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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 (4<sup>th</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.

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As of 18 September 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 24 opinions, among which 16 opinions on Article 9, of which 17 are public.

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.

Armenia

Adopted on 26 May 2016

## Article 9 of the Framework Convention

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

The Advisory Committee is pleased to note that representatives of national minorities express their general satisfaction with access to the media. Armenian public radio continues to broadcast daily programmes in the languages of national minorities. The length of programming varies between 30 minutes (for each of the more widely spoken languages, namely Assyrian, Kurdish, Russian and Yezidi) to 15 minutes (for less common languages). Representatives of the Greek national minority have informed the Advisory Committee of their initiatives to extend Greek language radio broadcasting to 30 minutes a day.

Armenian public television does not produce programming in national minority languages, but some Russian-language films continue to be shown with Armenian subtitles. Some regional television broadcasters, in the Shirak and Kotayk regions, devote some of their programming to minority issues. Also, it can be noted that Russian-language programming is widely available on cable TV and through satellite networks. In this context, the Advisory Committee notes that foreign broadcasts cannot in any way replace locally produced programming as they do not, and cannot, adequately take into account minority concerns and do not contribute to raising awareness of minority issues in the society as a whole. The digital switchover was completed in Armenia on 1 January 2016, with both digital and analogue signals currently being transmitted throughout the country's territory. In this context, the Advisory Committee is pleased to note that the authorities distributed free of charge one hundred thousand digital converter boxes to the most vulnerable members of the population. It further notes that following the attribution of channels on the republican multiplex (1st multiplex) public television transmits nine television programmes and four radio programmes nationwide, and each of the Yerevan multiplexes (2nd, 3rd and 4th multiplexes) broadcast six television and four radio programmes in Yerevan and its suburbs. The authorities informed the Advisory Committee about the attribution of channels on a commercial multiplex, planned for June 2016. According to the information available, between 20 and 40 channels will be distributed to bidders on the basis of a competition. The Advisory Committee considers this to be an excellent opportunity for the authorities to solicit interest among potential broadcasters intending to devote part of their programming to issues of interest to national minorities or pledging to transmit in languages of national minorities.

The number of press titles published in Armenia, with financial support provided by the authorities, in languages of national minorities is quite substantial; Russian-language publications include: *Respublica Armenia*, *Urartu*, *Golos Armenii*, *Novoye Vremya* and *Delovoy Express*, as well as other newspapers and the *Literaturnaya Armenia*, *Yerevan*, *Afisha*, *Armyanka* periodic magazines. In addition there are papers published in Yezidi: *Lalesh*, *Ezdikhana* ("The voice of Yazidis" in Armenian); Kurdish *Rya Taza* (New way), *Mijagetq* (Armenian-Kurdish); Ukrainian *Dnipro*, *Magen David* ("The star of David" in Russian) of the Jewish community and the Greek *Byzantine inheritance*.

### Recommendation

The Advisory Committee invites the authorities to ensure that public radio continues to produce and disseminate minority-language programmes in line with relevant provisions of the Framework Convention. It also invites the authorities to pay increased attention to the needs of persons belonging to national minorities by creating opportunities for radio and television broadcasting in minority

languages and considering programming in minority languages as a criterion in the procedure of allocating radio frequencies and television channels to private bidders.

Austria

*Adopted on 13 October 2016*

#### Article 9 of the Framework Convention

##### Radio and television broadcasting and print media in minority languages

###### *Present situation*

The Austrian Public Broadcaster (ORF) continues to air television and radio programmes in minority languages in line with the ORF Act. These are limited to one programme of 30 minutes each in Slovenian and in Burgenland Croatian on Sundays in the early afternoon (with a night-time repetition), one programme of 25 minutes in the Hungarian language which is aired six times per year, and one programme of 25 minutes jointly in the Czech and Slovak languages, equally broadcasted on a bi-monthly basis. Most of these programmes are also available via the internet, which further increases their accessibility. However, national minority representatives unanimously would like increased broadcasting in their languages, in particular on public television. The Advisory Committee shares the concern of national minority representatives that the scope of the existing programmes does not do justice to national minority languages as an integral part of the historical linguistic diversity of Austria.

The bi-monthly programmes in the Hungarian, Czech and Slovak languages are further reported to be of limited appeal, as they provide little context to current affairs in Austria and tend to focus on traditional music or cultural renditions. They are further broadcasted during an unfavourable timeslot (mid-morning, mid-week). The Advisory Committee regrets that no minority language television programmes are geared towards children. Such an offer could increase the attractiveness of the languages for children and stimulate their use from an early age, which may help in reversing the growing assimilation amongst youth, as reported in particular in Burgenland and in Vienna. It further notes demands from some national minority representatives for more subtitling to increase the visibility of minority languages through a broader audience and through more countrywide broadcasting.

There is more variety in terms of radio broadcasting in minority languages, both at federal and regional level. This is mainly provided through the ORF and, since 2011, in Carinthia also through a private radio station that co-operates with the ORF and provides 24 hours of Slovenian language radio. Since 2015, the coverage of the Slovenian language radio in Styria has also significantly improved and an expansion of Hungarian language radio, currently offered for 26 minutes per week, by 22 minutes, is also planned for 2016. While welcoming this public service radio broadcasting in minority languages, the Advisory Committee considers that a further increase in high quality programmes could meaningfully enhance the presence and prestige of minority languages in society, in particular for the numerically smaller groups and those who live dispersed. The Croat minority from Burgenland, for instance, has – according to governmental and non-governmental interlocutors – lost some 50% of its minority language speakers and requires particular efforts to reverse this trend. The Advisory Committee is pleased to note the existence, since April 2010, of a multilingual open radio, *RadioOP* in Oberpullendorf, which broadcasts in German, Croatian and Hungarian, in co-operation with the local high school where both minority languages are offered as part of the optional curriculum. The Advisory Committee welcomes this

initiative as an effort to address in particular young individuals belonging to national minorities who otherwise have very limited access to quality entertainment in minority languages, and notes with interest that the initiative is seeking the acquisition of additional frequencies and funding in order to extend its coverage throughout Burgenland.

The Advisory Committee further notes that some 60 000 EUR per year have been provided in recent years for the support of weekly print media in minority languages, two in Slovenian in Carinthia and two in Croatian in Burgenland. The Press Promotion Act provides subsidies dependent on the number of print editions of the papers. It is particularly generous with respect to daily newspapers, to which it allocates a yearly baseline support of at least 200 000 EUR. Minority language newspapers at federal level are exempted from the requirement of a minimum of 10 000 prints. However, they do not obtain the much more substantial baseline support, because they are weekly, and not daily editions. As a result, the four above-mentioned print media have been struggling for years to maintain their publications, whilst the situation for the speakers of the other four languages is even worse. According to representatives, they rely mainly on voluntary work and donations, as well as on some support from the cultural budget of the Federal Chancellery which, however, is provided only to “culturally-focused” productions (see Article 5). The Advisory Committee notes with interest the collective request of national minority representatives to amend the Press Promotion Act to increase the subsidies available to national minority language print media. In particular, baseline support is needed in order to compensate for their small size and to acknowledge their particular contribution to diversity. The Advisory Committee welcomes the indication from the authorities during the visit that the proposal is being considered favourably.

#### *Recommendations*

The Advisory Committee calls on the authorities to increase the availability of minority language programmes on public television and radio, and to ensure through adequate human and financial resources and in close consultation with national minority representatives that quality programmes are developed that appeal to all segments of society, including youth. Particular support, including baseline support, should be provided to independent and small media outlets in minority languages, including through adequate financial support and the allocation of additional frequencies.

The Advisory Committee calls on the authorities to increase substantially the support made available to print media published in minority languages, including by pursuing the amendment of the Press Promotion Act without delay and in close consultation with national minority representatives.

