





## Federal Union of European Nationalities

### **The Right to Information and Media of One's Own for the autochthonous, national minorities in Europe**

#### **Recommendations**

53rd FUEN-Congress from 22-25 May 2008 in Pécs / Fünfkirchen, Hungary

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The FUEN is the biggest European umbrella organisation of the autochthonous, national minorities in Europe.

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The Right to Information and Media of One's Own for the autochthonous, national minorities in Europe can be used free of charge, provided the source is quoted.

# INTRODUCTION

In 2006 the FUEN (Federal Union of European Nationalities) adopted together with the YEN (Youth of European Nationalities) the “Charter for the autochthonous national minorities in Europe”.

The Charter comprises the self-image, the fundamental principles and the fundamental rights of the European minorities as well as political demands and guidance for minority protection.

As a follow-up to the adoption of the Charter FUEN decided that it will each year select and elaborate one of the fundamental rights.

The purpose is to work out a useable compendium of minority protection in Europe, complementary to the charter. The leading idea behind this is that only knowledge of the rights of persons belonging to the autochthonous national minorities makes it possible for them to use these rights and apply and develop them in an appropriate way.

This is a condition for maintaining and development of the autochthonous national minorities, their identity, their languages that are often threatened to become extinct, their culture and traditions – as irretrievable heritage and intrinsic value of a diverse and multilingual Europe.

After the adoption of the Charter 2006 in Bautzen/Budyšin and the elaboration of the Right to Education 2007 in Tallinn, 2008 is dedicated to the Media.

Media in the 21st century have a crucial effect on the development of every person and on the society as a whole. In view of the needs of the new media-society and the rapid development of the field of information and communication technology it is the aim of the autochthonous, national minorities to participate in this development and use it in a positive way.

The recommendations for the adequate implementation of the Right to Information and Media of one’s own were elaborated together with the experts of Mercator Media Wales and presented during the FUEN-Congress 2008 in Pécs / Fünfkirchen.

Pécs / Fünfkirchen / Hungary, September 2008

## RECOMMENDATIONS:

### The Right to Information and Media of One's Own

#### Referring to

the **Charter for the autochthonous, national minorities in Europe** and the self-conception of the European minorities, the fundamental principles and fundamental rights as well as the political demands that have been defined in this document that was adopted by the FUEN (Federal Union of European Nationalities) and YEN (Youth of European Nationalities) in 2006,

#### Referring to

the **universal human rights and fundamental freedoms** as defined in international law and in political documents,

#### and referring to

the following **international legislation and political documents concerning The Right to Information and Media of One's Own and concerning the European minorities,**

- Universal Declaration of Human Rights, United Nations, 1948 - §19, §22, §27,
- Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, 1950 - §10
- International Covenant on Economic, Social and Cultural Rights, United Nations, 1966 - §15
- International Covenant on Civil and Political Rights, United Nations, 1966 - §19, §27
- Declaration on the Freedom of Expression and Information, Council of Europe, 1982 - §II
- General Comment 18 on Non-Discrimination, Human Rights Committee, United Nations, 1989
- Convention on the Rights of the Child, United Nations, 1989 - §17, §29
- Concluding Document of the Vienna Meeting, CSCE/OSCE 1989 - §45, §59
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, CSCE/OSCE, 1990 - §9, §10, §32, §33
- Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States, CSCE/OSCE, 1991 – para.6
- Report of the CSCE Meeting of Experts on National Minorities, Geneva, CSCE/OSCE, 1991
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, United Nations, 1992
- European Charter for Regional or Minority Languages, Council of Europe, 1992 - §7, §11, §12
- Framework Convention for the Protection of National Minorities, Council of Europe, 1995 - §9, §17
- Oslo Recommendations regarding the Linguistic Rights of National Minorities, OSCE High Commissioner on National Minorities, 1998 - §8, §9, §11

