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Examining the Activity of Public Service Media in Representing Minorities: A Comparative Analysis of the Legal Framework of RTV Slovenija and RAI

ABSTRACT: The article presents the legal foundations that define the methods and scope of representing national communities in the programmes of both public service media (RTV Slovenia and RAI). The aim of the comparative analysis is to determine how the functioning of both public service media is defined and, consequently, how they implement multiculturalism in society. The comparative analysis shows that Slovenia and Italy define minorities differently. While Slovenia distinguishes between the two autochthonous national communities (Italian and Hungarian) and the Roma, it does not grant a special status to members of the republics of the former shared state. It becomes evident that the law provides national programmes for the two autochthonous national communities, which operate within the public service media RTV Slovenia. However, the Roma and other communities in Slovenia do not have recognized minority programmes, and as a result, their representation in the public media service is defined to a lesser extent. While numerical criteria are not key to recognizing the rights of national communities in Slovenia, Italy, 'equalizes' all minorities based on language criteria. The scope of rights in representing each linguistic minority in the public service media RAI varies. It depends on the number of members of a particular linguistic minority and is tied to the specific region where the linguistic minority resides. The findings indicate that the representation of national communities and minorities in each country depends on the legislation, which defines national communities and minorities differently, consequently influencing the extent of their representation in the public service media. On the other hand, previous research on the representation of national communities and minorities also shows that the legally recognized rights do not necessarily equate to achieving multiculturalism in society.

Key words: public service media, community, minority, language, multiculturalism

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Javni medijski servis in reprezentacija narodnih skupnosti: Primerjalna analiza zakonodaje na primeru RTV Slovenija in RAI

POVZETEK: Članek predstavi zakonodajo, ki definirajo načine in obseg reprezentiranja narodnih skupnosti in drugih manjšin v programih obeh javnih medijskih servisov (RTV Slovenija in RAI). Cilj primerjalne analize je, ugotoviti razlike v delovanju obeh javnih medijskih servisov in posledično, udeležanje multikulturalnosti v družbi. Primerjalna analiza pokaže, da Slovenija in Italija različno definirata manjšine; medtem ko Slovenija ločuje med avtohtonima narodnima skupnostnima (italijansko in madžarsko) in Romi, pripadnikom republik nekdanje skupne države ne priznava posebnega statusa. Zakon za avtohtoni narodni skupnosti predvidi narodnostna programa, ki delujeta v okviru javnega medijskega servisa RTV Slovenija, medtem ko romska in druge skupnosti nimajo priznanih manjšinskih programov, posledično je tudi obseg vsebin v programih javnega medijskega servisa v manjšem obsegu. Medtem ko kriterij številčnosti ni ključen za priznavanje pravic narodnih skupnosti v Sloveniji, Italija vse manjšine »izenačuje« na podlagi kriterija jezika. Jezikovne manjšine definira glede na teritorij in število govorcev, skladno s tem je definiran obseg pravic in reprezentiranost posamezne jezikovne manjšine v javnem medijskem servisu RAI. Ugotavljamo, da status narodnih skupnosti in manjšin v posamezni državi definira zakonodaja, ki določa tudi obseg reprezentiranja v javnem medijskem servisu. Po drugi strani pa že opravljene raziskave pokažejo, da zakonsko priznan obseg pravic še ne nujno pomeni doseganja multikulturalnosti družbe.

Ključne besede: javni medijski servis, skupnost, narodna skupnost, jezik, multikulturalnost

Introduction

There is a common consensus on the importance of media in the process of forming national communities and modern states, which are mostly multinational.² Public service media are expected to respect multicultural diversity (national and other minorities) and ensure access to diverse quality content for all citizens under equal conditions. They should provide content that caters to national minorities and all other groups presenting a minority in relation to the total population (Bašić Hrvatinić 2002, 12).