Croatia

*Adopted on 18 November 2015*

#### Article 9 of the Framework Convention

##### Radio and television broadcasting in minority languages

#### *Present situation*

The Advisory Committee welcomes the continuation of some programming on public television and radio in national minority languages. It notes, however, that national minority representatives unanimously consider these programmes too scarce, as the combined total length reportedly only constitutes 1.3% of all programming. While the two television programmes geared towards national

minorities that are broadcasted by the Croatian Radio and Television Company (HRT) as part of its diversity programming, 'Prisma' and 'Mosaic', are appreciated amongst national minority communities, the number of viewers is decreasing. Given the 30-minute duration of 'Prisma', only slots of about three minutes are allocated per minority. Contributions are therefore necessarily very superficial. In addition, it remains challenging for the producers to identify skilled journalists who speak minority languages so that not all minorities can be covered equally. The Advisory Committee further learned that the closure of regional media centres of the HRT have had effects on the level of detail of reporting on local issues of interest to national minority communities in the regions of Croatia. In addition, plans to move 'Prisma' to a less favourable time slot on Saturday morning are not welcome by minority representatives. The Advisory Committee further notes a variety of local radio stations that continue to broadcast in minority languages such as Radio Osijek (in Hungarian), Radio Danube (in Serbian) and Radio Daruvar. The latter broadcasts a daily programme of 30 minutes in Czech, which however, reportedly only covers a radius of 50 km.

The Advisory Committee reiterates its concern that minority interests are not sufficiently integrated in the mainstream media. According to minority representatives, programmes feature information *about* minorities rather than information *for* minorities, with presentations of minority culture and folklore being prioritised over engagement in broader political discourse that is of interest to persons belonging to national minorities and the majority alike. The topic of national minorities appears to reach the mainstream media only in the case of a particular incident or event, often negative and often evoking international or regional news. This is regrettable as it provokes the false image of national minorities being somewhat separate from society. The Advisory Committee considers it vital that media professionals and journalists obtain adequate training to ensure that their awareness and sensitivity towards the specific needs and concerns of diverse groups in society is promoted and they are able to portray minorities as an integral part of society. It further recalls the importance of a common and pluralist media space that is shared amongst all groups to promote a sense of inclusion.

The Advisory Committee notes in this context the continued functioning of the special fund to promote pluralism administered by the Agency for Electronic Media. According to civil society representatives, the criteria used by the Agency in issuing funds as well as licenses are not always clear. A tender for a radio frequency in Pakrac in early 2015 was reportedly annulled by the Agency when the only candidate, a minority association wishing to promote inter-ethnic dialogue through its programming, presented its application. The Advisory Committee reiterates the important role of independent and small media outlets to contribute to a pluralist and open media environment that promotes outreach towards a diverse society. It further wishes to stress that the possibility to actively participate in social media and to receive and impart information of interest to persons belonging to national minorities presupposes access to high-speed Internet throughout the country, including in remote areas which are often inhabited by national minority communities.

#### *Recommendations*

The Advisory Committee calls on the authorities to enhance their support for independent and small media outlets, including in remote areas of the country and through electronic means, and to promote a pluralist media environment through the training and recruitment of persons belonging to national minorities in mainstream public service broadcasting, including at senior level.

It further encourages them to ensure that quality programmes of interest to national minority communities are effectively available in all public service broadcasting at all levels and to integrate issues of interest to national minorities in mainstream media.

Cyprus

*Adopted on 18 March 2015*

Article 9 of the Framework Convention

Minority language print media and broadcasting

*Present situation*

The Advisory Committee welcomes the fact that Cyprus public radio continues to broadcast one hour of programmes in Armenian on a daily basis, covering public interest issues, news and some programming devoted to children. In addition, there is one 30-minute programme weekly on public radio devoted to the Latin minority group. As regards public broadcasting on television intended for the various minority groups, the Advisory Committee understands that these are rare and are funded entirely by the communities themselves. It further regrets that there has been no support to any print media in Armenian language since 2011. As a result, only one monthly newspaper, "Artsakank", continues to be published, albeit amid serious financial difficulties, while the other, "Azad Tzayn" was forced to close in April 2013. The Maronite community issues two newsletters, of which one has received government support in the past. The Advisory Committee is conscious of the adverse economic climate in Cyprus but finds that more efforts must be made to enhance the availability of print and public broadcast media in minority languages, in order to promote their prestige and visibility in the public sphere and to raise public awareness of the diversity existing in Cyprus. For this reason it is also particularly important that the presence of minority languages such as Armenian is increased on public television.

The Advisory Committee notes with interest that the Armenians, Maronites and Latins avail themselves of online media to a considerable extent to distribute information among their communities and increase their audience (see also comments under Article 5). While appreciating the particularly sensible use made of opportunities involving online media given the limited budgetary means available and the fact that minority communities live dispersed in various cities and sometimes in areas outside government control, the Advisory Committee considers that the capacity of minority representatives in the use and distribution of electronic media could be further strengthened to maximise its usefulness. Particularly noteworthy in this context is the work of the Cyprus Community Media Centre, which is involved in training journalists and civil society representatives to participate in the media more actively and more professionally. Nonetheless, the Advisory Committee wishes to point out that online media cannot wholly replace conventional media as access to the Internet might be difficult or impossible for some members of the communities.

As regards the presence of minority concerns, interests and perspectives in the public media generally, the Advisory Committee welcomes the fact that members of the Armenian, Maronite and Latin communities continue generally to be portrayed in a positive light. Documentary film material has been produced on their specific history and distinct culture in Cyprus and the Advisory Committee expects that this material will be adequately amplified through the public television channels to ensure the widest possible distribution. It considers vital that public media professionals and journalists obtain

adequate training to ensure that their awareness and sensitivity towards the specific needs and concerns of diverse groups in society, including Roma, is promoted.

*Recommendations*

The Advisory Committee calls on the authorities to increase the availability of public television and radio broadcasting featuring minority languages and cultures as well as their concerns and interests in close consultations with representatives of the respective groups. Support should also be provided to the various print media, including online.

It further encourages the authorities to engage in efforts to raise the awareness of journalists and media professionals to the specific situations and concerns of minorities in Cyprus, and to promote adequate training opportunities for members of minority communities so that they can actively participate in a pluralistic media environment.

Czech Republic

*Adopted on 16 November 2015*

Article 9 of the Framework Convention

Access of persons belonging to national minorities to the media

*Present situation*

The Advisory Committee notes that radio and television channels continue to broadcast a wide array of programmes for or about national minorities, and that since the completion in November 2011 of digitalisation of broadcasting, the radio and television coverage of regions inhabited by persons belonging to national minorities has improved significantly, as 99.6% of the population have access to a digital television signal. In particular, the Czech public radio broadcasts programmes in the languages of the national minorities, including Slovak (two 15-minute programmes weekly and one 55-minute programme on Sundays), Romani (two 15-minute programmes weekly and one 55-minute programme on Sundays) and Polish (five 25-minute programmes on working days on the regional service from Ostrava, which reaches persons belonging to the Polish minority inhabiting in the region of Český Těšín). It also broadcasts one 15-minute German language programme weekly. The Advisory Committee notes with satisfaction that the Polish studio at the Czech Radio in Ostrava continues to produce programmes in Polish aimed at the audience living in the region. Also, it is most encouraging, that programmes produced in Slovak and Romani languages reach a broader audience including a significant number of listeners from the Czech majority.

The Advisory Committee welcomes that a number of bilingual programmes in Czech and in languages of national minorities (with Czech language subtitles) continue to be broadcast on public television channels. Such programmes, which are accessible to the Czech majority, contribute to increased awareness and greater understanding of issues affecting persons belonging to national minorities. Such programmes include the long-running weekly TV cycle *Babylon*, weekly *Kosmopolis*, monthly *Home in the middle of Europe* and bi-weekly *Encounters*. The Advisory Committee notes, however, that the only broadcast produced exclusively in a minority language ("*Do We Know Each Other?*" programme in Polish) has been moved in 2013 to a very inconvenient time slot and consequently lost a significant part of its potential audience. In this context, information about new opportunities created by digitalisation, which led to the increase of the number of public television channels from two to six (which in turn



opened up more broadcasting time to programming about minorities and in languages of national minorities), is most welcome.

In addition, state television continues to broadcast a wide array of programming, including documentaries, feature films, drama and music in the languages of national minorities with Czech subtitles. Although these programmes are not specifically targeting persons belonging to national minorities they familiarise both the majority and the minorities with foreign (including national minority) languages, in particular Slovak, German and Polish.

