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MINORITIES, MEDIA AND INTERCULTURAL DIALOGUE

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MINORITIES, MEDIA AND INTERCULTURAL DIALOGUE

ACFC Opinions have developed various principles on intercultural dialogue, which detail, and crystallize, the responsibilities of the state parties to the FCNM in furthering intercultural dialogue and tolerance through the media. Principles developed by the ACFC relate, inter alia, to training and awareness-raising activities for journalists, collaboration with persons belonging to minorities in the development of programmes, the adoption of journalistic codes of ethics and relevant legislation, as well as media monitoring.

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I. INTRODUCTION

References to ‘intercultural dialogue’ are not uncommon in international documents. In particular, Article 6(1) of the Framework Convention for the Protection of National Minorities¹ (hereinafter FCNM) reads:

The Parties shall encourage a spirit of tolerance and *intercultural dialogue* and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in

particular in the fields of education, culture and the media. [emphasis added]

The expression ‘intercultural dialogue’ can also be found in the 2009 Declaration of the Committee of Ministers of the Council of Europe on the Role of Community Media in Promoting Social Cohesion and Intercultural Dialogue;² and in the 2006 Joint Declaration by the Four Special Mandates for Protecting Freedom of Expression.³ The 2005 UNESCO Declaration on the Protection and Promotion of Diversity of Cultural Expression⁴ similarly lists among its objectives the encouragement of ‘dialogue among cultures’ and the fostering of ‘interculturality in order to develop cultural



interaction in the spirit of building bridges among peoples.’⁵

Despite these references, the exact scope and significance of the expression remain nebulous. This working paper focuses on Article 6(1) FCNM, and unpacks the notion of intercultural dialogue and its close relationship to kindred expressions such as ‘tolerance’, ‘mutual respect’ and ‘understanding’, also referred to in the same article. The focus of the paper is on the promotion of intercultural dialogue through the media.

The paper is divided into three parts. First, it provides an introduction to the notion of intercultural dialogue, particularly with reference to Article 6(1). Second, it highlights recommendations on the implementation of Article 6(1) contained in the Opinions of the Advisory Committee on the FCNM (ACFC). A series of principles arise from these Opinions, of which eight principles are identified in the paper; these principles contribute to clarifying the scope of application of Article 6(1) in relation to the media. Third, the paper provides an analysis of state reports to the ACFC, to illustrate the states’ interpretation of their obligations in relation to intercultural dialogue, and the translation of such obligations into practical measures. The paper further points to the complexity of assessing the *impact* of measures aiming at facilitating intercultural dialogue through the media.

In addition to the quantitative data presented in the paper, several examples from the state reports are provided. The cases cited are simply illustrative examples: they are not meant to be exhaustive, or to convey data or judgements on the ‘best’ or ‘worst’ cases of FCNM implementation.

II. THE NOTION OF INTERCULTURAL DIALOGUE

The Council of Europe has proposed the following working definition of ‘intercultural dialogue’:

Intercultural dialogue is an open and respectful exchange of views between individuals and groups belonging to different cultures that leads to a deeper understanding of the other’s global perception.⁶

It is further clarified that:

In this definition, “open and respectful” means “based on the equal value of the partners”; “exchange of views” stands for every type of interaction that reveals cultural characteristics; “groups” stands for every type of collective that can act through its representatives (family, community, associations, peoples); “culture” includes everything relating to ways of life, customs, beliefs and other things that have been passed on to us for generations, as well as the various forms of artistic creation; “world perception” stands for values and ways of thinking.

This definition is only one of the possible interpretations of intercultural dialogue. There is still no universally accepted definition of the expression, including by the IGOs that make use of it in their documents.

One thing is certain: intercultural dialogue is not a new phenomenon. Ancient civilisations already had some degree of contact with other groups – whether in the form of economic exchanges or political contacts.⁷ Nowadays the media and new technologies provide the opportunity to communicate in real time with people living on the other side of the world. The continuous exchange of information contributes to creating an overarching sense of a

‘global community’. Yet, while this exchange has increased our knowledge of other regions of the world, it has arguably also diverted our attention from persons belonging to communities residing within our country, with whom we might share a passport, but not a language or a religion.⁸

The expression ‘intercultural dialogue’ seems even more nebulous when one considers the multiple definitions of ‘culture’ in different disciplines, from anthropology to political science, and the fact that the FCNM does not clarify what ‘dialogue’ exactly entails. Given the context set by the Framework Convention for the Protection of *National Minorities*, ‘intercultural’ is to be taken to mean, effectively, ‘interethnic’ – which is reaffirmed by the fact that the ACFC uses the two expressions interchangeably. Moreover, while the FCNM does not provide a definition of ‘national minority’, in the specific case of Article 6(1) the absence of a definition does not create ambiguities, as, unlike other FCNM articles, Article 6(1) applies to everybody, not only to ‘minorities’: the provision refers to ‘all persons living on their territory’ (of the state parties), rather than ‘persons belonging to national minorities’. Thus, it also applies, for example, to asylum seekers,⁹ as well as persons belonging to the majority. This fact reveals that intercultural dialogue involves multi-directional communication - interaction of members of minority groups with the majority, and between members of different minority groups themselves.

Various principles are crystallized through the ACFC Opinions, and various approaches exist to state obligations under Article 6. The reason for the multiplicity of interpretations is that the obligations under Article 6 are flexibly worded. The Explanatory Report of the FCNM notes that the treaty

contains ‘programme-type provisions setting out *objectives* which the Parties undertake to pursue’ [italics added].¹⁰ This is in light of the varied circumstances affecting minorities in different member states, which need to be taken into account in developing adequate, tailor-made policies that can address the specific needs of minorities. Then, as the Explanatory Report notes, the FCNM allows a degree of discretion to states as to the exact measures to adopt in order to implement the treaty. The article is programmatic rather than normative: by containing (general) legal principles rather than strict and precise obligations, it allows states to determine the *modus operandi* in the fulfilment of their obligations. Moreover, Article 6(1) refers to the *encouragement* of a ‘spirit of tolerance and intercultural dialogue’. This phrasing points to a *process*, and a continuous effort to move towards the objectives contained in the provision. These are, Gilbert argues, ‘objectives for states to work towards, but it is unlikely that they will ever be fully realized’.¹¹ Given the flexibility of interpretation and application, Gilbert calls the promotion of intercultural dialogue an ‘ephemeral obligation’¹² – although this does mean that it does not generate concrete responsibilities, or that states should not have a proactive attitude in pursuing them.¹³

The concept of intercultural dialogue cannot be divorced from the promotion of tolerance. The Explanatory Report on the FCNM states that Article 6 is ‘an expression of the concerns stated in [...] the Vienna Declaration (Declaration and Plan of Action on combating racism, xenophobia, anti-Semitism and *intolerance*)’ [italics added].¹⁴ Thus, the provision does not refer to dialogue *per se*, but to dialogue as a means towards enhanced tolerance. As a result, there is a blurring of the distinction between the promotion of tolerance



and intercultural dialogue: the two processes are inter-connected, and mutually reinforcing.

The ACFC's approach points to what should be a multi-faceted strategy to promote intercultural dialogue. The media is one of the instruments that can enhance interaction between different societal groups. In the encouragement of a 'spirit of tolerance' and 'intercultural dialogue', as well as the promotion of mutual respect and cooperation, the FCNM specifically mentions the fields of media, but also education and culture because 'they are considered particularly relevant to the achievement of these aims.'¹⁵ The ACFC is clearly aware of the importance and power the media have in the area of intercultural communication. The media can challenge or reinforce stereotypes, as well as shaping public opinion.¹⁶ The media is also 'both a vehicle of communication and carrier of culture'.¹⁷

The promotion of intercultural dialogue is closely linked to other FCNM provisions, which generate responsibilities to adopt other, related, measures: the fostering of 'knowledge of the culture, history, language and religion of their national minorities and of the majority' (Article 12);¹⁸ the prevention of hate speech (Article 6(2));¹⁹ and access to the media by persons belonging to minorities and 'cultural pluralism' (Article 9).

Behind Article 6(1) is the need to maintain a careful balance between societal integration and the preservation of minority cultures. The Explanatory Report states with regard to Article 6(1):

In order to strengthen social cohesion, the aim of this paragraph is, inter alia, to promote tolerance and intercultural dialogue, by eliminating barriers between persons belonging to ethnic, cultural, linguistic and religious groups through the encouragement of

intercultural organisations and movements which seek to promote mutual respect and understanding and to integrate these persons into society whilst preserving their identity.²⁰

Thus, the Explanatory Report reiterates that the ultimate objective of Article 6(1) is 'social cohesion', by 'eliminating barriers' between persons belonging to different groups. One of the means towards social cohesion is 'mutual respect', which carries the dual objective of integrating persons belonging to minorities while also providing them with the opportunity to retain their cultural identity. As Gilbert puts it, this process is linked to making the minority group 'part of the overall culture of the majority society'.²¹ The objective is, then, the prevention of society's fragmentation into separate groups, living side by side rather than interacting with each other.²² This menace is present in societies that are linguistically and/or ethnically divided. For example, in relation to Estonia, the ACFC has encouraged the creation of an environment in which both groups (Estonian and non-Estonian speakers) can have access to 'a diverse but *shared* media space' [italics added].²³ It encouraged the Estonian authorities:

[...] to increase their efforts to promote Russian- language radio and TV broadcasts, particularly as regards the promotion of locally-produced news, to ensure that Estonian and non-Estonian speakers share a common media environment and thereby develop a better sense of a common society.²⁴

In turn, the promotion of tolerance and integration are coupled to freedom of expression.²⁵ The ACFC's position is that an effective response to manifestations of intolerance, such as hate speech and negative reporting, is not routinely suppressing offensive media outputs,²⁶ but *more speech*. Knowledge

and information, provided by a plurality of sources, can facilitate the overcoming of prejudice, which tends to be linked to ignorance and biased information. Thus, the media can have a corrective function in reducing the lack of understanding between groups. This can, in turn, pre-empt the escalation of tensions through misunderstanding, or correct misunderstanding through counter-speech.²⁷ Clearly, in the ACFC's position there is an assumption that cultural pluralism, when it is reflected in the media, favours stability. The ACFC's position further implies that the appreciation of minority cultures is shown through their exposure through the media, rather than their being confined to the private sphere, and invisible to the wider society. Exposure can facilitate dialogue which, in turn, enables the identification of common ground between representatives of groups that do not share the same language, traditions or religion.