Public service media educate, entertain, and provide a space for public discussion and participation as well as serve the public interest and establish a connection with national identity and community belonging. They foster a democratic and inclusive public sphere, serve as a plat-

² Will Kymlicka (1995, 18) in *Multicultural Citizenship* defines multinational states: 'And a state is multicultural if its members either belong to different nations (a multinational state) or have emigrated from different nations (a polyethnic state), and if this fact is an important aspect of personal identity and political life'. Reasons may differ: the incorporation of different nations into a single state may be involuntary (when one cultural community is invaded and conquered by another), it can be ceded from one imperial power to another and it can arise voluntarily too, when different cultures agree to form a federation for their mutual benefit (ibid., 11).

form for open dialogue and representation, provide a space where diverse voices can contribute to informed public discourse, and maintain perspectives that might otherwise be marginalized. *The Resolution of the Council and of the Representatives of the Governments of the Member States* pointed out ‘the fact that public service broadcasting, in view of its cultural, social and democratic functions which it discharges for the common good, has a vital significance for ensuring democracy, pluralism, social cohesion, cultural and linguistic diversity’ (The Council of Europe 1999). As we will demonstrate, public service media are crucial for the representation of national and other minorities, allowing them to share their experiences, preserve their languages, celebrate their cultures, as well as helping to counter stereotypes, reduce discrimination, and promote social cohesion, empower minorities by giving visibility and a voice in public discourse and fosters a sense of inclusion and belonging (Kmezić 2012, 121–122).

Based on previous analyses, (Nahtigal 2009; Komac and Medvešek 2005; Petković 2002a, 2003), the Slovenian media system could be characterized as democratic with respect to the ways in which national communities and other minorities are represented. However, it could also be seen as conservative, because despite national programmes for indigenous national communities, intercultural communication does not consistently take place within society. It is also conservative in relation to the representation of other (non-indigenous) minorities, which may be the result of weak legal foundations. As a result, the public media service respond either modestly, or not at all to the needs of specific minorities.

The Italian public service media RAI addresses various linguistic minorities, considering territorial and numerical criteria, but there is no clear and unified policy towards linguistic minorities. Similarly to Slovenia, in Italy, legislation is the foundation on which certain rights are granted to minorities. In its Provisions on the Protection of Historical Linguistic Minorities, Law 482/1999 uses the term ‘linguistic minorities’. In order to be recognized, the law requires that the linguistic criterion be the defining element as the territorial definition of the recognized rights. The legislation is still the only framework measure that sets out general rules valid throughout the national territory in relation to the (socio)linguistic spe-

cificities integrated in the Italian territory, and has over time demonstrated its limitations in the implementation of its provisions, suggesting that confronting the historical ‘problem’ of cultural and linguistic diversity remains a major challenge for the state (Toso 2006).

When discussing minority rights in public service media, we must take into account that public service media have gone through different phases of development as Karen Donders (2012, 9–24) pointed out: the period of monopolies (from 1920 to 1970), the period of media market liberalization (mid-1970s to mid-1990s), and the new media environment (late 1990s to the present). Despite the warnings of opponents, the politicization of public service media was not only manifested in control over content by governments, but also affected the entire organizational structure of public service media, which was reflected in the form of strong bureaucratization, robust hierarchical structures, and the (in)ability to introduce changes and adapt to new circumstances.

The comparative analysis of legislation in this article demonstrates how RTV Slovenija and RAI approached the question of representation of national communities. It shows that the public service media under discussion approach this issue differently, as the consensus on how they operate denotes different socio-political factors and other circumstances. The article examines how the rights of national communities and other minorities in public media programmes are determined in Slovenia and Italy. Do these differences influence the effectiveness in ensuring the legally prescribed rights of national communities and other minorities?

The analysis confirms that the differences lie both in the way minorities are defined and in how this affects their representation in public service media. The greater representation of national communities and other minorities in public service media is interdependent on a more precise definition of the legislation within which the media operates, and is confirmed somewhat differently in each individual case. The article focuses on the importance of the representation of public service media with regard to national and other minorities, to offer a better understanding of how they contribute to the public space of encounters.

Public Service Media as a Space of Encounters in Modern States

Briggs and Burke (2005, 1) state that the word 'media' did not appear until around 1920, as evidenced by the terms listing in the Oxford English Dictionary, although the practice of using communication media is much older. Initially, communication, since antiquity, was associated only with rhetoric as the art of oral and written performance, and at the end of the eighteenth century the concept of 'public opinion' emerged. In the nineteenth century, newspapers developed a community of readers, as noted by Benedict Anderson (Briggs and Burke 2005, 1). Similar questions have been raised in each period about the relationship between media ownership and content, between content and structure, and between structure and technology, in particular technological innovation (*ibid.*, 259).

