
Pál Belényesi

**The problem of the representation
of minorities in the media and the relevant
regulation in Europe**

A comparative study¹

Abstract

First the appearance of national minorities in the Hungarian media will be analysed, then it will be observed how the regulations of various international organisations (UN, EU, EC,) and several member states (UK, Romania, Slovenia, Slovakia, Poland, Germany Lithuania, France) concerning the presentation of minorities have been carried out in practice. It is believed that the French practice is an example of successful management of minority problems. The considerable differences in the attitudes of the various member states prove that it is not the task of the EU to act out its role as a protective screen, but the media authorities of the member states themselves should find satisfactory solutions.

Motto

„There are many ethnic minority groups, a legacy both of continuously shifting borders and the multiethnic diversity from before the nation-state era. Though great violence accompanied attempts to “homogenize” states in the twentieth century, it has not yet dissolved... Eastern Europe’s minorities, whether concentrated along the borders of neighboring kin-states or scattered according to age-old settlement patterns, are thus usually no “newer” than the majority population. As “national minorities”, they enjoy legal protections ... they face much of the same socio-economic exclusion as Western Europe’s immigrants and have been targeted by populist politicians, who capi-

¹ While preparing the essay the author was the researcher of European University Institute, at present the solicitor at the European The essay does not necessarily reflects the official standpoint of the EU Committee, its content is the personal opinion of the author.

talize on suspicions of separatism and irredentism. Still, though some countries have coped better with ethnic tensions than others... Also, minority programs suffer from a somewhat exoticist focus on folk culture, as if the minority groups' culture could be considered in blissful separation from its interactions with overall society. There is relatively little coverage of social issues or current affairs, but no lack of singing and dancing minorities.”²

Introduction

According to the 2001 census 3% of the population of Hungary claimed to belong to a legally accepted national or ethnic minority.³ In Hungary the media representation of those who belong to a legally accepted national or ethnic minority as defined by the Minority Law is insufficient. Apart from the traditional weekly “minority programs” there is practically no other possibility of media presence.⁴

Art. 23.4.c of the Media Law⁵ declares in connection to the broadcasting activities of public service media that a station should represent national or ethnic minority culture with special care.

The presentation of culture in the media becomes part of the public knowledge and thus the Hungarian majority too, need objective, thorough and analytic reports as well as informative programs about the minorities. This, however, is meaningless if it remains merely in theory. Institutions with adequate legal bases are necessary that operate properly, are efficient and liable to revision.

In the explanation part of the Media Law it is especially stressed that the aim of the Law has been to ensure the cooperation of the media in reviving the Hungarian spiritual life and culture, enhancing its multi-coloured wealth.⁶

² Van Beek, J. et Kusa, D. (2004), „Minorities and the Media in Central and Eastern Europe”, More Colour in the Media, Prix Iris Europa – Catalogue 2003.

³ http://www.nepszamlalas.hu/hun/kotetek/04/04_modsz.pdf, and Act 1993. LXXVII. on the rights of national and ethnic minorities.

⁴ Roma Press Center: „Minority Communities in the Hungarian Media”, Research Report, 2003, p.6.

⁵ Act on radio and television broadcasting (Media Law) 1996. I.

⁶ Explanation of the Law III..

I. On Minorities in general – National minority and the media

1. *What are national minorities?*⁷

According to population statistics minority is an ethnic religious or other kind of group with a special identity living in a larger community, if the proportion of the persons, depending on the number of groups, is about 1-49%.⁸

In Hungary there are historically developed national, ethnic and religious minorities. Since in the territory of a given state there is/are living state-forming nation/s, the groups having developed around ethnic features not easily documented are called ethnic minorities, those organized on a national basis are the national minorities.

There is another definition of national minority,⁹ this compares 'minority ethnicity' with 'majority ethnicity' and underlines that an ethnic minority differs less from the majority than national minority. This definition is going to be used in the present essay with the addition that in Hungary those ethnic, national groups are accepted as national minority, which are described as such by the Hungarian Minority Law.

In Hungary there are 13 legally recognized nationalities of which 12 are national minorities and one ethnic minority (the Gypsies).¹⁰ According to the 2001 census 3% of the population of Hungary claimed to belong to a legally accepted national or ethnic minority. Some estimates, however, reckon with 7-9% of minorities, Gypsies as a legally accepted ethnic minority included.¹¹

300.000 to 900.000 persons is a considerable mass in comparison to the total number of the inhabitants thus it is important to manage the connecting problems appropriately, the question of media representation included.¹²

⁷ Girasoli, N. (1995) „National Minorities. Who Are They?” Budapest, Akadémiai Kiadó

⁸ similarly *Wikipedia* (www.hu.wikipedia.org)

⁹ Cf.: http://www.enc.hu/1enciklopedia/fogalmi/humanfoldr/nemzeti_kisebbseg.htm

¹⁰ 1993. LXXVII Act on the rights of national and ethnic minorities.

¹¹ Cf. : <http://www.nepszamlalas.hu/hun/kotetek/04/tartalom.html>

¹² <http://www.mtaki.hu/kiadvanyok/> contains the list of relevant literature.

*2. Minorities in the media*¹³

There are two differences that should be made about minorities appearing in the media: what is the proportion of minorities to that of media employees; and what kind of image is presented about minorities in the various media.¹⁴

Since the first question is one of employment, labour legislation and politics, the present essay focuses on the presentation of minorities in the media.

The media institutions founded by minorities – minority media – represent a special area. It has to be mentioned that all the 12 national minorities as well as the Gypsy ethnical minority have their own media.¹⁵

In the electronic media there are special websites belonging to the various minorities, as well as www.kisebbseg.lap.hu, and www.nemzetisegek.hu, the most popular sites that contain information about national and ethnic matters independently of any special affiliation.

3. The aim of the present essay

The present essay deals with the presence and presentation of minorities in the Hungarian media as well as intends to explore the practice of regulations concerning the media presentation of nationalities in the neighbouring countries.

It is important to define the policy of media with pluralistic intentions; there are analyses to prove that the presentation of minorities – not only ethnic but also national ones – usually follows stereotypes and frequently make unnecessary remarks on the affiliation of the participants. The setting of correct policy is also necessary to answer the decision of the European Committee (EUC) that 2007 was ‘the year of equal opportunity’ with the main topics on absence of discrimination, on tolerance and respect towards other nationalities.

¹³ Cf. Georgiou, M. (2003), „Mapping Diasporic Media Across the EU: Addressing Cultural Exclusion”, London School of Economics.

¹⁴ For written press cf. ter Wal, J. (2004), „Quantitative Analysis of Daily Press TV Contents in the 15 EU Members States”, European Day of Media Monitoring, More Colour in the Media Online

¹⁵ cf: <http://kisebbseg.bmknet.hu/media.html>

Lack of interest in national minorities and ignorance about them are major factors to decide whether a society is open-minded and tolerant towards them; this can decide whether the members of a group feel at home or displaced.

