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Monitoring the Screens: Current Challenges of Minority Language Media in the Context of the Council of Europe

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Abstract

The rapidly changing media landscape affects all areas of society, but minoritized groups and media in minority languages can be particularly precarious. Therefore, after a short outlook on the relevant regulation and case-law in the context of the UN, the Council of Europe, the OSCE and the EU, this paper unpacks media trends and challenges minority language media faces in a post-Covid-19 era, then looks at how international monitoring handles the most recent challenges. Specifically, monitoring materials under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages from the past five years are analysed with the aim to ascertain to what extent the Advisory Committee and the Committee of Experts are prepared to interpret media provisions in a way that satisfies the needs of changing times. Finally, the paper outlines precisely where Council of Europe monitoring could be strengthened.

Keywords

minority language media – digitalisation – social and new media – international monitoring – European Charter for Regional or Minority Languages – Framework Convention for the Protection of National MinoritiesThe European Union

1 Introduction

The rapidly changing media landscape poses challenges for all areas of society, but, as recent developments at the top of social media ownership have shown,¹ diversity and minoritized groups can be particularly vulnerable and media in minority languages can be especially precarious. For instance, recent consumption data show a significant difference by age group, with younger audiences not just abandoning traditional formats such as linear television and printed press but also consuming different social media outlets than older generations – TikTok and Instagram rather than Facebook and X/Twitter.² This has an impact on how media institutions approach their audiences. Whilst this is not unique to minority language outlets, their precarity is accentuated by the fact that they are often the only outlet in a given language / community and operate against hegemonic State and global languages.

It can therefore fall to regulators or lawmakers to ensure that appropriate safeguards are in place to protect such groups and languages. In the context of national and linguistic minorities, the most important international documents providing legal protections and policy guidance are the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). Not only in Europe, but also at the universal level, these are the only legally binding instruments that address minority language media (MLM). Since both were drafted in the 1990s, they are now less effective in certain themes due to significant societal and technological changes – particularly affecting media. A 2019 report commissioned by the Committee of Experts

1 For example, Elon Musk's acquisition of Twitter/X and the reinstalment of previously banned accounts for hate speech, or Meta's decision to withdraw factchecking support.

2 C. Willis, 'Divergence and convergence: The implications of shifting media consumption habits on the field of minority language media studies', 16:1 *Catalan Journal of Communication & Cultural Studies* (2024) pp. 117–127.

(COMEX),³ an independent expert organ monitoring the implementation of the ECRML, sought to address this issue. However, this report and many others predated the unprecedented Covid-19 pandemic, which was shown to accelerate digitalisation trends and AI adoption across many industries,⁴ including in the media sector⁵ – and by extension for MLM contexts as well.⁶

Against this complex and dynamic setting, the objectives of this paper are threefold. First, to provide an updated overview of the challenges of digitalisation in the context of MLM; second, to assess how monitoring organs within the Council of Europe address these challenges; and third, to offer recommendations for a more systematic and adequate approach.

The paper is structured as follows. Section 2 outlines the existing provisions in international human rights law with specific focus on the European region, to provide context for the subsequent analyses. Section 3 then considers minority language media as an academic topic, reviewing the three waves of literature since the 1980s which correspond with broader digitalisation trends. This section also explores the current challenges, situated in the post-pandemic society which has seen rapid change including in media. Section 4 outlines the methodology for our analysis of the Council of Europe's monitoring bodies' reports before moving to discuss the mentions of new/social/digital media⁷ and identifying the shortcomings of the monitoring (Section 5). Section 6 provides recommendations on how such bodies could proceed, including a stronger focus on so-far neglected issues. Section 7 summarizes the most important results of our paper and offers our final conclusions.

3 E. H. G. Jones, J. Lainio, T. Moring and F. Resit, *New technologies, new social media and the European Charter for Regional or Minority Languages*. Report for the Committee of Experts (Council of Europe, 2019).

4 F. Calvino, C. Criscuolo and A. Ughi, *Digital adoption during COVID-19: Cross-country evidence from microdata*. OECD Science, Technology and Industry Working Papers, 2024. https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/04/digital-adoption-during-covid-19_6b192cdc/f63ca261-en.pdf.

5 M. Tüñez-López, M. Vaz-Álvarez, and C. Feiras-Ceide, "Covid-19 and public service media: Impact of the pandemic on public television in Europe", 29(5) *Profesional de la información* (2020). <https://doi.org/10.3145/epi.2020.sep.18>.

6 S. Bober and C. Willis, 'The Covid-19 pandemic and minority language media in Europe: the effects of spring 2020 lockdowns', *Journal of Multilingual and Multicultural Development* (2021) pp. 1–17. <https://doi.org/10.1080/01434632.2021.2005074>.

7 The three terms have been used somewhat interchangeably in literature and reporting, including in Council of Europe monitoring. The main common emphasis is to differentiate from 'traditional' or 'legacy' media, referring to broadcasting and printed press. For the purposes of our analysis in Section 5, we also use these terms interchangeably, as indicative of recent media trends.

2 The International Regulation of Minority Language Media

2.1 *The Universal Level*

Despite the ‘emblematic value’ that minority language media has in the lives of national minorities and the vital role it plays for the visibility and prestige of minority languages,⁸ the field is only regulated by two international treaties, both adopted under the auspices of the Council of Europe, and therefore only relevant for European minorities (the ECRML and the FCNM, see below). Not even the famous 1992 UN Declaration on Minorities⁹ contains any reference to media, in contrast with the corresponding instrument for indigenous peoples.¹⁰

In general, the right to use one’s own language, let alone freedom of language (the right to use a language of one’s choice), is not guaranteed by international law, and it is generally understood that language use is covered by freedom of expression, a first-generation human right protected by all major universal and regional human rights treaties. The use of minority languages does appear, though relatively rarely, in international court cases and communication procedures of UN treaty bodies, but in such an interpretative framework – that is, understood as a possible element of freedom of expression – courts and committees are wary of imposing positive obligations on States, and usually delegate the issue into the ‘margin of appreciation’ thereof. Furthermore, language is a ‘suspect ground’ for discrimination, and thus minority language use is often discussed in conjunction with the prohibition of discrimination.

8 As repeatedly emphasized by the ACFC in its Thematic Commentary no. 4. (*The Framework Convention: a key tool to managing diversity through minority rights*, 2016) at para. 69, and in its opinions on State reports, e.g. ACFC (2022) Armenia, para. 114; ACFC (2024) Azerbaijan, para. 108; ACFC (2024) Bosnia and Herzegovina, para. 117, ACFC (2024) Bulgaria, para. 107; ACFC (2021) Czechia, para. 104; ACFC (2022) Germany, para. 150; ACFC (2023) Kosovo, para. 105; ACFC (2024) Montenegro, para. 107; ACFC (2023) Romania, para. 134; ACFC (2022) Slovakia, para. 168; ACFC (2022) UK, para. 150. When referencing ACFC opinions and COMEX evaluation reports, we followed the following formula throughout this paper: ACFC (for the Advisory Committee of the FCNM) or COMEX (for the Committee of Experts of the ECRML), year of adoption of the document, name of the country concerned, exact page number (p) or paragraph number (para). Monitoring materials for the FCNM are available at: <https://www.coe.int/en/web/minorities/country-specific-monitoring>. Monitoring materials for the ECRML are available at: <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations>.

9 *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* 1992, General Assembly resolution 47/135.

10 *United Nations Declaration on the Rights of Indigenous Peoples* 2007, General Assembly resolution 61/295, Article 16.

In fact, the use of minority languages as such is guaranteed in only one international treaty at the universal level: in Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which remains the only binding provision for the universal protection of minority rights and which specifically includes the right of persons belonging to minorities to use their own languages. However, looking at the case-law of the UN Human Rights Committee (an independent expert organ monitoring the implementation of the ICCPR), it is obvious that the Committee is reluctant to consider language-related complaints (especially under Article 27).¹¹ This makes the Council of Europe context all the more important in international law, since only there we can find provision for MLM.

2.2 *Regional (European) Mechanisms to Support MLM*

2.2.1 The European Convention on Human Rights

The European equivalent of the ICCPR does not contain a specific provision for the use of minority languages (let alone MLM); instead, it calls for the prohibition of discrimination on the grounds of, inter alia, language and association with a national minority. Thus, the European Court of Human Rights (ECtHR), similarly to the UN Human Rights Committee, handles (minority) language-related issues in the context of non-discrimination and/or freedom of expression.¹²

Apart from very few instances, litigation before the ECtHR is ultimately of no consequence for the fate of MLM, as evidenced by a 2021 decision in *Pereszlényi v. Slovakia*.¹³ The applicant, owner of a private TV channel located in Štúrovo/Párkány, was fined 165 EUR for failing to comply with the translation obligation of Slovakia's State Language Law. According to this, apart from the minority broadcasts of the public media, all programs must be broadcast in the State language, and minority language programs must be subtitled or repeated in Slovakian. The applicant claimed that the regulation did not only violate his freedom of expression (supposedly protecting the right to impart ideas in any language, in accordance with the ECtHR's

11 See, for example *Raihan v. Latvia* (1621/2007), Views, CCPR/C/100/D/1621/2007 (2010), para. 8.3–8.4; *Bulgakov v. Ukraine* (1803/2008), Views, CCPR/C/106/D/1803/2008 (2012), para. 7.2–7.3. One of the rare exceptions which relates to MLM is *Mavlonov and Sa'di v. Uzbekistan* (1334/2004), Views, CCPR/C/95/D/1334/2004 (2009).

12 N. Nagy, 'Language rights as a sine qua non of democracy – a comparative overview of the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union', 2 *Central and Eastern European Legal Studies* (2018) pp. 247–269.

13 ECtHR: *Július Pereszlényi-Servis TV-Video v. Slovakia* Application No 25175/15, Admissibility, 17 June 2021.

established jurisprudence), but it was also discriminatory, since Slovak-language programs did not have to be subtitled in another language. This time the Court completely avoided to address the issue head-on; instead, after six years of the submission of the complaint, it rejected it for having been submitted too late.