III. OPINIONS OF THE ACFC

This section contains the principles arising from the ACFC Opinions relating to the implementation of Article 6(1) with regard to the media. All Opinions that were available in May 2012 were examined (94 Opinions), for all member states of the Council of Europe that signed and ratified the FCNM (39 countries).²⁸ In 2012, for the majority of state parties there had been three Opinions (three monitoring cycles); for some state parties, which had ratified the FCNM at a later stage, there had been only one or two Opinions. Overall, Opinions were available for a 15-years period.

Given that Opinions are organized article-by-article, the research involved the analysis of the sections under Article 6 for all Opinions. After completing this process, searches were conducted on the rest of the text of the Opinions, using the key words 'media',

'tolerance' and 'intercultural dialogue', both combined and separately. The aim was to find references to these notions under sections referring to other relevant articles of the FCNM (particularly Articles 9 and 12). In order to illustrate the principles arising from the Opinions, some cases are referred to in the present section. These cases are not exhaustive, but only examples; they include both cases considered good practice by the ACFC, and instances in which the ACFC criticised states for shortcomings in FCNM implementation. The research aimed at crystallizing the main ACFC recommendations, which can serve as guidelines for the promotion of tolerance and intercultural dialogue through the media. The principles identified through the analysis of the Opinions were:²⁹

1. *Raising awareness of minorities through the media*
2. *Broadcasting in minority languages*
3. *Ensuring participation of minorities in the media*
4. *Training journalists on minority issues*
5. *Reporting on crimes without conveying the ethnic origin of suspects*
6. *Adopting legislation and codes of conduct promoting pluralism*
7. *Criminalising racism and discrimination on the internet*
8. *Monitoring media content*

These principles are outlined in the remainder of this section.

Principle 1: raising awareness of minorities through the media

The ACFC has encouraged governments to take measures to raise societal awareness of minorities through the media. The media (particularly state broadcasters) ought to include in their programmes information on minority

groups, their cultural events, and issues that affect them. For example in the Third Opinion on Cyprus the ACFC stated:

a positive change has been recorded over the past few years regarding the presence of information about the history, culture and identity of the Armenians, Latins and Maronites in radio and television publicly broadcasting for the majority population. Generally speaking, the media – both public and private – have covered the three groups' main public events. The media attitude towards these groups is generally positive, as is the image of them conveyed to the public³⁰.

Norway was also found by the ACFC to be an example of good practice. In its second Opinion the ACFC welcomed the fact that 'the quality of programmes on minorities and their various cultures is increasingly high'.³¹ It noted the 'commitment of the public-sector television teams in charge of these programmes and hopes that these efforts will have an increasingly visible impact on the way the public perceive the growing diversity of Norwegian society and their attitude towards it'. The ACFC has been less positive on levels of implementation of other states. For example, with regard to the United Kingdom, the ACFC pointed to the fact that, according to information it had received, 'the capacity of the mainstream media, including public broadcasting, could be better utilised as a platform to promote mutual respect and understanding between the majority and the country's ethnic, cultural, linguistic and religious minorities'.³² In the case of the Czech Republic, the ACFC noted that, despite improvements between the first and second cycles of monitoring, the time devoted to national minorities on public television was still 'too limited'.³³

Awareness-raising of minorities can be facilitated through the adoption of legislation providing incentives to journalists and to national broadcasters to incorporate relevant broadcasts in their programming. An example is an amendment to Poland's Broadcasting Act in 2001, which introduced the category of 'social broadcaster'.³⁴ Broadcasting companies recognised as social broadcasters became exempt from the payment of licence fees. In its Opinion on Poland, however, the ACFC pointed out that no minority organisation had yet applied for this status; it encouraged the Polish authorities to inform minority organisations of this opportunity - and, generally, to develop a 'more proactive policy as regards access to media for persons belonging to national minorities'.³⁵ Thus, access of minorities to the media involves not only making such access possible, but also a proactive attitude by the state in bringing about increased access.

The importance of raising awareness of minorities through the media has been linked to their societal integration. Thus, in relation to the Slovak Republic, the ACFC noted that 'the media, in particular the Roma media, can play an important role [...] in the inclusion of persons belonging to the Roma minority into society by inter alia providing information on issues of interest to society'.³⁶ An inclusive media, like an inclusive society, is itself linked to the recognition of minority groups' contribution to society.

Principle 2: broadcasting in minority languages

Programmes on minorities can also include programmes in minority languages, particularly in the public service broadcaster. As noted above, the ACFC linked the production of

programmes in Russian-language in *Estonia* to the opportunity for both Estonian- and Russian-speakers to ‘share a common media environment and thereby develop a better sense of a common society.’³⁷ A paucity of media programmes in Russian language produced in Estonia is likely to cause the Russian minority to turn to the Russian-language media broadcast from Russia, rather than programmes from their country of residence. A divided media environment is, clearly, not conducive to intercultural dialogue.

With regard to *Macedonia*, the ACFC expressed its concern that public and private media outlets ‘remain strongly divided along linguistic lines with very limited opportunities for intercultural dialogue’.³⁸ Only one Albanian-language television channel in Macedonia was found to broadcast bilingual programmes on a regular basis, which was considered insufficient to promote interaction between the Albanian and Macedonian communities.³⁹

In relation to mono-lingual programming there are two possible scenarios: cases in which majority and minority languages are mutually intelligible, by which programmes can be followed by various linguistic groups; and cases in which there is a language barrier (when the language(s) of minorities are not generally understood by the majority, or when some persons belonging to minorities do not know the state language⁴⁰). A focus on exclusively mono-lingual programming runs the risk of creating two (or more) parallel broadcasting systems that separate the various communities within a society. Thus, the members of individual groups can remain unaware of issues relating to other groups, or their interests and concerns. In extreme cases, intercultural dialogue can be very limited or non-existing. This scenario is contrary to Article 6(1), which aims at creating a common media space that facilitates interaction. Measures to

avoid the consolidation of a divided media environment can involve the provision of subtitles, or the re-broadcasting of a programme in another language at a different time. The advantage of subtitles is that various groups can follow the same programme simultaneously. In the Third Opinion on *Estonia*, the ACFC added that bilingual news programmes could be ‘particularly important and effective’ in creating a common media environment; however, the programmes had to guarantee ‘balanced and similar news in both languages’.⁴¹

Thus, translations can be important in preventing minority groups from becoming excessively insular, and in facilitating interaction with other groups. For example, in its first Opinion on *Montenegro*,⁴² the ACFC noted that, while it welcomed the presence of Albanian language on public television, this was ‘not easily accessible to the general public due to the language barrier’; this was the case despite the fact that Montenegrin law states that resources are to be provided for the translation of minority language programmes into the official language. At the same time, translation requirements can become excessively onerous to media outlets. Estonian legislation requires broadcasts in languages other than Estonian to be translated into the state language, with the imposition of sanctions when the relevant provisions are not fully complied with. The introduction of this legal obligation was justified with the need to make programmes available to the wider public. However, the ACFC in this case pointed to the ‘overly prescriptive’ nature of the provision, disproportionate to the aim pursued of promoting the state language - given the lack of subsidies and support from the state to broadcasters to meet the translation requirements.⁴³ Thus, a balance ought to be reached between the opportunities for different

groups to understand media content and the obligations imposed upon broadcasters.

In addition to broadcasting in minority languages, the authorities must ensure that minorities have access to these programmes. In this respect, in its first Opinion on *Georgia*, the ACFC considered problematic that:

[...] minority languages [...] occupy a proportionately very small place in the media, and [...] the access of persons belonging to national minorities to the media and to the news remains particularly problematic in those regions where they live in substantial numbers.⁴⁴

Public radio and television do not cover the whole of Georgian territory: those persons belonging to minorities who live in regions excluded from coverage do not have access to the national media. As a result, the population of these regions tend to turn to foreign media outlets broadcasting from the Russian Federation, Armenia or Azerbaijan. The ACFC took the view that:

[...] while these outlets certainly constitute additional sources of information ... the national media remain in the best position to reflect the views in Georgian society about current affairs. This is all the more important during periods of tension or conflict, when news takes on a particular importance and can play a role in maintaining and promoting of social cohesion.⁴⁵

It thus reflects the Opinion on *Estonia* cited above.⁴⁶ In the case of *Georgia*, the ACFC added:

[...] genuine involvement by the central authorities is essential in order to enable these persons, using their own languages, to keep abreast of the latest developments in the country's social,

economic and political life, to make their own needs known and to familiarise others with their cultural and historical heritage.⁴⁷

Finally, media in minority languages can facilitate the preservation and development of such languages. For example, with regard to the Romani-language media in the *Slovak Republic*, the ACFC noted that this type of minority media serves the dual purpose of facilitating the integration of Roma into the wider society, and of promoting Romani language.⁴⁸

Principle 3: ensuring participation of minorities in the media

Participation of minorities in the media can take several forms: consultation in decision-making on the media; involvement of minorities in producing programmes (ad hoc involvement through commission, or the actual recruitment of persons with minority backgrounds in media outlets); and direct access to the media, in the sense of minorities themselves being featured in programmes, for example when they are invited to television debates.