Media play roles in including minorities into the economic processes of a state and minimizing the differences and barriers between the various nationalities based on sometimes extremist ideas, ideologies and stereotypes.

Media are also important to form social identity,¹⁶ what kind of image and identity would the population of a state develop about their country and indirectly about the members of minorities. According to a Canadian essay it is the media that can be held responsible for how the inhabitants of Canada regard and value their society.¹⁷

Examining the role of minorities and media – as was explained above – there are three points of departure.¹⁸

The first is *inclusion*, i.e. to what extent do media enclose minority opinion, how truly do they represent it and whether minorities appear in the media at all.

The second is the *role of the media* especially to what extent do they represent the historically developed stereotypes and how truly do media present the members of minorities.

The third is the *control of production* i.e. how can the members of a minority influence the programs dealing with them and whether they have any overview of it and any say in the finished program.

Two renowned American authors came to the conclusion that “*By its lack of diversity, media content does reflect the inequality that exists in the social world – and in the media industry... media content certainly influences our understanding of the social world, because media content can communicate underlying messages about the nature of reality. It can provide norms, values, and behaviors.*”¹⁹

¹⁶ Henry, F. (1999), „The Racialization of Crime in Toronto’s Print Media: A Research Project”, Toronto, School of Journalism, Ryerson Polytechnic University

¹⁷ Mahtani, M. (2001), „Representing Minorities: Canadian Media and Minority Identities”, Department of Canadian Heritage for the Ethnocultural, Racial, Religious, and Linguistic Diversity and Identity Seminar, Halifax, p. 2.

¹⁸ Croteau, D. et Hoynes, W. (1997), „Media/Society – Industries, Images, and Audiences”, Pine Forge Press

¹⁹ Croteau, D. et Hoynes, W. (1997), „Media/Society – Industries, Images, and Audiences”, Pine Forge Press, 161. oldal

Inclusion and role of the media are the important points to be followed up in the present paper.

3a. The London model

In general one of the problems is that migration policy is rarely accompanied by cultural and minority-cultural policy. The result is that most of the European cultural projects disregard ethnic cultural features.

The 2004 London survey is an example that pointed out the connection between street violence and racist attacks and the way media reports on immigrants and how it is displayed.

There were in-depth focus groups interviews where most of the London informants admitted that the reports using exaggerated adjectives could promote fear and tension facing “people like that”.²⁰

The study explained that unbalanced and inaccurate information too could induce uncertainty in the – reading – public. Many of the racist incidents repeated the expressions that frequently occurred in the reports of the newspapers. According to the head of the Information Centre about Asylum Seekers and Refugees (Icar), research group it was easy to prove that reports based on inaccurate and ambiguous sources could promote tension.

As a result, together with the Mayor of London, the scholars found that central directions are necessary, i.e. setting objective standards by the media authorities of every type.²¹

3b. The confusion about minority as an idea

The other problem is that policies treat minorities as a unit, as a phenomenon without attempting at a differentiation between the various forms of it. Thus the borders between national, ethnic minorities are blended into one another just as minority policy treats children, women and handicapped persons the same way as would be

²⁰ www.bbc.co.uk. The research dealt with local and non-local papers, i.e. was based on the written medium but the influence can be extended to non-written media too.

²¹ Another 2004 story could be added when there arose problems about the meaning of the word ‘diversity’, that time in television. An important aim of BBC is to present multifarious and multi-coloured approach both among its colleagues and in the programs. Among other aspects it wanted to express that UK is a country with many races paying attention to unbiased and correct newscast. www.bbc.co.uk

treated e.g. the Slovenians in Hungary or the Hungarians in Ukraine. Differentiation according to age or gender within a national minority is even less usual.

Considering the above discussed matter the result is not surprising that minorities, even those that represent larger groups, are regarded as silent, invisible phenomena with negligible self-assertion.

3c. Minorities in the public sphere

To appear in the public sphere it is essential for national minorities not to be presented in a socially negative and traditionally stereotyped context by the media.

It is important that the public appearance of minorities, however, should not exclusively be founded on the form of 'cover story'. Such broadcasting is required that is objective through the participation, presentation and commentaries of the minorities themselves.

It is important not to introduce minorities by negative stereotypes²² because it does not only alienates the majority members but has a negative effect on the self-evaluation of the minority members too.

If the minority members cannot perceive positive attitude toward themselves, they would not have the drive to change the already formed image because the influence of the media upon the public opinion will inevitably repeat the biased confrontation with the problem of their integration. Similar unambiguous and not necessarily true image could be created by the lack of alternative media and of the news broadcast with biased angles.²³

While mass media can contribute to democratic participation, ethnic tolerance and the establishing of relationship between cultures, it can also be the perpetrator of political, ethnic and cultural conflicts.²⁴

²² e.g. such news that unambiguously suggest that all Serbs coming to Hungary are criminals, or every Romanian is hostile towards Hungarians, etc.

²³ cf. e.g.: Gist, M. (1990), "Minorities in Media Imagery." *Newspaper Research Journal*, 11(3): 52-63; és Wilson, C., and F. Gutierrez. (1985), „Minorities and Media: Diversity and the End of Mass Communication” London, Sage Press; és Kelly, J. (1998), „Under the Gaze: Learning to be Black in White Society” Halifax: Fernwood Publishing.

²⁴ Lengel, L. (ed.), *Culture and Technology in the New Europe: Civic Discourse in Transformation in Post-Communist Nations* (Stamford, CT: Ablex, 2000); és Reljic, D. (2000), "The News Media and the Transformation of Ethnopolitical Conf-

3d. EU initiatives

One of the conditions of the intensive struggle in the audiovisual and informatics race is that the information reaching its users should be satisfactory and varied. This should be the common criterion for all the European users. One of the recommendations of the Council of Europe therefore stresses the importance of the protection of human dignity, not only theoretically but in connection to the various forms of media too.²⁵

The protection of human dignity cannot be satisfied with a media policy that allows non-objective information, the formation of stereotypes. Though it is not characteristic in Hungarian media today, however, the means of adequate enforcement have been missing that would be able to successfully check possible violations. The appropriate authority of enforcement is especially important considering the manifold regulations of the member states.

The recommendation urges the interested parties to cooperate in drawing up codes of conduct for the protection of minors and human dignity that would regulate broadcasting on the network in order to create favourable settings for the promotion of new services.²⁶

International organization, Council of Europe, European Union and Non-Governmental Organizations

1. The UNO

The concept of minorities first appeared in the 1992 Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic

licts," in Berghof Handbook for Conflict Transformation, [Online]. <http://www.berghof-center.org/handbook/relic/index.htm>; és Remy, R. C. & Strzemieczny, J. (1997), "Education for Democratic Citizenship in Poland," Civnet, [Online]. Available: <http://www.civnet.org>; és Janusz Bugajski (1994), „Ethnic Politics in Eastern Europe: A Guide to Nationality Policies, Organizations and Parties”, The Center for Strategies and International Studies, SHARPE-Publisher

²⁵ It is true the recommendation did not mention broadcasting but it has become relevant by now. Cf. Preamble 6. Recommendation of the Council of EU 98/560/EC to the European audiovisual and information business, HL L 270/48.