2.2.2 The ECRML

Adopted in 1992 under the auspices of the Council of Europe, the ECRML is an international treaty that protects and promotes the use of regional or minority languages in a variety of fields, including in the media. Article 11 sets out a number of alternatives for the realisation/encouragement of broadcasting in regional or minority languages in both public service and private/commercial¹⁴ broadcasting sectors, including television, radio, audio and audiovisual works and newspapers. The article also provides for financial assistance, the training of journalists, the freedom of direct reception of radio and television broadcasts from neighbouring countries, and the representation of users of regional or minority languages in relevant decision-making bodies. Whereas Article 11 is the operative provision for MLM, the analysis of COMEX-reports (see below) revealed that media-related references can also be found in relation to other provisions, including Article 7(3)¹⁵ and Article 12.¹⁶

2.2.3 The FCNM

The FCNM, another Council of Europe treaty adopted in 1994, is not specifically focused on minority language use but has a broader approach to secure a plethora of minority rights. Yet, it does contain an article relevant for our topic: Article 9 is modelled on Article 10 of the ECHR,¹⁷ and as such, has an

¹⁴ The text explicitly mentions public service media only (11.1.a), but in the monitoring process the COMEX has traditionally understood Articles 11.1.b and 11.1.c as covering private radio and television, respectively.

¹⁵ In the context of media, this provision includes the obligation of State parties to encourage mass media to promote mutual understanding between all the linguistic groups of the country.

¹⁶ Article 12 relates to cultural activities but can be relevant in the context of media specifically due to its reference to making use of new technologies. Cf. T. Moring and R. Dunbar, 'The European Charter for Regional or Minority Languages and the Media', 6 *Regional or Minority Languages* (Council of Europe, Strasbourg, 2008).

¹⁷ As McGonagle points out, this is explicitly acknowledged in the Explanatory Report to the FCNM, see, in particular, para. 56 and 58. T. McGonagle, 'Regulating minority-language use in broadcasting: international law and the Dutch national experience', 16:5 *Mediaforum* 5 (2004) pp. 155–160.

overall negative approach in terms of State behaviour, even if it offers additional specificities of significance for users of minority languages. These contain the assertion that freedom of expression includes freedom to hold opinions and to receive and impart information and ideas *in the minority language* (Article 9.1, emphasis added); non-discrimination as regards access to the media (Article 9.1) and the possibility for persons belonging to national minorities to create and use printed and broadcast media (sound radio and television) outlets without interference (Article 9.3). Beyond these negative obligations (not to discriminate, not to hinder, etc.), States Parties are further required to ‘adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism’ (Article 9.4). Yet, this positive duty does not inevitably need to foster MLM, as it has a broader purpose to provide access to media in general.

2.2.4 The OSCE High Commissioner on National Minorities (HCNM) Two OSCE HCNM guidelines are also relevant in the context of MLM: the first one on broadcast MLM (2003),¹⁸ and the second one on media in the digital age (2019).¹⁹ These guidelines focus on freedom of expression and the need for a pluralistic debate in societies as well as protection from contemporary dangers such as online hate speech, disinformation and propaganda. As to be expected from the HCNM’s mandate, both guidelines are considerably focused on conflict prevention and the security of national and linguistic minorities rather than language protection *per se*. Nonetheless, the Tallinn Guidelines do offer an updated, twentieth-century consideration of media and are a useful landmark. Although neither is legally binding, they are regularly referred to by the COMEX and the ACFC during their monitoring work.

2.2.5 The European Union

The European Union is often disregarded due to its lack of explicit protection for regional or minority languages, reiterating that it is a competence of the member states. Its Charter of Fundamental Rights mentions language and national minority as protected characteristics in Article 21 on non-discrimination and then respect for ‘cultural, religious and linguistic diversity’

¹⁸ OSCE HCNM, *Guidelines on the use of Minority Languages in the Broadcast Media* (2003). <https://www.osce.org/hcnm/32310>.

¹⁹ OSCE HCNM, *The Tallinn Guidelines on National Minorities and the Media in the Digital Age* (2019). <https://www.osce.org/hcnm/tallinn-guidelines>.

in Article 22.²⁰ According to Article 2 of the Treaty on European Union, respect for ‘the rights of persons belonging to minorities’ is among the EU’s founding values. Article 3(3) of that Treaty also provides that the Union ‘shall respect its rich cultural and linguistic diversity’.²¹ Beyond this, however, the EU does not offer any precise provisions for protecting such diversity in any policy area – media included.

Despite this, the EU’s support for regional and minority languages has not been entirely non-existent: it has previously given funding under various budget lines and some of this has also been directed at the media sector. The European Bureau for Lesser Used Languages (EBLUL) was one avenue for this, through which a series of Mercator Centres were created – one of which was on media.²² In addition, individual programmes, such as Media II which ran from 1996–2000 and Media Plus which followed, received hundreds of thousands of Euros from the EU.²³ The funding for EBLUL ceased in the mid-2000s and this meant a lot less financial support for projects related to regional and minority languages.²⁴

More recently, the EU’s Audiovisual Media Services Directive tabled the most significant EU-level legislation in the area of media with a duty of member states to enact it into national legislation. Although there is no immediate connection to minority or regional languages, there have been calls in the EU parliament for the implementation of the directive to include co-official state languages such as Catalan in Spain.²⁵ Similarly, a European Citizen’s Initiative, the Minority SafePack, also included calls for greater media access. (Ultimately, this was not accepted by the EU Commission on grounds of being beyond the Commission’s scope.²⁶)

Whereas minority-relevant cases are almost fully absent from the jurisprudence of the Court of Justice of the European Union (CJEU), language

20 https://www.europarl.europa.eu/charter/pdf/text_en.pdf.

21 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M002>.

22 M. Gazzola, F. Grin, J. Häggman and T. Moring, ‘The EU’s financial support for regional or minority languages: A historical assessment’, 77 *Treatises and Documents – Journal of Ethnic Studies* (2016) p. 77.

23 *Ibid.*, p. 45.

24 V. Climent-Ferrando, ‘Minority language rights at a deadlock. Assessing the EU’s approach to regional or minority languages’, 48:2 *Language Problems and Planning* (2024) pp. 168–188.

25 <https://www.greens-efa.eu/en/article/press/the-european-parliament-votes-in-favour-of-audiovisual-works-to-be-available-in-regional-and-minoritaised-languages>.

26 M. Malkmus, ‘On the Dismissal of the MSPI Action by the General Court of the EU (Case T-158/21)’, 21:1 *European Yearbook of Minority Issues* (2024) pp. 5–28. https://doi.org/10.1163/22116117_02101002.

issues are frequently discussed: either in the framework of the Union's official language regime (basically meaning the language use of EU institutions and – prospective – EU officials), or when assessing the language laws of the Member States.²⁷ In one such case, the CJEU came to the conclusion that the relevant EU legislation does not preclude a measure adopted by a Member State (in this case, Spain) which requires television operators to earmark 5% of their operating revenue for the pre-funding of European cinematographic films and films made for television and, more specifically, to reserve 60% of that 5% for the production of works of which the original language is one of the official languages of that Member State.²⁸ This judgment ultimately allows for the support of MLM, but only if the minority language in question has official language status in the Member State.

3 Challenges Facing Minority Language Media – A Literature Review

This section outlines the emergence of minority language media as a topic and subfield of studies, concentrating on how this has developed from early research in the 1980s and 1990s, into new challenges arising from digitalisation and other macro factors, and finally how the current situation is covered by literature. Throughout, a focus is placed on the legal aspects relating to media provision – in particular with regard to public service media / broadcasting.

3.1 *Early MLM Research – Purpose and Initial Challenges*

Following an increase in public service broadcasting in regional and minority languages through the 1980s, academic literature began to emerge as a subfield of sociolinguistics or sociology of language. This logically focused on some of those prominent cases such as Basque, Catalan and Welsh followed later by Irish, Frisian, Scottish Gaelic and others,²⁹ but very much concerned with the language element and thus differentiating it from media studies more broadly. Comparative studies also began to look more broadly at the

²⁷ Nagy, *supra* note 12.

²⁸ *Unión de Televisiónes Comerciales Asociadas (UTECA) v. Administración General del Estado*, C-222/07 (2009) ECR I-01407.

²⁹ J. Gifreu, 'From communication policy to reconstruction of cultural identity: prospects for Catalonia', 14 *European Journal of Communication* (1986) pp. 463–476.; M. Cormack, 'Minority language media in Western Europe: Preliminary considerations', 131 *European Journal of Communication* (1998) pp. 33–52.

role of media within language maintenance or revitalisation, such as Riggins³⁰ or Browne.³¹ The seminal volume by Cormack and Hourigan³² was one of the first landmark publications to frame the field as ‘minority language media’ but was very much a volume which stood upon the previous work of its contributors – including Cormack himself who had written extensively on the field.³³ This volume summarised the core purpose and challenges of MLM – linking back to Riggins and Browne – but also introduced key concepts to the field, such as functional completeness,³⁴ MLM as a public service³⁵ and the functions of MLM television.³⁶ Many authors touched upon the need for certain legal protections and provisions but the clearest link was the work of Moring and Dunbar³⁷ who discussed MLM in the context of the ECRML.

At this stage, the focus was very much on traditional or linear forms of media – television, radio and printed press, with social media yet to emerge as a relevant phenomenon. This has been posited to be a ‘first wave’ of MLM research³⁸ characterised by these initial questions of purpose and challenges of creating and maintaining media outlets in a minority language. This began to change in the late 2000s, with the global financial crash leading to existential funding crises alongside the mass adoption of social media such as Facebook and Twitter.

3.2 *New Challenges Post-2008*

In what can now be seen as a second wave of literature, the existing models of media were put into question by various phenomena which also included increasing digitalisation. The use of social media in minority languages

30 S. H. Riggins (ed.), *Ethnic Minority Media: An International Perspective* (SAGE Publications, 1992).

31 D. R. Browne, *Electronic Media and Indigenous Peoples: A Voice of Our Own?* (Iowa State Press, 1996).

32 M. Cormack and N. Hourigan, *Minority Language Media. Concepts, Critiques and Case Studies* (Multilingual Matters Ltd., Clevedon, 2007).

33 M. Cormack, ‘Developing minority language media studies’, 7:1 *Mercator Media Forum* (2004) pp. 3–12.; M. Cormack, ‘Minority languages, nationalism and broadcasting: the British and Irish examples’, 6:3 *Nations and Nationalism* (2000) pp. 383–398.

34 T. Moring, ‘Functional completeness in minority language media’, in Cormack and Hourigan, *supra* note 32, pp. 17–33.

35 J. Guyot, ‘Minority language media and the public sphere’, in Cormack and Hourigan, *supra* note 34, pp. 34–51.

36 E. H. G. Jones, ‘The territory of television: S4C and the representation of the “Whole of Wales”’, in Cormack and Hourigan, *supra* note 32, pp. 188–211.