- European Convention on Transfrontier Television, Council of Europe, 1989, revised 1998 – particularly §10(3), §10a
- Charter of Fundamental Rights of the European Union, European Union, 2000 - §11
- Universal Declaration on Cultural Diversity, UNESCO, 2001
- Guidelines on the use of Minority Languages in the Broadcast Media, OSCE High Commissioner on National Minorities, 2003
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, UNESCO, 2005
- International Mechanisms for Promoting Freedom of Expression: Joint Declaration on Diversity in Broadcasting, UN, OSCE, OAS, ACHPR, 2007
- Declaration on the Rights of Indigenous Peoples, United Nations, 2007 – particularly §16
- Audiovisual Media Services Directive 2007/65/EC, European Union, (Television Without Frontiers Directive) 1989, revised 1997, revised (and renamed) 2007 - §2a.

**The FUEN defines the right to media and the way it has to be implemented for persons belonging to autochthonous national minorities in Europe, taking into consideration the particular context of the minorities, in the following manner:**

## THE RIGHT TO MEDIA

**The right to Media is fundamental to every citizen living in an open and democratic society.**

## OBJECTIVES

- The Media are an essential component in guaranteeing freedom of expression in an open and democratic society.
- The Media are an essential component in guaranteeing rights for the autochthonous, national minorities and for maintaining, developing and promoting their identities, languages, cultures and characteristics.
- Media pluralism and multilingualism as essential components in guaranteeing cultural diversity and contribute to communicating diversity, tolerance, acceptance, respect, mutual understanding and exchange between different communities.
- The right of meaningful access to media to members of autochthonous, national minorities includes the right to create and produce media as well as the right to receive media.
- National minorities have a right to non-discrimination in all media (produced by public, private, community organizations). However, public funded media have a particular responsibility to ensure that discriminatory practices in relation to

autochthonous, national minorities (in terms of both organizational structures and the content of the output) are eliminated in the media.

## **APPLICATION OF THE RIGHT TO MEDIA AND INFORMATION**

To be able to apply the right to media and information in an appropriate way and based on the principle of equal opportunity, media and information must be organized so that it is available, accessible, acceptable and adaptable for all.

## **MEDIA IN THE 21ST CENTURY / INTERNATIONAL STANDARDS AND PRACTICES OF MEDIA**

The media in the 21st century form an essential part in the development of social cohesion across communities and guarantee the freedom of expression of individuals and citizens.

The media now operate in an age of convergence, where old and new forms of media are used by organizations and individuals in order to communicate all kinds of information and knowledge. The media include publishing print newspapers, magazines and other printed materials such as books etc., radio and television broadcasts, films, webcasting and other forms of electronic communication. Media convergence has not only changed the form of media but also has softened the boundaries between the role of the producer and the role of the audience.

Although citizens are able to produce media more easily than ever before, the public allocation of resources to produce and disseminate media content is still an important consideration. All communities must have access to media organizations.

Regulatory systems must be open, transparent and fair

# MEDIA AND MINORITIES

Media are an important part of the protection and support for minorities.

Media contribute to the creation and development of identities of persons belonging to autochthonous, national minorities. Through the media, the values, traditions and images of a minority are reflectively examined, debated and reinvented. The media create communicative spaces and provide fora for persons belonging to autochthonous national minorities to maintain, foster and develop their identity, culture, language, history, traditions, economy and cultural heritage.

The media for autochthonous national minorities are an essential element in language revitalization: increasing the mutual understanding of variants within language communities, stimulating the coinage and dissemination of new vocabulary and contributing to levels of literacy and oracy.

In order to ensure effective equality between minority and majority populations in the application of the right to media, the state must take all required measures to make media available, accessible, acceptable and adaptable, facilitating the opportunities for the minority to engage with media on an equal basis, through development of own media as well as integration into majority media. Media must organise their structures and produce their contents in a non-discriminatory manner.