Furthermore, the Advisory Committee is pleased to note that the Czech public television carried out in 2015 an extensive and much appreciated awareness campaign on Roma, their history, culture and traditions during the week of International Roma Day (April 8). Films and documentaries about Roma and portraying Roma were broadcast every day during that week in prime time.

The Advisory Committee notes with regret that the funding disbursed by the Ministry of Culture to support printed media in minority languages, including those spoken by numerically smaller groups has decreased in recent years from 30 million Kč in 2009 to 16 million Kč in 2013. This decrease in funding is particularly problematic for smaller national minorities, for which the printed publications are the only media available in the Czech Republic. The fact that grants disbursed by the Ministry of Culture cannot be used to finance on-line publications or sites in languages of national minorities is not only regrettable, but also demonstrates an urgent need for the regulations to be adapted to meet the demands of the digital age.

The Advisory Committee also finds it regrettable that, in addition to the fact that the number of journalists associated with a national minority, in particular in television is very low, very few representatives of national minorities have been appointed to the regional public radio and television programming councils. According to the information provided by national minorities, an advisory Assembly of Minorities continues to operate at the regional Czech Radio Ostrava, but there are no minority representatives in any of the Czech regional TV branches.

The Advisory Committee is encouraged, however, that in March 2015 representatives of the Czech Radio and Czech television held, at the invitation of the Government Council for National Minorities a meeting with representatives of national minorities focusing on the expectations and proposals concerning programming about national minorities and in their languages. In this context, representatives of national minorities reported their satisfaction about the positive attitude displayed by the representatives of the public broadcasters and expressed hope about the direction in which the events were evolving.

#### *Recommendations*

The Advisory Committee asks the authorities to continue supporting radio and television broadcasting programmes by, for and about national minorities, and in their languages. The authorities are invited to reconsider the criteria used for disbursement of grants to meet the demands of the digital age.

The authorities should also ensure that national minorities are regularly consulted and encouraged to take an active role in producing programmes destined for them through the 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.

## Fourth cycle – Art 9

Denmark

*Adopted on 20 May 2014*

### Article 9 of the Framework Convention

#### Minority language media

The Advisory Committee welcomes the information provided by representatives of the German minority that the financial situation of the daily *Der Nordschleswiger* has improved in recent years as a result of changes introduced by the authorities to the system of allocation of subsidies. This development implements one of the priority recommendations made by the Advisory Committee in the previous cycle of monitoring, and is very welcome indeed. The subsidies, which used to be calculated on the basis of the number of printed copies, are now based on the number of journalists employed by the paper. Furthermore, the Advisory Committee acknowledges information that a private Danish radio station broadcasting in South Jutland carries German language news programmes three times daily.

As regards television programming, the Advisory Committee notes that there is neither public nor private broadcasting in the German language in South Jutland. It commends, however, the fact that a regional public television station regularly produces programmes in Danish about the German minority in South Jutland, in spite of the fact that this programming does not constitute its “public service duty” according to the Danish legislation.

#### *Recommendation*

The Advisory Committee encourages the authorities to continue supporting sustainable development of the German language printed media as well as radio and television broadcasting programmes for and about the German national minority.

Estonia

*Adopted on 19 March 2015*

### Article 9 of the Framework Convention

#### Minority language media

#### *Present situation*

The Advisory Committee notes that the Estonian Public Broadcasting organisation (ERR), established in 2007, following the merger of the Estonian Television and Estonian Radio is currently made up of two television and five radio channels and several news and thematic portals. Compared to 2009 the volume of Russian-language programmes broadcast by the public television channels, including programmes with subtitles, has increased by 30%, amounting to 520 hours a year, which is welcome. The main Russian-language programme, *Aktuaalne Kaamera* which is a news programme produced by ETV2, is broadcast in prime time and reaches nearly 30,000 viewers daily. Cultural programmes, such as weekly “Op!”, “Batareja” and daily Cultural news continue to be aired on the television and radio channels. The Raadio 4 channel broadcasts diverse programmes which include shows on a wide range of subjects as well as music. In addition to shows in Russian, Raadio 4 also broadcasts shows in Polish, Georgian, Ukrainian, Armenian, Belarusian, Azerbaijani and Hebrew on a regular basis.

As regards the Russian-language print media, there are four newspapers published: *Postimees* (appearing three times a week), weekly newspapers *Den za Dnjom*, *Moskovski Komsomolets - Estonia* and *Delovye Vedomosti*. The *Komsomolskaya Pravda v Baltii* paper printed in Tallinn is distributed in Estonia, Latvia and Finland. The circulation of the papers remains between 5,000 and 12,000. In addition, the Committee notes that regional papers are printed throughout Estonia, including Tallinn-based *Stolitsa*, *Narvskaya Gazeta*, *Narva*, *Gorod*, *Viru Prospekt*, *Severnoye Poberežje* and *Severnoye Poberežje Ekstra*, *Sillamyaeski Vestnik*, *Panorama*, *Infopress* in Ida-Viru County and *Tshudskoye Poberežje* in Jõgeva County.

The Advisory Committee notes with regret that the media environment remains deeply divided among linguistic lines, with different segments consuming different media, which not only differ in language, but also in cultural, political and ideological outlooks. In this context, the Advisory Committee observes that according to a large study carried out by the Institute of International and Social Studies at Tallinn University in 2013, the Estonian language media are perceived by persons whose first language is Russian as addressing a narrowly defined audience, which excludes minorities, producing disunity of society and instigating ethnic conflicts - both by disproportionate representation of minorities and depicting Russia only as a source of conflict. The problem is exacerbated by a large and often overbearing presence of foreign channels, which exert strong influence on some parts of the public opinion in Estonia, in particular the Russian-speakers. Consequently, the division of society continues to persist and impact on its cohesion and integration.

In this context, information on the beginning of broadcasting in January 2015 of a news programme AK+, a new long-form addition to the Russian-language version of the *Aktuaalne Kaamera* TV news broadcast, and the decision to launch a new publicly funded Russian-language TV channel to operate under the auspices of the ERR umbrella is most welcome. The Advisory Committee wishes to stress the importance of involving Russian-speakers in the conceptualisation, elaboration, preparation and journalistic delivery of the programme.

Finally, the Advisory Committee regrets to note that there has been no change as regards the obligation to provide translation of 'foreign languages', including minority languages, broadcasts into Estonian, with the failure to provide such translation being punishable by a fine of up to 3,200 Euros. The Advisory Committee reiterates its concern expressed in the previous opinions that the overly prescriptive approach used to promote the Estonian language in public is not proportionate to the legitimate aim of protecting the Estonian language and of making the broadcasts accessible to a wider audience.

### *Recommendations*

The Advisory Committee reiterates its recommendation made in the last Opinion and asks the authorities to increase their efforts to promote Russian-language radio and TV broadcasts, particularly as regards the promotion of locally-produced news.

The Advisory Committee asks the authorities again 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.

Finland

*Adopted on 24 February 2016*

Article 9 of the Framework Convention

Access to and presence in the media

*Present situation*

The Decree on Press Subsidies (538/2011) provides yearly support to print and online media in minority languages (Sámi, Romani, Russian, and Karelian since 2013). The Advisory Committee welcomes that support for publication of annexes and online magazines in connection with magazines published in Finnish or Swedish has been extended to the Karelian language, as it is already the case for the Sámi languages in the newspaper *Lapin Kansa* since 2012. A Swedish language news service, newspapers and magazines, Russian-language magazines, and now also Karelian-language online publications are available. The Advisory Committee regrets, however, that in spite of this variety, there are currently no significant Romani-language publications and no application for subsidies has been received from this minority. While, as from 2016, disbursing of grants will become the task of the Ministry of Education and Culture in an effort to simplify the entry point for minorities, the Advisory Committee noted that there was a lack of awareness among the Roma population concerning the funds available.

The Finnish Broadcasting Service, YLE, provides radio and television services in minority languages. Coverage in Sámi has developed positively during the reference period through the launch of the national, weekday five-minute news broadcast by *YLE Sapmi* in the three Sámi languages, the revival of Sámi radio, and the development of Internet services and of children's programmes. Wide diffusion of these services has been eased by the use of mobile technologies and the digitalisation process. The Advisory Committee was informed by *YLE Sapmi* that the services are widely followed and appreciated by the Sámi community and that additional funding would be necessary to develop them further. However, it also understood that the increased visibility of Sámi languages' broadcasting led to negative reactions from within and outside the Sámi community, in particular in the social media. Sámi representatives perceived some of these comments as hate speech, namely those in connection with the coverage of the last Sámi Parliament elections. Without a clear stance from the authorities towards these acts, the progress achieved so far as regards Sámi minority visibility would be at risk of being jeopardised.