37 Moring and Dunbar, *supra* note 16.

38 Willis, *supra* note 2.

became a significant theme, seen as a positive development which created ‘online breathing spaces’ for language use – including a geographic expansion to contexts such as Sorbian or Kashubian.³⁹ Such studies were also included in the volume by Jones and Uribe-Jongbloed⁴⁰ which acted as a follow up to Cormack and Hourigan⁴¹ and saw both traditional media and social media discussed but rather as separate phenomena. At the same time, traditional MLM outlets were beginning to have a stronger presence online and to develop the digital skills of their journalists.⁴² This shift was not without impact though, economic and digitalisation factors were said to have ‘taken their toll’ on media outlets through increased costs – leading to a reduction of physical outlets and number of journalists.⁴³ Literature began to also discuss how traditional media outlets were using Facebook and Twitter as a tool of dissemination to reach their audience⁴⁴ – but very much in the style of linking to their external websites rather than posting content or clips within the social media platforms. Moring also saw the changing trends of media consumption as a threat to existing MLM and printed press in particular,

39 N. Dołowy-Rybińska, ‘Upper Sorbs and the use of minority language online: some advantages for the Upper Sorbian language and community’, 83:2 *Slavia-časopis pro slovanskou filologii* (2014) pp. 127–143; G. Belmar and M. Glass, ‘Virtual communities as breathing spaces for minority languages: Re-framing minority language use in social media’, 14 *Adeptus* (2019) pp. 1–24; S. McMonagle, D. Cunliffe, L. Jongbloed-Faber and P. Jarvis, ‘What can hashtags tell us about minority languages on Twitter? A comparison of #cymraeg, #frysk, and #gaelige’, 40:1 *Journal of Multilingual and Multicultural Development* (2019) pp. 32–49.

40 E. H. G. Jones and E. Uribe-Jongbloed (eds.), *Social Media and Minority Languages: Convergence and the Creative Industries* (Multilingual Matters, Bristol, 2013).

41 Cormack and Hourigan, *supra* note 32.

42 I. Zabaleta, N. Xamardo, A. Gutierrez, S. Urrutia and I. Fernandez, ‘Assessment and comparison of current media and journalism systems in the Catalan, Galician and Basque languages’, 2:1 *Catalan Journal of Communication & Cultural Studies* (2010) pp. 3–21; I. Zabaleta, A. Gutierrez, C. Ferre-Pavia, I. Fernandez, S. Urrutia and N. Xamardo, ‘Website development and digital skill: The state of traditional media in European minority languages’, 7 *International Journal of Communication* (2013) pp. 1641–1666.

43 I. Zabaleta, A. Gutierrez, C. Ferre-Pavia, I. Fernandez and N. Xamardo, ‘Facts and transformations in European minority language media systems amid digitalization and economic crisis’, 81:3 *International Communication Gazette* (2019) pp. 235–258.

44 P. Costecalde, ‘Les télévisions celtiques TG4, S4C, BBC Alba, France 3 Bretagne, Brezhoweb: état des lieux et enjeux’, 44:2 *Études irlandaises* (2019) pp. 59–75; J. Díaz del Campo Lozano and E. Fernández-Gómez, ‘Las televisiones autonómicas públicas en Facebook. Análisis de la situación de TV3, Aragón TV, TVG y Canal Sur en 2015’, 26:2 *Estudios sobre el Mensaje Periodístico* (2020) pp. 507–518.

drawing upon his own context of Swedish in Finland.⁴⁵ Taking into consideration the accompanying financial challenges to existing business models as well as a lack of public funding available, Rögglä suggested the future did not look bright for minority language newspapers.⁴⁶ He suggested that the OSCE's 2019 *Tallinn Guidelines on National Minorities in the Digital Age*⁴⁷ had limited applicability to newspapers and did not provide enough help – given their non-legally binding nature.

Similarly, this second wave of MLM literature saw its culmination with a 2019 report written for the ECRML's Committee of Experts. This report summarised many of the above issues and suggested that existing models of both audience habits and financial assumptions may never return, with younger audiences driving this change⁴⁸ – something also discussed by Moring in relation to the power and finance behind MLM.⁴⁹ Indeed, financial issues following the decade of austerity were also discussed in the context of public service media in Spain⁵⁰ with a suggestion that this was making it harder to adapt to the digital challenges.⁵¹

3.3 *Current Challenges in the Post-pandemic World*

The Covid-19 pandemic was a colossal disruptor to all sectors and the media was no exception, with existing digitalisation trends accelerated by the move of most activities online during 2020 and 2021 particularly. In this sense, many of the challenges highlighted in the COMEX report⁵² quickly became outdated or lacked the additional insight the pandemic provided. Nonetheless,

45 T. Moring, 'Media markets and minority languages in the digital age', 12:4 *Journal on Ethnopolitics and Minority Issues in Europe* (2013) pp. 34–53.

46 M. Rögglä, 'Winter is coming? Minority newspapers and media pluralism in Europe', *Media@LSE*, 7 March 2019, <<https://blogs.lse.ac.uk/medialse/2019/03/07/winter-is-coming-minority-newspapers-and-media-pluralism-in-europe/>>, visited on 24 April 2025.

47 OSCE HCNM, *supra* note 19.

48 Jones et al., *supra* note 3.

49 T. Moring, 'Minority language media: Issues of power, finance and organization', in G. Hogan-Brun and B. O'Rourke (eds.), *The Palgrave Handbook of Minority Languages and Communities* (Palgrave Macmillan, 2019) pp. 433–450.

50 J. Á. Guimerà Orts and M. Bonet, 'A fractured and weaker public service media: territorial organisation, public media policy and economic crisis in Spain', 27:3 *Javnost – The Public* (2020) pp. 308–324.

51 F. Campos-Freire, M. Rodríguez-Castro and O. Blasco-Blasco, 'Public service media's funding crisis in the face of the digital challenge', in Á. Rocha, C. Ferrás, C. E. Montenegro Marin and V. H. Medina García (eds.), *Information Technology and Systems ICITS. Advances in Intelligent Systems and Computing*, AISC 1137 (Springer, 2020) pp. 671–680.

52 Jones et al., *supra* note 3.

the report can be seen as a bridge between the second wave and what has emerged as a new third wave of MLM research with its own distinct characteristics.⁵³ In a similar vein, additional analysis of the COMEX monitoring suggested that the ECRML is ‘fit for the digital age’ and its existing articles could be applied to modern contexts.⁵⁴ However, this article was mostly considering reports reflecting on the pre-pandemic period and is limited to just 11 reports. The pandemic itself saw a lot of the prior challenges exacerbated, with digitalisation posing a challenge or even threat to many traditional outlets but also an opportunity for those which acted quickly and effectively.⁵⁵ Such variance was shown in a study of four minority language newspapers and their varying digitalisation approaches since 2020.⁵⁶ This rise of digital-only or digital native content has brought challenges for defining what is a newspaper, something which led to the European Association of Minority Language Daily Newspapers (MIDAS) changing their membership criteria.⁵⁷

The pandemic also saw a rise in the use of streaming platforms and this brought a particular linguistic challenge due to the dominance of global actors such as Netflix and Amazon Prime, with research suggesting the prominence of majority language or English has marginalised minority language content even further.⁵⁸ It has been argued that the response of authorities has so far been inadequate, with the case of the new Spanish audiovisual services regulation seen as a particular disappointment for MLM broadcasters.⁵⁹

53 Willis, *supra* note 2.

54 P. L. Láncoş, ‘New media and the Language Charter: Protecting regional or minority languages in the digital age’, *Journal of Digital Media & Policy* (2024) https://doi.org/10.1386/jdmp_00155_1.

55 S. Bober and C. Willis, ‘The Covid-19 pandemic and minority language media in Europe: the effects of spring 2020 lockdowns’, *Journal of Multilingual and Multicultural Development* (2021) pp. 1–17. <https://doi.org/10.1080/01434632.2021.2005074>.

56 S. Bober and C. Willis, ‘The digitalization of minority language newspapers: Between long-term trend and pandemic-induced adaptation’, 2021 *European Yearbook of Minority Issues* (2023) pp. 66–92.

57 J. Volgger, ‘MIDAS and Minority Language Newspapers: Two Decades of European Collaboration’, in M. Manias-Muñoz, S. Bober and C. Willis. (eds.) *Minority Language Media: Current Challenges in a Fragmented Mediascape* (Palgrave, 2025), pp. 345–367.

58 M. S. Barreiro González (coord.), *Perante a nova lei do audiovisual: análise e perspectivas* (Santiago de Compostela, 2023).

59 M. Manias-Muñoz, ‘A lost opportunity for equality: The new communications law in Spain’, in M. Manias-Muñoz, S. Bober and C. Willis (eds.), *Minority language media. Current challenges in a fragmented mediascape* (Palgrave, 2025), pp. 43–68.

Another key factor identified in research on the most recent trends in the consumption of media is the growth of TikTok and the rise in audiovisual content on existing platforms, including Instagram's Reels function.⁶⁰ The subsequent response of traditional media outlets to create content specifically for viewing within the platform rather than post links to external webpages, has been described as a convergence of actors competing within the same platform with individual users and content creators.⁶¹ Literature has also referred to data that suggests there has been a split or divergence in generational usage of different social media platforms, whereby younger (under 35) audience is much prominent in using TikTok and Instagram whereas older generations use primarily Facebook and Twitter/X to a lesser extent.⁶² These trends have led to recent research on the use of minority languages on TikTok, including the use of Welsh by individuals on TikTok,⁶³ Catalan hashtags used to identify user's posts in Catalan,⁶⁴ and MLM outlets' use of TikTok on television, radio and newspapers in Basque, Catalan and Galician – showing mixed results in terms of successful engagement.⁶⁵

The challenges raised by literature on MLM have of course varied due to the broader circumstances and influence on media. This can be seen through the three waves depicted above whereby the issues in the first wave were not necessarily solved but rather surpassed or exacerbated by subsequent developments. Much of this coalesces around the notion of 'digitalisation' but this is a very broad term which has also developed and changed greatly in the last 20 years or more. Thus, it is important to provide an updated overview of the challenges of digitalisation in the context of MLM, one which considers the most recent emerging third wave of literature and the post-pandemic realities. Some of this is indeed the same or similar to the issues raised in documents such as the OSCE's 2019 Tallinn Guidelines or the report by Jones et al.,⁶⁶ but there are also new elements.

