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The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE

Recommendation 1773 (2006)

Reply from the Committee of Ministers
adopted at the 1002nd meeting of the Ministers' Deputies (12 July 2007)

1. The Committee of Ministers welcomes the Parliamentary Assembly Recommendation 1773 (2006) on "The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE". The Committee of Ministers has brought the recommendation to the attention of the governments of the member states and forwarded it to the Steering Committee on the Media and New Communication Services (CDMC), to the Steering Committee for Education (CDED), to the Committee of Experts under the European Charter for Regional or Minority Languages and to the Steering Committee for Human Rights (CDDH), for the attention in particular of its Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN), for information and possible comments (see appendix).
2. The Committee of Ministers shares the Assembly's view that linguistic diversity is a source of enrichment of societies and it recognises the importance of ensuring full and effective equality of persons belonging to national minorities, of preserving and developing their identities and languages within an integrated and cohesive society, as provided for in the key Council of Europe treaties, such as the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, but also relevant OSCE documents. It recognises that media has an important role to play in fostering a culture of tolerance and intercultural dialogue and understanding regarding various groups and individuals in society.
3. The Committee of Ministers agrees with the Assembly's view that it is essential to guarantee access to information on a non-discriminatory basis, including to persons belonging to national minorities. It recalls that right to freedom of expression, as guaranteed in Article 10 of the European Convention on Human Rights, includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. The Committee of Ministers also agrees that states should abolish any undue restrictions on the establishment and functioning of private media broadcasting especially in minority languages and, more generally, adopt measures to facilitate and encourage the use of these languages in all media.
4. The Committee of Ministers recalls the significance it attaches to this matter, as is shown by the adoption of several recommendations to member states in the field of media over the years. It refers in particular to Recommendations R (97) 21 on the media and the promotion of culture of tolerance, Rec(2007)2 on media pluralism and diversity of media content and Rec(2007)3 on the remit of public service media in the information society which encourages member states, *inter alia*, to assess how economic developments affect the structure of the media and their ability to perform their cultural role. The Committee of Ministers underlines that the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages have played an important role in improving the protection of minorities and their languages in Europe.

5. The Committee of Ministers takes note of the Parliamentary Assembly's initiative concerning the ratification of the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and the European Convention on Transfrontier Television. It recalls that in September 2006, it invited the Council of Europe member states that have not yet done so to ratify the latter Convention. The Committee of Ministers further points out that states which are not party to the Framework Convention explain their position on minority issues and discuss the legal or other obstacles preventing them from signing or ratifying the Framework Convention in the Committee of Experts on issues relating to the Protection of National Minorities (DH-MIN).

6. The Committee of Ministers agrees that co-operation with the OSCE on issues related to national minorities, including on media-related issues, is of great value. In this context, the Committee of Ministers wishes to draw the Assembly's attention to the regular and active participation of the Office of the OSCE High Commissioner on National Minorities in the DH-MIN's work and also to a joint seminar on the subject of "ratification of the European Charter for Regional or Minority Languages" held in Vienna in October 2006, by the Council of Europe and OSCE High Commissioner on National Minorities. Furthermore, it recalls that some of the programmes that are currently being implemented under CDED auspices include sustained co-operation with the OSCE, especially the educational reforms being conducted in the countries of the Western Balkans.

7. With regard to recommendation concerning the amendment of Article 10 of the European Convention on Transfrontier Television, the Committee of Ministers refers to the observations made by the CDMC (see Appendix).

Appendix 1 to the reply

Opinion of the Steering Committee on the Media and New Communication Services (CDMC) on Parliamentary Assembly Recommendation 1773 (2006)

1. The CDMC recalls, as do the OSCE guidelines,¹ that the right to freedom of expression and information is a fundamental right of all persons, including those belonging to national minorities, and includes the right to receive, seek and impart information and ideas in a language and media of their choice without undue interference by public authorities and regardless of frontiers. The CDMC also highlights the important and necessary role of the media in fostering intercultural dialogue.

2. The CDMC notes that Recommendation 1773 (2006) concentrates on broadcast media but highlights the fact that written media (print and electronic) also represent an important means for disseminating information in regional or minority languages.

3. The CDMC acknowledges the fundamental role played by the Framework Convention for the Protection of National Minorities, and the European Charter for Regional and Minority Languages in this field for the states that have signed and ratified them. It has also noted with interest the work of the DH-MIN, and more particularly the recently commissioned report on Access of National Minorities to the Media, and the comments prepared thereon.