YLE televised news services exist in Russian (*YLE Novosti*) and Russian language films and programmes have been increased over the last few years. Radio broadcasting services exist since 1999, and several printed media are also available. Radio broadcasting has recently been launched in Karelian on a weekly basis (*YLE Uudizet karjalakse*). Roma representatives complained to the Advisory Committee that YLE did not develop further any new television and radio broadcasting services in the Romani language along with the 15-year-old, weekly 15-minute radio broadcast (*Romano Miritis*), which moreover is not under the coverage of the newsroom but rather the culture and lifestyle section. The Advisory Committee recalls the importance of a common and pluralist media space that is shared among all groups to promote a sense of inclusion in which minority voices are present.

There is also a shared impression among minority organisations that mainstream media featured information according to patterns conducive to the stereotyping of persons belonging to minorities,

such as attitudes towards the employment by Russians and Roma. The Advisory Committee recalls the importance for the media to portray minorities as an integral part of society emphasising an inclusive rather than an exclusive perspective.

*Recommendation*

The Advisory Committee encourages the authorities to enhance their support for both traditional and online print and broadcast media by Roma and in the Romani language; to raise awareness on the availability of this support; and continue to ensure that quality programmes are effectively available in the public service broadcasting at central and regional level in all minority languages.

Germany

*Adopted on 19 March 2015*

Article 9 of the Framework Convention

Access of the Danish and Frisian minorities to the media

*Present situation*

The Advisory Committee is pleased to note that difficulties experienced by persons belonging to the Danish minority in accessing Danish television channels following the switch to digital television appear largely to have been resolved, although some problems are still reported in areas without hybrid or cable television, and copyright issues hamper the broadcasting of a certain number of programmes made in Denmark. The Advisory Committee again underlines that there is still a need for locally produced television programming in Danish that would speak to the specific concerns of the Danish minority in Germany, allowing persons belonging to this minority to identify not only with the language but also with the contents of the programming. It regrets in this context the axing of a bilingual programme broadcast in recent years by NDR, with one German and one Danish presenter and subtitled both ways, although it understands that even this programme gave little space to matters of specific interest to minorities. It notes that in a recent communication to the Schleswig-Holstein parliament, the regional television broadcaster NDR stated that it considered it was fulfilling its obligations under the *Land* broadcasting agreement by which it is bound and that creating additional programming in minority languages would require either additional funds or a cut in other programmes.

As regards radio programming in Danish, news is broadcast daily in Danish on the private radio station Radio Schleswig-Holstein, which is co-owned by the Danish-language daily newspaper *Flensburg Avis*. Representatives of the Danish minority have indicated that they hope that the planned establishment of five new local radio stations (two private, three public) in Schleswig-Holstein will provide an additional opportunity to offer programming in Danish as well as in Frisian and Low German. The Advisory Committee notes in this context that the radio stations established in areas where regional or minority languages are spoken will be legally required merely to take these languages into account. It draws attention to the fact that the grant of a licence could legitimately be made conditional on the extent to which the relevant application accommodates the rights and needs of specific audiences, such as speakers of minority languages.

As regards the Frisian minority, the Advisory Committee welcomes the availability of one hour of radio broadcasting in Frisian on weekday mornings, on the FriiskFunk radio station, launched on Föhr Island in

September 2010. This is provided via the community radio station Offene Kanal Westküste, with support from federal funding and private contributions. It also welcomes in this context initiatives taken in schools where Frisian is taught to involve schoolchildren in radio broadcasting in Frisian. The Advisory Committee observes nonetheless that the audience reached via community radio is limited. It regrets, moreover, that on public radio, there are still only three minutes of broadcasting in Frisian per week. There is no television programming in Frisian and on the rare occasions when a person speaking Frisian is filmed for television, the practice of dubbing into German means that the opportunity to hear spoken Frisian is lost.

The Advisory Committee underlines that in order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages. This is especially important for languages spoken only by a small number of speakers, where the media may play a central role in a long-term process of revitalisation. The Advisory Committee emphasises in this context that without support for public broadcasting in minority languages or in the form of incentives to private broadcasting companies to provide such programming, it may be particularly difficult for numerically smaller minorities to establish and maintain a presence in the media sector, which is resource-intensive and highly competitive. This is all the more the case for minorities that are reliant solely on locally produced programming. The Advisory Committee again underlines that it is aware of the need to respect the freedom of the media and of the fact that competences in the field of media lie essentially with the *Länder*. However, it observes that the question of the inclusion of national minorities in the media could be dealt with in the agreements between the *Länder* that regulate the organisation of the audiovisual media in Germany and are adopted by the *Land* parliaments, in line with Article 9 of the Framework Convention and without breaching the principle of editorial freedom in the media.

#### *Recommendations*

The Advisory Committee recommends that the authorities support 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.

It recommends that the authorities increase public support to the development of Frisian-language programmes, in order to respond adequately to the needs expressed by persons belonging to this minority.

The Advisory Committee strongly encourages the authorities to use the opportunity created by the planned opening of new local radio stations in Schleswig-Holstein to provide an opportunity to offer programming in Danish as well as Frisian, for example by making the grant of a licence conditional on the extent to which the application for such a licence accommodates the rights and needs of speakers of minority languages in the relevant area.

#### Representation of minorities in media regulatory bodies

##### *Present situation*

The Advisory Committee understands that although no seat is reserved for a representative of national minorities on the Broadcasting Council of the regional broadcaster NDR (which broadcasts inter alia in Schleswig-Holstein and Lower Saxony), representatives of the Danish minority consider that there is currently scope for this minority to be involved in the work of this Council. There is no Frisian member of this Council. Representatives of the Frisian minority consider the most urgent current issue in the field of media to be increasing the amount of broadcasting in Frisian. However, they have also pointed to the

fact that the possibility of modifying the NDR broadcasting agreement in 2017, including as regards the composition of the Broadcasting Council, would provide a welcome opportunity to strengthen the participation of Frisians in this body and ensure that the concerns of minorities could be taken adequately into account.

The Advisory Committee further notes that the Sorbian minority does not have a guaranteed seat on the Broadcasting Council of the regional broadcaster MDR, which broadcasts inter alia in Saxony. While a new application process is due to take place in 2015, it is not clear whether it will be possible for a Sorbian representative to be appointed in this process.

The Advisory Committee welcomes the fact that in accordance with the 2013 broadcasting agreement of Baden-Württemberg and Rhineland-Palatinate, one seat is reserved for a representative of the Rhineland-Palatinate association of Sinti and Roma on the Broadcasting Council of the regional broadcaster SWR, as well as on the State Broadcasting Council of Rhineland-Palatinate. A representative of the Rhineland-Palatinate association of Sinti and Roma also sits on the private media board of this *Land*. The Advisory Committee welcomes these developments and notes that the opportunity for direct participation on such bodies, including through reserved seats, allows for the concerns of national minorities to be more effectively taken into account.

#### *Recommendation*

The Advisory Committee strongly 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.

Hungary

*Adopted on 25 February 2016*

Article 9 of the Framework Convention

Access of persons belonging to national minorities to the media

#### *Present situation*

The Advisory Committee notes that public television and public radio broadcasts in the languages of national minorities have been a part of regular programming for decades in Hungary. Since 1 January 2011, the most important elements of the legal regulation applicable to broadcasting for national minorities and in languages of national minorities by the public service media are regulated by the Act CLXXXV of 2010 on Media Services and Mass Communication (hereinafter: the Media Act). Its provisions oblige public service broadcasters to contribute to the fostering of cultures and languages of national minorities and to provide information in these languages on a regular basis.