60 Iva Nenadić, Roberta Carlini, and Orlin Spassov, 'A decade of digital transformation: Pluralism between the media and digital platforms', in Elda Brogi, Iva Nenadić, and Pier Luigi Parcu (eds.) *Media Pluralism in the Digital Era: Legal, Economic, Social, and Political Lessons Learnt from Europe*, (Routledge, 2025) pp. 17–32.

61 Willis, *supra* note 2.

62 Nenandić et al., *supra* note 60; Willis, *supra* note 2.

63 D. Cunliffe, 'Exploring the presence of Cymraeg on TikTok', *New Media & Society* (2024) <https://doi.org/10.1177/14614448241243096>.

64 A. Tudela-Isanta and A. Milà-Garcia, 'La presencia del catalán en las plataformas digitales: el caso de Twitch y TikTok', 24 *Caracol* (2022) pp. 76–109.

65 C. Willis, 'Minority language media and TikTok: exploring usage by broadcasters and news outlets in Basque, Catalan and Galician', 75 *Media@LSE Working Paper Series* (2024).

66 Jones et al., *supra* note 3.

4 Research Method

As previously mentioned, at the international level, there are only two legally binding documents that contain explicit provision for MLM: the ECRML (Article 11) and the FCNM (Article 9), so our analysis will focus on monitoring materials under these treaties. It must be stated at the outset that both treaties were devised and adopted in the 1990s and thus include explicit references only to traditional media. However, this does not preclude their suitability to face recent challenges of MLM in a digital, post-Covid environment, since both the COMEX and the ACFC (expert organs monitoring the implementation of these treaties) have adopted a flexible, dynamic method of treaty interpretation.⁶⁷ This has been acknowledged in both the context of the FCNM⁶⁸ and the ECRML.⁶⁹ One of the objectives of our paper is to see whether the monitoring organs are willing to extend this progressive approach to MLM, and if so, to what extent and in what ways.

Our research was based on qualitative analysis, with a corpus including all the reports of the COMEX and the ACFC that were adopted after the break-out of the Covid-19 pandemic, that is from 2020 until the end of 2024, thus covering five full years. As highlighted in the introduction, the pandemic acted as an accelerator of digitalisation in the media sector – both from a consumption and production standpoint. TikTok and audiovisual social media content were cemented as significant force, leading to a convergence of actors on the same platform.⁷⁰ Moreover, it also increased or compounded existing financial precarity in many situations.⁷¹ As such, we decided to focus on this 2020-onwards timeframe in line with the themes of the third wave of literature described above.

67 See e.g. ACFC, *supra* note 10, para. 5: “The Framework Convention was deliberately conceived as a living instrument whose interpretation must evolve and be adjusted regularly to new societal challenges. (...) This approach is fully in line with the principle of dynamic interpretation developed by the European Court of Human Rights with respect to the European Convention on Human Rights.”

68 J. Ringelheim, ‘Minority Rights in a Time of Multiculturalism—The Evolving Scope of the Framework Convention on the Protection of National Minorities’, 101 *Human Rights Law Review* (2010) pp. 99–128.

69 A. Oszmiańska-Pagett and V. Crnić-Grotić, ‘The European Charter for Regional or Minority Languages: its origins, structure, and process’, *Linguistic Minorities in Europe* (2022) <https://doi.org/10.1515/lme.16303552>.

70 Willis, *supra* note 2.

71 K. Bleyer-Simon and R. Carlini, ‘Signs of hope, amid turmoil – COVID-19 and the news media’, *Centre for Media Pluralism Discussion Series*, 4th May 2021. <https://cmpf.eui.eu/special-report-covid-19-news-media-sector/>.

In search of references to new/social/digital media,⁷² we collected and processed all text segments that contained even the most remote references, such as the terms ‘e-’, ‘electronic’, ‘internet’, ‘online’, ‘web’, ‘website’, as well as names of specific platforms such as Facebook or YouTube. In the examined five-year period, the COMEX adopted 39 evaluation reports, including 16 on the implementation of recommendations for immediate action (so-called InfoRIA). Out of these 16 reports, 7 did not contain any references to media at all, so we excluded them from our analysis. Furthermore, Liechtenstein and Luxembourg were not evaluated under Article 11 since they maintain that no regional or minority languages are used in their country. Consequently, we had 30 COMEX reports to analyse. During the same period, the ACFC adopted 34 opinions, two of which were restricted at the time of writing. Furthermore, Liechtenstein, Malta, and San Marino were not evaluated under Article 9 since they state that no national minorities exist on their territories. This left us with 29 ACFC opinions. Altogether, we analysed 59 documents in order to find out how the two Council of Europe expert organs approach new/social/digital media, and based on that, to see whether the ECRML and the FCNM are fit to address the challenges that MLM faces in the post-Covid media environment. The relevant mentions are summarized in Table 1 (ECRML) and Table 2 (ACFC) in the Appendix, indicating their exact location within the texts.

Our results are presented according to four themes that have emerged from the reports, based on our qualitative analysis: quality of evaluation; benefits of new/digital/social media; dangers and challenges of new/digital/social media; recommendations of the Committees to State parties.

5 Results of the Analysis

5.1 *Quality of Evaluation*

Both the COMEX and the ACFC acknowledge the changes in European media landscapes since the entry into force of the ECRML and FCNM, including an increasing shift towards digitalisation and online content.⁷³ This appreciation was already evident in the ACFC’s thematic commentary on language rights, adopted in 2012:

⁷² We used these terms interchangeably in our analysis, in line with the monitoring organs’ approach. Cf. *supra* note 7.

⁷³ ACFC (2024) Bosnia and Herzegovina, para. 118; ACFC (2020) Bulgaria, para. 118; ACFC (2023) Kosovo, para. 106; COMEX (2021) Poland, para. 85; COMEX (2024) UK, para. 54.

Technical and technological developments in the media field, including social media, offer opportunities but can also become obstacles in accessing media in minority languages, depending on how these changes are introduced and how their reception by the interested groups is supported. Special needs and interests of minority communities must be taken into account, for instance, when frequencies are changed. As there is limited availability of terrestrial frequencies, the number of broadcasting channels can be multiplied through digitalisation. It is, however, essential that advances in the digitalisation of the media do not restrict the ability of persons belonging to national minorities to receive media in their languages. The introduction of new technologies can also facilitate the reception of programmes in the languages of minorities produced in other, often neighbouring, countries, as encouraged by Article 17 of the Framework Convention. This should, however, not be seen as a substitute for locally produced programmes, which normally better meet the needs and interests of minority communities.⁷⁴

Many of the substantial statements regarding the potential advantages and risks of new media that are mentioned in the most recent reports are already set out here.

Despite the two committees' awareness of 'the demands of the 21st century',⁷⁵ references to social, digital or new media in the evaluation reports are overall scarce. It is true that of the 59 evaluation reports that contain any reference to media (81% of all the reports that were adopted during the past five years), 57 discuss online/digital platforms to a smaller or greater extent. However, these references are very short and often superficial compared to text segments on traditional media, which usually provide a more substantive reflection.⁷⁶ Furthermore, if we narrow our focus to social media – an area

74 ACFC, *The Language Rights of Persons Belonging to National Minorities under The Framework Convention*. Thematic Commentary No. 3. (2012), para. 49. See also para. 48 on the use of internet.

75 COMEX (2020) Montenegro, para. 47.

76 It also happens that the committees simply repeat States' presentations on online media outlets or products available in their country without commenting on them. See, ACFC (2023) Latvia, para. 89–90; COMEX (2021) Cyprus, para. 26–27, 29; COMEX (2024) Germany, 63. In the case of Cyprus, Armenian speakers raised a concern about the fact that since Covid-19 their monthly magazine is being published only online, which the older generation does not use. Moreover, the e-version is focusing more on content relevant for the younger generation who use social media. The COMEX reported the matter but did not

which is particularly salient in terms of its issues and the debate around regulation and considering its growing prominence in the day-to-day life of the vast majority of society – we find references only in 44 reports (75% of the media-related reports and 60% of all the reports adopted between 2020 and 2024). These are mostly general references – using the generic term ‘social media’ without specifying individual platforms – and they very frequently appear in the context of hate speech, especially in the opinions of the ACFC (see below). Although hate speech is an extremely important issue, its appearance is not language specific, i.e. not necessarily connected to minority language media. As a matter of fact, instances of hate speech usually appear in majority-language media and are directed against members of minorities. As for specific social media outlets, there is only one mention of Instagram,⁷⁷ one of Twitter (‘Tweets’),⁷⁸ three report mention YouTube,⁷⁹ four report mention Facebook,⁸⁰ and there are no mentions at all of TikTok – despite their widespread prominence in society.⁸¹

Furthermore, there is a lack of consistency in the reporting. For a start, the COMEX sometimes considers digital and online media content under the traditional provisions for radio and television (Articles 11.1.bii and 11.1.cii),⁸² other times under Article 11.1.d concerning other audio and audiovisual works.⁸³ The ACFC mostly mentions new/digital/social media in the context of hate speech (Article 6) and media (Article 9), but there is no good explanation for any of the two committees as to why some reports discuss newer

reflect on it (para. 29), unless we consider as such the recommendation to promote the use of Armenian in television and print media (p. 13). Likewise, in the case of Germany, Sater Frisian speakers mentioned that a social media presence would help reaching younger audiences, but the COMEX did not push the matter with the State party.

77 COMEX (2023) Austria, para. 60.

78 COMEX (2022) Netherlands, para. 104.

79 COMEX (2021) Armenia, para. 15, 28, 38, 54; COMEX (2023) Austria, para. 60, 66–67; COMEX (2024) Croatia, para. 96, 99.

80 ACFC (2023) Austria, para. 88; ACFC (2022) Norway, para. 175; COMEX (2024) Croatia, para. 99; COMEX (2022) Netherlands, para. 104.

81 Yet, it seems that the COMEX is aware of the significance of the issue, as in one report it called attention to the thematic work of the Council of Europe’s Steering Committee on Anti-Discrimination, Diversity and Inclusion on promoting RMLs in new and social media. See, COMEX (2024) Czechia, para. 80.

82 COMEX (2023) Denmark, para. 27, 40, 44; COMEX (2023) Poland, para. 85. In the case of German language in Denmark, Articles 11.1.bi and 11.1.ci should have been considered unfulfilled due to the lack of private TV and radio channel in German, but considering the speakers’ preference to use digital platforms and social media, the undertakings were evaluated as formally fulfilled.

