities in the public service broadcasting at central and regional levels. Attention should be paid to the effective participation of persons belonging to national minorities in the elaboration of such programmes.

The authorities should ensure that persons belonging to national minorities, including numerically-smaller minorities, are effectively represented on public media boards and media supervisory mechanisms, such as the Broadcasting Council.

The Advisory Committee considers it important that clear guidelines on the application of fines in the media sector are put in place and a mechanism is set up to monitor their implementation in practice.

26. Slovenia

*Opinion adopted on 31 March 2011*

## Article 9 of the Framework Convention

### Media in Hungarian and Italian

#### *Recommendations from the two previous cycles of monitoring*

In previous cycles of monitoring, the Advisory Committee expected that the needs of the Hungarian and Italian minorities would be duly taken into account in the process of preparation of a new bill on public audio-visual services.

#### *Present situation*

The Advisory Committee notes with satisfaction that radio and television broadcasting in Italian and Hungarian, through the Italian radio and television station in Koper/Capodistria (RTV Koper/Capodistria) and the radio and television studio in Hungarian in Lendava/Lendva respectively, continue to benefit from substantial state support. According to the information available to the Advisory Committee, the amount of broadcasting in both minority languages on radio and television should be maintained in the near future, although representatives of the Italian minority are worried that the scope of their productions is diminishing as well as the number of staff employed in RTV Koper/Capodistria. The Advisory Committee also notes that RTV Slovenia has decided to reduce its contributions to Italian and Hungarian broadcasting for 2011 and 2012 by approximately 10%. It reiterates its call to the authorities to ensure that budgetary constraints do not affect the activities of national minorities disproportionately.

National minority representatives expressed the view that they would need a scheme for longer term funding of minority media. The current system of allocation of public funds implies yearly negotiations, which makes it difficult in their view to develop their programmes in a more sustainable way.

At the time of the visit of the Advisory Committee to Slovenia, the RTV Act of 2010 had not yet been cancelled by the referendum of 12 December 2010 (see remarks under Article 3 above). It contained a number of changes in the organisation of broadcasting for the Italian and Hungarian minorities. While representatives of the Hungarian minority expressed positive views on this new act, the representatives of the Italian minority feared restrictions on their rights and opportunities with regard to broadcasting in Italian. Additionally, they regretted a lack of timely consultation in the process of elaboration of the act.

#### *Recommendation*

The Advisory Committee invites the authorities to continue supporting radio and television broadcasting in Hungarian and Italian, based on needs assessment conducted in close consultation with the representatives of the minorities concerned. Budgetary constraints should not result in disproportionate reductions of the support allocated to the Hungarian and Italian broadcasting.

## Media in Romani

### *Recommendations from the two previous cycles of monitoring*

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to promote further the presence of the Roma in the media and to raise media awareness of their concerns.

### *Present situation*

The Advisory Committee is pleased by a number of improvements concerning the presence of the Roma in the media since the second cycle of monitoring. Following the adoption of the RTV Act in 2005, RTV Slovenia has started to broadcast programmes in Romani or concerning the Roma. Moreover, young people from the Roma community were trained as journalists in 2006 by RTV Slovenia. Subsequently, there is a one hour weekly television programme on Roma-related issues, and partly in the Romani language, presented by a Roma journalist trained in 2006. A weekly Roma programme is also broadcast on the public radio since 2007.

The Advisory Committee also notes that the RTV Act of 2010 planned the setting up of a programming board for Roma programmes within the system of supervision of RTV Slovenia, on the model of the existing programming boards for the Hungarian and Italian minorities.

The Advisory Committee also welcomes the continued support provided to Radio Romi  and the fact that it was allocated a frequency in 2008. This radio broadcasts bilingually (in Romani and Slovenian), which contributes to raising awareness among the majority population of Roma concerns. The Advisory Committee notes that two other private radio stations broadcast programmes in Romani/for Roma, covering also the region of Dolenjska.

The Advisory Committee understands, however, that there is a need for more training of Roma to become journalists. Moreover, it appears that coverage of minority issues in general by mainstream media remains very limited (see also remarks under Article 6 above).

### *Recommendation*

The Advisory Committee encourages the authorities to build on the progress achieved in recent years to improve further participation of the Roma in the media. They should maintain their support to media broadcasting in Romani/on Roma issues, including private media outlets, and organise additional training of Roma to become journalists. They should also seek ways of ensuring adequate participation of Roma in the programming boards of RTV Slovenia.