The ACFC has recommended that the media consult with minority representatives and recruit persons from various ethnic and religious backgrounds to serve as journalists. For example, in the Third Opinion on *Estonia*, the ACFC argued that 'it is essential that the minority representatives are members of the National Broadcasting Council and actively participate in its work'.⁴⁹ One issue that the ACFC believed should to be decided through consultation with minority groups in *Estonia* is legislation on translation requirements: open discussions would enable the formulation of strategies to build a pluralistic, but shared, media

space, taking into account the needs of various stakeholders.⁵⁰

The practice of involving minorities in consultations and in the production of programmes is often found to be wanting. In relation to the *Czech Republic*, the ACFC referred to the limited possibilities for minority representatives to be consulted by the editorial boards of broadcasters on programmes for minorities, or to be directly involved in producing such programmes. The ACFC added that, in some regional television stations in the Czech Republic, there are no representatives of minorities at all.⁵¹ With regard to *Serbia* the ACFC referred to the Council for National Minorities, which exists at the state level, noting that it has only rarely met and does not amount to a forum for discussion that could lead to initiatives for dialogue and tolerance.⁵²

The ACFC has further noted that:

[...] the recruitment of young persons from different ethnic backgrounds would make the media more aware of cultural diversity and help them understand this principle better and carry out their role in the promotion of tolerance.⁵³

Thus, in its second Opinion on *Denmark*, it judged positively the initiative of the Danish School of Journalism to introduce a two-year course in journalism for persons from different ethnic backgrounds, which could lead to the newly-trained journalists from minority backgrounds being recruited by the Danish media.⁵⁴

With regard to direct access to media programmes, the ACFC pointed to the views of representatives of ethnic, linguistic and religious minorities in the *United Kingdom* – including Welsh-, Gaelic- and Irish-speakers. Representatives of these linguistic groups complained that they were only invited to

participate in programmes on the national media to discuss specifically issues related to their own communities, while they were not actively involved in all other cases. Thus these groups remained excluded from programmes treating mainstream news.⁵⁵

Principle 4: training journalists on minority issues

The ACFC has strongly recommended the training of journalists and media professionals and their sensitization to minority issues. This is linked to the production of programmes for and/or on minorities, but also to general interest programmes that involve references to minorities. It is of paramount importance that journalists display sensitivity in their reporting of matters concerning minorities: there can be particular sensitivities in relation to specific past events, such as instances of sustained discrimination or violence affecting particular groups. In extreme cases, they can relate to full-blown inter-ethnic conflicts, as in the case of the former Yugoslavia. Such cases often result in different narratives and interpretation of events. Journalists need to use special care in handling these subjects, so as to avoid an escalation of societal tensions.

In its first Opinion on *Albania* the ACFC pointed out that journalistic training ‘could open the way to increasing the level and quality of coverage of minority issues [...] in the media’.⁵⁶ The ACFC, then, encouraged the Albanian authorities to examine ways to carry out training and awareness-raising activities for journalists. In its second Opinion on the same country the ACFC went a step further, by suggesting that courses on minorities should become an integral part of basic journalist training programmes. Coverage of minority issues should be based on principles of

journalistic ethics, which require journalists to provide objective information to the public.⁵⁷

The ACFC judged positively efforts made in *Moldova*, in the shape of a project on diversity launched in 2004 by the (NGO) Centre for Independent Journalism.⁵⁸ A network was established by journalists from different ethno-linguistic backgrounds and regions of Moldova to produce bilingual publications in both the state language (Moldovan/Romanian) and Russian. The publications treat issues relating to intercultural dialogue. This project involved not only training but also co-operation of journalists from different ethnic backgrounds.

Principle 5: reporting on crimes without conveying the ethnic origin of suspects or offenders

A common practice in many state parties to the FCNM, and criticised by the ACFC, is the disclosure by the media of the ethnic background of suspects or offenders in the coverage of crime. This information is often added gratuitously when suspects or offenders belong to minorities, and contributes to reinforcing stereotypes. For example, with regard to *Portugal*, the ACFC expressed its concern of the fact that immigrants and Roma are often associated with crime in the media,⁵⁹ leading to, in the words of the ACFC, ‘stigmatisation and prejudices’.⁶⁰ Similarly, in its Second Opinion on the *Russian Federation*, the ACFC criticised the disclosure of the ethnic origin of offenders in the media, which strengthened negative stereotypes against Roma, Tajiks and persons originating from the Caucasus.⁶¹ Thus, the state parties to the FCNM should encourage media outlets to make it a policy not to disclose the ethnic origin of crime suspects or offenders. This principle can be realised through training, and the sensitisation of

journalists as to the need to avoid the reinforcement of stereotypes through the media.

Principle 6: adopting legislation and codes of conducts promoting tolerance

Training might not be sufficient to guarantee tolerance: states should also adopt legislation that prohibits intolerance and hate speech in the media, with strict sanctions against offenders. In its Second Opinion on *Bulgaria* the ACFC welcomed the adoption in 2009 of amendments to the Criminal Code, introducing severe sanctions in cases of hate speech.⁶² The ACFC also judged of importance - although insufficient - the arrangements present in *Slovenia*: media regulators, such as the Broadcasting Council, have the authority to issue warnings in instances of hate speech, although they cannot withdraw broadcasting licences. The ACFC signalled that it would welcome more far-reaching sanctions in cases of hate speech.⁶³

Measures taken in Cyprus and Croatia were considered more effective. In *Cyprus* the ACFC welcomed the amendment of the Public Broadcasting Act between the first and second monitoring cycles; the amendment introduced a clear obligation for the public broadcaster to give appropriate airtime to programmes aimed at various groups, including national minorities. The journalists’ code of ethics in Cyprus protects persons belonging to minorities from discrimination or hostility by the media on the grounds of their religious or ethnic identity.⁶⁴ Codes of conduct are particularly important in the promotion of tolerance, and in limiting negative, stereotypical coverage of vulnerable groups. Principles contained in codes of conduct can guide journalists towards a more culturally-sensitive approach to their coverage of minority issues. The ACFC similarly judged positively the case of *Croatia*: the Council for Electronic

Media, established as an independent regulatory body, was tasked with the supervision of the activities of radio and television broadcasters for compliance with the legislation. It was also given the authority to revoke a licence or to start judicial proceedings in cases of breach of impartiality or hate speech.⁶⁵

Principle 7: criminalising racism and discrimination on the internet

The internet is the source of defamatory and racist comments on minorities that is hardest to regulate. Thus, the ACFC has often recommended that states criminalise racist and xenophobic acts perpetrated through the internet. As part of this process, it has recommended that states that have not already done so sign and ratify the 2003 Additional Protocol to the European Convention on Cybercrime.⁶⁶

Principle 8: monitoring media content

Legislation and strict sanctions per se are insufficient if not accompanied by well-functioning monitoring mechanisms. The ACFC, then, has placed an emphasis on the development and strengthening of mechanisms to monitor media content, with a view to identifying unduly negative reporting or hate speech against persons belonging to minorities. In its Second Opinion on *Albania* the ACFC argued that the Albanian authorities should encourage the monitoring of the media, including through media self-monitoring, in order to identify instances of stereotypes and hate speech against minorities; legal redress should also be guaranteed in these cases.⁶⁷ More specifically, in its Second Opinion on *Croatia*, the ACFC noted that the Croatian media had not

set up a self-regulatory body to which complaints on media content could be submitted – despite the fact that the Croatian media had reflected prejudices against minorities.⁶⁸

The ACFC judged positively *Ukraine's* establishment of a special unit within the Ministry of Interior to monitor hate speech, in the print and broadcast media, including the internet.⁶⁹ Similarly, the ACFC welcomed the establishment, within *Spain's* Ministry of Labour and Social Affairs, of a mechanism to monitor the media coverage of immigrants and Roma, by which media outlets that convey pejorative messages are admonished.⁷⁰ The ACFC also welcomed the granting of additional competences to Catalonia's Audiovisual Council to monitor and sanction broadcasters that engage in hate speech.⁷¹ Some monitoring is also carried out by civil society: for example, in *Moldova*, the ACFC judged positively the (already mentioned) establishment of a network of journalists to, *inter alia*, monitor the coverage of issues of intercultural dialogue and diversity in the mainstream media.⁷²

In addition to the monitoring of media content, mechanisms exist to assess compliance of media outlets with the relevant legislation and codes of conduct, and for the public to file complaints against media outlets. The Second Opinion on *Lithuania* referred to the Ethics Commission, which monitors compliance with legislation prohibiting incitement to hatred on the basis of ethnicity, religion or gender. Also with regard to Lithuania, the ACFC welcomed the fact that the Inspector of Journalists' Ethics and the Ethics Commission of Journalists and Publishers can receive and examine complaints on defamation and privacy. The ACFC, however, regretted that the Inspector's mandate did not extend to complaints on hate speech.⁷³ It is essential that the agencies that monitor the media and the complaint systems are fully



operational, known to the public, and easily accessible. The ACFC has pointed out that some procedures in place to monitor compliance with standards of journalistic ethics are not sufficiently effective.⁷⁴