With the development of mass media, a new subject of public opinion was established – the public. The public was predominantly understood as the normative foundation of democracy, as a public forum, constantly shaped by interacting, educated and informed individuals in critical discussions about public affairs. Modern mass media have created a new type of public, entirely independent of participation in political decision-making. Early debates on public opinion were linked to freedom of the press; in the eighteenth century, these debates were parallel to the economic idea of the free market (Splichal 1999, 55).

Jürgen Habermas (1996, 234) has made an outstanding contribution to the understanding of the public sphere as an arena within which debate occurs; it is the generation of ideas, shared knowledge and the construction of opinion that occurs when people assemble and discuss. Although real and experienced, the public sphere cannot be located in a particular place or identified as an object. It cannot be conceived of as an institution and certainly not as an organisation, Habermas wrote, rather it is 'a network for communicating information and points of view.' However, what happens in practice depends crucially, according to Habermas, on the level of activity of civil society, when it is energized, 'the balance of power between society and the political system then shifts' (*ibid.*, 234). In its original conception, the public sphere was to be insulated from the interests of such dominant powers if it is to be a corrective to them. Only in this way can it effectively produce democratic conditions. This was a weakness, for

it allowed no function of the public sphere to be assigned to commercial organisations and media (whether the latter were public service media owned by the state or private commercial media).³

Moreover, Briggs and Burke questioned the relationship between media ownership and content, between content and structure, between structure and technology, which has been repeated and has appeared over different time periods: 'The need for information in every age has been associated with the effort to control the present and the future for personal, political and economic reasons' (Briggs and Burke 2005, 259).

As Briggs and Burke (2005, 216) noted, John Reith (General Manager of the British Broadcasting Company – BBC) never used the words 'mass media' or 'mass communication'. Broadcasting was entrusted to a single organisation with an independent monopoly and with public service as its primary motive. They discovered that, on the contrary, broadcasting in the United States developed along different lines. American radio had significantly diverged from British radio already in 1927, providing mainly entertainment; advertising set the tone and terms of US broadcasting, which was incorporated within the US business system highlighted by Briggs and Burke (2005, 216–219).

As John Hartley (2002, 83–84) emphasised, it is the reduction or rejection of existing policies by government that imposes rules (in the form of regulation) on both private industry (e.g. media corporations) and public organisations (the BBC, for example). Deregulation was the political buzzword of the Reagan–Thatcher era in the 1980s, when wealthy New Right foundations commissioned economists to produce studies hostile to regulatory activity and 'targeted the media to be conquered, second only to direct political power itself' according to Jeremy Tunstall (1986, 12). Since then, it has developed into a much more general policy direction for governments of all persuasions (Hartley 2002, 215).

3 As Jim McGuigan (1996) wrote in *Culture and the Public Sphere* Jürgen Habermas studies show new forms of public debate emerge in the advanced European nation-states during the eighteenth and nineteenth centuries in the period of the British industrial revolution and following the French Revolution, which articulated the modern political ideas of liberty, egalitarianism and solidarity. The ancient Greek city state of Athens had also produced a discourse of democratic citizenship and a meeting place for its articulation, the famous Agora, but without the ostensible universalism of the bourgeois public sphere (ibid., 23).

Additionally, Slavko Splichal (1999, 283) agreed that the modern development of electronic media, due to specific technological possibilities and the need for regulation, has challenged the nature of freedom of the press, which was established with eighteenth century newspapers. The problem with the new market liberalism, which insists that market competition of the media is the most important and sufficient precondition of their freedom, is in the incorrect assumption that the basic right to private property – because everyone has this right – guarantees both the freedom of the media (their independence from the state) and the freedom of citizens (the free choice between various media providers). Apparently, this is an ideal type of the free market for the media, which does not exist in practice due to the processes of concentration and centralisation of capital. Therefore, the ‘free’ media market is largely oligopolistic, and ‘free’ choice is severely limited by a limited supply (ibid., 295). Splichal (1999, 292) emphasised that all media, old and new in all democratic societies, face the problem of how the media can be accessible to citizens and used as an instrument of the public, for the benefit of the citizens and not just a vehicle to reach and persuade potential consumers and voters, as well as to generate profit and power. Similarly, Sandra Bašić Hrvatin and Brankica Petković (2020, 30) reminded us of the importance of serving the public:

Being committed to the public interest, being at the service of the entire society, being responsible and responsive to people’s communication needs is the basic mission of a public service. Serving the public is a mission. This concept has also disappeared from the vocabulary used to describe the functioning of the media. A mission presupposes a vision and, above all, a commitment. It presupposes a certain culture of action of all participants in public service work, which is based on a simple (and often neglected in practice) principle of action in the interest of all people and not individual groups.

