Freedom of Expression of Minorities in the Digital Age: Staking Out a New Research Agenda

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It is conventional for introductions to special issues of academic journals to insist on the tight coherence and complementarity of focuses across the articles that have been selected for inclusion. The introduction to this special issue of *JEMIE,* 'Freedom of expression of minorities in the digital age', departs from that conventional approach. Instead it embraces the sheer breadth of the subject matter opened up by its title and acknowledges the inherent diversity in the respective focuses of the articles that make up the special issue. The information and issues examined in the articles do not always lend themselves to neat alignment. The fragmented and uneven nature of the terrain is therefore an important preliminary observation.

The genesis of this special issue can be traced to a similarly-titled multi-disciplinary research project initiated by the Institute for Information Law (IViR), Faculty of Law, University of Amsterdam.[1] The project aims to stimulate renewed interest in the 2003 Guidelines on the use of Minority Languages in the Broadcast Media by conducting exploratory academic analysis of different themes surrounding the central themes of the Guidelines. The ultimate aim of the research project is to explain why the 2003 Guidelines should be rethought and repurposed for optimal application in the digital age. It seeks to set out the case for broadening the focus of the Guidelines from minority languages in broadcasting to include a range of germane cultural and linguistic rights and interests across an ever-expanding number of media and communications technologies. The centrepiece of the initial phase of the project

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was an international expert workshop, organized by IViR in collaboration with the Office of the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities (HCNM) in Amsterdam in December 2012.[2]

The research project has benefited from very useful synergies with a similar exploratory research project initiated by the European Centre for Minority Issues (ECMI), Flensburg, entitled 'Minorities, Media and Intercultural Dialogue: Opportunities and Challenges'. As part of this project, ECMI held a workshop in January 2013, with the aim of developing a conceptual framework for the analysis of the role of the media in promoting intercultural dialogue and social cohesion – with an emphasis on: new technology and intercultural dialogue, state responsibility, and media and dialogue in divided societies.[3] In 2013 the institute engaged in the analysis of the notion of intercultural dialogue contained in Article 6(1) of the Framework Convention for the Protection of National Minorities (FCNM), on the basis of data from the Opinions of the Advisory Committee on the FCNM, and reports by States Parties to the FCNM.[4] In 2014, ECMI continued its research through the projects 'Diversity and Media', and 'Media Transparency in Northern Kosovo'.

The IViR and ECMI research projects are contributing to a growing research agenda in Europe. There is scope for political traction for that research agenda, as evidenced by the ongoing engagement of the OSCE HCNM with relevant issues (for an overview, see: Vollebaek, 2013) and the attention given to those same issues in the major conference organized by the OSCE Representative on Freedom of the Media (RFOM), *Internet 2013: Shaping Policies to Advance Media Freedom*.[5]

Having sketched the background to the special issue, this introductory article will now continue in scene-setting mode by briefly exploring the three titular focuses of the special issue. It will then recall the content and relevance of the 2003 Guidelines before briefly arguing that they should be revamped and better attuned to new technological realities. Finally, it will introduce the other articles included in this special issue and describe how their respective thematic focuses span the breadth of the overarching theme.

1. Conceptual challenges

This special issue is not short on ambition. It brings together three concepts of uncertain, if not contested, scope and substance: freedom of expression, minorities and the digital age. It seeks to push back the boundaries of conventional

understandings of each of these three concepts and, in doing so, it stakes out an expansive field of enquiry.

1.1 *Freedom of expression*

The questions of where or how to draw the outer limits to freedom of expression have always triggered fervent debate, and always will. International human rights instruments guaranteeing the right are typically formulated in a way that anticipates future technological progress and (implicitly) provides for new communications technologies to fall within the scope of the right. The so-called "living instrument" doctrine has become a very important interpretive principle concerning the European Convention on Human Rights (ECHR): it seeks to ensure that the provisions of the ECHR are interpreted in light of present-day conditions. While it is applicable to all of the rights safeguarded by the ECHR, it is particularly pertinent for the right to freedom of expression.