4. It recalls the significance attached to the matter by the Committee of Ministers by the adoption of several recommendations to member states in the field of media over the years and which wholly or in part highlight the importance of catering to the media needs of all sectors of society, including minority groups. Of those most recently adopted, Recommendation Rec(2007)2 on media pluralism and diversity of media content and Recommendation Rec(2007)3 on the remit of public service media in the information society (which finds at least partly its origin in the work of the Parliamentary Assembly), can be mentioned.

5. The CDMC and its subordinate bodies continue to pursue their efforts in this respect. Currently, consideration is being given to the role of the media in promoting social cohesion and the integration of different communities. Particular attention is being paid to the part that community, local, minority and social media can play in this context, with a view to preparing a draft standard-setting instrument on possible measures which could be taken in support of these types of media. A report will be prepared on the contribution of public service media to the implementation of the Committee of Ministers' Recommendation R (97) 21 on media and the promotion of a culture of tolerance. The report will examine, *inter alia*, the

¹ 2003 Guidelines on the use of minority languages in the broadcast media developed under the auspices of the OSCE High Commissioner on National Minorities.

important role of public service media in promoting social cohesion and integrating all communities and generations. If appropriate, further action on this subject will be proposed.

6. As regards paragraph 13.1 concerning the European Convention on Transfrontier Television, the CDMC has welcomed the recent (27 September 2006) call by the Committee of Ministers to Council of Europe member states to ratify the Convention if they have not yet done so. The CDMC has noted with satisfaction the various other initiatives that had been taken to promote further accessions to the Convention by member states and widening its geographical scope to non-member states of the Council of Europe. Like the Parliamentary Assembly, the CDMC can only encourage the pursuit of such efforts.

7. With regard to paragraph 13.4 of the recommendation, the CDMC recalls that the objective of programming quotas under Article 10, paragraph 1, of the European Convention on Transfrontier Television is to promote the production and broadcasting of European works on transfrontier television services. The CDMC would share the Parliamentary Assembly's view that there is merit in looking for ways to strengthen multi-lingual audiovisual works as well as audiovisual works produced in regional or minority languages. However, some member states have expressed reservations about including such a reference in the Convention if it were to entail a legal obligation for states, such as the creation of specific quotas. An alternative would be to include such a reference in the Explanatory Report. The CDMC is confident that the Standing Committee on Transfrontier Television (T-TT), the body responsible for the revision of the Convention, will examine the matter with a view to identifying the most appropriate way in which the use of minority languages in the broadcast media can be encouraged.

8. In the context of the problems discussed, the CDMC would draw attention to the fact that the Committee of Ministers has already dealt with the specific issues concerning "audiovisual production and distribution of countries or regions with a low audiovisual output or a limited geographic or linguistic coverage on the European television markets" aiming at building a European audiovisual area reflecting the richness of European cultures and traditions and creating an even playground for audiovisual production and exchange.² The complexity of the matter requires consideration of various options for the promotion of multilingualism and diversity, paying attention to the specific opportunities of broadcasting.

Appendix 2 to the reply

Opinion of the Steering Committee for Education (CDED) on Parliamentary Assembly Recommendation 1773 (2006)

The Steering Committee for Education (CDED):

- welcomes the Parliamentary Assembly's initiative in adopting Recommendation 1773 (2006) on the use of minority languages in the broadcast media and enhancement of co-operation and synergy with the OSCE;
- stresses that some of the programmes that are currently being implemented under its auspices include sustained co-operation with the OSCE, especially under the educational reforms being conducted in the countries of the western Balkans;
- considers that language diversity is one of the essential features of cultural life in the 49 states signatory to the European Cultural Convention, whose inestimable value is undisputed. It recalls that its programme of activities helps maintain and enhance such linguistic and cultural diversity by co-operating with member states in devising policies to promote bilingual and plurilingual education. Some of these activities cover problems arising out of the teaching of the mother tongues of minority and majority groups;
- informs the Committee of Ministers that in 2007 the Directorate of Education will be publishing a Compendium of best practice in the field of education for human rights, citizenship and diversity, which also covers minority languages.

² Recommendation R (93) 5.

Appendix 3 to the reply

Opinion of the Committee of Experts of the European Charter for Regional or Minority Languages on Parliamentary Assembly Recommendation 1773 (2006)

The Committee of Experts of the European Charter for Regional or Minority Languages has taken note of the invitation of the Committee of Ministers to give its comments on the aforementioned recommendation.

As a body of independent experts established on the basis of the Charter for the purpose of monitoring the application of the Charter by the Parties, the Committee has restricted its comments to matters having a direct bearing on its own field of competence.

