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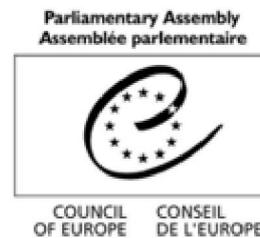
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**Parliamentary Assembly
Assemblée parlementaire**



**Doc. 9151
28 June 2001**

Right of national minorities to create and use their own media in the Council of Europe member states

Motion for a recommendation

presented by Mr Cilevičs and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. The Parliamentary Assembly of the Council of Europe has always played a leading role in promotion of the rights of national minorities in Europe, in particular, in ensuring full respect to implementation of such a basic human right as the freedom of expression for all persons belonging to national minorities. This attitude was reflected, in particular, in the Assembly's Recommendation 1277 (1995) on migrants, ethnic minorities and media, as well as in recently adopted Recommendations 1506 (2001) on freedom of expression and information in the media in Europe and 1492 (2000) on rights of national minorities.

2. Article 10 of the European Convention on Human Rights guarantees the right to freedom of expression for everybody, without any discrimination, including discrimination on the basis of language or affiliation with a national minority. This right may be restricted only when necessary to protect legitimate public interest.

3. The Council of Europe Framework Convention for the Protection of National Minorities, the first ever legally binding document on minority rights, stipulates that "in the legal framework of sound radio and television broadcasting ... [the state parties] shall ensure, as far as possible, ... that persons belonging to national minorities are granted the possibility of creating and using their own media", and that the corresponding licensing system must be non-discriminatory and based on objective criteria.

4. Nevertheless, some of the Council of Europe member states still impose undue restrictions on establishment and operation of private radio and television broadcasting in minority languages:

- in Moldova, the Law on Audiovisual Broadcasting of 1995 obliges private broadcasters to broadcast at least 65% of their audiovisual programs in the state language. It should be mentioned that implementation of this provision was partially liberalised in 2000 after active involvement of the OSCE High Commissioner on National Minorities;

- in Romania, the decision of the National Council for Audiovisual Broadcasting adopted in 1999, made it mandatory to supply all broadcasts in minority languages, with few exceptions, with subtitles or translation into Romanian. However, this regulation was suspended very soon;

- in Estonia, the Language Act of 1995, while it sets no restrictions on radio broadcasting, limits the share of television broadcasting in minority languages not supplied with the translation to Estonian to only 10% of the volume of weekly original production;

- in Latvia, the Law on Radio and Television of 1995 restricts the share of broadcasting in minority languages to 25% of overall daily broadcasting on both

private radio and television;

- in some other countries, notably in France and Turkey, *de jure* or *de facto* restrictions on media in minority languages have been in force.

5. These or similar limitations put disproportional burden on private media in minority languages or even effectively prevent their establishment. Furthermore, it is alarming that even more stringent limitations on the functioning of electronic media in minority languages are under discussion in some Council of Europe member states.

6. Therefore, the Assembly recommends that the Committee of Ministers take the necessary measures to ensure full implementation of the right of national minorities to create their own media in Council of Europe member states.

Signed : ¹

Cilevičs, Latvia, SOC

Aguiar, Portugal, EPP/CD

Bindig, Germany, SOC

Bušić, Croatia, EPP/CD

Dmitrijevas, Lithuania, SOC

Eörsi, Hungary, LDR

Gross, Switzerland, SOC

Hegyi, Hungary, SOC

Isohookana-Asunmaa, Finland, LDR

Ivanov, Estonia, SOC

Laakso, Finland, UEL

Lippelt, Germany, LDR

De Puig, Spain, SOC

Tabajdi, Hungary, SOC

Wilkinson, United Kingdom, EDG

¹ SOC: Socialist Group

EPP/CD: Group of the European People's Party

EDG: European Democratic Group

LDR : Liberal, Democratic and Reformers' Group

UEL: Group of the Unified European Left

NR: not registered in a group