The public radio and television continue to broadcast a wide array of programmes for or about national minorities. In particular, the Hungarian public radio MR4, specifically dedicated to national minorities, broadcasts for 12 hours a day programmes in the languages of all thirteen national minorities, including news on cultural events, traditional and religious holidays of all national minorities and news of their national minority self-governments. These programmes include two-hour daily programmes in the Croat, German, Romanian, Serb and Slovak languages, and 30-minute weekly programmes in the Armenian, Bulgarian, Greek, Polish, Ruthenian, Slovenian and Ukrainian languages. The Roma

programmes are broadcast one hour five days a week alternating in two Roma languages (Romani and Beash). As regards the latter programme, one of its declared aims is to stop language loss and to support the Roma culture, thus contributing to the preservation of linguistic identity of Romani and Beash speakers. In addition, a 26-minute Roma magazine *Jelenlét* is broadcast every Saturday and Sunday on *Kossuth Radio*.

The public radio broadcasts a number of programmes in the Hungarian language dedicated to the issues of concern to national minorities with the aim of familiarising the majority with them. Every week, on Sundays, a 55-minute Hungarian-language generalist magazine *Egy hazában* (On one's homeland) is broadcast. The programme *Gyöngyszemek* (Pearls) which can be listened to on Sundays as well, presents a selection from the literature in the languages of national minorities in five minutes every week. The programme *Nemzetiségek ünnepei* (Holidays of nationalities) is broadcast on the dates of important anniversaries, and the programme *Nemzetiségeink zenéje* (Music from our nationalities) presents the musical culture of a different nationality every day. Finally, a national anthem of one of the kin-states of one of the national minorities is played at midday every day.

In addition to the broadcasts in languages of national minorities transmitted by the public radio, a number of national minority self-governments run their own terrestrial or Internet radio stations. These include *Radio Monošter* operated by the Slovenian national minority self-government, *Croatica Radio*, operated by the Croat national minority self-government and *Radio Srb* operated by the Serb national minority self-government. Community TV programmes in the German language are produced and broadcast via the cable network by the Vértessomló Association for Community Education Broadcasting, an NGO operating in the Komárom-Esztergom county.

The Hungarian public television channel M1 broadcasts 25-26 minute magazine programmes presenting diverse cultures, history, current news and events relating to national minorities in the languages of national minorities with Hungarian subtitles (or vice versa) in the early afternoons from Monday to Thursday. According to the State Report, these programmes include: a Roma magazine programme and *Domovina* (in Slovak) – on Mondays, *Sprski Ekran* (in Serbian) and *Unser Bildschirm* (in German) – on Tuesdays, *Hrvatska kronika* (in Croatian) and *Ecranul Nostru* (in Romanian) – on Wednesdays, and alternating fortnightly *Rondó* (in Armenian, Bulgarian, Greek, Polish, Ruthenian and Ukrainian languages), *Slovenski utriniki* (in Slovenian) – on Thursdays. In addition M1 Station broadcasts a *Kvartett Magazine* – programme produced jointly by public service televisions of the Visegrad Group), *Rondó* and *Alpok-Adria* (joint magazine programme of the Bavarian, Croatian, Hungarian, Italian and Slovenian televisions). On Fridays, alternating fortnightly, Roma magazines *P'amende* and *Életkerék* are broadcast. The Advisory Committee notes that the programme producers, including the editorial staff belonging to the national minorities, are integrated within the structures and are employed by the public television.

In addition, programmes in the Hungarian language, such as *Pillér Magazine*, relaying the concerns of national minorities (such as education, language, census, and holidays) are broadcast on Sunday afternoons. Also, a weekly 50-minute music programme *Összhang* (Harmony) is produced with the aim of presenting the musical culture of the Carpathian basin.

The Advisory Committee notes with concern that, according to a number of minority representatives the digital switchover of the television broadcasting had some detrimental effect on the ability of persons belonging to national minorities to access the programming in their languages. In addition, the discontinuation of certain programmes, such as the *Együtt* (Together) magazine, has been very much regretted according to representatives of national minorities. The Advisory Committee further notes



that the timing of broadcasts of the programmes shown on working days in the early afternoon may not be convenient to the working age population. It welcomes however the fact that all of the programmes on and for national minorities are available online.

The authorities continue to support the written press and other publications in languages of national minorities. Two weekly papers are produced in Bulgarian, Polish and Romanian as well as five weekly publications in Roma languages. In addition, the authorities provide financial support to an interethnic periodical *Barátság* (Friendship).

The Advisory Committee notes with regret that ethnicisation of society and perceived tensions concerning the authorities' approach to commemoration of historical events as well as acrimonious debates on current domestic and international issues, had a negative effect of diminishing the presence of and interest in existing diversity within Hungarian society, resulting occasionally in self-censorship, including in the media in the languages of national minorities.

#### *Recommendations*

The Advisory Committee invites the authorities to ensure that the public radio and television channels continue to produce and broadcast minority language programmes in line with relevant legislation, taking into account the timing of broadcasts in order to promote effective access to the programmes.

The authorities are invited to continue to support minority language publications to meet the existing demand.

While fully respecting the freedom of the media, the authorities should encourage them to increase attention to the diversity of Hungarian society by avoiding folklorisation of minorities and mainstreaming minority interests within the general programming targeted at the majority.

Italy

*Adopted on 19 November 2015*

#### Article 9 of the Framework Convention

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

#### *Present situation*

The situation as regards broadcasting in national minority languages has not changed significantly in the last years. The national broadcasting corporation (RAI) is obliged under article 12 of Law No. 482/1999 to guarantee the protection of minority languages in specific areas. Specific local agreements can be concluded by Regions and local branches of RAI. The Advisory Committee notes that such tri-annual agreements have been concluded in Friuli Venezia Giulia where RAI has undertaken to broadcast 4,517 hours of radio programmes and 208 hours of television programmes in Slovenian and 90 hours of television programmes in Friulian per year. Similar arrangements exist in the Autonomous Province of Bolzano/Bozen where RAI broadcasts radio and television programmes in German and Ladin in Alto Adige/Südtirol Region and in the Autonomous Region of Valle d'Aosta/Vallée d'Aoste where there are broadcasts in French.

In order to broaden the scope of available programming some of the broadcasts are produced in collaboration with the radio-television companies from neighbouring countries, for example the RTV

corporation in Slovenia and its Regional RTV Centre Koper-Capodistria. The Advisory Committee notes in this context that representatives of the Slovene minority have expressed their wish to use the upcoming negotiation on the renewal of the tri-annual agreement in Friuli Venezia Giulia for the years 2016-2019 to seize the opportunity to reinforce the autonomy of the Slovenian-language programming. In the Aosta Valley region, the TV5 Monde (French TV station principally aiming to reach viewers abroad) which is broadcast in digital terrestrial mode has reached the full coverage of the area since 2013. This follows an earlier introduction (as of 1973) of German, Austrian and Swiss TV broadcasting in German in South Tyrol as one of the first and most significant minority-protection measures in the field of media. As commendable as this is, the Advisory Committee wishes to point out that foreign broadcasts are ill-suited to transmit issues of interest to local communities interested, *inter alia*, in local affairs affecting them daily.

The Advisory Committee regrets to note however that the numerically smaller minorities find access to public broadcasting in their languages much harder. The national broadcasting corporation (RAI) broadcasts no programming in languages of national minorities in Piedmont (where Occitan-language speakers live) and Sardinia, where there is an interest for programmes in Sardinian and Catalan. This is most regrettable.

The Advisory Committee notes that between 2008 and 2012 television services underwent the digital switchover and the number of radio and TV channels increased exponentially. This technological change which multiplies the available space on the airwaves by a factor of six, allowed many smaller private operators to enter the market and created increased opportunities for broadcasting in languages of minorities. For example in Sardinia, where the digital transition was completed already in October 2008 the number of local TV channels increased from 16 prior to the analogue switch-off to 18 digital multiplexes with the total of 64 TV programmes and five radio channels. It has to be noted however, that none of these channels is exclusively dedicated to broadcasting in the Sardinian language, although occasionally some programmes are aired in that language on an ad hoc basis. Locally, in the city of Alghero, also located in Sardinia, a private radio and television broadcaster “Catalan TV” broadcasts, thanks to grants provided by pan-Catalonian organisations.