Another interpretive doctrine that is increasingly shaping the contours of the right to freedom of expression is the "practical and effective" doctrine. Again, arguably best developed in the context of the ECHR, according to this doctrine, the rights set out in the ECHR must be "practical and effective" and not merely "theoretical or illusory" (ECtHR, 1979, § 24). As the European Court of Human Rights (ECtHR) has stated: 'Genuine, effective exercise of [freedom of expression] does not depend merely on the State's duty not to interfere, but may require positive measures of protection, even in the sphere of relations between individuals [...]' (ECtHR, 2000, § 43). Perhaps the most far-reaching positive obligation in relation to freedom of expression to be identified by the Court to date concerns the enablement of freedom of expression in a very broad sense. In *Dink v. Turkey*, the Court stated that States are required to create a favourable environment for participation in public debate for everyone and to enable the expression of ideas and opinions without fear (ECtHR, 2010, § 137). This finding contains great potential for further development, including in respect of minorities' right to freedom of expression in a digital age.

1.2 *Minorities*

The questions of whether or how to define a minority are old chestnuts for international law-makers. There is no authoritative, legally-binding definition of "minority" in international law, although there is widespread agreement that the

existence of a minority group is predicated on a number of shared group characteristics, typically, ethnicity, culture, language or religion (Capotorti, 1979). Moreover, in international law, there has traditionally been a certain fixation on the criterion of "nationality" and purpose-designed international frameworks have been established to provide specific regimes of protection for the rights of persons belonging to national minorities. The Council of Europe's FCNM is a good example of such a regime at the regional level.

The FCNM sets out a panoply of rights specifically for persons belonging to national minorities, but it is subsumed in more general regimes of human rights protection, at the international and regional levels. Examples of such regimes include those established by the International Covenant on Civil and Political Rights (ICCPR) and the ECHR. Within those more general legal frameworks the term "minority" is being interpreted more expansively than in the past. This has paved the way for recognizing the importance of ensuring that members of all minority groups in society – and not just national minorities – enjoy effective protection from hate speech as well as effective participation in public debate and affairs, etc. (see further, McGonagle, 2012).

These trends are particularly important for ensuring that the right to freedom of expression of a wide range of minorities is practical and effective in a digital age. As I have argued elsewhere:

> The importance of an effective right to freedom of expression is very often most acute for "new" minorities, migrant workers, recent immigrants and non-citizens, who are otherwise politically disenfranchised and are generally excluded from expressive fora and participatory structures and processes in public life. On such a view, the ability of "new" minorities to exercise their right to freedom of expression in an effective manner is a litmus test for the vigour of the right generally (McGonagle, 2011: 42).

1.3 *The digital age*

The digital age has been much-heralded as having (had) a transformative impact on how individuals communicate in public and private spheres, and rightly so. However, when attempting to gauge just how transformative its impact is, it is important not to focus exclusively on the latest media and Internet-driven developments, fashions and fads, for the digital age is not exclusively digital. Rather, a subtler, more complex understanding of the digital age is required, one that recognizes that the digital age is

characterized by the co-existence of different types of media. This is a reminder that despite the seemingly inexorable rise of digital media, analogue media still (necessarily) occupy an important place in media policy-making and in practice (see further: the country reports in the Open Society Foundations' Mapping Digital Media Project; Richter, 2012), even if the public's reliance on such media is diminishing. In other words, analogue media are demonstrating their powers of endurance in the digital age (see also, Freedman, 2006). The relationship between analogue and digital media is one of – alternately – complementarity, continuity, but also displacement, adaptation and perhaps even disruption (McGonagle and Moring, 2012). The relationship is not one of outright replacement, at least not yet (Jakubowicz, 2009).

It is therefore very important to examine the ongoing digitization of society in that broader, multi-media context. The oversight and adjudicative bodies of international human rights treaties are now – albeit tardily – generally going with the technological flow, so as to speak. At the United Nations level, the Human Rights Committee adopted its General Comment No. 34 on the freedoms of opinion and expression in 2011 (Human Rights Committee, 2011; for analysis, see O'Flaherty, 2012; de Zayas and Martín, 2012) – nearly 30 years after its previous engagement with the same topic(s) in General Comment No. 10 on freedom of expression (Human Rights Committee, 1983). General Comment No. 34 provides a modernized articulation of the Committee's understanding of freedom of expression and the place of the media in contemporary society. It affirms that the scope of the protection guaranteed by Article 19 of the ICCPR covers all forms and means of expression and communication, both off- and online (paras. 12, 15, 43-45) and that States 'should take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto' (para. 15).