27. Spain

*Opinion adopted on 22 March 2012*

Article 9 of the Framework Convention

Roma access to the media

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee urged the authorities to support the participation of Roma in the media at all levels, including by providing financial assistance to Roma initiatives and training to Roma journalists.

*Present situation*

The Advisory Committee is pleased to note that a number of regular publications by NGOs, such as *Nevipens Romani*, *I Tchatchipen* and *Gitanos*, continue to be subsidised under the Roma Development Plans and other public funding schemes. Moreover, Roma are increasingly present on the Internet through a number of websites, blogs and other tools.

However, the Advisory Committee regrets that, in general, the participation and representation of the Roma in the media remains very limited, including in public media which have the duty to reflect the interests of the entire population. Little progress seems to have been made in this respect since the adoption of the Advisory Committee's second Opinion. Furthermore, the Advisory Committee is concerned that the representation of the Roma, and the Roma identity and culture, in mainstream media continues to be mainly negative, - associated with criminality or poverty - and when positive, it usually consists of information and cultural programmes connected to the artistic field (flamenco) (see also comments on Article 6 above).

The lack of unbiased information on Roma outside these two specific areas also stems from a lack of trained Roma journalists. Therefore, the Advisory Committee welcomes initiatives such as the programme launched in 2008 on Canal Extremadura (a regional channel), through which a Roma journalist provides her views on current issues of general interest. It also welcomes the launching in 2007 of a media campaign to combat prejudice against the Roma and the publication in 2010 of a practical guide for journalists on equal treatment, the media and the Roma community, published with public support.

Nevertheless, the Advisory Committee is of the opinion that these initiatives are far from being sufficient to promote access of the Roma to the media and counter the generally negative image of the Roma community which is disseminated through the media. It expects that steps will be taken without delay to achieve the goal provided in the Roma Action Plan for 2010-2012 to change the image of the Roma in the media and society as a whole. This objective includes *inter alia* developing a communication strategy for Roma NGOs and organising meetings between media and Roma representatives.

### *Recommendations*

The Advisory Committee calls on the authorities to take far more resolute and effective measures to promote access of the Roma to the media, including by supporting the training of Roma journalists. The public service broadcast media must also be reminded of their duty to respect and reflect adequately cultural diversity so as to take into account the interests of society as a whole.

28. Sweden

*Opinion adopted on 23 May 2012*

Article 9 of the Framework Convention

#### Minority language broadcasting

##### *Recommendations from the two previous cycles of monitoring*

In previous monitoring cycles the Advisory Committee called on the authorities to ensure that broadcasting in languages of national minorities was given constant attention by the public broadcasting media throughout the relevant licensing periods and that minority language programming included an adequate amount of domestically produced programmes.

##### *Present situation*

The Advisory Committee notes that the guidelines on activities for linguistic and ethnic minorities applicable to public service broadcasting licences are the same for the 2010-2013 period as for the previous period, 2007-2010. Accordingly, broadcasters are required to consider the interests of linguistic and ethnic minorities, to give priority to this activity and improve accessibility. They are moreover required to engage in dialogue with the groups concerned. The government also considered that the range of programming in Romani Chib should be increased during the current licensing period. The Advisory Committee notes that a committee was appointed in June 2011 to prepare for the next licensing period and examine the performance of current services, with input from national minorities, and make a report by 1 December 2012.

The Advisory Committee welcomes the overall increase in the number of hours of radio and television broadcasting in national minority languages in the public service media from 2010 to 2011, in particular an increase of nearly 5% in television programmes broadcast in national minority languages in 2011. It also notes with interest that, whereas no television broadcasting in Romani Chib was reported in 2010, nine hours of television programmes were broadcast in Romani Chib in 2011.

The Advisory Committee also welcomes the fact that there is prime-time broadcasting in Finnish on national radio station P4, although it notes that major sporting events may be

given priority over these broadcasts, thus diminishing the amount of Finnish-language radio programming.