That, as Karel Jakubowicz (2007, 40), wrote, undermines the acceptance of public service media as an organisation that serves the public interest and aspires to perform a normative role in social life. Serving minorities and immigrant communities in a way that satisfies their cultural and linguistic needs but does not prevent integration with the rest of the popu-

lation, creating a sense of affinity and understanding with people from other countries living in the region, especially if the country is involved in some international integration scheme. Promoting intercultural and inter-religious dialogue at home and internationally, promoting acceptance and respect for cultural diversity, while at the same time introducing the audience to the cultures of other peoples around the world.

Public Services Media and Minorities: The Case of Slovenia and Italy

The main focus of the article is the analysis of the legislation that regulates the Italian public service media – RAI and the Slovenian public service media – RTV Slovenia, especially in those articles that address different minorities and their representation. The analysis shows how past legislative decisions have been made as a result a consensus on specific socio-historical, political, economic, cultural and other circumstances affecting different minorities in Italy and Slovenia. It also demonstrates, how (un)important linguistic and cultural characteristics are in defining minorities and their rights and, consequently their representation in public service media. By considering legislative norms, I aim to address the initial question: how does media law shape modern societies and how important public service media are in ensuring equal opportunities for all citizens.

In this respect, we must turn to the article where he analysed the minority media systems in Austria, Hungary, Italy, Romania, the Slovak Republic and Slovenia, and pointed out that in many states, access to the media for minority communities is seriously limited or in some cases non-existent (Kmežić 2012, 119–120). Kmežić explained the importance of two roles that media systems play in modern multi-ethnic societies; first is the affirmative role of promoting understanding and cooperation among varied ethnic communities; the second is negative, which relates to the reinforcement of stereotypes and contributes to discrimination against a particular group in society (ibid., 121). Similar to this article, Kmežić (2012, 122–124) focused on the affirmative role of minority media, which provide means for the self-preservation of ethnic identities by enhancing the use of minority culture, language, history, religion, traditions and customs. Secondly, he noted that minority media can play a crucial role in

fostering the full and effective integration of minorities, particularly in terms of participation in public life at both national and local (regional) levels. Furthermore, in many countries, promoting minority language and culture is assigned exclusively to public broadcasting systems, which supports our assertion regarding the responsibility that public service media have in (any) society.

The Slovenian Media Legislation Regarding Minorities

Sandra Bašić Hrvatin (2002, 6–7) wrote that even an ‘ideal’ law would not guarantee and ‘ideal’ Public Service Broadcasting system, because a successful Public Service Broadcasting system is not a product of legislation alone. A law can prescribe requirements for the functioning of the public service broadcasters, but not also the details of their practical operation. However, by analysing the legislation we can better understand how minorities are represented in the public service media service today.

After 2005, the Act on Amendments and Supplements to the Act on RTV Slovenia (ZRTVS-1B) was (finally) adopted on 21 July, 2022. The key change is that instead of 29 members on the programme board and 11 members on the supervisory board of the institution, the amendment foresees a single RTV board with 17 members. None of them are appointed by the National Assembly. The law introduces a consultative body: a five-member finance committee. RTV is managed by a board consisting of four members, headed by the president of the board. The indirect procedures for appointment to the board of RTV are aimed at reducing the influence of the ruling political parties on decision-making in the public institution. The adopted amendments do not bring any changes that would relate to the representation of autochthonous communities, the Italian and Hungarian national communities in Slovenia, Roma or any other minority communities.