²⁶ Recommendations 1.-3. Recommendation on the protection of minors and human dignity in audiovisual and information services. Council of the European Union.

Minorities. In 1994 an Addendum was accepted that interpreted Art. 27 of International Covenant on Civil and Political Rights and since that has been regarded as a regular legal source. This Article enables people belonging to minorities to exercise their rights together with other members of their group.

The addendum underlines that the rights are those of the individual – the Organization for Security and Cooperation in Europe (OSCE) recognizes both individual and collective rights²⁷ - but should be applied to allow minority groups to preserve their identity. The Addendum declares that ‘minorities exist’ and stresses that it is not within the right of the state to establish the level of permanence the term ‘exist’ expresses. Minorities *de facto* exist, their existence cannot depend on state discretion.

UN regards minority rights expressly as part of human rights.

Par. 1. of Article 6. provides for the state protecting the existence of minorities on their territory, their national or ethnic, religious and linguistic identity and enhance the conditions of its realization.

The Universal declaration on Cultural Diversity of UNESCO, issued in November 2001 is of similar importance; its Article 6. especially refers to the variety of the media.²⁸

2. Council of Europe

It has several documents too but especially important are European Charter for Regional and Minority Language and the Framework Convention for the Protection of National Minorities from 1995²⁹ as these are international contracts to improve the situation of minorities.³⁰ The Framework Convention is considered to be the first impor-

²⁷ Cf. the document of Organization for Security and Cooperation in Europe (OSCE) and its directions on the use of minority languages in th media in 2003.

²⁸ Article 6 – Towards access for all to cultural diversity While ensuring the free flow of ideas by word and image care should be exercised that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

²⁹ Conseil de l'Europe: Convention - cadre pour la protection des minorités nationales, Strasbourg, 1er février, 1995.

³⁰ Gerencsér Balázs – Juhász Albin: A kisebbségvédelem megvalósulása a nemzetközi szervezetekben. [Minority protection in the international organisations] <http://www.jakabffy.ro/magyar kisebbsseg/index.php?action=cimek&cikk=m020124.html>

tant document on the protection of minorities with exercising rights above states³¹

Several of the CE recommendations deal with the relationship between media and minorities, e.g. 1999 recommendations on media pluralism and the 1997 one on media and tolerance³².

Recommendation 1277/1995 also treats media, minorities and tolerance;³³ it is about the relationship between immigrants and ethnic minorities and the media and stresses what an important influence the media have on the formation of public opinion on immigrants and members of ethnic minorities. Though media are important arena for the struggle against racism and xenophobia it also has the hazard of turning the table and certain media manifestations could prove instigating.³⁴

The same recommendation directs that 'Migrants and ethnic minorities are entitled to be portrayed comprehensively and impartially in the media. This is a pre-condition if all citizens are to take a more rational view of immigration and multi-culturalism' and its meaning.

The recommendation calls upon the Committee of Ministers to encourage media professionals in preparing codes of conduct that lay down ethical principles that will be in force. The recommendation stresses the important role of the member states in taking every measure to help those principles succeed and if necessary to enact or reinforce such legislations.

3. European Union

European Parliament deals with the protection of minorities in several contexts some of which refer to minorities and their representation too.³⁵

³¹ Gál, K. (2000), „The Council of Europe Framework Convention for the Protection of National Minorities and its impact on Central and Eastern Europe”, Journal on Ethnopolitics and Minority Issues in Europe, ECMI, Germany.

³² The CE recommendations can be found: <http://www.humanrights.coe.int/media/documents/legal%20texts/recommendations.htm>.

Also recommendation 1201(1993) is an attempt at the definition of national minority.

³³ . <http://www.akti.hu/dokumentumtar/et/dok/angol23.doc>

³⁴ cf. Recommendations : No. R (97) 20 on hatespeak and No. R (97) 20 on tolerance.

³⁵ http://www.europarl.eu.int/comparl/libe/elsj/charter/report2002/art21_2_fr.htm on national and ethnic minority:

The studies, however, point out that EU does not deal properly with the problem though it would be necessary *a fortiori* to help improve the unsustainable developments by useful acts at the appropriate level. According to the reports EU would be the most suitable forum.

Another union level initiative is the – not obligatory – proposal of the committee on the protection of minors and human dignity.³⁶

European Parliament has dealt with the question only tangentially and in segments. Though the study by Lívía Járóka is about the situation of Roma women but in its Point 22. there is a proposal formulated that a study should be prepared for the European Monitoring Centre for Racism and Xenophobia in Vienna about the stereotypes shown in the media as well as the social effects of hostility against the Roma.³⁷ The report starts out from the fact that Roma women have to constantly face a distorted image in the various media.

4. Non-Governmental Organizations

In March 2003 the organization *More Colour in the Media* published the results of a research on the relationship between ethnic groups and the journalists of electronic and non-electronic press as well as multicultural media.³⁸ The research was published on the occasion of the European Day of Media Monitoring³⁹

The essay deals mainly with ethnic minorities, but immigrants, refugees, discriminated persons are frequently mentioned together with ethnic minorities, thus diminishing the accuracy and usability of the research. Since it is not the aim to repeat the findings of the Research only mention is made of it; notwithstanding it is worth to point out some details.

<http://www.europarl.eu.int/comparl/libe/elsj/events/hearings/20050425/policy-department.pdf>.

³⁶ 98/560/EC Recommendation on the protection of minors and human dignity in audiovisual and information services.

³⁷ European Parliament, Járóka-report: The situation of Roma women in the European Union. 2005/2164 (INI) 27. April 2006.

³⁸ MCM: Challenge of Reporting Diversity Sparks Dialogue Between Journalists and Ethnic Groups To Improve Media Quality, 2003

³⁹ Jessika ter Wal: Quantitative analysis of daily press and TV contents in the 15 EU Member States, March 2004. European Research Center, Utrecht University

Among the news items investigated 11% dealt with the so-called basis group. This 11%, however, has shown extreme distribution of examples of describing crime and political-governmental news.

In general the authors found that the majority of the items described as 'routine-news' dealing with minorities were more frequently introduced with negative and conflict content, with remarks on religion and on crime and demonstrations than in neutral and factual presentation.⁴⁰

Negative description of minorities was also much more frequent than that of the inhabitants of certain areas of the country; ethnic and national minorities were put more in the focus by the media when dealing with questions of religion and denomination. The ideas about minorities is formed on similar lines, the everyday matters of the given minority hardly ever are presented in the media, and if they occasionally are, it is generally without the inclusion of members of the minority thus not allowing them to express their own opinion. Tabloids present more frequently members of minorities than quality papers.