As regards Sami-language television broadcasting, the Advisory Committee notes that this focuses essentially on Sami issues and society. However, the slot allocated to Sami news is early in the evening, when there are relatively few potential viewers, and the broadcasting time allocated to children's programmes in the Sami languages is insufficient to be of material assistance in helping children to acquire the language. There is also a need to ensure the presence of all the Sami languages in the public service media in order to maintain and promote the Sami identity in Sweden.

The Advisory Committee is also concerned that public programming in Romani Chib does not provide sufficient broadcasting time to cover the culture or the specific concerns of the Roma; Tornedalian representatives moreover consider that increased radio and television programming is needed in Meänkieli in order to maintain a visible presence of this language. For its part, Yiddish does not occupy the same position as other languages spoken by national minorities, and the Advisory Committee notes the concern expressed by some interlocutors that audiences may be dwindling in part due to the lack of resources available for broadcasting in Yiddish. It moreover appears that private broadcasting provides few slots for broadcasting in minority languages.

#### *Recommendations*

The Advisory Committee calls on the Swedish authorities to provide broader support to the Sami language broadcast media, in order to ensure that broadcasting is accessible in practice and benefits the development of the Sami languages used in Sweden. It further encourages the authorities to assess all available means as regards broadcasting in Romani Chib, Meänkieli and Yiddish and, in consultation with the relevant minority representatives, in order to provide subsidies which would allow for an adequate presence of these minority languages in the broadcasting media.

The Advisory Committee also encourages the Swedish authorities to consider creating incentives for private media providers to increase access to the media in particular for the numerically smaller minorities.

#### Print and Internet media in minority languages

##### *Recommendations from the two previous cycles of monitoring*

In previous monitoring cycles, the Advisory Committee identified scope for improvement in the situation of print media in minority languages and called on the authorities to review and revise the press subsidy system as necessary to ensure the viability of minority language press. It also considered that ways of supporting the availability of minority language information through the Internet should be examined.

*Present situation*

The Advisory Committee notes that there is currently one newspaper published in Finnish that is entitled to press subsidies. However, there are no equivalents in other national minority languages, although there are magazines that are partly published in Sami and Meänkieli. The Advisory Committee notes that there is also a lack of professional journalists working in minority languages: at present, for example, only one Meänkieli-speaking professional journalist serves all small media.

Following the Press Committee's 2006 Diversity and Range report (SOU 2006:8), the government concluded that better conditions were needed for daily newspapers in Meänkieli and Sami and in 2010 entrusted the Sami Parliament, in consultation with the Swedish Tornedalian Association, with conducting a preliminary study on the conditions for cross-border newspaper co-operation in Sami and Meänkieli. The Advisory Committee welcomes this review but regrets that there has been little or no progress on this issue since the Sami Parliament and Swedish Tornedalian Association presented their preliminary study in September 2011. It understands that a Parliamentary Committee has now been appointed to examine and consult national minorities on the study's proposals on subsidies and cross-border co-operation.

There has apparently been little progress in finding ways of supporting the availability of minority language information through the Internet.

*Recommendation*

The Advisory Committee encourages the Swedish authorities to accelerate the work of the Parliamentary Committee responsible for examining and responding to the proposals made by the Sami Parliament and Swedish Tornedalian Association in September 2011 on subsidies and cross-border co-operation for Sami and Meänkieli print media. Moreover, they must ensure that these minorities are duly consulted, so as to be able to bring into effect as soon as possible more favourable rules and conditions for these minority language media.

## 29. Switzerland

*Opinion adopted on 5 March 2013*

Article 9 of the Framework Convention

## Radio/television programmes and the press

*Recommendations from the previous two monitoring cycles*

The authorities were invited to analyse the needs of Romansh speaking minority in terms of airtime and to continue their efforts to support the press, particularly newspapers in Romansh and Italian in the canton of Graubünden. Moreover, the Travellers' needs in the media field were also to be taken into account.

*Present situation*

The Advisory Committee notes with satisfaction that public radio and television stations broadcast a wide range of daily programmes in the official languages, namely German, French and Italian, as well as Romansh.

It also notes with interest that Romansh speaking minority now have a radio station in their language, broadcast 24 hours per day, with airtime increasing from 5 467 to 8 760 hours per year.

Furthermore, the Advisory Committee has been informed that in 2008 a new franchise was granted to a regional television channel in Graubünden. This new channel provides a local service for the Graubünden population and supplies regional information in Italian and Romansh.