IV. FREQUENCY OF INDIVIDUAL PRINCIPLES IN ACFC OPINIONS

Principle	Opinions containing the principle	Number of Opinions containing the principle
1 – Raising awareness of minorities through the media	1. Albania-Opinion 2 2. Bulgaria- Opinion 1 3. Cyprus-Opinions 1,2,3 4. Czech Republic-Opinion 2 5. Estonia-Opinions 1,3 6. Georgia-Opinion 1 7. Hungary-Opinions 1,3 8. Ireland-Opinion 1,2 9. Lithuania-Opinion 2 10. Moldova-Opinion 1,2 11. Montenegro-Opinion 1 12. Norway-Opinions 1,2 13. Portugal-Opinions 1,2 14. Romania-Opinion 2 15. Slovenia-Opinion 2,3 16. Sweden-Opinion 1 17. Switzerland-Opinion 2 18. Ukraine-Opinion 2	27
2 – Broadcasting in minority languages	1. Estonia-Opinion 3 2. Georgia-Opinion 1 3. Moldova-Opinion 3 4. Portugal-Opinion 1 5. Sweden-Opinion 1	5
3 – Ensuring participation of minorities in the media	1. Denmark-Opinions 2,3 2. Estonia-Opinion 3 3. Moldova-Opinion 2 4. Serbia-Opinion 2 5. Slovak Republic-Opinion 3 6. Spain-Opinion 2 7. United Kingdom-Opinion 2	8
4 – Training journalists on minority issues	1. Albania-Opinions 1,2 2. Macedonia-Opinions 1,2 3. Moldova-Opinion 2 4. Romania-Opinion 2 5. Russian Fed.-Opinion 1 6. Serbia-Opinion 2 7. Slovak Republic-Opinion 2 8. Slovenia-Opinion 2 9. Spain-Opinion 1 10. Sweden-Opinion 1	14



	11. Ukraine-Opinion 1,2	
5 - Reporting on crimes without conveying the ethnic origin of suspects or offenders	<ol style="list-style-type: none"> 1. Georgia-Opinion 1, 2. Germany-Opinion 1,2,3 3. Italy-Opinion 1 4. Lithuania-Opinion 1,2 5. Macedonia-Opinion 1 6. Portugal-Opinion 1,2 7. Romania-Opinion 1 8. Russian Fed.-Opinion 1,2 9. Serbia-Opinion 2 10. Spain-Opinion 2 	15
6 – Adopting legislation and codes of conduct promoting tolerance	<ol style="list-style-type: none"> 1. Albania-Opinions 1,2 2. Austria-Opinion 3 3. Bulgaria-Opinion 2 4. Cyprus-Opinion 2 5. Croatia-Opinion 1 6. Georgia-Opinion 1 7. Ireland-Opinion 2 8. Russian Fed.-Opinions 1,2 9. Serbia-Opinion 1 10. Ukraine-Opinion 2 11. United Kingdom-Opinion 1 	13
7 – Criminalising racism and discrimination on the internet	<ol style="list-style-type: none"> 1. Croatia-Opinion 3 2. Finland-Opinions 2,3 3. Lithuania-Opinion 2 4. Slovak Republic-Opinion 3 5. Slovenia-Opinion 3 6. Ukraine-Opinion 2 	7
8 – Monitoring media content	<ol style="list-style-type: none"> 1. Albania-Opinion 2 2. Armenia-Opinion 2 3. Cyprus-Opinion 3 4. Croatia-Opinion 2 5. Czech Republic-Opinion 2 6. Georgia-Opinion 1 7. Lithuania-Opinions 1,2 8. Macedonia-Opinion 2 9. Romania-Opinion 2 10. Serbia-Opinions 1,2 11. Slovenia-Opinion 2 12. Spain-Opinion 2 13. Ukraine-Opinion 2 	15

V. STATE REPORTS

After presenting the principles emanating from the ACFC Opinions, this section focuses on the states' interpretation of their obligations under the FCNM in relation to media and intercultural dialogue. The data included in this section is from the reports which the state parties to the FCNM are required to submit to the ACFC for

each five-year monitoring cycle, outlining measures towards the implementation of each article of the treaty.⁷⁵ The research for this section involved the analysis of the most recent reports submitted by each of the state parties, as of September 2012 – a total of 39 reports. The approach used was exclusively qualitative. This

is for two reasons. First, states have different styles of reporting, and reports can be more or less comprehensive. Second, as is to be expected, the state reports outline specific measures - the practical actions that states have taken to implement the FCNM. The choice of measures depends on many factors; thus, the circumstances of different minorities in different countries, and the actions taken by states, are not easily quantifiable or comparable. The cases presented in this section are therefore meant to be only illustrative. They give a flavour of the ways states interpret their responsibilities under the FCNM, and how these are translated into reality.

The analysis took into account the section of the reports devoted to the implementation of Article 6. In order to also cover data that might have been included in the other sections, searches were conducted for the key words ‘broadcast’, ‘television’, ‘radio’, ‘media’ and ‘intercultural dialogue’. These searches revealed that a number of initiatives related to intercultural dialogue are listed under Article 9 rather than Article 6. Article 9, although not referring specifically to ‘intercultural dialogue’, focuses on the media - freedom of expression, access to the media by minorities and cultural pluralism.⁷⁶

The focus of the reports’ analysis was on programmes aiming at facilitating understanding and interaction among different groups. Thus, this part of the paper does not include examples of programmes for and about minorities transmitted exclusively in the languages of the minorities and without subtitles - as these programmes tend not to reach the rest of the population. It also does not include measures relating to the minority print media - a form of media that is primarily consumed by minorities themselves.⁷⁷

Various observations can be made on the basis of the analysis of the state reports. First, the expression ‘intercultural dialogue’ itself appears only very rarely in the reports. This may signal a limited awareness by states as to the significance of intercultural dialogue, and/or the fact that it is not considered a priority by them. Second, the state reports indicate that some of the measures listed are implemented by NGOs, with the state having only a limited (or unclear) role – for example, in various instances of training programmes for journalists. At times relevant projects were carried out with the financial help of other states. This is the case, for example, of the project of the *Romanian Centre for Independent Journalism*, ‘Increasing the capacity of the Romanian media to facilitate social integration’, implemented in 2008 with financial help from the United Kingdom.⁷⁸ Third, reports reveal that state parties to the FCNM present variegated situations, which result in different sets of initiatives - although some commonalities were also discerned. Numerous differences were recorded from state to state with regard to the level of detail, and comprehensiveness of the data included in the reports. These differences are not explained by the number of (recognised) minority groups residing on the territory of a state, nor, for example, by the size of minority group(s), or the size of the country in question. Rather, reports reflect different styles in data collection and in the presentation of implementation measures. For example, in its Second Report, *Serbia*, following a brief general introduction on its legislative framework, provides detailed statistical data divided on the basis of FCNM articles and by national minorities present in the country.⁷⁹ It also lists radio programmes and television programmes by broadcasting language, but without providing explanations on policies. Generally, it was found not to be

infrequent for states to provide lists of measures taken in relation to Article 6(1), but with a paucity of details, including on the aims, content and audience of the relevant programmes. Only in few cases there were attempts to provide information on audiences – for example, the reports by *Lithuania*⁸⁰ and *Estonia*⁸¹ provide information on the preferences of the majority and minority groups in terms of choice of channels.⁸² Moreover, it remained sometimes unclear what type of broadcasts the various reports referred to (e.g. documentary or debate), for example when there were references to programmes ‘devoted to minorities’, or similar expressions. There was often limited clarity as to whether programmes were primarily intended for minorities, or for the general public (*about* minorities) – or whether they were meant to serve both types of audiences more or less equally.

Clearly, issues relating to the accuracy and quality of the reports can hinder the understanding of the real status of FCNM implementation in each state. Some reports might be incomplete, with only a partial representation of the implementation of Article 6(1). For example, some programmes are listed in the Second Report on *Georgia*, which are reportedly also broadcast in Armenia and Azerbaijan, although they are not included in the reports by the Armenian and Azerbaijani governments;⁸³ this might signify that, given the difficulties in compiling fully comprehensive reports, some relevant information might be omitted. There might also be instances in which states intentionally yield only overly general information in the reports, rather than specific and accurate data that can unambiguously lead to negative assessments by the ACFC. Some states might present an excessively rosy picture of the situation, while others openly admit to issues linked to intolerance. In the report by

Lithuania, for example, the authorities acknowledged the problem of intolerance in the media – indicating as one of the remedial measures the application of a code of ethics of journalists.⁸⁴ Similarly, *Norway* admitted that the programming for national minorities by the Norwegian Broadcasting Corporation, ‘has not reached an adequate level in terms of either scope or subject matter.’⁸⁵ *Croatia* included in its report the opinion of minority representatives that the Croatian media excessively focuses on sensationalistic news; this, the minority representatives argued, results in insufficient attention to issues concerning national minorities, and/or the sensationalization of the coverage of minority issues itself, often leading to the reinforcement of negative stereotypes.⁸⁶ Once again, these differences indicate varying reporting practices by states, as well as differing priorities and levels of commitment to FCNM implementation.