According to the State Report a number of radio stations broadcast programmes in languages of national minorities. In particular, the Advisory Committee notes the existence of some broadcasting in Sardinian in the Region of Sardinia, in Friulian in the province of Udine, in Occitan in the Region of Piedmont and in Albanian in the Region of Calabria. Regrettably, the brevity of the information on this issue, in particular on the number of broadcasting hours in these languages, does not allow the Advisory Committee to have a better impression on the adequacy of the existing arrangements. As regards the Friulian language, the State Report provides somewhat more information according to which *Radio Onde Furlane* (a long-established community radio) broadcasts almost exclusively in *marilenghe* (Friulian) while *Radio Spazio 103* broadcasts on average more than three hours per day in the above-mentioned language. In the Piedmont Region one weekly morning programme (*Buongiorno Regione*) devotes some time to Piedmont’s linguistic minorities - Occitan, French, Franco-Provençal and Walser. Finally, *Radio Onda d’Urto* located in Brescia has some programming in the Italian language (*La Voce Rom*) devoted to Roma.

As regards the printed press, the Advisory Committee notes that German language dailies *Dolomiten* and *Tageszeitung* continue to be published in South Tyrol and a Slovenian-language daily *Primorski dnevnik* is edited in Trieste. Other publications in the Slovenian language include the Novi Matajur weekly magazine, the *Gabel* and *Mladika* monthly magazines, the *Dom* magazine (published twice a month). Publications in other languages are edited and published with varying frequency. All of these papers have seen their funding reduced in recent years, as a result of a general drop in State subsidies,

which followed corruption scandals around the publications of political parties' daily newspapers (with no direct connection to national minority publications). For example, the funding for *Primorski dnevnik* has been reduced from 3 million Euros in 1991 to 870,000 Euros in 2014. As a result, the paper's accumulated debt reached the sum of 600,000 Euros in 2014. Similarly, the publication of a monthly journal in Occitan appearing since 1974 is seriously jeopardised on account of the lack of funding. The Advisory Committee reiterates the important role of independent and small media outlets to contribute to a pluralist and open media environment that promotes outreach towards a diverse society. It further wishes to stress that the possibility to participate actively in social media and to receive and impart information of interest to persons belonging to national minorities presupposes access to high-speed Internet throughout the country, including in remote areas which are often inhabited by persons belonging to national minorities.

#### *Recommendations*

The Advisory Committee encourages the authorities to ensure access of persons belonging to national minorities, including the numerically smaller ones, to printed media, radio and television programmes destined for them, as well as to high-speed Internet.

The Advisory Committee further encourages the authorities to increase the available financial support for national minority print media in order to ensure an adequate presence of national minority languages in the print media.

Moldova, Republic of  
Adopted on 25 May 2016

#### Article 9 of the Framework Convention

##### Broadcast and print media in minority languages

#### *Present situation*

The Advisory Committee notes that broadcast and print media in minority languages have been further reduced, particularly at central level, since the previous cycle of monitoring. According to the Audiovisual Code, 80% of countrywide programmes must be in the state language, while 20% may be in other languages. In practice, however, most of the 20% quota is filled with Russian-language programmes. This also includes news bulletins that are broadcast three times per day, which, however, are considered to be too short, too superficial, and aired at inconvenient times. The broadcasts of other minority languages combined amount to under 0.5% of public TV airtime, which is clearly insufficient to meet the needs of a multilingual society. In addition, national minority representatives consider the programmes on offer to have little appeal for the communities, as they feature mainly traditional culture and music programmes, without giving national minority representatives the opportunity to influence the content or raise awareness of their upcoming cultural activities. Furthermore, there are no significant newspapers, journals, magazines or Internet resources on news in Moldova in the Bulgarian, Gagauz, Romani or Ukrainian languages. The lack of an attractive selection, including regular news and quality entertainment on contemporary issues of interest to national minority communities reportedly contributes to a sense of marginalisation amongst them and results in the consumption of foreign media by many people belonging to national minorities.

According to Article 11(9) of the Audiovisual Code, local and regional broadcasting in areas where national minorities constitute the majority of the population shall be only 20% in the state language,

while 80% is left to the discretion of the broadcaster. The company Taraclia TV and radio, for instance, offers additional broadcasts in the Bulgarian language, however, its frequencies do not cover all areas in Taraclia *rayon*. Difficulties in this regard are also reported in Gagauzia and in Cahul *rayon*, as the southern region has reportedly not yet been equipped with all the technical facilities that are required for the ongoing transition to digital broadcasting. In practice, the vast majority of regional and local TV and radio programmes are broadcast in the Russian language, often through the re-broadcasting of shows produced elsewhere. There is reportedly very limited technical capacity at local level, as well as a serious shortage of funding to produce quality programmes in minority languages, in particular during the digitalisation process. The Advisory Committee considers it vital that media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and concerns of diverse groups in society, and ensure that they are able to portray minority communities as an integral part of society, including by actively involving representatives in the preparation and presentation of both mainstream and minority language programmes.

The Advisory Committee welcomes the efforts of the Audiovisual Co-ordinating Council in this context to implement projects aimed at the promotion of minority language TV and radio programmes, including support provided for the establishment of a children's channel in the Gagauz language. It further notes that, according to the above Council, which is responsible for monitoring the content of broadcast media for possible violations of the Audiovisual Code, there have been only two cases involving disrespectful references made towards national minorities in the past two years, which does not appear to square with the unanimous reports from national minority and civil society representatives to the effect that media play a significant role in the propagation of stereotypes and the formation of hostile attitudes against some minorities, without paying attention to their ethical responsibilities. In their view, the overall media environment, where over 70% of outlets are dominated by one individual, is not conducive to media pluralism and presents a particular disadvantage to independent providers and those targeting minority audiences. Draft amendments to the Audiovisual Code of 2011 aimed at improving ownership transparency, editorial freedom, media plurality and the independence of the Audiovisual Co-ordinating Council have yet to be adopted. The Advisory Committee notes with concern apparent attempts in 2014 to influence the editorial freedom of some media by political and business interest groups.

#### *Recommendations*

The Advisory Committee calls on the authorities to increase significantly the availability of broadcast and print media in minority languages, in particular those of numerically smaller groups and at regional level, and to ensure that quality programmes of interest to national minority communities are effectively available in public service broadcasting at all levels, including through use of subtitles.

It further calls on the authorities to take all the necessary steps towards the promotion of a pluralist media environment where diversity is presented as an integral and valued part of society, including through the training and recruitment of persons belonging to national minorities in public service broadcasting.

Norway

*Adopted on 13 October 2016*

Article 9 of the Framework Convention

Access to and presence in the media

*Present situation*

Representatives of the Ministry of Culture informed the Advisory Committee that both programmes on national minorities and in the languages of national minorities were mainstreamed into general programming. The government indicated that the national broadcaster (the Norwegian Broadcaster Corporation, NRK) has programming in the Kven language. However, despite the mainstreaming, the NRK noted in its 2010-2014 report that overall the programming for national minorities and in minority languages was limited. On the positive side, the NRK has introduced a diversity plan to recruit employees with multicultural knowledge and background to ensure that programmes reflect the needs of ethnic/national minorities. The Advisory Committee notes with concern that the authorities indicated that the specific aid scheme for printed minority media had been discontinued during the period under examination, because it allegedly proved ineffective in reaching broadly the targeted groups and funds had not been allocated.

The Advisory Committee heard strong criticism from organisations representing the Kven minority as regards radio programming in Kven, which remains very limited (12 minutes weekly) and has not been given more airtime for the two to three decades, as well as the lack of regular television programming in Kven. The absence of private media outlets and radio stations in the Kven language (press, TV and radio) was frequently explained by a lack of funding. Further, the *Ruijan Kaiku* continues to be the only newspaper published in Kven with public funding. It appears nine times per year and uses, besides Kven, standard Finnish, and Norwegian. The Advisory Committee was not informed of the existence of broadcasting programmes or printed or online media in the languages of other national minorities, notwithstanding the pivotal role media play for awareness raising, identity building, language training and policy work.