One of the most important data in the essay is that in case when the members of the minority were protagonists of the story they were quoted at 36% while the proportion of quotation in the case of majority persons was 52%.

Referring to the CE framework several NGO point out – at least about Central Europe – the ambiguous role of the media.

As Kinga Gál has referred to the situation in her essay (Gál 2000), it gives cause for concern that the media frequently presents negative stereotypes and hate speak and politically incorrect opinions are also reproduced in the papers. In spite of the fact that both the CE framework and international legislation interdict it is a frequent occurrence in the media.⁴¹

⁴⁰ Ibid. pp 4-6.

⁴¹ Gál, Kinga (2000), „The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe”, p. 11. ff.

II. National practice

1. Romania

1. Minorities in Romania

There are 18 ethnic and national minorities in Romania, of which Hungarian is the most populous, followed by Ukrainian, German and Russian minorities.⁴²

The 1991 Romanian constitution provides several minority rights for the minorities living in the territory of Romania; among others the right to national identity is set down in Article 6., or the right to use their national language in court in Art. 127.

The enforcement of the above guarantees, however, poses problems. The 1995 education law and other legislations, e.g. No. 36/1997 in spite of its alleviating effect, restrict the success of minority rights.

The media appearance of minorities is not free from various influences either.⁴³

2. The situation of the media⁴⁴

Before 1989 electronic media meant just a couple of hours emission of *Caușescu*-propaganda per day; that has considerably changed since then.

The Romanian media can be characterized by the influx of international capital, regulations on the lines of the EU requirements – or at least making efforts in the direction – and independence delineated by laws. The pluralism of media by diversity could be considered ensured.

At closer examination, however, it is apparent that the actual broadcasting does not always correspond to the requirements set down in the regulations and reflect the interference of political and economic interests.⁴⁵

⁴² *Recensământul populației și locuințelor* [Census, National Office of Statistics Hivatal], March 2002. <http://www.insse.ro/rpl2002rezgen/14.pdf>

⁴³ In addition there is the National Audiovisual Council's decision of making compulsory the dubbing of minority languages into Romanian.

⁴⁴ Berry, D., „The Romanian Mass Media and Cultural Development”, Ashgate, 2004

⁴⁵ Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1235.

The public service television (*Societatea Romana de Televiziune - Romanian Television Broadcasting Cooperation, SRTV*)⁴⁶ has remained informative and satisfying educational aims but this cannot be stated of the commercial broadcasters. These prefer to show the 'non-events', news that do not meet the interest of the wide audience but that are violent and eye-catching programs. The commercial broadcasters justify it by claiming that this is what the audience wants and this is what is profitable.

Media culture is characterized by the so-called '*berlusconisation*', i.e. the media owners are politicians and business- persons in increasing number who want to gain fame that way.

There is a special law regulating public television.⁴⁷ This rules that the service providers have to assure the pluralism and freedom of information and have to provide accurate and fresh news. There are other objective requirements the broadcast programs have to comply to: balanced information, the observation of the Romanian cultural values, the social, democratic and ethical preservation of and respect for minority rights.

3. Regulations

The sole legislative authority of the audiovisual service market is the *Consiliul Național al Audiovizualului (CNA)* [National Audiovisual Council]. Since the 1992 creation of CNA it is responsible for both for public and commercial television activities.⁴⁸ The operation of the services is set by the audio-visual law,⁴⁹ where Art. 10 defines the tasks of CNA.

Such a task is, among others, the assurance of pluralism. The IGCTI [national authority of telecommunication] is responsible for monitoring whether the broadcasters satisfy the requirements as well as starts the permit procedures.⁵⁰

⁴⁶ Its most popular station is TVR1, earlier Romania 1.

⁴⁷ Law no. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Broadcasting Corporation, last amended by Law 124/1998. Monitorul Oficial 636 of

⁴⁸ Act 48/1992.

⁴⁹ Act 504/2002, Monitorul Oficial No. 534, 2002. július 22.

⁵⁰ Act 510/2004.

It is CNA, however, that issues the broadcasting permits. Among the exactly defined requirements there is the important point for minorities i.e. in addition to the presentation of Romanian national culture and language, the languages of minorities should be respected too.⁵¹

In case of illegal practices that are contrary to the permit decision of the media authority, CNA can decide within the limits assured by the Audio-visual law both in the case of public and commercial television. Serious offences can be punished by fines or by the withdrawal of the permit.

Withdrawal of the broadcasting permit can be the consequence if the service provider 'repeatedly instigate hate against the nation, ethnics or religions'. What really is meant by 'repeatedly' is not explained in the law.⁵² The decision can be repealed by the court and could appear even before the Supreme Court.

In 2002 CNA withdrew a Bucharest licence on the grounds that it broadcast a talk-show where there were serious insinuations in connection to the leaders of the governing party. The invited guests made discriminative, anti-Semitic remarks thus offending public interests and instigating xenophobia. In its decision CNA referred to the 1989 CE guide-line for 'television without borders' and declared that the role of talk-show moderators should be regulated in a way that they should dissuade participants from making remarks conflicting with any of the legislations.⁵³

There are several guide lines for SRTV (TVR) but this kind of over-regulation does not apply to the commercial broadcasters.

Regarding the accuracy of news, the decision CNA 40/2004 is the one to define the conditions of how the public should be informed.⁵⁴ The statute for journalists of SRTV contains guidelines for exact and objective information, forbidding the manipulation and misinformation of the public.

⁵¹ 146/2002 decision of CNA.

⁵² www.cna.ro/english/legislation/law402.html

⁵³ Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1253.

⁵⁴ CNA Decision no. 40/2004 concerning the necessity to ensure that the public is correctly informed, Monitorul Oficial 234 of 17 March 2004.

4. *Academia Catavencu*

Academia Catavencu was founded in 1991. It is a non-profit organisation with the aim to fight against misleading information. It is the publisher of the most popular satirical weekly which has the task to monitor nationalist, anti-tolerant pieces published in the national press.

The achievement of this initiative is the increase of the number of programs that broadcast talks with leading journalists, educating in the art of writing articles on national and ethnic minority questions.⁵⁵

2. Slovakia

1. *Minorities*

In Slovakia the largest minority group is that of the 570000 – 600000 Hungarians representing more than 10% of the total population. Since there has been no harmonious relationship between Hungarians and the political elite, there is little relevance in the role of the media, there is no national reconciliation in Slovakia and there are many who have negative feelings toward the Hungarian minority.⁵⁶

Art. 12. §2. of the Slovakian constitution⁵⁷ declares the prohibition of discrimination; that means the prohibition of discrimination based on nationality and origins in accordance with the international formulations. Arts. 33. and 34. contain regulations dealing with national and ethnic minorities but there no special mention of broadcasting.