83 COMEX (2024) Czechia, para. 79; COMEX (2023) Serbia, para. 56.

developments whereas others do not. For instance, video-on-demand platforms or streaming services appear in only six reports (and none of these mentions the threats that streaming platforms may pose for minority languages).⁸⁴ We have found no connection between the prevalence of social/new media use in a certain country and the depth of discussion.

5.2 *Benefits of New/Digital/Social Media*

In both committees' view, new/social media offers a considerable potential in the promotion and support of regional and minority languages (RMLs), including those with few speakers and limited infrastructure.⁸⁵ A specific advantage is that they offer not only the possibility to re-watch and re-listen existing broadcasts, but also to make new audiovisual content available at more regular intervals⁸⁶ or irrespective of broadcasting hours, at a lower cost.⁸⁷ New media could also facilitate the launch of MLM in minority languages not yet used in the media.⁸⁸

A concrete example of how the advancements in modern information technology can be adapted for the benefit of the speakers is offered by the reports on Denmark. There, the only German language newspaper (*Der Nordschleswiger*) is available both in digital (daily) and printed (bi-weekly) version. Due to the widespread use of the internet in the country, the digital version is accepted by all speakers, including the elderly generation. Moreover, as the digital version can be easily translated, it is also being read by non-speakers,⁸⁹ which is a good example of fostering intercultural understanding.⁹⁰ The use of social media has also been seen as evidence of RML speakers' responsiveness and adaptability to the Covid-19 pandemic.⁹¹

84 ACFC (2023) Austria, para. 99, 103; ACFC (2022) Estonia, para. 109; ACFC (2023) Latvia, para. 89; COMEX (2024) Czechia, pp. 24, 36; COMEX (2024) Spain, para. 37, 99, 120, 139, 156, 204; COMEX (2024) UK, para. 54.

85 ACFC (2022) Germany, para. 153; COMEX (2020) Czechia, para. 12; COMEX (2024) UK, para. 54. However, in Italy, numerically smaller minorities expressed their concerns as regards the quality of the online content in their languages. ACFC (2023) Italy, para. 111.

86 COMEX (2020) Hungary, para. 20.

87 ACFC (2023) Austria, para. 101, 104; ACFC (2020) Bulgaria, para. 118; ACFC (2021) Czechia, para. 107; ACFC (2022) Germany, para. 153; ACFC (2023) Kosovo, para. 106.

88 ACFC (2020) Bulgaria, para. 118; ACFC (2021) Czechia, para. 107.

89 ACFC (2024) Denmark, para. 91; COMEX (2023) Denmark, para. 28.

90 On the role of the media as a tool for the promotion of intercultural understanding and a sense of solidarity in society, see ACFC Thematic Commentary No. 3, *supra* note 74, para. 40–41 and Thematic Commentary No. 4, *supra* note 8, para. 63, 69–70.

91 COMEX (2022) Netherlands, para. 13.

The committees also pointed out that the fulfilment of media-related obligations can be facilitated by the internet.⁹² For instance, in the COMEX's established practice, a newspaper in the sense of Article 11.1.eii has to be published at least weekly, but it may also be published online,⁹³ which helps reaching the adequate frequency.

As a matter of principle, both committees are attentive to the needs of the younger generation,⁹⁴ thus the importance of the internet and new/social media (as the main source of information) for young people was underlined in several reports. Many minority speakers, especially the youth, prefer these platforms to classic editorial media, thus they could contribute to raising the popularity of RMLs and help reaching younger audiences.⁹⁵ Digital content is also an important tool for the development of the language skills of children and young speakers,⁹⁶ and could mitigate the risk of linguistic assimilation.⁹⁷ Furthermore, the development of digital media could provide the youth belonging to national minorities with access to quality entertainment in their own languages.⁹⁸

5.3 *Dangers and Challenges of New/Digital/Social Media*

Perhaps the biggest challenge of digitalisation of the media environment lies in the technology itself. Whereas new/digital media platforms presuppose access to high-speed internet, this is proven to be more difficult in remote (rural) areas which are often inhabited by persons belonging to linguistic minorities.⁹⁹ In addition to the lack of proper internet access, weak digital competencies can also prevent many people from benefiting from new media.

92 COMEX (2021) Armenia, para. 16, 29, 39, 55; COMEX (2024) Croatia, para. 80; ACFC (2024) Georgia, para. 104.

93 COMEX (2024) Croatia, para. 85; COMEX (2021) Poland, para. 54.

94 It is a recurring observation in COMEX reports that 'In order to reach out to the linguistic group as a whole, the broadcasts should cover content from various genres [...] and address different generations, *including children and young people* to support language transmission' (emphasis added). See e.g. COMEX (2021) Armenia, para. 16; COMEX (2022) Croatia, para. 19.; COMEX (2024) Czechia, para. 69. The ACFC likewise emphasizes that broadcasting in minority languages should cover various genres and address different generations. ACFC (2020) Bulgaria, para. 11; ACFC (2021) Czechia, para. 104.

95 ACFC (2023) Austria, para. 100; ACFC (2022) Estonia, para. 109, 117; COMEX (2020) Czechia, para. 30; COMEX (2024) Czechia, para. 80; COMEX (2024) Finland, para. 73; COMEX (2020) Hungary, para. 18, 34.

96 COMEX (2024) Finland, para. 105.

97 ACFC (2024) Bosnia and Herzegovina, para. 117.

98 ACFC (2023) Austria, para. 104.

99 ACFC (2024) Georgia, para. 99; ACFC (2024) Italy, para. 114.

Therefore, both the COMEX and the ACFC emphasize the importance of traditional media for those without internet access or without digital competences for maintaining a link with their minority culture.¹⁰⁰ For the same reason, a balance must be found in the offer of printed and digital newspapers¹⁰¹ as well as between terrestrial programming and programming on internet-based platforms¹⁰² in order to cover the needs of all stakeholders and to ensure the widest possible access to media in minority languages. Another technical challenge of the use of advanced digital television broadcasting can be disruptions caused in the reception of more conventional television broadcasts from neighbouring countries.¹⁰³ The digitisation process can also be challenging if there is a lack of technical capacity at the local level,¹⁰⁴ or for newspapers with limited staff.¹⁰⁵

In terms of societal risks, social media is a favoured scenery for hate speech, aggressive discourse and negative stereotyping against national/linguistic minorities. Regrettably, racism and intolerance (antigypsyism, antisemitism, anti-Muslim and anti-Black racism, antimigrant or anti-minority rhetoric, etc.) is present in all contemporary societies under review.¹⁰⁶ Incidents of hate speech have drastically increased since Covid-19 and are often closely linked to the pandemic (for instance, they concern the violation of pandemic-related regulations or the spread of the virus).¹⁰⁷ Anonymous inflammatory comments and abusive language are reported as commonplace on social networks and user-generated content, such as the 'below-the-line' comment

100 ACFC (2024) Bosnia and Herzegovina, para. 118.

101 COMEX (2021) Poland, para. 54.

102 ACFC (2023) Sweden, para. 150, 154.

103 COMEX (2023) Denmark, para. 47.

104 ACFC (2023) Moldova, para. 121.

105 COMEX (2021) Norway, para. 43.

106 ACFC (2023) Albania, para. 88, 94; ACFC (2022) Armenia, para. 75; ACFC (2023) Austria, para. 86, 88; ACFC (2024) Azerbaijan, para. 78, 88; ACFC (2024) Bosnia and Herzegovina, para. 100; ACFC (2020) Bulgaria, para. 77–78; ACFC (2021) Croatia, para. 6,15,134,137,139; ACFC (2021) Czechia, para. 93, 95; ACFC (2024) Denmark, para. 91; ACFC (2024) Georgia, para. 80; ACFC (2022) Germany, para. 104, 108; ACFC (2023) Italy, para. 5, 21–22, 92, 95, 97, 106; ACFC (2023) Latvia, para. 84; ACFC (2024) Montenegro, para. 84–88; ACFC (2023) Netherlands, pp. 6, 27 (fn. 94), para. 15, 84–85, 115–116; ACFC (2022) North Macedonia, para. 56, 66, 75; ACFC (2022) Norway, para. 127; ACFC (2023) Romania, para. 105, 109; ACFC (2022) Slovakia, para. 136; ACFC (2022) Slovenia, para. 105–106, 108; ACFC (2020) Spain, para. 2, 136, 139; ACFC (2023) Sweden, para. 131–132, 134, 136, 138; ACFC (2023) Switzerland, para. 7, 13, 113, 120–121; ACFC (2022) UK, para. 116, 118, 121; COMEX (2024) Finland, para. 15–16, 20; COMEX (2021) Norway, para. 18; COMEX (2021) Poland, para. 78, pp. 27, 35, 43, 60, 64, 68, 72, 80.

107 ACFC (2024) Georgia, para. 80; ACFC (2023) Sweden, para. 136; ACFC (2023) Switzerland, para. 113.

sections of online news portals.¹⁰⁸ Even more worryingly, it is often public figures, including politicians at the highest level, who make derogatory or hateful statements against minorities, not only in state-owned mainstream media but also in private social media platforms.¹⁰⁹ The increased instances of hate speech on social media are not only troubling because of their prevalence, but also because of their long-term impact on majority-minority relations. As the ACFC explained in its latest opinion on the Netherlands,

according to recent sociological studies, limited intergroup contacts, exacerbated during the Covid-19 pandemic, and negative representation of migrants and refugees in the mainstream media, and predominantly on social media, play an important role in shaping the majority attitudes towards these groups and persons belonging to them. These studies also revealed that people have in reality little personal contacts with other cultures and their prejudiced attitudes originate from information present in the mainstream media and on social media.¹¹⁰

In line with the OSCE HCNM Tallinn Guidelines, the ACFC also warns that the abundance of information available in today's digital media environment does not lessen existing State obligations to facilitate the production and dissemination of minority-language content.¹¹¹ This makes sense in a context where States try to avoid their responsibility by pointing out the existence of MLM content produced by individuals or creators not traditionally considered as media outlets.

Finally, one report drew attention to the interesting fact that even in the new media environment, a divide persists between the majority population and national minorities, notably in the choice of social media platforms used.¹¹² Unfortunately, no further information was provided as to the nature of this divide or the specific platforms used. However, this may be a unique situation to the Russian minority in Estonia, as research on social media has so far confirmed a split in platform use by age group (see above in Section 3) and not by language group.

¹⁰⁸ ACFC (2021) Croatia, para. 134; ACFC (2022) Germany, para. 108; ACFC (2022) Slovakia, para. 136.

¹⁰⁹ ACFC (2024) Azerbaijan, para. 85; ACFC (2021) Czechia, para. 93; ACFC (2023) Netherlands, para. 115; ACFC (2022) North Macedonia, para. 66.