**To be able to apply the right to media and fulfill the related media objectives in an appropriate way based on international legislation and modern standards and practices of media, against the background of the specific requirements and realities, and suited to the media traditions and regional characteristics of every individual autochthonous national minority, FUEN underlines:**

## RATIFICATION, IMPLEMENTATION AND AMENDMENT OF LEGAL OBLIGATIONS

**The following are essential for the application of the right to media:**

- the ratification and adequate and full implementation, suited to the needs of the minority, of the international legislation, in particular the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages by the individual states.
- the interpretation of existing texts to take into consideration the advent of new media, in particular in the reporting and the monitoring processes.
- new texts to include and recognise all media, where the text specifies the forms of media.

**In this context FUEN demands:**

- from all states to work towards the implementation of the principles, obligations

- and provisions of these documents for all minorities in the country,
- from the organisations representing the autochthonous national minorities to continuously use the existing opportunities to participate in monitoring processes and to contribute to a transparent system of reporting.

## MEDIA CONVERGENCE AND A HOLISTIC APPROACH

According to the current international standards and practices of media, the media systems of the autochthonous national minorities must be based on a converged approach, in terms of access to content, production and dissemination.

Media thus includes the following:

- i. Printed newspapers and magazines, and other printed material
- ii. Television and radio broadcasts – digital and analogue, through satellite, cable and terrestrial transmission
- iii. Television and radio webcasts and podcasts
- iv. On-line editions of newspapers and magazines
- v. On-line multimedia sites (including blogs, social networking etc)
- vi. Films

and produced by the following entities:

- i. Citizens and individuals
- ii. Community groups and associations
- iii. Commercial and private sector operators
- iv. Public funded organizations, corporations and institutions.

Media systems have to be organised according to the requirements of the particular minority based on following criteria:

**Availability:** A sufficient range of media should be available to autochthonous national minorities – in terms of output (audio, audio-visual, text), outlet (platforms to include broadcast, web, print, digital audio etc), and sources (numerous suppliers and media operator) and the content to include a diversity of genre (news, fiction, children, etc). Professional training and career opportunities to be available in the media sector for European autochthonous national minorities.

**Accessibility:** All autochthonous national minorities should have easy and reasonable access to media in their own language if it is produced in their own state or equally in a neighbouring state. As digital technologies evolve and platforms proliferate, equality of access on all platforms and outlets is important. In the digital world, minorities should at least continue to have access to media that they were allowed to receive in the analogue context.

**Acceptability:** The content and access to media must be of high quality and contribute to the creative culture and economy within the community. It should encourage

original production and not be limited to translation (of text or audiovisual). It should be allowed to explore all issues and not be limited in scope to local issues or one type of content.

**Adaptability:** The Media are a particularly dynamic sector and the communicative needs of minorities are no different from those of majorities. Media rights and provisions should be flexible to adapt to the ever changing media environment.

Media provision for national minorities should also include representation in the mainstream or majority media of the state. Issues of mutual understanding and tolerance should be addressed through majority media as well as through minority media. In organising media systems, the direct involvement of the autochthonous national minorities themselves and the organisations that represent their interests must be ensured. The media system must be monitored, adjusted and evaluated according to the criteria given.

Media share special responsibility in constructing an image of autochthonous national minorities. The stigmatizing coverage on national minorities in the media contributes essentially to the diffusion of negative stereotyping about minorities. Therefore, the media must be organized without discrimination.

**In order to reach the universal and specific media objectives a number of conditions must be ensured:**

- Preservation of existing media provisions
- Co- and self-determination in media issues
- Development of own media institutions
- Representation on majority/mainstream media
- Resources for content development
- Training of qualified personnel
- Overall analysis of the implementation of the right to media
- Elimination of discriminatory media contents and practices with a EU Directive

## EXISTING MEDIA PROVISIONS

The existing media organizations must be preserved and guaranteed.