As far as print media is concerned, the Advisory Committee notes that following the entry into force in January 2010 of the Law on Languages (LLC), additional financial aid was granted to the canton of Graubünden in order to support the press and protect and promote Romansh in the media.

Lastly, the authorities informed the Advisory Committee that the Travellers had not submitted any requests for support measures in the media field. However, several Traveller interlocutors complained about the lack of access to the public media and mentioned that they were often negatively portrayed by some media.

*Recommendations*

The Advisory Committee invites the authorities to continue to support actively the media for the national minorities, paying particular attention to the needs of the Italian-speaking community and Romansh speaking minority.

The Advisory Committee encourages the authorities to facilitate Travellers' access to the media and to support the promotion of tolerance and cultural diversity in the media.

30. "the former Yugoslav Republic of Macedonia"

*Opinion adopted on 30 March 2011*

Article 9 of the Framework Convention

Access to the media for persons belonging to national minorities

*Recommendations from the two previous cycles of monitoring*

In the previous cycles of monitoring, the Advisory Committee called on the authorities to develop and support initiatives to increase mutual understanding and intercultural dialogue through the media and to promote dialogue between the different communities both through content and through a more inclusive choice of participants in media dialogue. It further recommended that the authorities support efforts made by the media



themselves and by associations of media professionals to strengthen their systems of self-regulation and self-monitoring.

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

*Present situation*

The Macedonian Constitution guarantees freedom of expression and freedom of the press. In addition to the three public television channels, there are more than 100 commercial TV and radio stations. The second channel of the public television (MTV) broadcasts programmes exclusively in the languages of national minorities (Albanian, Turkish, Serbian, Romani, Vlach and Bosnian), the allocation of time in the programming being proportional to the number of persons belonging to the given national minority. The third Channel of the MTV broadcasts activities from the parliament, which are conducted in the Albanian and Macedonian languages.

The Macedonian public radio broadcasts programmes in the languages of the six national minorities, including Albanian (69 hours per week) and Turkish (35 hours per week) and Bosnian, Romani, Serbian and Vlach for 30 minutes each per day.

In addition to the public programming in the languages of national minorities, there are a number of commercial TV stations broadcasting in Albanian, Turkish and Romani languages. A private radio station broadcasts in the Vlach language.

Despite this lively media scene, the Advisory Committee notes with concern that the media outlets, both public and private, remain strongly divided along linguistic lines with very limited opportunities for intercultural dialogue. Only one Albanian language TV channel broadcasts bilingual programmes on a regular basis, thus actively contributing to greater mutual understanding between the Albanian and Macedonian communities.

There are no legal barriers to the establishment and distribution of minority language newspapers in "the former Yugoslav Republic of Macedonia". The Advisory Committee notes with concern that financial difficulties have resulted in the closure of a number of newspapers published in minority languages, leaving only one daily Albanian language newspaper.

According to the information at the disposal of the Advisory Committee, the Code of Journalists, adopted by the Association of Journalists in 2001, contains no mechanism for monitoring of professional standards. The Advisory Committee also notes with concern that, according to information received from a number of concurring sources, there is a "growing tendency among journalists to opt for calculated self-censorship", which can be attributed to political pressure and threats which were particularly visible during the 2009 electoral campaign.

*Recommendations*

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

More strenuous efforts are needed to develop and support initiatives to increase mutual understanding and intercultural dialogue through the media and to promote dialogue between the different communities.

The authorities are encouraged to introduce legislative guarantees for the protection of journalistic freedom, and to support self-regulation and self-monitoring mechanisms by the media.

31. Ukraine

*Opinion adopted on 22 March 2012*

Article 9 of the Framework Convention

Legislation on television and radio broadcasting in minority languages

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee called on the authorities to review the language quotas pertaining to public service operators to ensure that they did not excessively limit the rights of persons belonging to national minorities to access the media, and to clarify the legal regime applicable to private operators. In addition, the authorities were requested to review the imposition of translation requirements on minority language programmes, including foreign broadcasts.