¹¹⁰ ACFC (2023) Netherlands, para. 84.

¹¹¹ ACFC (2021) Croatia, para. 157; ACFC (2022) Slovakia, para. 168; ACFC (2020) Spain, para. 149.

¹¹² ACFC (2022) Estonia, para. 117.

5.4 *Recommendations of the Committees*

Considering the above observations, State parties were encouraged to increase the offer of online/new/social media content in regional or minority languages,¹¹³ and to design a policy for the production and distribution of new and social media, in co-operation with the representatives of RML speakers.¹¹⁴ Importantly, the feasibility and impact of any digital solutions should be carefully designed and monitored in close consultation with the minorities concerned.¹¹⁵ States were often called on to provide adequate financial support for the development of new media in RMLs (produced for or by national minorities).¹¹⁶ Interestingly, and against the backdrop of the popularity of social media among young people, there was only one recommendation to encourage the youth to use RMLs on these platforms.¹¹⁷

Most recommendations were related to combatting hate speech against minorities and their languages, with targeted preventive measures.¹¹⁸ In the committees' view, hate speech on social media requires more systematic public condemnation, investigation and prosecution,¹¹⁹ including systematic monitoring,¹²⁰ collection of disaggregated data,¹²¹ provision of criminal

¹¹³ ACFC (2023) Austria, para. 104; COMEX (2020) Armenia, para. 51; COMEX (2023) Austria, pp. 24, 32; COMEX (2024) Czechia, pp. 27, 36; COMEX (2020) Denmark, para. 11; COMEX (2024) Finland, para. 105; COMEX (2022) Germany, pp. 39, 53; COMEX (2023) Serbia, p. 70; COMEX (2021) Slovakia, p. 14; COMEX (2024) Spain, pp. 56, 58, 74, 93, 95, 97, 101, 108, 116.

¹¹⁴ COMEX (2024) Czechia, para. 80.

¹¹⁵ ACFC (2023) Italy, para. 6, 114, 116; ACFC (2023) Sweden, para. 155.

¹¹⁶ ACFC (2024) Azerbaijan, para. 23, 110; ACFC (2024) Bosnia and Herzegovina, para. 114, 118, 120; ACFC (2020) Bulgaria, para. 119; ACFC (2024) Bulgaria, para. 112; ACFC (2021) Czechia, para. 109; ACFC (2022) Germany, para. 153; ACFC (2023) Kosovo, para. 107; ACFC (2022) North Macedonia, para. 19, 86; ACFC (2022) Norway, para. 180; ACFC (2022) Slovakia, para. 174; COMEX (2024) Finland, para. 105. The uncertainty of financial assistance was mentioned in COMEX (2023) Serbia, para. 85–87, 89, 92, 94–98; whereas the Advisory Committee noted with satisfaction 'the support given by the authorities to the initiative of the Kven/Norwegian Finn minority media organisations to move into new areas such as podcasting'. ACFC (2022), Norway, para. 179.

¹¹⁷ COMEX (2024) Czechia, para. 14.

¹¹⁸ ACFC (2023) Switzerland, para. 7; ACFC (2024) Georgia, para. 81; COMEX (2021) Norway, para. 18; ACFC (2023) Sweden, para. 18, 142.

¹¹⁹ ACFC (2023) Italy, para. 5; ACFC (2023) Netherlands, para. 116.

¹²⁰ ACFC (2021) Croatia, para. 138; ACFC (2024) Denmark, para. 99. Monitoring was also mentioned outside the context of hate speech, namely in MLM provision: Hungary was encouraged to set up independent quantitative and quality-oriented monitoring and assessment, from the perspective of the persons belonging to national minorities, which should also cover online media. ACFC (2020) Hungary, para. 106.

¹²¹ ACFC (2023) Albania, para. 96; ACFC (2022) Armenia, para. 97; ACFC (2024) Bosnia and Herzegovina, para. 103.

sanctions and – in respect of less serious instances – remedies under civil and administrative legislation.¹²² Authorities were called on to carry out specific awareness-raising campaigns in the online/social media to promote positive images of persons belonging to minorities,¹²³ and to enforce legal provisions to tackle hate crime and hate speech on the internet.¹²⁴ In these efforts, States were recommended to actively engage with media outlets, social media platforms, and internet service providers.¹²⁵

6 Recommendations to the Council of Europe Monitoring Bodies

Based on our analysis of the reports, it may be concluded that a more systematic approach to monitoring is needed in the context of both the ECRML and the FCNM. Such an approach should reflect a significantly stronger focus on new/digital media, and especially social media. Where social media has been mentioned, it is often as a separate phenomenon to traditional media and often in relation to other articles than the main media ones in the treaties (Article 9 FCNM, Article 11 ECRML). Our recommendations therefore aim to suggest how the current challenges facing minority language media identified in recent literature can be brought into the consideration in the future work of the Council of Europe monitoring bodies, and even beyond.

6.1 *Recommendations within Monitoring*

One of the most significant changes to media consumption is the convergence of actors on social media platforms. Therefore, the operations of traditional media outlets on social media platforms constitutes a substantial theme which could be considered in more depth going forward. Questioning broadcasters (radio and television channels or specific shows / sub-brands) and newspapers on how they reach and engage with their audience through social media platforms will provide a more holistic picture of media consumption – particularly for younger audiences who are the prominent users of Instagram and TikTok. Likewise, consideration of generational differences, in terms of platform used (TikTok v Facebook, for example) but also style (audiovisual v written, private v public),¹²⁶ can be an important factor.

¹²² ACFC (2022) Armenia, para. 96; ACFC (2021) Croatia, para. 15; ACFC (2023) Netherlands, para. 115.

¹²³ ACFC (2023) Austria, para. 92; ACFC (2022) Slovenia, para. 109.

¹²⁴ ACFC (2023) Austria, para. 93; ACFC (2024) Montenegro, para. 91.

¹²⁵ ACFC (2023) Switzerland, para. 13; ACFC (2022) UK, para. 25, 123.

¹²⁶ As detailed in Willis, *supra* note 2.

Within this, it is important to also ascertain whether there are barriers facing media outlets due to lack of control or transparency with social media platforms' algorithms.

Other forms of competition include streaming platforms, particularly the global players such as Netflix, Amazon Prime and others. A serious question of whether public broadcasters can reach their audience through the previous privileges afforded to a free-to-air television / radio channel, is relevant in this context. Moreover, it should be explored whether Netflix can be considered a form of private provider under Articles 11.1.b and 11.1.c of the ECRML, and thus implore certain States to 'encourage/facilitate' minority language content on these platforms. Considering this threat from streaming platforms is therefore a vital aspect of the media landscape and relates to the use or dominance of majority and global languages as well as market share.¹²⁷

There are also other creators of media which may not be traditionally considered as media outlets, including individual influencers on social media channels – who sometimes have larger online followings than traditional media outlets (or at least some of their sub-brands). Such influencers could be creating numerically significant content in a regional or minority language, particularly in spheres without traditional media outlets. However, these are often young persons who may struggle to make such content financially viable and lack the institutional support. In addition, there are also an increasing number of third-sector producers, which are neither media companies nor individuals.¹²⁸ This could be education providers or other areas of public life such as public administration or hospitals, but also in the private / non-profit sectors (cultural organisations, small businesses). Again, they can be significant content creators for media in spheres with no or little traditional media.

Finally, the duties of social media platforms should be considered, particularly relating to hate speech. Monitoring bodies should be aware of the lack of transparency or control of social media algorithms and the issues this causes in terms of a media outlet's ability to reach their audience. They should also scrutinise the hate speech against minorities online and the role social media companies have to remove this, plus call on State parties to encourage such companies to monitor hate against linguistic minorities as well as other

¹²⁷ In COMEX (2024) Spain, para. 37, there is a mention of the fact that the 'emergence of video-on-demand platforms has completely changed the patterns of audio-visual consumption', but there is no further explanation as to how.

¹²⁸ E. H. G. Jones, *Presentation to the Committee of Experts of the European Charter for Regional or Minority Languages 80th Plenary Session*, 19 November 2024, Strasbourg.

minority identities.¹²⁹ Within both of these factors, the increasing use of generative AI and the issues it may produce / perpetuate should be considered. Within this, linking to the EU's (when applicable) and the Council of Europe's latest documents concerning social media platforms should be included. For example, the EU's Digital Services Act (Regulation 2022/2065/EU)¹³⁰ or the Artificial Intelligence Act (Regulation 2024/1689/EU)¹³¹ and the Committee of Minister's Recommendation CM/Rec (2022)16 on Combating Hate Speech.¹³² In the context of the former, exploratory work has considered how this may be relevant for minority language media.¹³³

6.2 *Recommendations Beyond Monitoring*

There are also measures which monitoring bodies (or those who appoint them) can consider. Firstly, increasing the interdisciplinarity of the monitoring bodies, for example with the inclusion of media scholars and/or an increase in sociolinguists, could assist with a wider understanding of media's impact across different articles within the treaties. We also propose *de lege ferenda* suggestions which could aid the monitoring bodies work, given that the current challenges are not significantly covered in the additional publications of either the ACFC or the COMEX. A focus on media as part of the ACFC's thematic commentary series could help the existing Committee and future constellations going forward. This should obviously focus on Article 9 and logically Article 6 but also cross-cutting into other topics such as education. On the part of the COMEX, an updated, post-Covid-19, publication from or for the COMEX on the latest media challenges would help the monitoring bodies' work in articles related to media but also in other spheres (as suggested above).

¹²⁹ Two examples can be mentioned from the FCNM monitoring to this effect. In Germany, a new law obliges social media platforms to take down unlawful content, including hate speech, within 24 hours after receiving a user complaint (ACFC [2022] Germany, para. 124, 132). This law has in the meantime, at least partly, been superseded, by the EU's Digital Services Act (see *infra* note 130). In Montenegro, 'founders' of online media have to remove comments representing obvious illegal content; at the same time the ACFC points to the lack of moderators in social media companies (ACFC [2023] Montenegro, para. 84 and 88).

¹³⁰ https://commission.europa.eu/publications/legal-documents-digital-services-act_en.

¹³¹ <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

¹³² [https://www.coe.int/en/web/combating-hate-speech/recommendation-on-combating-hate-speech#:~:text=The%20CM%2FRec%20\(2022\),within%20a%20Human%20Rights%20Framework](https://www.coe.int/en/web/combating-hate-speech/recommendation-on-combating-hate-speech#:~:text=The%20CM%2FRec%20(2022),within%20a%20Human%20Rights%20Framework).