The ECtHR, after having being left flat-footed by the pace of technological change, is now mounting a catch-up action to engage more meaningfully than in the past with specific Internet-related aspects of contemporary communication (Murphy and Ó Cuinn, 2010; ECtHR Press Unit, 2014). It has thus recognized the importance of the Internet as a medium of communication, not least because of its participatory potential (ECtHR, 2012). The Advisory Committee on the FCNM and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML), for their part, also tend to address selected issues relating to online media and communication (Moring and Dunbar, 2008; Moring, 2006-7).

But other noteworthy sea-changes are also taking place elsewhere, e.g. in the context of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Committee on the Elimination of Racial Discrimination (CERD) adopted its General Recommendation No. 35 on combating racist "hate speech", in 2013 (CERD, 2013). It, too, recognizes the growing salience of the Internet as a medium of communication. In a significant new departure, General Recommendation No. 35 also explores a range of strategies against racist hate speech other than CERD's traditional reliance on the criminalization of expression, i.e., civil and administrative law measures, as well as teaching, education, culture and information. General Recommendation No. 35 notes, insightfully, that:

> The principles of the Convention are served by encouraging media pluralism, including *facilitation of access to and ownership of media by minority, indigenous and other groups in the purview of the Convention, including media in their own languages*. Local empowerment through media pluralism facilitates the emergence of speech capable of countering racist hate speech (CERD, 2013: para. 41; emphasis added).

It is clear from the foregoing that there are various evolutionary currents to be navigated in order to be able to fully grasp the complexity of the high tide swelling the central theme of this special issue.

2. The 2003 Guidelines and their *Zeitgeist*

The Guidelines on the Use of Minority Languages in the Broadcast Media were elaborated by a group of experts under the auspices of the OSCE HCNM and adopted in October 2003. They draw inspiration from, and indeed seek to crystallize, existing international standards (both legal and political) dealing specifically or even implicitly with the topic.

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

The general principles enumerated in the first section are: freedom of expression, cultural and linguistic diversity, protection of identity, and equality and non-discrimination. This set of principles stretches beyond the nuclear focus of the

Guidelines, thereby demonstrating that the use of minority languages in broadcasting is shaped by the interplay of distinct, but often related, rights, principles and values.

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

Regulation (including licensing) 'must be prescribed by law, based on objective and non-discriminatory criteria and shall not aim to restrict or have the effect of restricting broadcasting in minority languages' (para. 9). States may not prohibit the use of any language in the broadcast media and any measures promoting one or more language(s) should not have restrictive repercussions for the use of other languages, or otherwise adversely affect the rights of persons belonging to national minorities. Furthermore, again drawing on the language of Article 10 of the ECHR regulation must pursue a legitimate aim and be proportionate to that aim. The proportionality of regulation should be assessed in light of a wide range of factors, including the existing political, social, religious, cultural and linguistic environment; the number, variety, geographical reach, character, function and languages of available broadcasting services, and the rights, needs, expressed desires and nature of the audience(s) affected.

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

The fourth section of the Guidelines countenances a number of facilitative measures aimed at stimulating broadcasting in minority languages, both qualitatively and quantitatively. These include States providing access to broadcasting technology and infrastructure; creating financial assistance schemes; pursuing advantageous fiscal

policies and maintaining particular licensing and administrative regimes; all with a view to achieving "effective equality" for broadcasters operating (to varying degrees) in minority languages. As elsewhere in the Guidelines, providing incentives for minority language broadcasting, and teasing out various possibilities for its realization, are approached distinctly from public service and private broadcasting perspectives. The importance of capacity-building (e.g. providing technical support for the distribution of productions in minority languages, or education and training of personnel for minority-language broadcasting), is also emphasized.

A number of processes fed into the preparation of the Guidelines: a study of the regulation of minority language use in the broadcast media throughout the then 55 (now 57) OSCE Participating States (McGonagle, Davis Noll and Price, 2003) was commissioned and an in-house HCNM analysis of relevant international standards was prepared (for commentary on the Guidelines, see: Packer and Holt, 2004).