Overall, the measures listed in the reports, and which were identified through the research, can be grouped into two broad categories, and various subcategories, which are summarised and then explained below:

Media Outputs:

1. Films and documentaries
2. Debates
3. News and current affairs
4. Campaigns and social advertising
5. Entertainment programmes
6. New media

Initiatives relating to:

1. Media awards
2. Participation of minorities
3. Training of journalists
4. Legislation and codes of conduct of journalists
5. Complaint mechanisms
6. Funding schemes

VI. MEDIA OUTPUTS: MINORITIES IN THE MEDIA

Media outputs refer here to the broadcast media (television and radio) and new media. The categorisation into ‘media outputs’ (divided into films and documentaries, debates, etc) is only indicative, as several of the categories overlap: often media outputs encompass more than one medium. For example, television or radio broadcasts can also be made available over the internet, or social campaigns broadcast on television and radio can also have a webpage. Media outputs are divided here into categories to more easily outline the different types of measures adopted by the states.

State obligations relate particularly to public service media (public television, radio and new media). However, Article 6(1) also encompasses measures to encourage private broadcasting companies to promote intercultural dialogue. There is no sharp differentiation between public and private media in the state reports, as in the ACFC Opinions. Initiatives relating to the public and private media are treated as part of a continuum.

The importance of bilingual programmes has already been noted⁸⁷ – and several such programmes are mentioned in the state reports. For example, according to *Austria’s* Third Report, the Austrian public broadcaster (ORF) provides a variety of programmes for national minorities through terrestrial and satellite broadcasts, as well as the internet. The programmes are in both the languages of the minorities and in German. The report notes that these programmes are bilingual precisely ‘in order to bring subjects relating to the national minorities closer to the German speaking majority.’⁸⁸ When programmes are translated into the state language, they can reach a much larger number of viewers, and facilitate

inter-group contacts.⁸⁹ In some cases, media legislation contains provisions on the use of subtitles. For example, in *Lithuania*, the Law on the Provision of Information to the Public stipulates that radio and television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or have Lithuanian subtitles.⁹⁰ In *Latvia*, the law provides that ‘a part of public television’s broadcasting time in non-state languages must have subtitles in Latvian’.⁹¹

Films and documentaries

Various examples of films and documentaries on minorities are included in the state reports. *Armenia’s* Third Report refers to a series of films produced in Armenia in 2007, ‘dedicated to’ minorities in Armenia and broadcast on public television.⁹² Also in 2007, *Lithuanian* national television broadcast a series of documentaries (entitled ‘Personal Number’) to inform the public about equal opportunities policies implemented in the country. According to the report, the programmes aimed at raising awareness on equality and non-discrimination, as well as on the problem of social exclusion of specific groups.⁹³

In *Cyprus* the year 2009 was dedicated to ‘cohabitation’, in the sense of ‘living together’. The state’s Third Report refers to television and radio programmes on the history, culture and language of the different communities and religious groups, including immigrants from other countries.⁹⁴ The Third Report by the *Czech Republic* mentions broadcasts depicting the life of minorities in major European cities, with each episode broadcast in a different language, and accompanied by Czech subtitles.⁹⁵

In 2008, within the project ‘Imagine Your Future’, a series of short films were made

by representatives of ethnic groups residing in *Armenia*, on issues relating to their communities, and were screened at a public event in Yerevan.⁹⁶ Armenia's Third Report states that the films were also due to be posted on websites, broadcast on television, and discussed at various events.⁹⁷ A similar initiative by the Georgian Public Broadcaster consisted of documentaries produced in 2008, on the story of *Georgia's* national minorities – including smaller minorities such as Kurds, Kists and Udians.⁹⁸ The stated aim, as per Georgia's Second Report, was to inform the wider Georgian society about minorities' cultures and lifestyle.

As noted, the target audience is not always specified in the reports. Clearly, films and documentaries can serve both groups – with the dual function of satisfying minorities' communicative needs *and* better informing the general public. Films and documentaries can also be prepared by representatives of both the minority group(s) and the majority – or a combination of the two. Special programmes that enable minorities to express themselves give a voice to persons belonging to groups that are often not heard. However, the analysis of the reports revealed that there are a number of initiatives on intercultural dialogue that are not covered by the media – such as films or documentaries made by minorities or about minorities, which are only screened in cinemas or fringe events, or distributed through DVD copies. In these cases, the impact of the initiative is likely to be limited, even when programmes are of high quality. In other cases, the reports have limited information as to the channel for dissemination – whether the public or private media, and at attractive time slots. The impact of a programme is likely to be much greater if transmitted through a popular broadcaster and during prime time.⁹⁹

Debates

Debates with the participation of representatives of different groups are a rare example of direct intercultural dialogue, in the sense of direct exchange, on the media. Potentially these programmes can stimulate debate between members of different ethnic, linguistic or religious communities. The voices of minority representatives directly reach the audience without intermediaries. As noted, access to the media is also provided for by Article 9; the Explanatory Report FCNM further links Article 9(4), on cultural pluralism, to dialogue between groups:

[...] emphasises the need for special measures with the dual aim of facilitating access to the media for persons belonging to national minorities and promoting tolerance and cultural pluralism. [...] The measures envisaged by this paragraph could, for example, consist of ... offering a *dialogue between groups*, or of encouraging, subject to editorial independence, editors and broadcasters to allow national minorities access to their media.¹⁰⁰ [emphasis added]

Examples of debates on minority issues are incorporated in some of the state reports. For example, *Georgia's* Second Report includes information on the weekly talk show 'Chveni ezo' (Our yard), which started broadcasting in 2007 on Georgian public television. The target audiences are both minority groups and the broader Georgian society and one of its purposes, as the Georgian authorities put it in the report, is 'to inform about the contributions made by minorities for the development of the state'.¹⁰¹ The programme envisages discussions on issues related to ethnic groups, including tolerance and peaceful coexistence.¹⁰² The Georgia report also refers to the weekly radio

programme ‘Our Georgia’, which provides a forum to discuss live social and educational issues. Guests of the programme include representatives of minority groups, civil society, policy makers and public officials.¹⁰³ This type of programmes can assist in providing a forum for discussion for minority representatives and policy-makers, where concerns can be raised, in a way that could ultimately impact on decision-making. However, issues of importance in debates are: whether programmes directly involve persons belonging to minorities (rather than commentators from the majority talking *about* minorities); and to what extent the persons belonging to minorities on the programme are representative of the group, or of its different segments – thereby reflecting different viewpoints within the group.

In many cases, media outputs can be combined – with, for example, debates following documentaries. In *Romania*, in 2008, the broadcasting of documentaries under the motto ‘Know the Roma before you judge them!’¹⁰⁴ was followed by discussions on public television, with both Roma and non-Roma guests. The documentaries focused on problems afflicting the Roma.¹⁰⁵ Similarly, in the case of *Albania*, a television debate in 2008 was combined to the ‘Festival of Minorities’ – which presented the cultures of minorities, including the Roma community, through a photographic exhibition and a fair.¹⁰⁶

Campaigns and social advertising promoting tolerance

In some cases the media is used to promote campaigns and carry social advertising promoting tolerance. For example, this was the case in several state parties in 2007, the ‘European Year of Equal Opportunities for All’. The Third Report by *Lithuania* referred to social advertising on television and radio, particularly

targeting youth. The campaign was accompanied by the catchphrase ‘Are we really that different?’ This form of social advertising was combined with national radio broadcasts with discussions among civil servants and representatives of vulnerable groups.¹⁰⁷

In its Third Report *Austria* listed a number of initiatives for 2008, linked to the European Year of Intercultural Dialogue, aiming at raising the general awareness of ‘the added value obtained from cultural diversity’, with discussions on diversity, migration and integration. The public broadcaster, ORF, approached over 180 NGOs, as well as cultural and educational facilities from all regions of Austria, which outlined their initiatives to promote intercultural dialogue.¹⁰⁸

Another campaign was the European campaign ‘All different – All Equal’ in 2006-2007. The *Lithuanian* authorities outlined in their Third Report initiatives aiming at encouraging young people to contribute to peaceful coexistence between different groups.¹⁰⁹ The campaign had a webpage, and a series of film shows on human rights themes.¹¹⁰ In *Scotland* a campaign called ‘Rock Against Racism’ aimed at celebrating Scotland’s multi-cultural society while also tackling racist attitudes – by attempting to reach its audience through music. It involved a series of events, particularly concerts, with coverage on Scottish public radio. The target audience was, again, youth, with the participation of well-known artists to attract interest in the project.¹¹¹ Moreover, in its Third Report, *Hungary* referred to media programmes on Roma celebrations and special occasions, such as International Roma Day and the Roma Holocaust Commemoration Day.¹¹²

News and current affairs

News programmes can be exclusively in minority languages, or be accompanied by subtitles. For example, in *Montenegro*, 2009 saw the introduction of news in Albanian and other minority languages, broadcast on Sundays on the public broadcaster, with subtitles in Montenegrin.¹¹³ The Third Report by *Finland* notes that Sámi language television news programmes are broadcast in Northern Finland, with re-runs are available nation-wide with subtitles in Finnish and in Swedish.¹¹⁴ The Third Report by *Estonia* states that, between 2008 and 2009, there was a 50% increase in funds made available for the production of news in Russian language.¹¹⁵

In some cases, state reports do not refer to specific news programmes *on* and/or *for* minorities. In these cases, information relating to minorities is only included in mainstream programmes, normally on the occasion of religious and traditional holidays of minorities. There is, thus, a risk of the mainstream media presenting only a superficial, mono-dimensional - and possibly biased - picture of minority groups.