*Present situation*

The Advisory Committee regrets that there have not been any substantial developments since the second monitoring cycle. According to Article 10 (4) of the 2006 Law on Television and Radio Broadcasting, 75% of nation-wide broadcasts must be in the Ukrainian language. This provision applies to all TV and radio companies, whether state, regional or municipal, private or public. Special language quotas have been established in some regions, in line with the data collected in the 2001 census. The Advisory Committee further learned that subsequent decisions of the National TV and Radio Council raised the quotas for nation-wide broadcasting to 80% in September of 2008, and to 85% from October 2010. While reiterating that such regulation of the private media sector raises issues of compatibility with the provisions of Article 9 (1) and (3) of the Framework Convention, the Advisory Committee is deeply concerned at the reported arbitrariness with which the quotas are applied. According to a number of interlocutors, the quotas are only inefficiently applied to Russian language media, which in practice still dominates the Ukrainian media scene. The quotas, however, severely limit the possibilities for broadcasting in other minority languages and even prevents the setting up of private minority language media outlets.

The Advisory Committee further notes with concern reports from a number of minority representatives that the procedure for the allocation of licences and frequencies, which is overseen by the National Television and Radio Council, lacks transparency and is marred by corruption. The Advisory Committee reminds the authorities that the issuance of licenses must be equal and based on objective criteria. In addition, measures should be taken to ensure that minority communities are adequately represented in the Council to ensure that their views and concerns are effectively considered. Efforts to promote the State language should be pursued through incentive-based and voluntary methods rather than through the imposition of rigid quotas or sanctions, and flexibility must be applied to ensure that smaller minority languages are not disproportionately affected, or excluded from the media.

The Advisory Committee notes that short programmes in a number of minority languages (among which Crimean Tatar, Romanian and Hungarian) continue to be broadcasted weekly on public TV. While acknowledging these efforts, it notes that the frequency and length of these programmes are considered to be too limited by representatives of the national minorities concerned. Representatives of numerically smaller minority communities, such as the Greeks, Bulgarians or Armenians, also report that the public TV and radio broadcasting is inadequate to meet their needs. According to information received during the country visit, there are still no TV or radio broadcasts in the Polish language or in Romani in the Transcarpathia region. The Advisory Committee reminds the Ukrainian authorities that minority language media is a crucial means to maintain and promote minority languages and culture and should therefore be actively supported by the authorities. The Advisory Committee notes further that the presence of persons belonging to national minorities in mainstream media is also limited and that there is a need for more trained journalists with a national minority background to ensure that persons belonging to national minorities have access to domestically produced media in their languages.

As regards dubbing and sub-titling of films, the Advisory Committee was informed that domestically-produced or foreign films, shown on TV or in cinemas, can be shown in minority languages in three regions: Odessa region, the Crimea and in Eastern Ukraine. In all other areas of Ukraine, the obligation to dub, post-synchronise or sub-title the film into the State language, according to Article 14 of the Law on Cinematography, applies, which again affects in particular the numerically smaller communities for whom the costs of production are considerably increased.

#### *Recommendations*

The Advisory Committee calls on the authorities to take appropriate measures to ensure that persons belonging to national minorities, particularly numerically smaller ones, have wider access to radio and television broadcasts available in their languages. Steps must be taken to ensure that the State language quota system in the media as well as the allocation of frequencies and broadcasting licenses is implemented in an even manner and does not disproportionately affect languages of numerically smaller minorities.

The Advisory Committee further encourages the authorities to take all appropriate measures to recruit more minority representatives in the media and train adequately journalists from mainstream media to ensure that the concerns of persons belonging to national minorities are adequately reflected.

#### Print media

##### *Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee invited the authorities to consider increasing the financial support for newspapers published in minority languages, especially for numerically smaller groups, and to develop, in consultation with national minorities, objective criteria for the allocation of public support.

##### *Present situation*

The Advisory Committee notes that, following the dissolution of the SCNR, responsibilities for the provision of support to minority associations, including as regards support to minority language print media, was handed over to the Ministry of Culture (see comments on Article 5 above). According to data received from the Ministry's 'Sub-department of national minorities and Ukrainian diasporas', state support to six minority language newspapers (Bulgarian, Crimean Tatar, Yiddish, Romanian, Armenian and Polish) was continued and slightly increased in 2011. The Advisory Committee regrets, however, that no progress appears to have been made to establish clear criteria and transparent procedures for the selection of minority language newspapers that receive public - state or regional - funding. Whilst many more minority language publications, both bilingual and multilingual, exist, these are financed mainly through private means or with the support of neighbouring countries. Particularly the numerically smaller minorities are facing difficulties in financing their newspapers and have, reportedly, met with difficulties in convincing regional authorities that their publications are important contributions to the promotion of the minority language and culture, even if not commercially viable. Moreover, the existence even of large and long-standing publications, such as the Crimean Tatar language newspaper 'Krim,' is reportedly threatened as they do not receive sufficient support.