The Advisory Committee notes that in 2015, the Norwegian Press Association, the press self-regulatory body covering all Norwegian media, adopted a revised version of the Code of Ethics of the Norwegian Press which, *inter alia* contains provisions relevant to persons belonging to national minorities. Article 4.3 of the Code of Ethics provides for respect for the identity, ethnicity and nationality of individuals and warns against using any stigmatising terminology. Supervision of implementation of the Code of Ethics and in general of the ethical standards of all the press in Norway (radio, television, daily press, the weekly press, periodical publications and online publications) is ensured by the Press Complaint Commission (PCC). The PCC was established by the Norwegian Press Association in 1929 and is financed by it. Nevertheless, in the view of the Norwegian Press Association, the PCC's legitimacy and impartiality as a self-regulator is ensured by its composition (three members of the public, along with two journalists and two editors) and its fast, free, low threshold complaint procedure. After an adversarial procedure, the complaint is either upheld or dismissed. In the former, a statement and a remedy are foreseen, such as rectification or a removal of the piece. Neither fines, nor monetary compensation may be imposed, but compensation may be pursued in courts. As of September 2016, 230 complaints had been filed in this year, out of which 166 have been accepted and 70 upheld. With a few exceptions concerning Sami, Jews and Roma, the majority of the complaints did not concern national minority issues. In the opinion

of the Norwegian Press Association, this proves a high level of ethical conduct by journalists. However, other factors such as the lack of awareness of the existence of the PPC among persons belonging to national minorities, as well as the fact that they are quite distant from traditional media and not a target audience, may also be relevant.

The Advisory Committee appreciates that the Code of Ethics also applies to the comment sections of online press. Media outlets themselves take responsibility for monitoring and moderating these sections, including by closing them altogether if necessary. However, such moderation was considered by the Norwegian Press Association not to function efficiently. Since responsibility of the media for the comment section is less precisely defined, and users have the possibility of remaining anonymous, it proves more difficult to protect ethnic/national minorities from hostile language. Finally, the Advisory Committee was informed that the presence of persons belonging to a national minority among media staff is limited. This situation is, *inter alia* explained by the high qualifications and language requirements to become a journalist. The Advisory Committee recalls that it is important that persons belonging to national minorities are employed by media outlets.

#### *Recommendations*

The Advisory Committee urges the authorities to take action in order to enhance significantly the presence of TV and radio broadcasting in Kven, as well as to secure support for all minorities to increase their media presence in broadcasting, printed and online media. The authorities should also ensure that national minority programmes are mainstreamed to expand knowledge and awareness of national minorities among the general public.

It also calls on the authorities to raise awareness among persons belonging to national minorities about the PCC complaint procedure and to encourage different media to employ more persons belonging to national minorities.

Slovak Republic

*Adopted on 3 December 2014*

#### Article 9 of the Framework Convention

##### Minority language print media and broadcasting

#### *Present situation*

The Advisory Committee notes overall a lively and diverse media environment in Slovakia, which favours also the proliferation of minority language print media. A wide variety of Hungarian language dailies and periodicals exist. There are also smaller numbers of weekly and monthly magazines in the languages of numerically smaller minorities, some of which are published with the support of the Government Office. In addition, the large number of bilingual print media promotes appreciation for the presence of minority cultures and languages also amongst broader society. The Advisory Committee regrets, however, that in spite of this variety, there is still a shortage of Romani language papers. While welcoming the launching of *Romske listy*, published by the Roma Media Centre, as well as *Romano nevo l'il*, a magazine focusing on the social and cultural life of Roma in Slovakia, it understands that support for these journals has been reduced. An additional project has reportedly been launched by the Government Plenipotentiary for Roma Communities, aimed at disseminating information on projects for

the Roma community to municipalities and field workers. The Advisory Committee appreciates the intention to promote awareness on the Roma situation and considers that the production of such papers should be geared towards Roma readers and the public, ideally in bilingual print to promote knowledge of and respect for Romani in society.

With regard to minority language TV and radio broadcasting, many representatives of national minorities, in particular numerically smaller minorities, consider the available offer insufficient. While the Slovak Radio and Television Act prescribes the necessity for regionally balanced programming in the languages of national minorities according to demography, and considerable efforts are indeed made to provide a variety of minority language broadcasts in consultation with minority representatives, the Advisory Committee was told that the available programmes are not always of interest to minority communities, in particular the younger population, and are partially aired at inconvenient times or irregularly. It welcomes efforts aimed at developing radio broadcasting also in Serbian, Croatian, Hebrew, Bulgarian, Russian and Moravian – languages that are currently not represented, as well as efforts to further promote TV and radio broadcasting in Romani. The Advisory Committee considers further that more efforts should be exercised to promote the positive and objective portrayal of national minorities and their main concerns in the mainstream media (see also above comments under Article 6). For this purpose, it is essential that journalists with minority background, including Roma journalists, receive adequate training and support to promote the recognition by the broader public of persons belonging to national minorities as regular members of society with individual interests and concerns, rather than according to stereotypes. In addition, national minorities should also be represented at senior level in relevant media boards and supervisory bodies.

The Advisory Committee welcomes that the legislative framework related to the use of minority languages in the broadcast media has been amended. While radio and TV broadcasters are generally still obliged to ensure a Slovak language version of all programmes either through sub-titling or through re-broadcasting, exceptions apply to regional or local broadcasting for national minority communities according to Article 5 of the State Language Act. In addition, amendments to the Broadcasting and Retransmission Act effective as of January 2014 exempt broadcasts in any of the official EU languages from the sub-titling or re-transmission requirement, if the Council for Broadcasting and Retransmission considers that sufficient Slovak language broadcasting is available in the given area. The Advisory Committee understands that up until September 2014, no application by a private broadcaster for such a licence to broadcast exclusively in an EU language had been received by the Council. Representatives from the Hungarian minority consider that a system where they may broadcast some of their programmes in Hungarian and some in Slovak language would most adequately correspond to the needs of the population, particularly in areas where Hungarian speakers constitute the majority.

#### *Recommendations*

The Advisory Committee encourages the authorities to enhance their support for minority language print and broadcast media, both traditional and via the Internet, in the languages of all national minorities to ensure that quality programmes are effectively available in the public service broadcasting at central and regional level.

The Advisory Committee calls on the authorities to promote the training and recruitment of persons belonging to national minorities in public service broadcasting, including at senior level.

Spain

*Adopted on 3 December 2014*

Article 9 of the Framework Convention

Roma access to the media

The Advisory Committee is pleased to note that a number of regular publications by NGOs, such as *Nevipens Romani* and *Gitanos*, continue to receive support through certain public funding schemes, although it notes with regret that funding to others has been cut (see above, comments on Article 5) and that in all cases, public funding is provided on the basis of short-term grants only, rather than permanent and secure funding. In parallel, the presence of Roma on the Internet has continued to increase through a number of websites, social media networks, blogs and other tools.

In general, however, the participation and representation of the Roma in the media, including public media, remains very limited, and little progress appears to have been made in this respect since the adoption of the Advisory Committee's Third Opinion. Furthermore, the representation of Roma and of their identity and culture in mainstream media continues to revolve essentially around stereotypes (see also comments on Article 6 above), a fact which may in part be attributable to a lack of trained Roma journalists.

Some positive initiatives regarding Roma access to the media were noted in the Advisory Committee's Third Opinion, and the inclusion since then of lines of action in the National Roma Integration Strategy in Spain 2012-2020 such as the development of training for media professionals and the promotion of media self-regulation plans for the treatment of information about Roma is welcome. The Advisory Committee also notes with interest that the Operational Plan for the Social Inclusion of Roma People 2014-2016 includes welcome actions intended, first, to improve the recording and handling of complaints about the image of Roma women portrayed by the media and second, to promote co-operation agreements aimed at developing a positive image of Roma in the mass media. However, the Advisory Committee has not been informed of any steps taken to implement these plans in practice and emphasises that additional efforts are needed to promote the direct access of Roma to the media, in particular as journalists and presenters.

Bearing in mind the positive role that can be played by the media in fostering intercultural dialogue and understanding more broadly, the Advisory Committee considers that similar efforts would also be useful with respect to promoting both programming about and the employment of journalists and presenters belonging to other minority groups.

*Recommendation*

The Advisory Committee calls on the authorities to provide adequate support to promoting the access of Roma to the media, including by supporting the training of Roma journalists. Public broadcasters could also be reminded of their duty adequately to reflect the cultural diversity of society.