The Constitution of the Republic of Slovenia specifically regulates the area of protection of the two autochthonous Italian and Hungarian national communities in Articles 5, 11 and 64. Articles relevant to the situation of the Roma community in Slovenia are: Article 61 (expression of national belonging), Article 62 (right to use one’s own language and script), Article 63 (prohibition of incitement to inequality and intolerance and prohibition of incitement to violence and war) and Article 65, which is the

only one that specifically mentions the position and special rights of the Roma community in Slovenia. The constitution does not specifically recognise collective rights for any other national community or minority, and all citizens are protected in the field of human rights and fundamental freedoms by Articles 14 (equality before the law) and 39 (freedom of expression). Public interest in the field of media in Slovenia is governed by the Media Act (ZMed), which defines what constitutes the means of public information in the Slovenian media space, explicitly stated in the first part of the first paragraph of Article 4. The fact that the provision of rights to public information and information for both the autochthonous community and the Roma community is mentioned first, unequivocally shows the importance the legislator attaches to the protection of the rights of national communities living in Slovenia. This follows the Constitution of the Republic of Slovenia. Both communities also specifically mention Article 78, which emphasises the dissemination of programme content from the life and work of Slovenes abroad, members of the Italian and Hungarian autochthonous communities, and Roma for local radio or television programmes, and Article 79, which determines the scope of regional radio and television programmes.

As stipulated by law – RTV Slovenija is a public institution of special cultural and national importance, and provides radio and television programmes with the aim of ensuring the democratic, social and cultural needs of the citizens of the Republic of Slovenia, Slovenes and Slovenes around the world and their members and members of the Slovenian national minorities in Italy, Austria and Hungary, and the Italian and Hungarian national communities in the Republic of Slovenia. Activities in the field of national minorities (also under the new law – ZRTVS-1B) continue to be defined in Articles 3, 4, 7, 8, 17 and 23. The scope of the public service media is defined in more detail in Article 3, which determines the scope of the creation, preparation, archiving and broadcasting of two national television and three national radio programmes, as well as radio and television programmes from the regional centres in Koper and Maribor, one radio and television programme each of the autochthonous Italian and Hungarian national communities (nationality programme) and radio and television programmes for the Roma ethnic community (Roma pro-

grammes), radio and television programmes for Slovenian national minorities in neighbouring countries, for Slovenian emigrants and foreigners, radio and television programmes for the foreign public. The constitutional rights of the Hungarian and Italian national communities in the field of radio and television public information are guaranteed by Article 4, which obliges the public service media to provide credible and impartial news broadcasts, with which it comprehensively informs regarding political events at home and abroad and about important topics, thereby providing objective information to the citizens of the Republic of Slovenia, members of the Slovenian national minorities in Italy, Austria and Hungary, the autochthonous Italian and Hungarian national communities in Slovenia and the Roma community living in Slovenia and, among other things, promotes the integration of national communities with the mother nation and the inclusion of cultural and other achievements of the Italian and Hungarian nation in national programmes.

As Brankica Petković (2002a, 18–19; 2002b, 48–49; 2003, 56–75) wrote, the Italian and Hungarian minorities in Slovenia have a legally established right to bilingualism in ethnically mixed regions, as well as to content within the framework of public radio and television in Italian and Hungarian. The Roma community is in a special situation because Romany is not codified and standardised, which serves as a convenient response to the warnings that a language that is marginalised and not used in public life loses its vitality and should therefore be more included in media. The umbrella law on the Roma community was only adopted in 2007. All other ethnic and cultural identities are protected by Articles 61 and 62 of the constitution, which guarantee universal ethnic and cultural rights of individuals. The two articles regulate the expression of belonging to one's nation or national community, the cultivation and expression of one's culture, the use one's own language and script (Article 61), and that everyone has the right to exercise their rights and duties and, in proceedings before the state and other bodies that provide public service media, to use their own language and script in a manner determined by law (Article 62). The basic legal regulation is mapped into the media landscape. The media activities of the recognised autochthonous national minorities, Italian and Hungarian, are regulated by law and have guaranteed regu-

lar funding from the state budget. Over the last decade, the situation of the Roma community has been gradually improving (Petković 2002a), but protection for the new minorities is provided only on an individual level, and state institutions refer to the absence of a legal basis when requesting state support for the media activities of these communities. Various studies (Komac 2014, 123–125; Ribičič 2014, 184–186; Valentinčič 2014, 134–136) on the other hand point out the necessity of checking the legal status of members of other nationalities (those from ex-Yugoslavia) who do not enjoy special collective minority protection, so that discrimination does not occur, but note that the probability of this is low, since the issue requires a broader social consensus. Kmezić (2012, 32) pointed out another peculiarity, saying that the Italian minority in the region has been divided into two states: Croatia and Slovenia. After the dissolution of the common country – Yugoslavia, due to the already established tradition and existing facilities of the Slovenian based Koper/Capodistria radio and television station – an agreement was made that Slovenia would accommodate Italian minority electronic media, whereas Croatia should provide for print media. This is why the daily newspaper, *La Voce Del Popolo*, is actually published in Croatia, but it is also the source of information for the autochthonous Italian minority in Slovenia.