It is therefore necessary to:

1. ensure that the availability and accessibility of media is in accordance with the requirements of the minorities,
2. ensure that the minority has access to a range of media outlets and providers (from the public, private and voluntary sector),
3. ensure that media in their own languages are available free of charge or at a reasonable cost comparable to media available to majorities within the state,
4. organise media organizations, taking into consideration the specific needs of the minorities
  - i) smaller media organizations, depending on the socio-economic and demographic situation
  - ii) higher costs due to smaller circulations and smaller audiences
5. ensure that media organizations have adequate financial resources in order to provide equality in terms of media provision for the minorities in the spirit of equality and non-discrimination in terms of access and availability.

## CO- AND SELF-DETERMINATION IN MEDIA ISSUES

In order to fulfill the objectives of media provision and to ensure that the right to media is fulfilled for autochthonous national minorities, the involvement of the minorities themselves and the right to co- and self-determination in media issues is crucial.

The *Right to adapted forms of self-administration and cultural autonomy* is one of the fundamental rights of the autochthonous national minorities.

Co- and self-determination in media issues is a necessary condition for the holistic organisation of the media and this should correspond to the requirements of the individual minority. Co- and self-determination of media should be applied in the formation of media objectives, content and structures.

## DEVELOPMENT OF OWN MEDIA INSTITUTIONS

The development of 'own media' and the notion of ownership within the minority is an essential aspect of operating suitable media institutions for national minorities.

Own media institutions should include:

1. the establishment of regulatory bodies within the national minorities in order to regulate media ownership, structures and content where necessary;
2. the establishment of newspapers, magazines, or printed or text based media, in order to secure the presence of the written form of the language within the media,
3. the establishment of oral media (radio) as a medium of communication for minorities

4. the establishment of audiovisual media (television, films etc) as a medium of communication for minorities,
5. the development of on-line media as well as traditional forms of media,
6. the development of community media as well as other levels of media (such as private, public etc).

## REPRESENTATION ON MAJORITY/MAINSTREAM MEDIA

Media systems operate on state and suprastate levels as well as on local, regional and national levels. In order to promote mutual understanding, social coherence and tolerance, it is necessary that the media relationship between majorities and minorities is developed so that:

1. where regulatory bodies have responsibility for monitoring the content and structure of minority media, they should be representative of the minority communities and that members of such organizations should have knowledge of the national minority and its language etc,
2. the establishment of specific media in the language of the national minority should not preclude the development of the representation of minorities on majority media:
  - i) in terms of content and output, which should be duly monitored, to ensure that minorities (including national minorities) are duly represented within audiovisual and text media (for example, within television programmes)
  - ii) in terms of structures, which should be duly monitored, to ensure that production from the national minorities are disseminated to the majorities, for example, that individuals and companies are able to produce programmes for the majority populations/networks.

## RESOURCES FOR CONTENT DEVELOPMENT

Resources should be made available and accessible to ensure that media content produced by and for minorities is adequate and suitable for modern day communication.

1. The availability of funds so that high quality original audiovisual material can be produced by the minority.
2. The availability of electronic language infrastructure (e.g. spellcheckers, electronic corpora of lexicon, etc) are available to assist all linguistic functions of media such as live subtitling etc.
3. The availability of additional resources for translation where necessary, for example if news agencies do not provide information in the minority language
4. The availability of funds to ensure that diversity can be upheld in small markets.

5. The availability of funds to ensure that expensive forms of media can be afforded within small markets so to ensure a wide range of genres.
6. The availability of funds to ensure that new players can have access to the media industry in order to sustain creativity and regeneration.

## TRAINING OF QUALIFIED PERSONNEL

Media content is increasingly being produced by individuals as well as by organizations. It is important that producers of content are trained adequately in their field of operation.

1. Media training of professionals (journalists, camera, technicians etc) should be available through the medium of the language of the minority and should train for the requirements of the media industry of the minority.
2. State-level training organizations should ensure that their structures reflect the needs of minorities and their media.
3. Media training in the context of minorities should adapt to the requirements of the community and society and should be as forward-thinking as that of the majorities.
4. Media literacy should be identified as a priority in other fields of activity such as education, public information and this should include the minorities.