2. *Media and regulations*

In reference to the written media, it is worth mentioning that several sources and studies have reported the media opinion that certain

⁵⁵ <http://www.minorityrights.org/Admin/Download/pdf/MediaCEEuroWR.pdf>

⁵⁶ Bakker, E. (1998), „Growing Isolation : Political and ethnic tensions in the Slovak Republic”. In. <http://www.nhc.nl/hm/1998/vol1/Bakker98-1.pdf>; and M. Kusy, (1996), „Minorities and regionalization in Slovakia: regionalization as a solution for the Hungarian minority issue in Slovakia”, in: Helsinki Monitor, no. 1. 58-64. old.; Paul, E.P. (2003), „Perception vs. Reality: Slovak views of the Hungarian Minority in Slovakia”, Nationalities Papers, Vol. 31, No. 4, pp. 485-493.

⁵⁷ No. 460/1992 Coll., full text: No. 135/2001. Coll

Hungarian events could even cause war; thus they are feeding aversion in the Slovakian public against the Hungarian minority.⁵⁸

The 1991 law on broadcasting and program services discontinued the state monopoly in the field and made the creation of a market with multiple participants possible. The major legislating authority is the Council for Broadcasting Services appointed in accordance with the law. The Office of telecommunication, the Slovakian tender authority and the cultural ministry are also participating in the regulations.

Of the above-mentioned organizations the ministry is at the head of the hierarchy and is responsibly for the monitoring of minority rights.

In Slovakia *Slovenska Televizia*, public television, has two stations STV1 (*Jednotka*) and STV2 (*Dvojka*); in addition there are several commercial stations too.

Slovakian media in general try to keep contact with the minorities through regular programs and aims at the strengthening the integration of national and ethnic minorities.

Considering its special role, public television has to keep in view both the media law and the directives of STV, as well as the so-called agreements. Such a document is the charter of news and actuality,⁵⁹ which contains guidelines how to present certain news and what standards should the broadcasters aim at. Such principles are: humanity, un-biased presentation and maximal ethic content.⁶⁰

For the management of the various minority problems, Chapter 5. of the charter contains regulations concerning the media representation of national and ethnic minorities. The charter also offers detailed legislation for broadcasting - and its minority and racist contents - that threatens with reprisal for the instances of programs disregarding the regulations of the charter.

⁵⁸ Paul, E.P. (2003), „Perception vs. Reality: Slovak views of the Hungarian Minority in Slovakia”, *Nationalities Papers*, Vol. 31, No. 4, p. 488.

⁵⁹ STV, *Charta spravodajstva a publicistiky*, (Charter for News and Current Affairs Programmes), cf.: www.stv.sk/files/FUSellXoQf.pdf

⁶⁰ *Monitoring Reports: „Television across Europe: regulation, policy and independence”*, 2005, Open Society Institute, Network Media Program, Vol. 3, p.p. 1432-33.

Besides the charter there is another document on the content of services, the statute of news and actualities⁶¹ based on the similar document of the BBC. The members of STV are to work according to the statutes, those who offend against it could be dismissed.

§15. of the law on broadcasting and program services is about commercial stations, but it contains no regulations on national minorities. §15 is about the content of the programs and the freedom of reception, that interference is only possible within the limits of the law.

3. Slovenia

1. Minorities

In Slovenia there are officially two accepted national minorities: Hungarian and Italian, and one ethnic: Gypsies.⁶² There are many other groups too: Bosnian, Serb, Croatian, Albanian but since their presence is the outcome of the wars in Yugoslavia, unlike the Hungarian and Italian minorities they do not have historically and constitutionally defined rights. According to the 1991 census 12% of the 2 million inhabitants belong to minorities, of these only 14000 are Italians and Hungarians.

The accepted groups have wide range rights well defined in the constitution; they are referred to as *autochtonos*⁶³, in Slovenian public parlance as ‘classic or indigenous minority’, i.e. who were present in Slovenia before the Yugoslav wars.⁶⁴ Their rights are reinforced by Arts. 3. and 6. of the radio and television law.⁶⁵

⁶¹ STV, Pravidlá spravodajstva a publicistický v Slovenskom rozhlase. (Nem publikus) Lásd: in. Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1435.

⁶² The Commission of European Communities’ 2002 Regular Report on Slovenia’s Progress Towards Accession (2002, 27); OSI (2001. 495, 528).

⁶³ Meaning “indigenous”

⁶⁴ Tania Gosselin: Minority Media in Hungary and Slovenia – a comparative assessment. The Peace Institute, Ljubjana, 2003, p. 6.

⁶⁵ March 29.1994. Modified in 1999 and 2001.

2. *Media and minorities*⁶⁶

The media are mostly in private hands but the 1994 law did not satisfactorily regulate the problems caused by the rapid privatisation, though the problems show a tendency of lessening in time.⁶⁷

The Slovenian approach to the minorities depends on who they are. There is hostility against the ‘new’ minorities that is partially due to the way they are treated by the media.

A survey has pointed out the so-called ‘country origin’ and the questioning of the values of the majority society have aroused prejudice against the fairly populous ex-Yugoslav minority arriving to Slovenia.⁶⁸ The survey collected articles published in a daily paper where these minorities were mentioned as ‘southern thieves’ or ‘southern package’.

The situation of the national media could stand as a model to other countries as the relatively small Hungarian and Italian groups have impressive rights.⁶⁹ Besides Slovenia supports the creation of non-commercial media that are important for Slovenian minorities living in the neighbouring countries and also for the various minorities living in the territory of Slovenia.

3. *Regulations*⁷⁰

Media are regulated according to the 2001 media law.⁷¹

The Cultural Ministry, the authority for the distribution of broadcasting rights and the Post and electronic communication agency (APEK)⁷² are the major authorities overseeing the regulations. APEK started its operations in 2001 and is responsible for the enforcement of the statutes of the media law. To its wider competence belongs the insurance of cultural and linguistic pluralism too.

⁶⁶ Hrvatin, S. *et* Milosavljevic, M. (2001), „Media Policy in Slovenia in the 1990s”, Mediawatch Series, Peace Institute.

⁶⁷ Petkovic, B. *et* Mocnik, R. (2000), „Country Reports on Media”. http://www-gewi.kfunigraz.ac.at/csbsc/country_reports/Media_Slovenia.htm

⁶⁸ Tania Gosselin: *Minority Media in Hungary and Slovenia – a comparative assessment*. The Peace Institute, Ljubjana, 2003, p. 8.

⁶⁹ Cf. Art. 52. of the Slovenian media law.

⁷⁰ Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, pp. 1475-1537.

⁷¹ Uradni list Republike Slovenije no. 35/2001.

⁷² www.apek.si

4. Poland

1. Minorities ⁷³

Poland's national – ethnic composition has always been multi-coloured. Till 1939 Central Europe's largest Jewish diaspora lived there, and also Ukrainians, Belarus, Germans, Roma and other minorities; the 35% of the population had claimed to belong to a minority. The proportions greatly changed during WWII. And the Polish majority grew to 95%. The anti-Semitist policy that was characteristic of the period of cold war was only closed after the change of regime and since the beginning of the 1990s a multicultural model has been accepted.