Entertainment and children's programmes

Promotion of tolerance and debate on minority issues can also be furthered through programmes which have an entertainment format however educational. For example, the Third Report on *Finland* refers to an entertainment programme entitled 'Manne-TV/Romano-TV' broadcast in 2007, and followed by television debates with representatives of the Roma minority.¹¹⁶ Furthermore, in 2011, the Georgian and Armenian public broadcasters started the music television programme '10+10', with joint performances of popular singers from Georgia

and Armenia. The Second Report by *Georgia* claims that the programme contributed to promoting cultural exchange as well as entertaining.¹¹⁷

There are also examples of children's programmes aiming at furthering tolerance. Georgia's Second Report notes that, in 2004-2006, 42 children television episodes with puppet shows were produced and broadcast in Georgia, Armenia and Azerbaijan. The episodes, produced under the Children's Tolerance Education Program, encompassed issues of tolerance, good citizenship, intercultural understanding and conflict resolution. In 2006-2009, according to the same report, the puppet shows were complemented by books with the characters from the show; they were further combined with talk-shows with the participation of children, during which issues raised in the shows were discussed.¹¹⁸ Meanwhile, *Finland* reported on a new television programme for children in Sámi on public television, which was started in September 2007 (*Unna Junná*). According to the report, the 15 minutes programme is broadcast weekly on the public broadcaster and on a satellite channel; it is produced by Sami Radio and carries subtitles in both Finnish and Swedish.¹¹⁹

New media

Several radio and television programmes for minorities can also be accessed through the internet. For example, in *Austria* radio programmes in minority languages can be downloaded over the internet, while documentaries and articles from minority magazines are available as podcasts. On the website <http://volksgruppen.orf.at>,¹²⁰ information on society, politics and culture with reference to minorities, can be accessed in German and in different minority languages.¹²¹ The Third Report by *Finland* states that the city

of Tampere produces a weekly current affairs programme for internet television, broadcast in Russian, Farsi and Chinese languages. According to the report, the programme aims at reflecting the multiculturalism of Finnish society.¹²² Moreover, when broadcasting licences are unavailable to minorities, internet radio represents a cheap and more viable alternative.

Technology-savvy *Estonia* makes use of digital and satellite options to increase its audience reach. Its Second Report notes that programmes in Estonian have Russian translations made available digitally. For persons with Russian as their first language, programmes to learn Estonian are also provided through digital television.¹²³

VII. PARTICIPATION, PRINCIPLES AND INCENTIVES

Numerous other initiatives mentioned in the reports do not involve actual media outputs, but can encourage media professionals to prioritize programmes where minority issues are presented or debated. Among relevant measures are media awards and the regulation of media outlets' activities.

Media awards

State reports list numerous awards and prizes for those media outputs that most contribute to unity and diversity, and act to stimulate intercultural dialogue through the media. For example, in *Latvia*, a media award was included in the programme for the 'Year of Intercultural Dialogue' in 2008.¹²⁴ Similarly, in 2007, *Lithuania* introduced the annual award 'For National Tolerance', for persons who promote national tolerance in the media.¹²⁵

The Second Report by *Georgia* refers to the award 'Supporters of Tolerance' for significant contributions to a culture of tolerance in Georgia. It is part of the celebration for the International Day for Tolerance (16 November).¹²⁶ Similarly, *Russia's* Third Report states that, since 2008, a competition has been held on the best coverage of inter-ethnic cooperation and ethno-cultural development, called *SMIrotvorets*. In 2009 the competition saw the participation of 301 media outlets, including 98 minority media outlets.¹²⁷

Participation of minorities

Access of minorities to the media profession can contribute to creating a positive image of minority groups, provide positive role models for persons belonging to minorities, and ensure a more nuanced approach in the preparation of media outputs. A number of examples are provided in the state reports. For instance, *Estonia's* Third Report states that the television channel ETV2 has 'increased the proportions of programmes intended for Russian- and other language viewers and made with their participation.'¹²⁸ *Denmark* notes in its Third Report that the Danish School of Media and Journalism wished to attract applicants of various backgrounds, with applicants of non-Danish ethnicity having increased by over 3% in recent years.¹²⁹ On radio, *Lithuania* refers to an example of cooperation between different groups, in the programme 'Santara', prepared by journalists of six different nationalities - and broadcast in Lithuanian, Polish, Russian, Belarusian and Ukrainian. The report further refers to a daily programme, 'Klasika', which targets on alternative days Lithuanian Jews and Lithuanian Belarusians.¹³⁰

Training of journalists

Journalistic training is of two types: for mainstream journalists - to better prepare them for a culturally sensitive coverage of minority issues - *and* for journalists from minority backgrounds - to increase their participation in the production of media outputs. Among the examples of the former is a project by the Centre for Independent Journalism in *Romania* 'Increasing the capacity of the Romanian media to facilitate social integration'. Through seminars and e-learning, the aim was to 'boost the quality of coverage on disadvantaged groups in the local press to a fair and comprehensive reflection of their national problems'.¹³¹ In another example from *Austria*, during 2008 - the European Year of Intercultural Dialogue - six independent radio stations trained 50 editors in producing multilingual radio programmes.¹³²

An example of the second type of training (training of journalists from minority backgrounds) is provided in the Third Report by *Finland*. Since 2005, the Finnish Broadcasting Company has organised media education and traineeships for immigrants and national minorities.¹³³ However, it is important that these projects impact upon media content in the long term. Finland acknowledged in its report that media professionals with a Roma background who had participated in the training schemes were not employed by the Company afterwards. At the time of the submission of the report (2010), Finland had no television programme in Romani language.¹³⁴

Legislation and codes of conduct of journalists

In addition to training, journalists require guidelines in the coverage of minority issues. The tone used and the type of information disseminated can influence levels of tolerance

and intercultural dialogue. In its Second Report, *Georgia* refers to the 'Code of Conduct of Broadcasters' and the 'Code of Conduct of Public Broadcaster', which require media outlets, and particularly the public broadcaster, to reflect the country's diversity.¹³⁵ In the case of *Lithuania*, the 'Code of Ethics of Lithuanian Journalists and Publishers' contain principles against the (direct or indirect) incitement by journalists of discord or hatred against any group of individuals on various grounds, including on the basis of ethnicity. The Code of Conduct further specifies that, when reporting on a crime, journalists ought not to specify the ethnic origin of the suspect or accused.¹³⁶

Legislation is further used by the state parties to protect minorities from the possible pernicious effects of the media. Article 170(1) of the 2009 Criminal Code of *Lithuania* provides for criminal liability against a 'person who, for the purposes of distribution, produces, acquires, sends, transports or stores items ridiculing, expressing contempt for, urging hatred of, or inciting discrimination', on grounds including race and nationality. These actions are classified as criminal acts to be sanctioned with a fine or imprisonment for up to one year.¹³⁷ The legislation of the *Czech Republic* prohibits the broadcasting of programmes that might reinforce stereotypes against ethnic and religious minorities.¹³⁸ In addition, in order to facilitate access of minorities to the media, the Radio and Television Broadcasting Council is required, in allocating broadcasting licences, to 'assess the applicant's contribution to the development of the culture of national, ethnic and other minorities in the Czech Republic'.¹³⁹

Complaint mechanisms

Complaint mechanisms give members of the public the opportunity to report cases of inappropriate coverage of events involving

persons belonging to minorities. For example, in *Ireland* complaints can be raised before the Broadcasting Authority, or directly before the relevant broadcaster, when one believes that there has been a failure to comply with the Broadcasting Authority codes. Moreover, since 2011 the Broadcasting Authority's Right of Reply Scheme provides for the broadcasting of right-of-reply statements to rectify the dissemination of incorrect information that has affected a person's honour or reputation.¹⁴⁰

Funding programmes

The Explanatory Report FCNM states that measures envisaged under Article 9(4), on the promotion of cultural pluralism, may include 'funding for minority broadcasting or for programme productions dealing with minority issues'.¹⁴¹ In the case of *Austria*, the federal budget funds the M-Media Association: established in 2005, it support journalists from the mainstream media in their coverage of migration, and in promoting cultural diversity in the media. The state budget funds various initiatives, such as training, a documentation centre, and the promotion of culturally-sensitive journalistic standards.¹⁴²

Special funding schemes are also mentioned in other state reports – for example, *Croatia's* Third Report (Fund for the Promotion of Diversity and Pluralism in the Electronic Media)¹⁴³ and *Ireland's* Third Report (the funding scheme 'Sound & Vision').¹⁴⁴ In *Germany* films and radio programmes produced by persons belonging to minorities are funded by the Filmförderung Hamburg Schleswig-Holstein.¹⁴⁵

VIII. CONCLUSION

ACFC Opinions have developed various principles on intercultural dialogue, which detail, and crystallize, the responsibilities of the state parties to the FCNM in furthering intercultural dialogue and tolerance through the media. Principles developed by the ACFC relate, *inter alia*, to training and awareness-raising activities for journalists, collaboration with persons belonging to minorities in the development of programmes, the adoption of journalistic codes of ethics and relevant legislation, as well as media monitoring.

There is certainly some overlap in the interpretation of responsibilities under Article 6(1) - and generally in relation to intercultural dialogue through the media - by the ACFC and by states. There are, however, few initiatives that focus specifically (and exclusively) on intercultural dialogue. The analysis of the Opinions and the Reports shows that intercultural dialogue is very much linked to integration and tolerance, and various strategies are used by different states in pursuing these goals. The range of activities listed in the state reports reveals that states tend to interpret differently their responsibilities under the FCNM; this is even more the case given the multi-faceted nature of the expression, and its not having been codified in a commonly accepted definition. Moreover, some countries appear more transparent than others, openly acknowledging the need for greater efforts towards the promotion of tolerance and intercultural dialogue. The levels of commitment in promoting dialogue and tolerance similarly vary.