As regards access to the media as well as presence in media coverage, the Advisory Committee further notes reports from numerically small minorities, such as the Gagauz, that their concerns, culture and language are not reflected at all in national or regional print media. The Advisory Committee underlines the importance of the media to promote tolerance and cultural awareness in society, among others through the accurate portrayal of the living conditions and access to rights of the different groups by journalists with a minority background. To this end, it is important that journalists receive adequate training and that the recruitment of minority representatives into the media is actively encouraged.

*Recommendations*

The Advisory Committee calls on the state and regional authorities to acknowledge the crucial importance of minority language print media for the preservation of minority languages in the public sphere and to establish transparent procedures for the allocation of their regular support.

The Advisory Committee further encourages the authorities to take adequate measures, including through relevant training activities, to increase the access and presence of minority concerns in the print media, including those of numerically smaller groups, among others by encouraging the recruitment of journalists with a minority background into media outlets.

32. United Kingdom

*Opinion adopted on 30 June 2011*

Article 9 of the Framework Convention

Irish-language broadcasting in Northern Ireland

*Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that Irish speakers throughout Northern Ireland had adequate access to Irish-language television services and that reception of TG4 would not be negatively affected by the digital switchover in 2012.

*Present situation*

The Advisory Committee welcomes the conclusion in February 2010 of a Memorandum of Understanding between the Irish and United Kingdom Governments with a view to ensuring adequate cooperation during the digital switchover (planned for end 2012) and the provision of Irish language services in digital form. It is also pleased to note that funding for the Irish-language television TG4 was extended by £12 million through this Memorandum of Understanding. It expects that these measures will ensure that viewers of Irish-language programmes are not deprived of access to TG4 as a consequence of digitalisation.

However, it understands from representatives of the Irish-speaking minority that funding for TG4 has only been guaranteed for three years. This is not conducive to ensuring stability of broadcasting in Irish in the long-term. Additionally, the Advisory Committee notes with concern that broadcasting in the Irish-language on the BBC is very limited.

*Recommendation*

The Advisory Committee invites the authorities to pursue measures to ensure that persons belonging to the Irish-speaking community continue to have sufficient access to radio and TV programmes in their language that are broadcast from Ireland. It also encourages them to consider supporting the development of Irish-language radio and TV

programmes produced domestically, in order to meet the needs of persons belonging to the Irish-speaking community more effectively.

#### Scottish Gaelic broadcasting

##### *Recommendations from the two previous cycles of monitoring*

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that the Gaelic Media Service and its new digital television channel receive appropriate support.

##### *Present situation*

The Advisory Committee is pleased to note that a new digital TV channel in Gaelic (BBC Alba) was launched in 2008, with financial support from the Scottish authorities, which contributed to substantially increasing the media offer in Gaelic. However, interlocutors of the Advisory Committee are concerned that financial support is not sufficient to ensure regular production of an adequate range of programmes in Gaelic.

##### *Recommendation*

The Advisory Committee invites the authorities to continue to support the development of media in Gaelic and to ensure that they will be able to continue providing high-quality programmes on a regular basis.

#### Broadcasting in Welsh

##### *Present situation*

The Advisory Committee notes with satisfaction that there is a substantial offer of radio and TV programmes in Welsh, notably through the public television channel S4C and Radio Cymru. It also welcomes the fact that the BBC is providing around 20 hours of programmes in Welsh per week and that funds are provided by the authorities to support Welsh-language radio programming.

However, the Advisory Committee was informed of the decision to reduce Government funding for S4C by 25% and to modify its statute. According to interlocutors of the Advisory Committee, this is likely to reduce the editorial independence of the channel and to result in less funds for programming in Welsh.

##### *Recommendation*

The Advisory Committee invites the authorities to continue supporting the development of media in Welsh and to ensure that they will be able to continue to provide high-quality programmes on a regular basis. They should in particular ensure that financial cuts and the restructuring of S4C do not affect its editorial independence and capacity to provide quality programming in Welsh.