Today only 2-3% of the 38 million inhabitants belong to minorities: Ukrainians, Belarus, Germans, Roma form the largest groups.⁷⁴

2. Media

In the last decade Polish, Lithuanian and Latvian media underwent significant changes. The communist centralized media has been disintegrated replaced by multi pole media; censorship is not perceivable either. The media have a great influence upon the structure, development and definition of public opinion. Though it is obvious that media are getting independent of central authorities, the role seeking of the political elite is still there, i.e. mass media have remained politically coloured and motivated in these countries.⁷⁵

As the characteristic tendency of the 1990s, the leaders of the various minority groups tried to vindicate the interest of their own group in the media that the news should not be merely 'about' them but 'together with them' thus making the first steps towards acceptance and acknowledgment.

In Poland the relationship between minorities and mass media has been fairly superficial. Compared to the situation before the war

⁷³ Klimkiewicz, B. (2000), „Participation of ethnic and national minorities in the public sphere: media policy for Poland”, CEU-CPS-OSI paper.

⁷⁴ Klimkiewicz, B. “Ethnic Minorities and Media in Poland: Democracy Without Advocacy?” http://www.idsnet.org/Papers/Communications/BEATA_KLIMKIEWICZ.HTM

⁷⁵ Sparks, C. *et* Reading, A. (1998) „Communism, Capitalism and the Mass Media”, London, Sage Publications, p. 156.

the greatly reduced number of minority groups play lesser roles in the media market resulting in their marginalization, thus the media became mono-cultural; it in turn contributed to the stereotyped and prejudiced presentation of the minorities.

Today the proportion of the presentations in minority languages is on the increase but similarly to other East European countries, their media presence is limited.

The media policy and the attitudes toward minorities of the years following the change of regime has been accurately represented by the 1991 case of the Mława Roma Minority.⁷⁶

Several essays have underlined that the national minorities are under-represented in the Polish mass media; their presentation is distorted and stereotyped in a way that could instigate intolerance toward them in the audience.⁷⁷

Even today it is a problem that the media with conservative disposition tends to display anti-Semitic, racist and xenophobic attitudes.⁷⁸

There is an in-depth media analysis by Klimkiewicz who besides a detailed description of the minority situation in Poland has offered solutions as well. The study prepared for the Open Society Institute proposes wider range of legislation, well thought out media culture, equal opportunity, professional guide lines and multi-cultural reports in the programs.⁷⁹

3. Aims and the insurance of the minorities public appearance⁸⁰

Certain essays point out that the Polish media policy has a 'minority sensitive' role.⁸¹ They stress that the basic principle of meeting the requirements of minorities sometimes are overshadowed by other

⁷⁶ Klimkiewicz, B. (1999), „When the media make a difference: comparing two European race crimes”, OSI-IPF Policy Papers

⁷⁷ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁷⁸ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁷⁹ several essays are available: www.policy.hu

⁸⁰ Klimkiewicz, B. (2003), „Media policy for ethnic and national minorities in Poland, Czech Republic and Slovakia”, CEU-CPS-OSI paper.

⁸¹ Klimkiewicz, B. (2000), „Participation of ethnic and national minorities in the public sphere: media policy for Poland”, CEU-CPS-OSI paper.

equally important and from the public's point view more appealing principles of media policy. Thus there is not enough attention given to the representation of minorities in the production of the programs and in the execution of program administration is the appearance of minorities insufficient.

Similarly the hate-less, segmented and extremist presentation, an important consideration in program edition can similarly be marginalized, and it can be the result of the disproportioned presentation of minority members.

The lack of legal regulation, the weakness of media specific regulations beyond the rulings of the constitution, could lead towards anti-tolerant public politics and the strengthening the defence against anti-discrimination.

5. Germany

1. Minorities

Germany, in contrast to the earlier colonist states, has not suffered such waves of immigration as the UK or France, where masses of people arrived from the earlier colonies in the post-war years.⁸²

The first more numerous immigrants started arriving at the end of the 1950s when mainly Turkish guest workers were recruited. They were followed by Italian, Spanish, Portuguese and Greek guest workers, though smaller in number but just as determined.

According to the original plans the first groups of guest workers should have remained for 2-5 year periods in Germany but due to various economic and political reasons, as it is well known, it happened differently. The workers nonetheless arriving for a short

⁸² Exceptions are the so-called 'Ostgebiete' the migrants from the earlier 'eastern German territories', i.e. from regions of Poland and ex-Soviet Union to the earlier West Germany. There were cca. 5 million migrant; their was not an immigrant status based on nationality. Thränhard, D. (2001), „Einwanderungsland Deutschland – von der Tabuisierung zur Realität“, In: Ursula Mehrländer *et* Günter Schulze (eds.) *Einwanderungsland Deutschland. Neue Wege nachhaltiger Integration*. Bonn, J.H.W. Dietz Verlag

term, brought their families with them and settled down after 1973 when the official recruiting stopped.⁸³

From 1990 on there started a new kind of immigration. Though the German public and the current political elite were reluctant to admit that Germany became a country of migration, new waves of immigrants arrived with different backgrounds and characteristics. After the dissolution of the Eastern block many Polish, Ukrainian and Russian workers arrived to the territory of Germany followed by those seeking a new country. The number of country seekers was increased by the influx of refugee groups fleeing from the Yugoslav wars.⁸⁴ The pressure of European politics and the changed German political thinking altered the traditionally narrow-minded political attitude to a policy willing to integrate immigrants.

Today the largest group of national minorities is that of the Turks with 7 million people.⁸⁵ The majority of the members of the group have preserved their original culture in their way of life, dressing, language and religion; many of them cannot speak German sufficiently or not at all. Other populous minority groups are that of Italians, Greeks, people from the Yugoslav successor states and there are also Polish and Russian minorities.

2. Media

In the light of facts treated above the German media are highly differentiated. There is the characteristic 'multi-cultural ignorance' on the one hand, but on the other the target groups are missing or cannot be identified since the majority of the earlier first – second – third generations of immigrants still continue to collect their information through the media of their original country.⁸⁶

⁸³ Mahnig, H. (2001) „Ist Deutschland wirklich anders?“ Die deutsche Integrationspolitik im Vergleich. In: Edda Currele, Tanja Wunderlich (eds.) Deutschland – ein Einwanderungsland? Rückblick, Bilanz und neue Fragen. Stuttgart, Lucius and Lucius

⁸⁴ Raiser, U. „Mapping minorities and their media: The national context – Germany“, Humbolt University, Berlin, pp. 2-7.

⁸⁵ According to other sources it is less, together with the Kurds about 2 million. These are not representative counts and mainly refer to Berlin. Raiser, U. „Mapping minorities and their media: The national context – Germany“, Humbolt University, Berlin. Pp. 14-15.

