

# Committee of Ministers: Under-use of Minority Languages in Broadcasting Highlighted

**IRIS 2003-3:1/3**

*Tarlach McGonagle  
Institute for Information Law (IViR), University of Amsterdam*

The issue of minority-language broadcasting features in a number of texts recently adopted by the Committee of Ministers of the Council of Europe and in texts recently rendered public by the Advisory Committee on the Framework Convention for the Protection of National Minorities. Article 9 of the Framework Convention deals with freedom of expression and (access to and use of) the media, while Article 10 deals with the right of members of national minorities to use their own language.

The Committee of Ministers addresses minority-language broadcasting and other issues in its Resolutions on the implementation of the Framework Convention for the Protection of National Minorities by Armenia, Germany, Moldova and Ukraine (ResCMN(2003) 2 to 5), all adopted Institute for Information Law (IViR) University of Amsterdam in January and February 2003. The Resolution on Armenia (ResCMN(2003)2) calls for further legislative and practical efforts to improve national minorities' access to, and presence in, the media. It favours an increase in the amount of airtime devoted to minority-language programming by public broadcasting services (especially television) and greater State support for the establishment of private media by members of national minorities. For its part, the Resolution on Germany (ResCMN(2003)3) identifies particular "scope for improvement" regarding the development of radio and television programmes for the Danish and Frisian minorities. A "substantial imbalance" is noted "between the various national minorities in the matter of their access to and presence in the media" in the Resolution on Moldova (ResCMN(2003)4). In this connection, the importance of redoubling governmental support for the disadvantaged national minorities (especially the Ukrainians) is therefore stressed.

While the Committee of Ministers' Resolution on Ukraine (ResCMN(2003)5) merely refers to the continued existence of "certain shortcomings" and the observation of "some setbacks" in relation to the electronic media, a recent Opinion on Ukraine by the Advisory Committee on the Framework Convention (ACFC/INF/OP/I(2002)010) expresses concern about how existing broadcasting legislation is curtailing "the use of the languages of national minorities in the nation-wide public service and private broadcasting sectors [...]" . The Advisory Committee favours greater efforts by the authorities to facilitate minorities' access to the media, particularly in Crimea.

A recurrent point in the Advisory Committee's Opinion on Norway (ACFC/INF/OP/I(2003)003) is that additional measures should be taken in order to support and improve radio broadcasting for the Kven minority. The Opinion on Albania (ACFC/INF/OP/I(2003)004) advocates the introduction of "supplementary measures" to improve access to broadcasting for persons belonging to national minorities. The need to increase the coverage in broadcasting of issues that are of interest to national minorities, including those in various minority languages, is also dwelt upon. The Opinion on Armenia (ACFC/INF/OP/I(2003)001) goes further than the aforementioned Resolution ResCMN(2003)2 of the Committee of Ministers. For instance, the Advisory Committee on the Framework Convention finds the existing broadcasting legislation in the country too restrictive as regards the use of minority languages in the public electronic media, especially on public television. It also describes the current support for national minorities to establish private broadcasting outlets as "insufficient".

Under the Framework Convention, the Committee of Ministers of the Council of Europe is responsible for assessing the adequacy of the implementation of the Convention by State Parties. It is assisted in this task by the Advisory Committee. A central feature of the monitoring procedure for the Framework Convention is the submission of State reports, which are rendered public and examined by the Advisory Committee. An Opinion on the reporting State is then elaborated upon by the Advisory Committee and is then forwarded to the Committee of Ministers for its consideration (along with the subsequent comments of the State in question). It is customary practice for the Committee of Ministers to then adopt conclusions and recommendations on the relevant State's implementation of the Framework Convention.

***Resolutions on the implementation of the Framework Convention for the Protection of National Minorities by Armenia, Germany, Moldova and Ukraine (ResCMN(2003) 2 to 5)***

[http://cm.coe.int/site2/ref/dynamic/resolutions\\_cmn.asp](http://cm.coe.int/site2/ref/dynamic/resolutions_cmn.asp)

***Opinions on Ukraine (ACFC/INF/OP/I(2002)010), Norway (ACFC/INF/OP/I(2003)003), Albania (ACFC/INF/OP/I(2003)004) and Armenia (ACFC/INF/OP/I(2003)001) by the Advisory Committee on the Framework Convention for the Protection of National Minorities***

[http://www.coe.int/T/e/human\\_rights/Minorities/2\\_FRAMEWORK\\_CONVENTION\\_\(MONITORING\)/2\\_Monitoring\\_mechanism/](http://www.coe.int/T/e/human_rights/Minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/)

***The Framework Convention for the Protection of National Minorities, 1 February 1995, ETS No. 157***

<http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>