## 3. New media technologies, new understandings and new challenges

The 2003 Guidelines on the use of minority languages in the broadcast media synthesize and elucidate existing international legal and political standards relating to their core focus. They combine general principles distilled from international standards and programmatic provisions for the promotion of minority languages by the media. As such, they offer a palette of options to a variety of parties (States authorities, inter-governmental organizations and non-governmental organizations, broadcasters) for the advancement of their key objectives.

The Guidelines have proved useful, first and foremost, in the HCNM's own work, but they have also become a reference point for other OSCE activities and they have achieved further resonance beyond the OSCE, e.g. in the Council of Europe. Indeed, the Guidelines have been identified as a focal point for inter-institutional collaboration in a recommendation adopted by the Parliamentary Assembly of the Council of Europe (PACE). The title of PACE *Recommendation 1773 (2006) is: 'The 2003 Guidelines on the Use of Minority Languages in the Broadcast Media and the Council of Europe Standards: Need to Enhance Cooperation and Synergy with the OSCE'*. The Recommendation calls for the Guidelines to be 'regularly' taken 'into account' in the monitoring of the implementation of the ECRML and FCNM.

Nevertheless, in an increasingly converged media environment, the usefulness of the Guidelines is somewhat limited. With the abundance of new media, content and

communicative opportunities available today, an exclusive focus on broadcast media clearly has an outdated character. Such a contained focus appears somewhat contrived, or at least less self-evident or sustainable, more than ten years on. The intervening period has witnessed a considerable demise in institutionalized media and the growth of de-centralized, networked and/or individualized media. A complementary set of Recommendations, focusing on freedom of expression in a digital age, could also broaden the thematic parameters of the Guidelines beyond linguistic matters. A new set of Recommendations could therefore comprise a more expansive, technology-neutral and therefore forward-looking conception of freedom of expression for persons belonging to different types of minorities.

When broadening the thematic parameters of the existing Guidelines into the central theme of the right of minorities to freedom of expression in a digital age, some organizing structures are needed. One conceivable structure would involve integrating four key, inter-related dimensions to the central theme: Freedom of expression and new media, Tolerance and understanding, Cultural diversity and identity, Linguistic diversity and identity. These dimensions resonate strongly with the General Principles enumerated in the 2003 Guidelines.
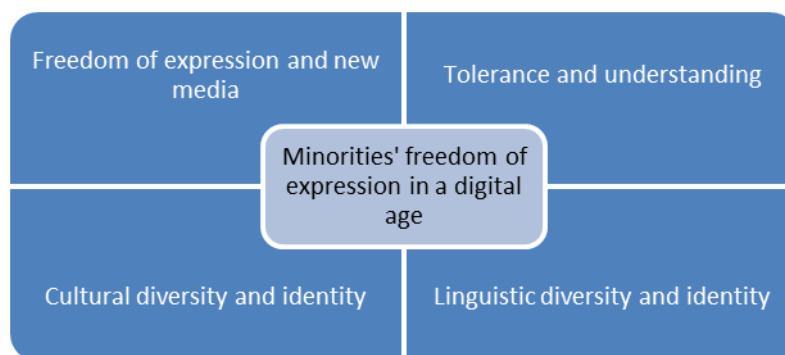
All four dimensions are inter-related and, as such, their delineation is porous. The issues featuring in the first dimension, freedom of expression and new media, are particularly relevant for, and recurrent in, the other three dimensions. Such issues include: the scope of the right to freedom of expression, and the duties and responsibilities that govern its exercise; the application of freedom of expression guarantees to the online environment; hate speech; purposive and functional differences between different types of traditional media (public service media, commercial media, community media, diasporic media, etc.) and new media (social

media, content aggregators, search engines, etc.); pluralism and access questions, media/digital literacy, etc.

4. Special issue: specific issues

Contributing authors to this special issue were not instructed to position their articles within one of the aforementioned dimensions to the central theme set out above, nor do they explicitly do so. The usefulness of suggesting this possible structure lies then in its ability to provide an illustrative example of how to structure the essential multi-dimensionality of the central theme. Nevertheless, as will now be explained, the various articles do largely cover the spread of the four dimensions.