The Italian Media Legislation Regarding Minorities

Kmezić (2012, 127) noted that public service media space dedicated to linguistic minorities in Italy is, in general, almost non-existent. The situation for minorities in Italy changed for the better in 1975, in accordance with the Public Broadcasting Act (Act no. 103/75), the public service media RAI with the Ministry for Communications, must ensure that favourable conditions exist for minority language broadcasting in relevant regions. Additionally, Sergio Splendore (2018, 137–139) noted that the Italian media system is characterised by weak and poor self-regulation and regulation, and as a result, journalists also have different expectations regarding responsibility compared to other European countries. The media space has been further transformed by market globalisation and digitisation, making the Italian media space increasingly similar to other European media systems. RAI is still ‘unique’ due to the division of channels along political

party lines, and the media space has also been significantly shaped by Silvio Berlusconi, the former Italian Prime Minister, who became the owner of the largest private radio and television station, Mediaset. With the rise of satellite pay-TV Sky (and its contemporaries that entered the free market), owned by Rupert Murdoch's News Corporation, the balance of power between the public broadcaster RAI and Mediaset has found a new equilibrium, thus ending the period of duopoly. Today it is an oligopoly based on three large companies and many smaller players trying to survive and make a profit in a highly competitive market. Peter J. Humphreys (1996, 157–158) presented Italy as a country where consensus was always fragile; stable compromises between political parties remained difficult to attain and power was not easily shared, thus sharing channels between the main parties was the most natural way at that time, creating a semblance of consensus until the partocratic model finally collapsed as a result of internal corruption. In short, a media tycoon assumed office. Berlusconi, it should be recalled, arguably owed his political career to the fact that he acquired a quasi-monopoly over private commercial televisions since the mid-1970s. Elsewhere in western Europe, the public-service broadcasting monopoly (or duopoly) prevented this kind of political entrepreneurship by rich and powerful citizens.

When we analyse Italian legislation, especially those parts that refer to minority rights, we understand that language is the crucial criteria in defining a minority in Italy, defined as a linguistic minority. The Italian Constitution of 1947 uses the term linguistic minority in Article 6. Linguistic minorities are more precisely defined by Law 482/1999, which protects the language and culture of the Albanian, Catalan, Germanic, Greek, Slovenian and Croatian populations, and all those who speak French, Franco-Provençal, Friulian, Ladin, Occitan and Sardinian, and the task of representing minorities in public has been given to the public service media RAI. In Act 482/1999 (Provisions relating to the protection of historical linguistic minorities) recognises the language criterion as an identifying element and a requirement for the recognition and territorial definition of the rights granted. Members of linguistic minorities are entitled to a number of linguistic and cultural rights in the fields of education (Articles 4, 5 and 6), public use of the language in public institutes and insti-

tutions (Article 7), in relations with local government bodies (except the army and the police), in court (Article 9), in the media, publishing and the press. Article 15 sets limits on state expenditures for the protection of minorities (these may not exceed 10 million euros per year) and imposes the remaining costs on the states and local authorities. The law is still the only measure by which the general rules are determined, valid throughout the national territory in relation to the (socio)linguistic peculiarities that are integrated in the Italian area, and has shown over time its limitations in the implementation of the provisions, demonstrating that confronting the historical issue of cultural and linguistic diversity is still a significant challenge for the country (Toso 2006).

The process of fully implementing the provisions of the agreement within the Italian legal system was long-lasting and arduous, as can be seen via the example of the realisation of the rights of the Slovenian linguistic minority in Italy. State protection was formalised in Act 38/2001 (in addition to Act 482/1999). At the regional level, there was a legal arrangement with Provincial Act 26/2007, which deals with the protection and promotion of the Slovenian linguistic minority as part of the historical, cultural and human heritage, thereby supplementing national law. The legislation was then supplemented by three decrees from the President of the Italian Republic (345/2001, 65/2002 and the decree of 12 September 2007). The formal demarcation of the territory where protective measures are enforced under the 28/2001 Minority Protection Law covers 32 municipalities in all three Provinces. The Slovene settlement area in Italy is divided into six fairly self-contained units. This division is a result of several different factors that affect the aforementioned areas, which are populated by communities whose members are the expression of Slovene language and culture.

