

High Commissioner on National Minorities: International Guidelines on Use of Minority Languages in Broadcast Media

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A set of international Guidelines on the Use of Minority Languages in the Broadcast Media was launched recently. Elaborated by a group of experts under the auspices of the OSCE High Commissioner on National Minorities, the Guidelines draw inspiration from, and indeed seek to crystallise, existing international standards (both legal and political) dealing specifically or even implicitly with the topic.

The Guidelines, which are accompanied by an Explanatory Note tracing each of the 17 constituent paragraphs to its origins in the relevant international standards, are divided into four sections: General Principles; Policy; Regulation and Promotion of Minority Languages.

The general principles enumerated are: freedom of expression; cultural and linguistic diversity; protection of identity, and equality and non-discrimination.

According to the second section of the Guidelines, States should develop policy to address the use of minority languages in the broadcast media. The elaboration and application of such State policy should include the "effective participation" of persons belonging to national minorities. It ought to be supportive of public service broadcasting to the extent that such broadcasting caters, inter alia, for the linguistic needs of national minorities. State policy in this area should also "facilitate the establishment and maintenance by persons belonging to national minorities of broadcast media in their own language" (para. 8), and independent regulatory bodies should have responsibility for its implementation.

Regulation (including licensing) "must be prescribed by law, based on objective and non-discriminatory criteria and shall not aim to restrict or have the effect of restricting broadcasting in minority languages" (para. 9). States may not prohibit the use of any language in the broadcast media and any measures promoting one or more language(s) should not have restrictive repercussions for the use of other languages, or otherwise adversely affect the rights of persons belonging to national minorities. Furthermore, again drawing on the language of Article 10 of the European Convention on Human Rights, regulation must pursue a legitimate aim and be proportionate to that aim. The proportionality of regulation should be

assessed in light of a wide range of factors, including the existing political, social, religious, cultural and linguistic environment; the number, variety, geographical reach, character, function and languages of available broadcasting services, and the rights, needs, expressed desires and nature of the audience(s) affected.

The Guidelines stipulate that onerous translation requirements should not be imposed on minority-language broadcasting and that transfrontier broadcasting must not be restricted (on the basis of language). Moreover, the availability of foreign broadcasting in a minority language does not obviate the need for States to facilitate the domestic production of programmes in that language, "nor does it justify a reduction of the broadcast time in that language" (para. 13).

The fourth section of the Guidelines countenances a number of facilitative measures aimed at stimulating broadcasting in minority languages, both qualitatively and quantitatively. These include States providing access to broadcasting technology and infrastructure; creating financial assistance schemes; pursuing advantageous fiscal policies and maintaining particular licensing and administrative regimes; all with a view to achieving "effective equality" for broadcasters operating (to varying degrees) in minority languages. As elsewhere in the Guidelines, providing incentives for minority language broadcasting and teasing out various possibilities for its realisation, are approached distinctly from public service and private broadcasting perspectives. The importance of capacity-building (e.g. technical support for the distribution of productions in minority languages; education and training of personnel for minority-language broadcasting) is also emphasised.

A number of processes fed into the preparation of the Guidelines: a commissioned study of the regulation of minority language use in the broadcast media throughout the 55 OSCE Participating States and an analysis of relevant international standards.

Guidelines on the Use of Minority Languages in the Broadcast Media & Explanatory Note, Office of the OSCE High Commissioner on National Minorities, December 2003

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