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Christian Möller's article, 'New Technology, Minorities and Internet Governance', has been positioned towards the start of the special issue. This is because new technologies have been a game-changer in how we think about the right to freedom of expression in today's highly mediatized and increasingly digitized society. Möller traces the emergence of new, Internet-based, communications technologies and explains how they work and how they have changed communications patterns and practices in society, generally. Throughout his article, Möller builds on more general aspects of his analysis and teases out their specific relevance for minorities.

The three main focuses of his article are: (i) digital terrestrial television (DTT); (ii) Internet governance and domain names; and (iii) social media, folksonomy and the filter bubble. These focuses are illustrative of the very different dynamics at play in the digital age. DTT poses old questions in a new technological setting, e.g. questions about minority access to, and prominence in, broadcast programmes. Content that is produced by or for minorities can struggle to achieve prominence in an

age of abundance and dominant media content producers and providers. These observations are also of relevance for social media. They have repercussions for digital diversity and exposure to (unwanted) content, which is part and parcel of that diversity. In between his discussion of DTT and social media, Möller gives an overview of the workings of Internet governance and the Domain Name System, which show that the development of the Internet is far from being the exclusive preserve of States. He argues that minorities must ensure that their views and interests are represented in relevant policy debates, otherwise they will risk being sidelined.

The next couple of articles in the special issue are Tom Moring's 'Media Markets and Minority Languages in the Digital Age' and Sally Broughton Micova's 'Rights vs. Reality: Minority Language Broadcasting in South East Europe'. They offer complementary analytical takes on similar subject matter: market economics. Often a game-*changer*, market economics are most often a game-*controller* for minority media – a point that needs to inform the implementation and monitoring of relevant international human rights and minority rights treaties.

One of the fortes of **Tom Moring**'s article is its linkage of socio-linguistic perspectives with those of market economics. His point of departure is that language should be seen as a process that develops under a range of influences, including daily activities and use of media for different purposes at different times of day. The article also engages with concepts such as language vitality and linguistic preferences and their relevance for attempts to ascertain the impact of media on minority languages. In this, the "COD model" (denoting "competence, opportunity and desire") is given pride of place.

Moring proceeds to integrate these theoretical insights into an examination of how market asymmetries impact on minority-language media and, by extension, minority language use. Constitutive changes to media markets resulting from increasing reliance on digital technologies are included as a specific element in the analysis. Moring also draws on some of his earlier, influential work on the institutional and functional completeness of media supply in minority languages (Moring 2007; 2006-7). As he explains, '[I]f media supply in a language – relative to the supply in competing languages – is present on all relevant platforms with a diverse and rich content of good quality, we may call this supply *institutionally complete*'. But in a digital age characterized by content abundance, the relevance of functional completeness comes into its own: a perspective on the actual use of a minority

language, 'both in absolute terms and relative to the supply of media services in this language'. Functional completeness depends on the correspondence of the overall range of media types and formats with the particular communicative needs and preferences of a given (linguistic) minority group.

Sally Broughton Micova's article, with its focus on minority-language *broadcasting*, appears at first blush to step back from the special issue's central emphasis on digital media. In actual fact, though, her article points to the subtler, more complex understanding of the digital age outlined above – one in which analogue media's staying capacity in the changing media environment is plain to see. Broughton Micova opens with a succinct review of existing scholarship on the determinative impact that questions of functional/institutional completeness and market size can have on broadcasting policy affecting minority languages. Building on that, she then uses the analytical framework of demand, supply and use to 'provide a picture for minority language media in two of Yugoslavia's successor states, the Republic of Macedonia and the Republic of Slovenia'.

In her case studies, Broughton Micova subjects extensive datasets to very meticulous analysis, thereby strengthening her cogent line of argument that in a changing media environment in which Internet Protocol Television and DTT are consolidating their market presence, 'cultural preservation and identity-related aims might be served within the region of South East Europe, but that the democratic and public participation of national minorities in their home state is at risk'. She also draws attention to the specific challenges facing minorities which do not have kin-states, such as the Roma and Vlach: familiar challenges that have not vanished in the reconfigured digital media environment.