⁸⁶ Goddar, J. (2001), „Kontakt der Kulturen“ Journalist, Vol 8, 10-13. o

The German media – as is the general tendency – presents individuals belonging to minorities in negative contexts, criminal cases, scandalous incidents in radio and television or discuss them in connection of the problem of over-population. The media strengthen negative stereotypes where the fact might play a role that in Germany the immigrants enjoy higher level of social and health service than anywhere else. The immigrants are frequently introduced as a danger for the German citizens and a hazard for the German unity.

Reports on gastronomic, sports and cultural events belong to positive minority presentations but these are few and far between.

In the 1980s and 90s especially the written media tried to optimize the relationship between Germans and immigrants by depicting the guest workers in a sympathetic way thus lessening the dangers of racism, though the segregation could not have been stopped.

3. Regulations

Art. 3. of the *Rundfunksaatsvertrag*⁸⁷ [Interstate broadcasting agreement] regulates the kinds of broadcasting that are to be avoided and also what are the special requirements of the protection of minors.

In this sense Art. 1. prohibits the broadcasting of such programs that can raise hate against segments of the population separated according to nationality, i.e. minorities.

Since the sphere of authority has been divided among the 16 *Länder*, the above mentioned *Rundfunksaatsvertrag* defines the cooperation between the member states. Thus *Bundesverfassungsgericht* is the sole authority of the orientation of the program services.

The German ‘media regulations’ consist mainly of the decisions of the *Bundesverfassungsgericht*. In every member state the program services have their own ethic codes but these are usually too complicated and none of them has rules against the eventual violation of minority rights.⁸⁸ In the case of the violation of *Rundfunksaatsvertrag*, there are certain persons who are entitled to carry the case to the *Bundesverfassungsgericht* whose final verdict has binding force.

⁸⁷ August 31.1991. Third amendment: between August 26. and September 11. 1996

⁸⁸ Private information.

6. Lithuania

1. Minorities

About 18,5% of Lithuania's population has declared to belong to a minority. There are 109 various ethnic or national minorities, of which the largest groups are Russian, Polish, Belarus, Latvian and Ukrainian.

The central problem in Lithuania is how to exclude xenophobia and feelings against otherness. Lithuanian media have a tendency to strengthen the attitudes against minorities that is indirectly influenced by their under-representation in mass-communication.

2. Media and minorities

Though several slogans give the impression that many of the minorities are getting on well, it is not entirely true. As in several post communist states there is xenophobia, intolerance and hatespeak in connection with the minority groups in Lithuania too.⁸⁹

It can be said about the great number of minorities that the media is responsible for their invisibility and for the broadcasting of one-sided stereotypes. In the news, reports and actual political pieces the audience can unmistakably recognize the hidden xenophobia.

The so-called 'bad news', i.e. news about criminal activities committed by minority members, are presented in greater numbers than any other type of news. Much less attention is paid to such topics about minorities that would treat their bad social situation, problems and difficulties in job seeking as a result of prejudices against minorities.⁹⁰

The image given of the Russian minority, the largest of the groups, can exemplify the ambiguity of media presentation: on the one hand they are depicted as active participants of the social life, interested in local and national political matters, on the other as people serving a

⁸⁹ Nausėdienė, I. and Kadziauskas, G. (2001), "National Minorities Situation in Lithuania: Declarative and Real Prospects," in: Charles du Vinage, (ed.), *Promoting Tolerance on Local and Regional Level in Central, South Eastern and Eastern Europe* (Promoting Tolerance Series no. 4), pp. 30-36.

⁹⁰ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

foreign power and economic life; moreover, just as in the case of the Roma, if thereport was about some crime committed it is immediately added that the culprit was Russian.⁹¹

The Polish minority has not to face such difficulties; it is their claim to independence, special rights and privileges that are more frequently mentioned.

The situation has considerably changed since the initial difficulties of the times after the change of regime, though it is still a fact that the Lithuanian media keep presenting members of minorities as socially insensitive and unacceptable beings whose opinion is rarely considered even in the programs expressly made about them. The shortcoming can be noticed in the lack of the presentation of alternative, manifold cultural diversity.⁹²

It should also be mentioned about the national media that there are several printed material published in Russian, Polish and other national minority languages. The Lithuanian television (*LRTV*) has daily and weekly broadcasting of minority programs.

3. Regulations

The law regulating the operation and status of television was accepted in 1996.⁹³ It is characterized by the wish for pluralism and politics-free meaningful information. §34. deals with the national minorities but only as far that the Lithuanian media authorities have the right to decide what programs could be broadcast in a minority language; it does not mention what happens when the members of a minority are presented in a negative light..

⁹¹ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁹² Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁹³ I-1571 tv. October 8.1996.

7. France

1. Minorities

France is a multi-cultural country with numerous non-French inhabitants. Its origin lies in the geographical structure and the economic situation of the country as well as in its colonist past.

There are no exact counts of non-French citizens in France itself and in the territories belonging to it, because INSEE, the national office of statistics and economy does not record the inhabitants according to ethnic or national basis; the census requires only the place of birth. According to the French civil penal code it is illegal to obtain and keep information about national and ethnic origins.

According to the 1999 census there were 3,26 million foreigners and 4,3 million immigrants, that was then cca. 1,5% of the total population. Between 1990 and 1999 the

increase of the proportion of immigrants was the same as the proportion of the population increase itself: 3%.⁹⁴

2. Media ⁹⁵

In general national minorities are not satisfactorily represented in French media.⁹⁶

The results of one of the in depth analyses⁹⁷ reveal that the media presence of those of non-French origin is negligible in proportion; they appear infrequently as guests in the programs. However, there exists an 'immigrant image' in the media without the members' personal appearance to be able to express themselves thus the image is inevitably distorted.⁹⁸The minorities mostly appear in the news that are about joblessness, violence, deviations, drugs; about the sense of safety of the population and violence in the outskirts of cities.

⁹⁴ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, Project supported by the Council of Europa. 2002, p.321.

⁹⁵ Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, pp. 642-727.

⁹⁶ Cf. CIEMI report 1991, Paris (Perotti)

⁹⁷ CIEMI report 1991, Paris (Perotti)

⁹⁸ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, 2002, p. 324.

There are news on immigration, mass-information about minorities but the members of such groups themselves seldom appear in the programs to present their own opinion, the portraits are thus lacking in social reality.⁹⁹

3. Regulations

Conseil Supérieur de l'Audiovisuel (CSA)¹⁰⁰ created in 1989 is responsible for the distribution of broadcasting licenses and frequencies and has also a say in the editing of programs. It is also responsible for the enforcing of the basic principles of program editing, for the quality of the programs and monitors the practice of free competition and equal treatment. Besides the protection and propagation of French culture it is also responsible for the 'protection' of minors as far as the media are concerned.

Egalité Collective created in 1989 is responsible for the better representation of the so-called 'visible minorities'.