Individual contracts between RAI and the Ministry of Economic Development define the scope of programmes in more detail. The AVMS Code also stipulates that the public service media concessionaire offers its services not only on the basis of a national contract with the Ministry, but also on the basis of a regional contract for the autonomous regions of Trento and Bolzano. This gives local authorities the possibility to regulate the public service media based on the actual needs of the area, thereby committing themselves to accepting and implementing minority contents with the aim

of disseminating programmes intended for the local audience. Local media provide linguistic minorities with television and radio programmes in German and Ladin for the autonomous province of Bolzano and in French for the autonomous region of the Aosta Valley, and in Slovenian for Friuli-Giulia (Barozzi 2022). Public broadcasting at the regional level gives value to the local environment, culture and language. A special aspect of the Italian public service media is the regulation by law and contractual provisions that ensure adequate information service at the regional and provincial level. Accordingly, one of the channels, RAI 3, must schedule certain time blocks ('windows') to broadcast local information and local current affairs programmes during daily broadcast. The regional programmes reserve a part of each day for local news (Cappello 2016, 35).

Public Service Media as a Space of Encounters

The decision to analyse specific public service media (RTV Slovenia, RAI) was based on the decision to compare the Slovenian public service media with the Italian one, since the largest Slovenian population outside the state borders (around 80,000 people) lives in Italy, where minorities are considered according to territorial and linguistic criteria. Thus, in Italy, all 12 minorities are already defined as linguistic minorities by the constitution. As confirmed in further analysis, the two countries name and regulate the area of minority protection differently: while Italy treats all minorities equally, the scope and manner of representation are recognized and proportional to the number of members of the minority and the size of the settlement territory. Slovenia is the heir to the minority protection policy of the former common state, which recognizes the status of autochthonous national communities for the Italian and Hungarian communities in Slovenia.

This also affects the difference in the media representation of minorities in both countries: while the so-called language windows or regional offices within RAI are somehow lost in the diversity of numerous linguistic minorities, transmitted according to the number of speakers and the size of the territory where a specific linguistic minority resides, we can argue for Slovenia that a high level of protection is reflected in many areas of public life, including representation in the public service media, where the criterion of number does not affect protection.

Slovenian media legislation offers both autochthonous communities a high level of opportunity to co-create and manage RTV Slovenia, and in particular provides radio and television programmes in Hungarian and Italian. The analysis shows that other national minorities have a different legal status or do not have one at all (immigrants from the republics of the former common state), consequently significantly fewer opportunities for representation in the public service media and its programmes, which are reduced to a few radio and television programmes intended for the Roma community and representatives of nations from the republics of the former common state.

In short, we can say that the Slovenian model is more than exemplary in relation to the Italian and Hungarian communities (especially if we evaluate only the legal basis), but it is perhaps difficult for everyone to shake off the feeling that stems from occasional opinions expressed in public that we may not need minority content to such an extent at all – that it is an end in itself. Representatives and creators of national community programmes can interpret this as a harbinger of cuts in programmes and funding. The model seems to function as a kind of clearly defined structure, however, the system is also fragile, as there is no (or too little) intercultural dialogue and exchanges that would strengthen intercultural dialogue.

The article clearly depicts the reality, but at the same time it should make us consider changes that could perhaps be achieved by rethinking the way the Slovenian public service media is organized, which would require a broader social consensus.

The current organization undoubtedly confines content to predetermined frameworks and scopes, but it would be difficult to say that the moment of confrontation and coexistence of diversity in society is at the highest possible level; the reasons for this can be found in several ways (bureaucratic reasons, misunderstanding of the importance of creating specific programmes, lack of finances). We can argue that the laws and regulations governing this area are meaningfully defined, but the content within these formal frameworks may miss the mark – the audience does not benefit from the intertwining of programme content and languages, and as a result, there is most likely not even sufficient awareness of a diverse community or society.

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