¹³³ C. Willis, 'Social media regulation by the European Union: what protection can minority languages receive?', *EuropeNow* (2025). <https://www.europenowjournal.org/2025/07/10/social-media-regulation-by-the-european-union-what-protection-can-minority-languages-receive/>.

7 Conclusions

It is evident that international law faces substantial challenges with regard to media regulation, with none of the monitoring bodies analysed adequately adapting to the latest trends. However, this is not unique to the minority language context – regulation of social media platforms and streaming platforms is a global issue. From that standpoint, international monitoring bodies such as the COMEX and the ACFC have a difficult task with regard to the media elements of their respective treaties and organisations with stronger competences – such as the EU – could be expected to be doing more. In this regard, the fact that the EU has made legislative progress with directives such as the Audiovisual Media Services Directive offers potential but needs to be implemented at the national level with regional or minority languages in mind.

Overall, our analysis reinforced McGonagle's observation made twenty years ago that 'the protection accorded to minority languages (specifically) in the broadcasting sphere by existing international human rights instruments is neither entirely comprehensive nor entirely coherent'.¹³⁴ Regarding international complaint procedures, including before the UN Human Rights Committee and the European Court of Human Rights, these have unfortunately proved inadequate to move forward the situation of MLM. They may be useful tools to remedy blatant violations and excessive interferences by State authorities, and sometimes they impose a duty on States to ensure the effective access of persons belonging to national minorities to already existing opportunities and resources. However, they do not explicitly support or facilitate the production of content by and for minorities, including in their own languages, and the dissemination of such content across a range of platforms (as recommended by the OSCE HCNM Tallinn Guidelines at para. 7). In contrast with general human rights bodies with a broad agenda, it is assumed that monitoring organs operating under minority-language specific treaties could do a great deal more, even within their limited competences.

We consider that the delicate situation of MLM needs to be addressed by a holistic, cross-organisational approach, which strengthens the protection afforded to minority languages in the realm of media in a way which is appropriate for the post-pandemic, third wave context. Our comprehensive recommendations in relation to the COMEX and ACFC monitoring can hopefully help in one pillar of this. The Council of Europe is likely to remain

¹³⁴ McGonagle, *supra* note 17.

the most relevant tool going forward due to its precise scope demographically and provisionally, so it is vital that this pillar is reinforced and updated. Nonetheless, a cross-organisational approach should involve other international organisations playing a role where possible, such as the OSCE HCNM, the UN (in particular the Special Rapporteur on minority issues and the UN Forum on Minority Issues) as well as the European Union, particularly in light of the recent legislative developments on media and digitalisation.

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Appendix 1

TABLE 1 Social/new/digital media references in COMEX evaluation reports (2020–2024)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Armenia	5	2020	51 (online newspapers)
Armenia	InfoRIA	2021	15, 28, 38, 54 (YouTube page of public TV); 16, 29, 39, 55 (fulfilment of Article 11.1.a.iii can be facilitated by the internet)
Austria	5	2023	39 (digitalisation of newspapers); 40 (video archive of ORF media library); 41 (online service); 60, 66–67, 77 (YouTube, Instagram, online newspapers); p. 24 and 32 (increase the use of Czech/Slovak in the online media)
Bosnia and Herzegovina	3	2022	Ø
Croatia	InfoRIA	2020	19 (achievement of goals of TV broadcasting can be facilitated by the internet)
Croatia	7	2024	80 (achievement of goals of TV broadcasting can be facilitated by the internet); 85 (a newspaper has to be published at least weekly, may also be published online); 92 (HRTi online platform, online radio); 95, 97 (online newspapers); 96, 99 (YouTube, Facebook, VidaTV, online portals)
Cyprus	6	2021	26 (cartoons on internet); 27 (online magazine, social media); 29 (websites)
Czechia	InfoRIA	2020	p. 3 (identify forms and means, including new media, for revitalisation); 12 (new media offer a range of opportunities); 30 (new social media could raise the prestige of RMLs)
Czechia	5	2024	14 (encourage the youth to use RMLs on social media); 79 (Art. 11.1.d does not concern radio and TV, as it would otherwise be redundant in relation to 11.1.a.iii, 11.1.bii and 11.1.cii. Rather, it concerns other audio and audiovisual works such as new media e.g. podcasts, social media); 80 (importance of Art. 11.1.d grown as many people prefer new media to TV and radio. State should design a policy for the production and distribution of audio and audiovisual works, with particular emphasis on new and social media; p. 24, p. 36 (social media, streaming services)
Denmark	InfoRIA	2020	11 (provide radio and TV in German at an adequate level, including by using new media)

TABLE 1 Social/new/digital media references in COMEX evaluation reports (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; unmarked numbers refer to para.)
Denmark	6	2023	p. 4; 27, 40 (German speakers prefer to use digital platforms and social media rather than spending their resources on setting up private TV and radio); 28 (shift to the digital version of German newspaper is a good example of how the advancements in modern information technology can be adapted for the benefit of the speakers); 47 (digital TV)
Finland	InfoRIA	2020	Ø
Finland	6	2024	15–16, 20 (hate speech on social media); 27, 98 (social media in Karelian, Inari Sami); 73 (digital platforms); 104 (digital newspapers); 105 (increase the offer of content in Tatar on social media and other digital platforms)
Germany	7	2022	57 (audio archive on internet, video podcasts, website); recommendation on p. 39 (facilitate the publication of newspaper articles, including online)
Germany	InfoRIA	2024	63 (Sater Frisians say that a social media presence would help reaching younger audiences)
Hungary	InfoRIA	2020	18, 34 (new social media in Boyash/Romani could contribute to raising the popularity of the language among younger people); 20 (internet and new media offer not only the possibility to re-watch and re-listen to existing broadcasts, but also to make new audiovisual content available at more regular intervals)
Montenegro	5	2020	47 (development of Albanian electronic media: set up a digital archive + to keep up with the demands of the 21st century, footage should be accessible on social media, besides television); 52, 55, 64 (electronic media)
Montenegro	6	2023	29 (private broadcasters are increasing the selection of their content offered online, or on social media); 43 ('Ulcinjinfo' web page gradually extended to cover various platforms of social media, with contents relevant for the Albanian community); 49 (Bosnian social media presence); 69 (Romani media portal, podcasts, talk-shows in social media)

TABLE 1 Social/new/digital media references in COMEX evaluation reports (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; unmarked numbers refer to para.)
Netherlands	7	2022	13 (speakers' adaptability to Covid-19: new ways of communication via internet and social media); 73 (Fryslan provincial authority on social media); 78 (considerable visibility of Frisian in the media, including the internet); 104 (Limburgish in Tweets, and on Facebook); 106,126 (podcast series); 123,131 (Low Saxon on social media); 150 (web-based collection of video/audio podcasts); 162 ("Yiddish social sphere" active on social media)
Norway	8	2021	18 (MLs are used in social media, without government support, because this form of information and communication is not journalistic in its nature); 27 (position of North Sámi in electronic media is satisfactory; website for the Kven/ Norwegian Finnish minority); 37 (during Covid-19, Romanes speakers displayed information via social media); 43 (media is going through a digitisation process, challenging for the limited staff of Ruijan Kaiku newspaper, podcasts, website); 53 (COMEX commends transfrontier initiative to support Sámi languages in various domains, inc. social media)
Norway	InfoRIA	2023	9 (online weekly summary of national and international news); 11 (media offer in Kven is primarily online)
Poland	3	2021	12 (authorities should devise innovative measures, such as the use of the internet for the promotion of RML in the media, e.g. internet radio and newspaper); 21 (Covid-19 showed how internet and social media can benefit the promotion of RMLs); 54 (under certain circumstances, online newspapers may be sufficient. The offer of printed and digital newspapers has to be balanced to cover the needs of all age groups); 71 (on public media, one program is also available online); 78 (works in Yiddish digitised and made available online); 85 (In light of the changes in the media environment, COMEX has taken a more flexible approach to Art. 11.1.a, b and c and considers digital and online media content under Art. 11.1.b.ii and 11.1.c.ii); Recommendations on p. 27, 35, 43, 60, 64, 68, 72, 80 (increase the presence of RML in the media, including online media)

TABLE 1 Social/new/digital media references in COMEX evaluation reports (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; unmarked numbers refer to para.)
Poland	4	2023	12 (authorities to use the internet for RML promotion); 66 (authorities should support online newspapers); 78 (financial difficulties hinder the development of online version of Belarusian newspaper); 80 (demand to develop online newspapers in German); 81 (online “music map” in Karaim) 89 (presence of Ukrainian has to some extent increased after the arrival of refugees, with private media, including online portals, offering information); 90 (Yiddish should be used in online media); Recommendations on p. 27, 34, 43, 59, 62, 67, 71, 79 (increase the presence of RML in the media, including online)
Romania	3–4	2023	56, 94 (online newspaper/articles, webpages); 140 (online free radio); p. 58 (Art. 11.1.d is fulfilled as the production and distribution of audio and audiovisual works in German is ensured through different materials, including online); 154 (online publications in Turkish)
Serbia	5	2023	p. 5 (new media should be included in the offer); 56 (Art. 11.1.d does not concern radio and TV programmes, as it would otherwise be redundant in relation to Art. 11.1.iii, 11.1.bii and 11.1.cii. Rather, it concerns other audio and audiovisual works such as new media e.g. podcasts, social media); 85–87, 89, 92, 94–98 (unclear whether existing financial assistance to audio and audiovisual works can be applied also to new media in MLs)
Slovakia	InfoRIA	2021	p. 14 (increase the presence of Ukrainian in broadcast media, audiovisual works, newspaper, online media → lack of info, no conclusion)
Spain	6	2024	37 (emergence of video-on-demand platforms completely changed the patterns of audio-visual consumption); 38 (State should provide for the possibility to access statewide print newspapers in RMLS, including in their digital version); 52, 108 (website on languages of Aragon); 58 (online radio, financial aid granted to Internet companies, daily digital newspaper in Asturian); 78 (Internet music channel, online portal and applications in Basque); 99, 120, 139, 156, 204 (agreements with international