Overall, the monitoring cycles are complicated by the limited data and finite resources of states. There are four principal problems. First, some countries still face problems related to a lack of accurate data on

demographic, social, economic and educational structures of national minorities. This impairs the formulation of effective policies to further intercultural dialogue, and their implementation. Second, states tend to report primarily on lists of activities, which often leave the reader with little sense of a comprehensive strategy. Only in few cases studies are mentioned, upon which policies are built. Arguably, it is difficult to implement an ‘ephemeral obligation’, as Gilbert calls it¹⁴⁶ – states can only progressively become closer to the goal of actively encouraging intercultural dialogue, rather than fully achieving it.

Third, the reports frequently do not include measures that require a sustained, long-term effort, such as the monitoring of media content. Comprehensive media monitoring is admittedly a labour-intensive activity. It is sometimes implemented by NGOs as part of their media-related projects; or there might be references in the state reports to a broadcasting regulator – a body generally supervising compliance with domestic broadcasting legislation by broadcasters, which however does not imply substantial media monitoring.¹⁴⁷ It points to a tendency, for some states, to opt for short-term, straight-forward and relatively inexpensive measures.

Forth, despite the number of existing initiatives promoting intercultural dialogue, as outlined in the reports, the *impact* of these initiatives on the population often remains unclear. Again, relevant information that would enable impact assessment, such as data on the audience of specific programmes, is frequently not provided in the reports – either because omitted by states or not available at all. The periodic nature of the reports further complicates the continuity in impact assessment in the long-term. And, like states, the ACFC has to work with finite resources in monitoring implementation. In order to thoroughly assess

impact, one would require data from surveys, or comprehensive interviews with stakeholders, as well as indicators to measure the FCNM’s impact.

While it is unlikely that any state can *fully* implement Article 6(1), given its programmatic, and aspirational, nature,¹⁴⁸ an argument can be made that states ought to be able to show whether the measures towards its implementation are indeed effective. A set of indicators might guide this process, by requiring the provision of data that is quantifiable and comparable: indicators could relate, among other things, to: audience of programmes about minorities, number of hours devoted to such programmes, number of journalists in media outlets with a minority background, number of programmes on minorities on which persons belonging to minorities were consulted and/or in which actively participated. A problematic aspect of reporting is precisely the fact that, while several activities are presented as contributing to intercultural dialogue, in fact very little evidence is provided. What is presented as a positive development might in fact not alter the status quo. For example, a government may state that the number of applications to journalism training by persons belonging to minorities has increased of a particular percentage from one monitoring cycle to the next; this might, however, not be conducive to enhanced intercultural dialogue – if the applicants are not actually accepted in the programme, if the training is of poor quality, or if the newly-trained journalists from minority backgrounds do not have access to the profession due to discriminatory attitudes. While it is certainly difficult to assess societal change in favour of intercultural dialogue, a set of indicators might provide a starting point. They may also facilitate the identification of minimum common denominators in the implementation of



Article 6(1), and lead to more standardized reports - which can in turn facilitate their assessment.

Finally, intercultural dialogue, and the implementation of Article 6(1) generally, are themselves a long-term, dynamic *process* that takes on different shapes and forms. Such a process ought to be accompanied by debates, at public events as well as through the media, gathering insights on the most viable strategies to implement Article 6(1) in specific contexts. Given that these open discussions imply interaction with representatives of minorities,

intercultural dialogue becomes both the ultimate goal of these efforts, and the process itself. There is a risk, however, for discussions to remain superficial, leaving issues unresolved, or even contributing to tensions and misunderstandings. What transpires from the Opinions and state Reports is that a particularly important vehicle for the furtherance of intercultural dialogue is the involvement of minorities in shaping media content, as well as in relevant decision-making processes. It reflects a dove-tailing of participatory rights and freedom of expression for minorities.

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Footnotes

¹ ETS No. 157, adopted 1 February 1995, entered in force 1 February 1998.

² Adopted 11 February 2009 at the 1048th meeting of the Ministers' Deputies.

³ Adopted 19 December 1996. The four special mandates are: the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS (Organization of American States) Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression.

⁴ Adopted 20 October 2005 at the General Conference of UNESCO (Paris, 33rd session, 3-21 October 2005).

⁵ Article 1. Moreover, Article 4(8) states that "interculturality" refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.'

⁶ Council of Europe, "The Concept of Intercultural Dialogue",

http://www.coe.int/t/dg4/intercultural/concept_EN.asp#P30_3374 (accessed 7 August 2013).

⁷ Ibid.

⁸ Robertson, R. *Globalization: Social Theory and Global Culture*. London: Sage Publications, 1992.

⁹ Gilbert, G. "Article 6". In M. Weller (ed.), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention on the Protection of National Minorities*, Oxford: Oxford University Press, 2005, 177-191.

¹⁰ Explanatory Report on the Framework Convention for the Protection of National Minorities (hereinafter FCNM Explanatory Report), §11.

¹¹ Gilbert, *op. cit.*, note 9, p.178.

¹² Ibid, p.184.

¹³ Ibid. Gilbert contends: 'Article 6(1) cannot be ignored by states because of its programmatic nature. It is phrased in compelling terms such that states *shall* 'encourage' and 'take effective measures'.' Ibid, p.178.

¹⁴ FCNM Explanatory Report, §47.

¹⁵ Ibid, §48.

¹⁶ While it is rare that the media is able to *determine* public opinion. McGonagle, T. *Minority Rights, Freedom of Expression and the Media: Dynamics and Dilemmas*. Antwerp: Intersentia, 2011, p.389.

¹⁷ Packer, J. and Holt, S. "Article 9". In M. Weller (ed.), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention on the Protection of National Minorities*. Oxford: Oxford University Press, 2005, 263-300, p.264.

¹⁸ The Explanatory Report states that Article 12 'seeks to promote knowledge of the culture, history, language and religion of both national minorities and the majority population in an *intercultural* perspective' [*italics added*]. FCNM Explanatory Report, §71.

¹⁹ Paragraph 2 of Article 6 is more normative than paragraph 1, inasmuch as it prescribes the protection of minorities from 'threats or acts of discrimination, hostility or violence'.

²⁰ FCNM Explanatory Report, §49.

²¹ Gilbert, *op. cit.*, note 9, p.179.

²² Ibid, p.184.

²³ ACFC, Third Opinion on Estonia (2011), §100.

²⁴ Ibid, §95.

²⁵ See McGonagle, *op. cit.* note 16, p.394. For example, in the Council of Europe Committee of Ministers twin recommendations on 'Hate Speech' (R(97)20), and on 'Media and the Promotion of a Culture of Tolerance' (R(97)21) - both adopted on 30 October 1997 on the occasion of the 607th meeting of the Ministers' Deputies.

²⁶ This does not mean that legislation should not be in place to combat hate speech, including through strict sanctions, as will be seen below. At the same time, *more* speech provides opportunities that can aid the prevention of hate speech, as well as public debates on it.

²⁷ McGonagle, *op. cit.* note 16, pp.387-390.

²⁸ Although Kosovo is not a state party to the FCNM, in 2013 it had undergone three monitoring cycles, in line with a 2004 agreement between the Council of Europe and the United Nations Interim Administration Mission in Kosovo (UNMIK). The state parties to the FCNM exclude: Andorra, France, Monaco and Turkey (which have not signed the FCNM); and Iceland, Luxembourg, Greece and Belgium (which by 2013 had signed but not yet ratified the treaty).

²⁹ It is not our intention here to put the recommendations in order of importance or frequency. The frequency of each recommendation is reported below.