Myria Georgiou's article, 'Diaspora in the Digital Era: Minorities and Media Representation', centrally concerns 'the multi-spatial character of communication and mobilization' for diasporic minorities and its implications for the expression of their cultural and political belonging. Diasporic minorities' multiple spaces of belonging are at once physical and symbolic; their media use shifts between the national/local and the trans-frontier, reflecting the nature of their day-to-day experiences and realities. Questions of recognition, representation and identification have always been crucial in diasporic minorities' (choice of) media use; participation is now gaining in importance in respect of social media.

Against a rich theoretical backdrop, Georgiou presents empirical research findings on diasporic Arabs living in London, Madrid and Nicosia. She explains how the advent of digital media has intensified the already complex patterns of (multi-)media use by members of diasporic minorities, paying particular attention to levels of differentiation between individual and group patterns of use. Georgiou's research findings reveal considerable differentiation within family structures; differentiation that is affected by factors such as age, gender, socio-economic background, sexuality, etc. This differentiation can, of course, be found in other minority groups, but the added complexities of multi-spatial multi-media use make for a very interesting case study.

Eugenia Siapera and Mariangela Veikou's article, 'Social Media Affordances and Migrant Political Practices', pick up on some of the themes of Georgiou's article and examine them in the overt contexts of social media and migrant political engagement. Again, the article blends its theoretical and empirical components very effectively; the latter draws on a series of in-depth interviews with, and participant observation of, immigrants from Egypt, Libya and Syria living in Athens. The article begins with a review and analysis of recent scholarship documenting the impact of new media and communications technologies on flows of immigration and processes of integration. The authors note that the evolving relationship between 'migrant political practices and social media [is] an ambiguous, dynamic and unpredictable one'. They then turn to examine social media's mixed but specific technological potentialities, or affordances, for migrant political engagement.

Siapera and Veikou identify four such affordances which they suggest 'can serve as a broader template from which to make analytical sense of the relationship between migrant political experiences and practices and social media'. The affordances in question are: '(i) continuous presence without physical contact, (ii) the possibility for unpredictable encounters, (iii) the rise of new political hubs, and (iv) the formation of new political alliances and solidarities'. The potential (and limitations) of social media for user participation and engagement in multi-spatial and multi-media contexts are underscored throughout.

Conclusion

The theme, freedom of expression of minorities in the digital age, is polyvalent and dynamic. This Special Issue of *JEMIE* identifies and examines some key focuses

within the emerging research agenda. In doing so, it pushes terms such as "national minority" and "(new) media" into their broader conceptual hinterlands, by exploring the situations of diasporic minorities and migrant workers on the one hand and DTT and social media on the other. Situational specificities are linked to underlying principles and commonalities of purpose. Besides individually and collectively helping to advance our understanding of the complexities of minorities' freedom of expression in the digital age, these articles prompt a further, more sweeping conclusion: the challenges, frustrations, opportunities and occasional triumphs that they discuss are of broader import than their immediate minority-centric context.

Notes

1 The title of the project is 'The right of minorities to freedom of expression in the digital age'.
2 The workshop was organized with the generous financial support of the German Ministry of Foreign Affairs.
3 A report on the workshop and the participants' contributions is available at http://www.ecmi.de/uploads/tx_lfpubdb/ECMI_Report_62.pdf. Retrieved Apr, 06 2014.
4 See ECMI Working Paper No. 71, 'Minorities, Media and Intercultural Dialogue', November 2013. http://www.ecmi.de/uploads/tx_lfpubdb/WP_71_Final.pdf. Retrieved Apr, 06 2014.
'Freedom of Expression of Minorities in a Digital Age'. Panel session, *Internet 2013: Shaping Policies to Advance Media Freedom*. OSCE Office of the Representative on Freedom of the Media. Vienna, 14-15 February 2013.
http://www.osce.org/event/internet2013. Retrieved: Apr, 06 2014.

References

Capotorti, F. 'Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities'. E/CN.4/Sub.2/384/Rev.1. New York: United Nations, 1979.

Committee on the Elimination of Racial Discrimination (CERD). General Recommendation No. 35 - Combating Racist Hate Speech. Doc. No. CERD/C/GC35. 9 September 2013.

European Court of Human Rights (ECtHR). *Ahmet Yıldırım v. Turkey*. No. 3111/10. ECHR 2012.