Since 1999 CSA and *Égalité* started dealing with the media representation of minorities on joint interviews¹⁰¹ and set down several points for the plan of improvement. Among the aims was to stop degrading and humiliating presentations.¹⁰²

The initiatives led to the preparation of a follow up paper of the 1991 CIEMI representative survey.

The paper contains among others, the following important points: of the minorities 'Africans' had appeared most frequently in television. The author drew the conclusion that in France minorities were much less represented than e.g. in the USA the members of minorities – African-Americans, Hispanics, etc. – appear in about 6% of the total of programs.

⁹⁹ The first program was created in 1975, *Immigrés parmi nous*, followed by the program *Mosaïques* in 1976 on France 3. Then *Rencontres, Racines, et Relais*, followed by *Premier Service*, and later *Saga-Cités*, all on France 3.

¹⁰⁰ Earlier Haute Autorité de la Commission Audiovisuelle (1982), and Commission Nationale de la Communication et des Libertés (1986) had similar authority.

¹⁰¹ In this context minority and visible minority are the alternatives of national minority.

¹⁰² Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies", 2002, 329 ff.

As a result of the study the ‘appeals for tenders’¹⁰³ have been changed both for the new and old services. From then on the applications for program service had to contain the description of how the station intends to help developing the relationship between integration and the citizens, with consideration of the richness and diversity of French culture.

In 2000 the station Canal+ signed a declaration of intent stressing the diversity of the national community and that the station would consider the principle in the editing process of the program.

The tenders for the public channels are regulated since 2001; its Art. 2. has ruled that the French television should strive for reflecting the diversity characteristic of French society.¹⁰⁴

That even today the situation is far from being perfect is shown by the fact that *The Tocqueville Connection* announced on the internet at the end of November 2005 that President Jacques Chirac had promised to do everything to improve the minority representation and therefore the statute of CSA should be modified.¹⁰⁵

On the website of CSA the statues of several channels are accessible but practically none of them deals with the representation of minorities, neither with the remedy for the situation.¹⁰⁶

In 2001 CSA could achieve some change in connection with the distribution of permits that made compulsory even for private channels, e.g. *TF1*, *M6*, *Canal +*, to reflect the national cultural diversity.¹⁰⁷ In January 2004 *France Télévisions* published an action plan supporting the better media presentation of the minorities of France.

¹⁰³ *Cahier des charge*

¹⁰⁴ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, , 2002, p. 335.

¹⁰⁵ That the problem was not solved is proved by: http://www.csa.fr/actualite/interventions/interventions_detail.php?id=5903&chap=41; and http://www.csa.fr/actualite/dossiers/dossiers_detail.php?id=33958&chap=2727;

¹⁰⁶ of the statute of Canal+, Arts 8.-22. dealing with the diversity and correctness of opinion. Cf.: http://www.csa.fr/infos/textes/textes_detail.php?id=8559

¹⁰⁷ Diversité culturelle et culture commune dans l’audiovisuel. Avis à Monsieur le Premier Ministre”, Paris, 17 March 2005, cf.: www.premier-ministre.gouv.fr/IMG/doc/Avis_HCI_audiovisuel.doc; and. Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, p. 696

4. The relevant decisions of CSA

The French media authorities made the following decisions in favour of the media representation of minorities:

Decision 2004-526 of CSA against *Lebanese Communication Group SAL*.¹⁰⁸ In this decision the CSA declared invalid the service agreement between the Supreme Council of CSA and the firm because in one of its programs the latter violated the Art. 15. of Law No. 86-1067. September 30.1986 on the freedom of speech.¹⁰⁹

Art. 15. of the above law rules that one of the tasks of CSA is to make certain that the programs broadcast in radio and television do not contain elements instigating violence or hate against gender, religion, race, morals or nationality.

The Articles of the agreement – including the above legislation – are ruling that the servicer of the program must see to it that there should not be any elements that would instigate against groups or in any way cause tension in Europe or France.

CSA condemned the television *al-Manar* because in December 2004 its announcer when reading out the news included information about Israel allegedly committing crimes against humanity adding that in order to suppress the news prohibited their broadcasting. CSA decided that the broadcast of *al-Manar* was mystification with biased intent and anti-Semitic content thus it violated the above described regulations.

CSA ruled that the servicer's statement in the news had to be unfounded since there was no international legal case against Israel for such an incident.

Another similar decision of CSA was made in February 2005. In December 2004 CSA raised objections against the serial *For you, blue Palastine or eyes of Zahra* of the TV station *Sahar1*.¹¹⁰ The authorities objected the contemptuous depiction of Israelis as persons who are money lenders, sceptics and scratch out children's eyes.

¹⁰⁸ www.csa.fr/actualite/decisions

¹⁰⁹ the law was published in the French Gazette 1. October 1986. The law has been amended several times; Art. 15. was added to Laws No. 89-25 and 2000-719. CSA has several similar decisions, e.g. 17. December 2004 *Saprodif-decision* (Mediterranean FM).

¹¹⁰ For the violation of Arts. 1, 15 and 33-1 of law September 30. 1986.

The situation was aggravated by the broadcasting of another serial with accusations against the Rotschild-family that they are involved in the centuries old conspiracy led by rabbis and leading Zionist politicians. The serial depicted Jews as collecting the blood of non-Jewish children for the preparation of their unleavened bread.

The CSA decision was facilitated by the fact that *al-Manar* had already been condemned for this program because earlier it was the cause of serious dissatisfaction and social disapproval in France.

It was also held against the station that in its program "*The World in question*" there appeared a certain Mr Faurission, a French historian, who was allowed to present his opinion denying the occurrence of holocaust without anyone stopping him or questioning his statements.¹¹¹

The above decisions are exemplary in media policy as open confrontations in favour of ethnic and national minorities do not occur frequently.

Conclusion

The analyses of the practice of the countries in question offer the conclusion that in Europe there is no uniform practice to remedy the problems raised by the media representation of national and ethnic minorities

The example of the countries and international organizations presented in the above analysis as well as their long standing practice have proved that the media authorities with the right of regulation prefer to keep away from the question and even their guidelines treat it only too carefully.

The French example allows the conclusion that the problem concerning national and ethnic minorities could and should be satisfactorily solved. The example of CSA also shows that the successful and effective remedy could be entrusted to the media authorities. The

¹¹¹ It is noteworthy the historian had already been condemned by the French law court for violating the law on the freedom of speech for his statements that there were no concentration camps..

professional and executive bases are also given; however, it is impossible without effective and satisfactory concepts.

The considerable differences in the attitudes of the various member states prove that it is not the task of the EU to act out its role as a protective screen, but the media authorities of the member states themselves should find satisfactory solutions. In the 21st c. ORTT in Hungary could only be in the vanguard of tolerance if it sees to it that Hungarian program services should not have any free hand in meddling with conflict situations in the media representation of national minorities. There is a well spread term in international and European legislation: *soft law* and Art. 41. § (1) j) of the Hungarian Media Law is a good background for the scenario.

Minority politics and minorities rights