- ³⁰ ACFC, Third Opinion on Cyprus (2010), §126.
- ³¹ ACFC, Second Opinion on Norway (2006), §79.
- ³² ACFC, Second Opinion on the United Kingdom (2007), §113.
- ³³ ACFC, Second Opinion on the Czech Republic (2005), §107. This was the view of representatives of minorities such as Germans and Croats but also numerically smaller minorities. Ibid, §108.
- ³⁴ ACFC, First Opinion on Poland (2003), §63.
- ³⁵ Ibid.
- ³⁶ ACFC, Third Opinion on the Slovak Republic (2010), §105. Given its importance, the ACFC recommended that the Roma media receive greater public support.
- ³⁷ ACFC, Third Opinion on Estonia (2011), §95.
- ³⁸ ACFC, Third Opinion on 'The former Yugoslav Republic of Macedonia' (2011), §28.
- ³⁹ Ibid.
- ⁴⁰ An example of the latter is the monolingual part of the Russian minority in the Baltic states.
- ⁴¹ ACFC, Third Opinion on Estonia (2011), §95.
- ⁴² ACFC, First Opinion on Montenegro (2008), §55.
- ⁴³ ACFC, Third Opinion on Estonia (2011), §99.
- ⁴⁴ ACFC, First Opinion on Georgia (2009), §108.
- ⁴⁵ Ibid.
- ⁴⁶ See note 23.
- ⁴⁷ ACFC, First Opinion on Georgia (2009), §108.
- ⁴⁸ ACFC, Third Opinion on the Slovak Republic (2010), §105. However, it added that, unfortunately, there is a lack of qualified Roma journalists who are fluent in Romani.
- ⁴⁹ ACFC, Third Opinion on Estonia (2011), §97, 100.
- ⁵⁰ Ibid, §100.
- ⁵¹ ACFC, Third Opinion on the Czech Republic (2011), §86.
- ⁵² Envisaged in the 2002 Law on National Minorities. ACFC, Second Opinion on Serbia (2009), §103.
- ⁵³ ACFC, Second Opinion on Denmark (2004), §95
- ⁵⁴ Ibid.
- ⁵⁵ ACFC, Second Opinion on the United Kingdom (2007), §113.
- ⁵⁶ ACFC, First Opinion on Albania (2002), §51.
- ⁵⁷ ACFC, Second Opinion on Albania (2008), §109.
- ⁵⁸ ACFC, Second Opinion on Moldova (2004), §65.
- ⁵⁹ ACFC, Second Opinion on Portugal (2009), §76.
- ⁶⁰ Ibid.
- ⁶¹ ACFC, Second Opinion on the Russian Federation (2006), §148.
- ⁶² ACFC, Second Opinion on Bulgaria (2010), §117.
- ⁶³ ACFC, Third Opinion on Slovenia (2011), §75.
- ⁶⁴ ACFC, Second Opinion on Cyprus (2007), §79.
- ⁶⁵ ACFC, Third Opinion on Croatia (2010), §102.
- ⁶⁶ ACFC, Third Opinion on the Slovak Republic, §100.
- ⁶⁷ ACFC, Second Opinion on Albania (2008), §110.
- ⁶⁸ ACFC, Second Opinion on Croatia (2004), §85.
- ⁶⁹ ACFC, Second Opinion on Ukraine (2008), §117. The ACFC noted, however, that there could be some issues related to possible excessive interference by the Unit with the guarantee of freedom of expression.
- ⁷⁰ ACFC, Second Opinion on Spain (2007), §80.
- ⁷¹ Ibid.
- ⁷² ACFC, Second Opinion on Moldova (2004), §65.
- ⁷³ ACFC, Second Opinion on Lithuania (2008), §66.
- ⁷⁴ For example, see ACFC, First Opinion on Georgia (2009), §82.
- ⁷⁵ Article 25(2) FCNM.
- ⁷⁶ Article 9 reads:

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.

[...]

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.

⁷⁷ Newspapers of national minorities primarily aim at satisfying the communicative and expressive needs of minority groups, and at preserving cultural and linguistic identities. They tend to be in minority languages. However, bilingual publications also exist, for example when the members of a minority group, although preserving their cultural distinctiveness from the majority, have linguistically assimilated. See also the (rare) example of a bilingual publication promoting intercultural dialogue in a project of the Centre for Independent Journalism in Moldova, above ('Principle 4: training journalists on minority issues').

⁷⁸ Third Report by Romania to the ACFC (2011), p.43.

⁷⁹ Second Report by Serbia (2008).

⁸⁰ Third Report by Lithuania (2011), p.59.

⁸¹ Third Report by Estonia (2010).

⁸² Additional data and statistics are available in the state reports to the ACFC by Estonia (Third Report -- 2010) and Lithuania (Third Report - 2011).

⁸³ See below. "Entertainment and Children's programmes".

⁸⁴ Third Report by Lithuania (2011), p. 46. On Codes of Conduct, see above ('

Principle 6: adopting legislation and codes of conducts promoting *tolerance*').

⁸⁵ According to the assessment of the Norwegian Media Authority for the period 2005-2008. Third Report by Norway (2010), p.34.

⁸⁶ Third Report by Croatia (2009), pp.65; 83. Difficulties were further acknowledged in the Croatian report with regard to the exercise of the right of access to the media by persons belonging to minorities (p.82).

⁸⁷ See 'Principle 2: broadcasting in minority languages'.

⁸⁸ Third Report by Austria (2010), p.54.

⁸⁹ Even without subtitling, these programmes can still generate at least some exposure of the minority by their sheer presence on the public broadcaster, and they can be used by the majority and minority alike as a means towards language acquisition.

⁹⁰ With the exception of 'educational, occasional, special, music and re-broadcast foreign radio and television programmes or broadcasts as well as broadcasts produced by the broadcaster intended for the ethnic minorities of Lithuania.' Third Report by Lithuania (2011), pp.56-57.

⁹¹ There are further provisions on voice-over and dubbing. ACFC, Second Report by Latvia (2012), §154-155. On subtitling, also see 'Principle 2: broadcasting in minority languages'.

⁹² Third Report by Armenia (2009), p.34. The films were made by a member of the Coordinating Council who represents the Polish community.

⁹³ Third Report by Lithuania (2011), p.20.

⁹⁴ Third Report by Cyprus (2009), p.38.

⁹⁵ Third Report by the Czech Republic (2010), p.43.

⁹⁶ It was part of the British Council's project 'Living Together'.

⁹⁷ Third Report by Armenia (2009), p.120.

⁹⁸ Second Report by Georgia (2012), §119.2.

⁹⁹ For example, in its Opinion on Romania, the ACFC welcomed the increase of broadcasting in minority languages from the previous cycle of monitoring, although it also noted what were, in the opinion of minority representatives, unsuitable broadcasting times. ACFC, Third Opinion on Romania (2012), §128.

¹⁰⁰ FCNM Explanatory Report, §62.

¹⁰¹ Second Report by Georgia (2012), §119.1.



- ¹⁰² Ibid, §119.1.
- ¹⁰³ Ibid, §119.4.
- ¹⁰⁴ Five documentaries were produced through the involvement of the Department for Interethnic Relations and the National Agency for Roma.
- ¹⁰⁵ Third Report by Romania (2011), p.31.
- ¹⁰⁶ Third Report by Albania (2011), pp. 42-43.
- ¹⁰⁷ Third Report by Lithuania (2011), p.20.
- ¹⁰⁸ Third Report by Austria (2010), p.49.
- ¹⁰⁹ With the support of the Council of Europe, European Commission and the European Youth Forum.
- ¹¹⁰ Third Report by Lithuania (2011), p.20.
- ¹¹¹ Third Report by the United Kingdom (2010), pp.8; 47-8.
- ¹¹² Third Report by Hungary (2009), pp.69-70.
- ¹¹³ Second Report by Montenegro (2012), p.79.
- ¹¹⁴ Third Report by Finland (2010), pp.48-49. The Sámi Parliament has noted that information about the Sámi languages and culture should be disseminated more intensively through the media (p.49).
- ¹¹⁵ According to the report, news programmes in Russian are broadcast on prime time on the Estonian public broadcaster. Third Report by Estonia (2010) (reporting under Art. 9).
- ¹¹⁶ The debate exposed disagreements within the Roma community and differing attitudes to tradition. Third Report by Finland (2010), p.43.
- ¹¹⁷ Second Report by Georgia (2012), §110.
- ¹¹⁸ Ibid, §116.2.
- ¹¹⁹ 15 episodes were produced in 2007, and 30 more episodes were in 2008 and 2009. Third Report by Finland (2010), p.48.
- ¹²⁰ In Austrian legislation 'volksgruppen' are autochthonous national minorities.
- ¹²¹ Third Report by Austria (2010), p.60.
- ¹²² Third Report by Finland (2010), p.51.
- ¹²³ Third Report by Estonia (2010) (reporting under Art.9).
- ¹²⁴ The state report states that the competition, called 'Journalists' Prize 2008', had the objective of 'identifying and awarding those media workers who have voiced ideas of unity in diversity'. Second Report by Latvia (2012), §130.
- ¹²⁵ Organized by the Department of National Minorities and Lithuanians Living Abroad. Third Report by Lithuania (2011), p.46.
- ¹²⁶ Second Report by Georgia (2012), §117.6.
- ¹²⁷ Awards are issued for different categories of media. Third Report by the Russian Federation (2010), pp.60-61.
- ¹²⁸ Third Report by Estonia (2010) (reporting under Art.9).
- ¹²⁹ Third Report by Denmark (2010), p.25.
- ¹³⁰ Third Report by Lithuania (2011), pp.59-60.
- ¹³¹ Third Report by Romania (2011), p.43.
- ¹³² Third Report by Austria (2010), p.49.
- ¹³³ Under the name of Mundo training. Third Report by Finland (2010), p.43.
- ¹³⁴ Ibid.
- ¹³⁵ Second Report by Georgia (2012), §118.
- ¹³⁶ Third Report by Lithuania (2011), p.46.
- ¹³⁷ Ibid, pp.47-48.
- ¹³⁸ Act No. 235/2006 amending Act No. 231/2001, Section 32 (1). Third Report by the Czech Republic (2010), p.9.
- ¹³⁹ Section 17 (2).
- ¹⁴⁰ Third Report by Ireland (2011), §198.
- ¹⁴¹ Explanatory Report FCNM, §62.
- ¹⁴² Third Report by Austria (2010), pp.49-50.
- ¹⁴³ The Fund finances broadcasts for minorities, including in minority languages. Applications for grants can be submitted by private broadcasters. Third Report by Croatia (2009), p.5.



¹⁴⁴ The scheme promotes programmes on Irish culture that are broadcast in English and Irish. The Broadcasting Authority in Ireland also funds research that promotes diversity in broadcasting. Third Report by Ireland (2011), §199.

¹⁴⁵ Third Report by Germany (2009), p.148.

¹⁴⁶ See note 12.

¹⁴⁷ For example, see Third Report by Ukraine (2009), pp.26-27.

¹⁴⁸ See note 11 above.

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