_____ *Dink v. Turkey*. Nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09. 14 September 2010.

_____ *Özgür Gündem v. Turkey*. No. 23144/93, ECHR 2000-III.

_____ *Airey v. Ireland*. 9 October 1979. Series A, no. 32.

_____ Press Unit. *Fact Sheet – New Technologies*. Strasbourg: Council of Europe, March 2014. http://www.echr.coe.int/Documents/FS_New_technologies_ENG.pdf. Retrieved: Apr, 06 2014.

Freedman, D. 'Internet Transformations: "Old" Media Resilience in the "New Media" revolution'. In *Media and Cultural Theory*, eds. J. Curran and D. Morley, 275-290. Abingdon, Oxon: Routledge, 2006.

Human Rights Committee. General Comment No. 34 – Article 19: Freedoms of Opinion and Expression. Doc. No. CCPR/C/GC/34. 12 September 2011.

_____ General Comment No. 10 - Freedom of Expression (Article 19). 29 July 1983.

Jakubowicz, K. *A New Notion of Media? Media and Media-Like Content and Activities on New Communications Services*. Strasbourg: Council of Europe, 2009.

McGonagle, T. 'The Council of Europe's Standards on Access to the Media for Minorities: A Tale of Near Misses and Staggered Successes'. In *Freedom of Expression and the Media*, eds. M. Amos, J. Harrison and L. Woods, 111-140. Leiden/Boston: Martinus Nijhoff Publishers, 2012.

_____ *Minority Rights, Freedom of Expression and of the Media: Dynamics and Dilemmas*. Antwerp: Intersentia, 2011.

_____ and T. Moring. 'Minorities and the Media: Present, Probing and Pressing Questions'. *European Yearbook of Minority Issues* 9 (2010): 369-376.

_____ B. Davis Noll and M. Price, eds. *Minority-Language Related Broadcasting and Legislation in the OSCE*. Study commissioned by the OSCE High Commissioner on National Minorities, carried out by the Programme in Comparative Media Law and Policy (PCMLP). Oxford University, and the Institute for Information Law (IViR) of the University of Amsterdam. Amsterdam, 2003.

Moring, T. 'Functional Completeness in Minority Language Media'. In *Minority Language Media: Concepts, Critiques and Case Studies,* eds. M. Cormack and N. Hourigan, 17-33. Clevedon: Multilingual Matters Ltd., 2007.

_____ 'New Media and the Implementation of Instruments in Support of Minority Rights Related to Media'. *European Yearbook of Minority Issues* 6 (2006-7): 19-50.

_____ and R. Dunbar. *The European Charter for Regional or Minority Languages and the Media*. Strasbourg: Council of Europe Publishing, 2008.

Murphy, T. and G. Ó Cuinn. 'Works in Progress: New Technologies and the European Court of Human Rights'. *Human Rights Law Review* 10 (4) (2010): 601-638.

OSCE High Commissioner on National Minorities. *Guidelines on the Use of Minority Languages in the Broadcast Media*. 2003.

O'Flaherty, M. 'Freedom of Expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee's General Comment No 34'. *Human Rights Law Review* 12 (4) (2012): 627-654.

Open Society Foundations. Mapping Digital Media Project. http://www.opensocietyfoundations.org/projects/mapping-digital-media. Retrieved: Apr, 06 2014.

Packer, J. and S. Holt. 'The Use of Minority Languages in the Broadcast Media: Introducing New Guidelines'. *Helsinki Monitor* 15 (2) (2004): 103-126.

Richter, A. 'The Trends in Digital Switchover of Russia and Other CIS Countries'. *International Journal of Digital Television* 3 (3) (2012): 279-291.

Vollebaek, K. 'Freedom of Expression of Minorities in a Digital Age'. Address by the OSCE High Commissioner on National Minorities to *Internet 2013: Shaping Policies to Advance Media Freedom*, OSCE Office of the Representative on Freedom of the Media. Vienna, Austria, 14-15 February 2013. http://www.osce.org/hcnm/99697. Retrieved: Apr, 06 2014.

Zayas, A. de and A.R. Martín. 'Freedom of Opinion and Freedom of Expression: Some Reflections on General Comment No. 34 of the UN Human Rights Committee'. *Netherlands International Law Review* 59 (3) (2012): 425-454.