The Committee of Experts welcomes the initiative taken by the Assembly in raising the crucial issue of the use of regional or minority languages in the broadcast media. It endorses the Assembly's view that this aspect is one of the most important preconditions for the preservation and the promotion of regional and minority languages in Europe. The use of regional or minority languages in the broadcast media can also raise awareness about the cultural diversity in our societies, and contribute to the reduction of tension amongst various groups and the promotion of intercultural dialogue.

The Committee of Experts recalls that the precarious situation of many regional or minority languages can make it difficult for them to gain access to the broadcast media. Against this background, it stresses that protection based solely on a formal right of equal access and abolition of legal discrimination (paragraph 6) is insufficient.

The Committee of Experts underlines in the light of its monitoring practice that positive action must be taken to facilitate and encourage the use of the traditional regional or minority languages in all media. It therefore agrees with the Assembly that the possibility to establish and use private broadcast media should be "effective" (paragraph 13.2) and lead to practical results for the promotion of regional or minority languages.

The Committee of Experts underlines the importance of a broad European commitment to the protection and promotion of regional or minority languages which includes the use of such languages in the broadcast media. It is therefore important for those countries that have not yet ratified the Charter to do so. Especially the eleven states that have signed but not yet ratified the Charter should increase their efforts to do so. It therefore welcomes the Assembly's encouragement of further ratifications (paragraph 13.1) and emphasises the need for the states concerned to make all the necessary efforts so that the ratification process can be completed without further delay.

The Committee of Experts co-operates with the Office of the OSCE High Commissioner on National Minorities in this respect. In October 2006 a joint seminar was organised which provided civil servants from the seven states, which explicitly committed themselves to ratifying the Charter, when acceding to the Council of Europe and have not yet done so, with advice on technical questions of the ratification process. The Committee of Experts therefore agrees with the Assembly that further "practical projects of common interest" should be encouraged (paragraph 14).

Appendix 4 to the reply

Opinion of the Steering Committee for Human Rights (CDDH) on Parliamentary Assembly Recommendation 1773 (2006)

1. The Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN), acting under the authority of the Steering Committee for Human Rights (CDDH) and within the limits of its terms of reference, has examined the recommendation and the report upon which it was based and wishes to submit the following comments.

2. The DH-MIN welcomes the Parliamentary Assembly Recommendation 1773 (2006) on "The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE". The DH-MIN shares the Assembly's view that linguistic diversity is a source of enrichment of societies and it recognises the importance of ensuring full and effective equality of persons belonging to national minorities and preservation and development of their identities and languages within an integrated and cohesive society, as provided for in the Framework Convention for the Protection of National Minorities and other pertinent documents. It is clear that the media play an important role in this respect, as well as in the fight against intolerance.

3. The DH-MIN agrees with the view that it is essential to guarantee access to information on a non-discriminatory basis, including to persons belonging to national minorities. It recalls that right to freedom of expression, as guaranteed in Article 10 of the European Convention on Human Rights, includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. The Committee also agrees that states should abolish any undue restrictions on the establishment and functioning of private media broadcasting in minority languages.

4. The DH-MIN has launched new activities in this domain, notably to examine how the development of various forms of new media affects media access by persons belonging to national minorities. In pursuing this work, the DH-MIN takes into account not only the key Council of Europe treaties, such as the European Convention on Human Rights, the Framework Convention and the European Charter for Regional or Minority Languages, but also relevant OSCE documents, notably the detailed Guidelines on the Use of Minority Languages in the Broadcast Media. Furthermore, the pertinent recommendations issued by the Committee of Ministers are valuable references in this domain. These include Recommendation R (97) 21 on the media and the promotion of culture of tolerance and Recommendation Rec(2007)2 on media pluralism and diversity of media content, which encourages member states, *inter alia*, to assess how economic developments affect the structure of the media and their ability to perform their cultural role.

5. The DH-MIN agrees that the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages have played an important role in improving minority protection in Europe. The DH-MIN notes that the monitoring bodies of these two instruments have regularly made substantial findings pertaining to broadcast and other media, and that in a number of cases the Committee of Ministers has also highlighted these issues in its recommendations.

6. The DH-MIN agrees that co-operation between the Council of Europe and the OSCE on issues related to national minorities, including on media-related issues, is of great value. Such co-operation increases the combined impact and effectiveness of our work. In this respect, the DH-MIN itself has highly appreciated the regular and active participation of the Office of the OSCE High Commissioner on National Minorities in the Committee's work, which has helped to increase synergies. Therefore, the DH-MIN agrees with the proposal to enhance such co-operation further, including through practical projects of common interest, in which civil society representatives could be involved.