“The former Yugoslav Republic of Macedonia”

*Adopted on 24 February 2016*

## Article 9 of the Framework Convention

### Access to broadcast and print media

#### *Present situation*

Overall, the media landscape continues to be divided along ethnic and linguistic lines. The first television channel of the public broadcaster offers programming only in Macedonian, without mentioning national minorities or their concerns and interests. The second channel in turn broadcasts entirely in Albanian, as well as four hours daily in Turkish and 30 minutes three times per week in Romani, Serbian, and Vlach. Efforts made by representatives of the Bosniak minority to have access to programming in their language and for their community have not been successful. The second channel is intended for national minorities and reports almost exclusively about national minorities, without mentioning broader political developments and issues of concern to citizens generally. According to minority representatives, it features mainly news and music and the programming in the languages of numerically smaller minorities is often presented during inconvenient time slots. As a result, minority-language programming is generally considered unattractive to viewers and of low quality, both technically and professionally. Journalists are often not sufficiently trained, share among themselves two cameras only, and operate on a very limited budget which does not allow them to cover several stories countrywide at the same time. Minority representatives indicate that most members of their communities do not consume national news but instead have turned to the readily available foreign media for news and entertainment. With regard to Romani, the Advisory Committee welcomes the existence of some private regional and local TV and radio that present local news and programming and reportedly have a steady audience.

Persons belonging to the other numerically smaller communities such as the Armenian, Montenegrin or Polish, do not have any access to media in their languages. They are concerned in particular about the complete absence of any mention of their existence in the public sphere and are seeking to obtain a TV programme that could possibly combine information about several of them in order to promote awareness within the population about their historic presence in the country. The Advisory Committee is indeed concerned by the lack of coherent efforts made to broadcast intercultural content or promote common media spaces that could be used by all groups. In addition, it was informed that the public broadcaster may, depending on the language it uses, provide quite varying interpretations and perceptions of the same reality, thereby further enhancing the existing societal divisions rather than helping to create interethnic trust and co-operation (see also comments on Article 6). It is welcome in this context that the third public channel still broadcasts information both in Macedonian and Albanian, mainly focused on the activities of and debates in Parliament. Regrettably, this appears to remain the only effort towards bilingualism in the media which could be an effective tool to promote the development of multinational and linguistically diverse audiences.

The Advisory Committee further regrets that no support or subsidies are available to smaller media outlets that use minority languages and/or reflect positions of minorities, who suffer a disadvantage as they, due to their size, have difficulties in becoming commercially viable or competing against bigger and mainstream print media. As a result, they are left with the options of either applying for cultural projects to the Ministry of Culture where, again given their small size, they have little chance of success (see

Article 5), or seeking international support from the embassies of neighbouring or other states. In addition, minority representatives report that the closure of government-critical media channels has prompted an increasing tendency of self-censorship and has discouraged numerically smaller groups or those with diverging political opinions from actively participating in the media, even by means of social media. The Advisory Committee reiterates the important role of independent and community media to contribute to a pluralist and open environment that promotes outreach towards a diverse society and effectively contributes to the development of an informed electorate.

#### *Recommendations*

The Advisory Committee calls on the authorities to enlarge their support for minority-language print and broadcast media, including by securing a higher budget and improved technical equipment, to facilitate the adequate coverage of all relevant political and societal developments, not limited to culture, and to ensure that high-quality public service broadcasting is available at central and regional level for all viewers.

It further calls on them proactively to ensure that all public broadcasting consistently promotes intercultural respect and awareness of the different interests and concerns of all communities, thereby contributing to the formation of an integrated and inclusive society. More efforts must further be made to ensure that journalists and media professionals with minority background are adequately trained and recruited into all public service broadcasting, including at senior level.

United Kingdom

*Adopted on 25 May 2016*

#### Article 9 of the Framework Convention

##### Access to and presence in the media

#### *Present situation*

The Advisory Committee notes that broadcasting is not a devolved matter and that the national broadcaster BBC provides support for broadcasting in minorities' languages. Across the country, media addressing persons belonging to minorities either in English or in minority languages is available. Out of 206 community radio stations, 29 belong to ethnic minorities. Several of the radio stations are London-based and address Asian and Black communities; there is also a multi-ethnic radio station. MG Alba is funded predominantly by the Scottish Government and sponsored by the BBC, creating the television channel commonly known as BBC Alba. They provide services to Gaelic speakers by producing dramas, documentaries, news and other television programmes entirely in Gaelic. The channel currently has an average 700 000 viewers per week. In Wales, S4C is the Welsh language public broadcaster, which commissions independent producers from across Wales to make the majority of its programmes for over 115 hours each week. Although the BBC became S4C's majority funder in 2013, an operating agreement in place between S4C and the BBC Trust protects the editorial, managerial and operational independence of S4C.

The Irish Language Broadcast Fund (ILBF), established after the Belfast Agreement, is financed by the UK Government and has increased the amount of Irish language programming available for broadcast (primarily on TG4 but occasionally on the BBC). However, interlocutors of the Advisory Committee indicated that Irish language broadcasting has less statutory protection and funding under the

Communications Act 2003 and the BBC's Charter than Welsh and Scottish Gaelic. The Advisory Committee also noted that there is no longer an Irish language newspaper in Northern Ireland.

The Advisory Committee regrets the minimal profile of Cornish on mainstream media. The 5 minutes a week of Cornish programmes broadcast by the BBC on Radio Cornwall was criticised by interlocutors as being totally insufficient – in terms of style, content and length. Independent Internet e-broadcasting and local community radio stations provide a platform for a further one hour a week of Cornish. The ongoing revision of the BBC Charter is perceived by the minority's representatives as the occasion to improve the situation, since so far the BBC has tended to group Cornwall as part of South West England and in an arbitrary manner blending out Cornish issues. Finally, there is no Cornish language newspaper in Cornwall due to lack of funding.

The Advisory Committee regrets that certain media outlets continue stereotyping and counterproductive messaging on national and ethnic minorities (see Article 6). Although it acknowledges the delicate balance to be struck by the authorities between freedom of expression and hate speech, the Advisory Committee emphasises the relevance of enhancing ethical journalism without encroaching on media independence. To this purpose it is important that training is regularly carried out and that access to and presence in the media of persons belonging to minorities, including in supervisory organs of (public) broadcasters, is ensured.

The Advisory Committee notes the new self-regulator for the newspaper and magazine industry, the Independent Press Standards Organisation (IPSO), which represents the press self-regulatory answer to the 2012 Leveson Report. IPSO is tasked with monitoring and maintaining the standards set out in the Editors' Code of Practice and providing support and redress for individuals seeking to complain about breaches of the Code. The Editors' Code of Practice sets out the rules that the voluntarily subscribing newspaper and magazine industry members have pledged to accept (90% of the national newspapers are covered). IPSO has a wider remit than its predecessor, the Press Complaints Commission; it deals with complaints on grounds, *inter alia*, of accuracy and discrimination (in terms of prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation, etc.) and imposes fines or removal of material. However, the Advisory Committee also observes that certain characteristics, such as its size, the fact that it checks complaints against the Code of Editors prepared by the industry itself, and that it is financed by the press outlets (and several of its board members come from the industry), cast doubt on whether it is a proper follow-up to the Leveson Report, which called for a new independent, self-regulatory body to be established by statute. Moreover, the complaint procedure is not widely known; it is cumbersome and easy to obstruct, its mandate is limited to individual (and not group) complaints; and Article 12 does not cover incitement to racial hatred. Finally, the Advisory Committee understands that a new press regulator, IMPRESS, has applied for recognition via the Press Recognition Panel, the organisation set up to assess press self-regulation following the Leveson Inquiry.

#### *Recommendations*

The authorities should take resolute action to ensure that revision of the BBC Charter improves access to the media for persons belonging to national and ethnic minorities, increases funding, ensures a variety of programmes in minority languages, in particular the Irish language, involves minorities in their production and introduces BBC support for the Cornish language.

The Advisory Committee also calls on the authorities to establish an independent press regulator, responding to the criteria enunciated by the Leveson Report, and to ensure that training is regularly carried out and there is access to and presence in the media of persons belonging to minorities, including in supervisory organs.