TABLE 1 Social/new/digital media references in COMEX evaluation reports (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; unmarked numbers refer to para.)
			streaming platforms for the dubbing of films in RMLs); 102 (grants for the promotion of the use of Basque in online media); 121, 140, 157 (digital newspapers in Catalan/Valencian; exponential growth in the online press); 224 (online TV and newspaper in Aranese); Recommendations at p. 56, 58, 74, 93, 95, 97, 101, 108, 116 (develop the use and presence of RMLs also in online media)
Sweden	8	2022	37 (online language course on social media, songs for small children, pop and rap music in Elfdalian uploaded to the internet; social media presence broadened, UR Play); 60 (press subsidy to new media in MLs); 98 (discrimination on social media); 100 (COMEX asks the authorities to provide information re. online publications in Sami)
Switzerland	8	2022	75 (internet portals in Italian); 82 (online radio programs in Romansch)
UK	6	2024	49 (MG Alba's policy paper to further digitalise media offer; Welsh speakers' need for increased digitalisation); 51 (online newspapers in Irish, Scottish Gaelic and Welsh); 54, 66 (COMEX notes with interest the increased use of the BBC's online platform iPlayer, which contains material developed and broadcast by BBC for on-demand viewing and the increased overall digitalisation of media in the UK and the Isle of Man. COMEX asks info on other streaming platforms that could be used for the promotion of RMLs); 55 (as a result of Covid-19, the BBC updated its media content available online); p. 20, footnote 70 (online radio in Cornish); 72 (Irish-language content on online media); 74 (online short clips, monthly private online radio program in Scots); 85 (Welsh digital media remains week); 89 (social media actions to raise the visibility of Manx Gaelic)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Albania	5	2023	88, 94 (hate speech on social media); 108 (website in Macedonian); 109, 111 (ACFC concerned by the lack of support for printed and online media)
Armenia	5	2022	75 (hate speech on social media); 111 (websites of public radio broadcasts are also available in MLs)
Austria	5	2023	71 (funding to use digital media to increase the visibility of national minorities); 86, 88, 92 (hate speech and awareness-raising on social media, Facebook); 94, 99, 103 (most TV/radio programs in MLs are also available on the internet, but TV programs are accessible on the ORF online streaming services for 30 days only, longer time needed); 95 (online radio, online platform, new video archives); 100 (young persons prioritise digital media outlets and social media over classic editorial media); 101 (digital applications and technologies can be powerful tools for advancing media production in MLs); 104 (digital media's considerable potential to make audiovisual productions available in MLs at a lower cost than is incurred by traditional media and irrespective of broadcasting hours; ACFC commends the already existing digital offer; digitalisation could help access information in MLs; the development of digital media could improve the situation of the youth belonging to national minorities who have very limited access to quality entertainment in MLs); 107 (authorities should intensify support in the development of digital media in MLs)
Azerbaijan	5	2024	23, 110 (authorities to support national minority organisations in developing their own print, broadcasting and online media); 78, 85, 88 (hate speech on social media); 91–92 (new media law negatively affects national minority media, especially those who do not fit the conditions for the operation of online media; footnote 78: an internet portal that publishes less than 20 materials per day is not considered as an active online media outlet); footnote 81 (bloggers and social media users summoned to the prosecutor's office); 106 (most national minorities struggle to maintain their existing print or online newspapers)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Bosnia and Herzegovina	5	2024	100 (hate speech on social media); 114, 118, 120 (little to no sustainable, long-term support given to print/online MLM; structural support needed); 117 (more targeted efforts to produce content for social media aimed at young people would be a welcome step to stem the risk of linguistic assimilation); 118 (media landscapes in Europe are shifting increasingly towards online content, however, printed media is important for those without internet access or without digital competences for maintaining a link with their minority culture)
Bulgaria	4	2020	77–78 (hate speech on social media); 118 (the importance of digital, online and social media considerably increased, offering considerable potential to make audiovisual productions and newspaper content available in MLs at a much lower cost than is incurred by traditional media. They also solve problems linked to unattractive broadcasting hours. While new media do not yet fully reach the older generation, the ACFC considers that they could in the short term facilitate the launch of media in MLs not yet used in the Bulgarian media and also complement the offering available in Turkish and Romani); 119 (Recommendation: create and financially support, for each interested national minority, an adequate offering in the fields of television, radio, other audiovisual productions and print media in the given ML, including by using new media); 120 (Recommendation: support the regular publication of printed or online news publications in MLs)
Bulgaria	5	2024	106 (access to the media produced in Bulgaria in MLs for persons belonging to national minorities, both print, broadcast and electronic media, remains insufficient); 112 (authorities should substantially increase the support)
Croatia	5	2021	6, 15, 134, 137–139 (hate speech on social media); 149 (children's programs translated and dubbed in Romani and Boyash Romanian and made available on children's online portals, platforms and applications);

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Czechia	5	2021	157 (abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for national minorities; ref. to OSCE HCNM Tallinn Guidelines) 47 (info campaign will be organised also in national minority online/social media to raise awareness about the census); 103 (increasing interest among national minorities to receive funding for podcasts and websites); 93, 95 (hate speech on social media); 107, 109 (digital and social media offer considerable potential to make audiovisual productions and newspaper content available in minority languages at a lower cost than is incurred by traditional media and irrespective of broadcasting hours. Such media could complement the offer available in German, Polish, Romani and Slovak and facilitate the launch of media in less-widely used MLs. ACFC welcomes the openness shown by the Ministry of Culture to provide funding for "new" media, and encourages them to extend the funding to new digital media produced by minorities.)
Denmark	6	2024	91, 99 (online hate speech); 102 (Der Nordschleswiger's transition from a daily printed newspaper to an online news portal. Given the high levels of internet access and digital literacy rates in Denmark, including among the elderly, minority representatives consider the transition a success. It is used not only by persons belonging to the German minority, but also by a wider Danish readership – where necessary, facilitated by machine translation. ACFC considers this good practice)
Estonia	5	2022	109 (Internet has become the most important source of information for the younger audience; numerous information portals, web streaming and video on demand in MLs, especially Russian); 117 (digital media consumption increased for both Estonian and non-Estonian language media. Social media also became an informational source for youth, spreading to older generations, offering content in Estonian and other languages. Even in the digital social media

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Georgia	4	2024	environment, a divide persists, notably in the choice of social media platforms used between the majority population and national minorities. ACFC observed some good practice to counter this divide, aiming to bring together youth from the majority and minorities through digital social media) 80–81 (hate speech on social media); 94 (within the public broadcaster’s programming, a special web-platform is available 24 hours a day in Georgian, Abkhaz, Armenian, Azerbaijani, English, Ossetian and Russian + online weekly programs) → 99 (yet, these do not meet the demand also because many persons belonging to national minorities who live in rural areas do not have access to the internet); 104 (necessary to ensure an adequate broadcasting duration, regularity and accessibility, which can be facilitated by the internet if available)
Germany	5	2022	96 (digital RomArchive); 104, 108, 124, 132 (hate speech on social media); 143 (digital platform for the languages of the national minorities of Northern Germany); 148 (funded project “Sorbian in new electronic media”); 153 (digital media offer considerable potential to make audio-visual productions available in MLs at a lower cost than is incurred by traditional media and irrespective of broadcasting hours. ACFC therefore considers initiatives to complement the linear offer with digital formats as a positive step. However, only voluntary engagement cannot guarantee the necessary quality in the journalistic work. Offers of this kind need to ensure that these formats are sufficiently resourced)
Hungary	5	2020	103 (State aid for print or online newspapers aimed at specific nationalities is integrated into the budget of the respective national-level self-governments); 106 (independent quantitative and quality-oriented monitoring and assessment, from the perspective of the persons belonging to national minorities, should be set up and cover regional and community media, online media and private outlets)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (*cont.*)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = <i>page</i> ; <i>unmarked numbers refer to para.</i>)
Italy	5	2023	5, 21–22, 92, 95, 97, 106 (hate speech on social media); 6 (digital solutions need to be carefully designed and monitored in close consultation with minorities concerned); 108 (Radiotelevisione (RAI) offers content online via its website, RaiPlay); 109 (through its Regional Law No. 22/2018, Sardinia has developed targeted measures and allocated funds to support the Sardinian language, the Catalan language of Alghero, Sassarese, Gallurese and Tabarchino in favour of, i.a, online newspapers. For programmes in languages of numerically smaller minorities, measures currently being discussed by RAI include distinct online television and video content on RaiPlay); 111 (numerically smaller minorities expressed their concerns as regards the quality of the online content to be produced in their languages); 114, 116 (whilst a dedicated online space may allow increased opportunities to access media in MLs, the feasibility and impact of such undertaking must be carefully designed and monitored, in close consultation with national minority representatives. It presupposes access to high-speed internet throughout the country, which is proven to be more difficult in remote areas which are often inhabited by persons belonging to linguistic minorities)
Kosovo	5	2023	100 (On its website RTKlive, the public broadcaster is publishing its news in RMLs); 102 (printed newspapers have almost entirely been replaced by online news portals; exact data on the availability of such portals in MLs is not available); 106 (the importance of online media has considerably increased, which offers potential to make audiovisual productions and newspaper content available in minority languages at a much lower cost than is incurred by traditional media); 107 (authorities should set up a regular funding scheme for radio and online news portals in MLs)
Latvia	4	2023	84 (hate speech on social media); 89 (Latvijas Radio's mobile application also available in Russian; programs produced by the channel, including in Russian, are also available in podcast format through streaming)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = <i>page</i> ; <i>unmarked numbers refer to para.</i>)
			platforms such as Yandex Music); 90 (LTV7 programs in Russian and the audio content from Latvijas Radio 4 are available on the multimedia platform RUS.LSM, managed by the public broadcaster); 95 (76% of respondents affiliating as belonging to an “ethnic minority” are interested in consuming Latvian media content in the Russian language; some 14% of this category used VPN or other means to continue using blocked Russian media)
Moldova	5	2023	119 (very limited internet resources in Bulgarian, Gagauz, Romani and Ukrainian); 121 (lack of technical capacity at local level, and a serious shortage of funding to produce quality programmes in MLs, in particular during the digitalisation process) → 123 (authorities should take steps)
Montenegro	4	2024	84–88, 91 (hate speech on social media); 103 (funds allocated to a Roma NGO to produce a news site dedicated to Roma news and interests, also in Romani; dedicated parts of the overall funding are to be allocated for print and online publications); 105 (‘Romanet’ portal aims to provide content in Montenegrin and Romani)
Netherlands	4	2023	p. 6, 27 (footnote 94), paras. 15, 84–85, 115–116 (hate speech on social media); 117 (internet content in Frisian); 80, 140 (multilingual digital library ‘Fryske digiTales’); 154 (Frisian family vlog for social media and television)
North Macedonia	5	2022	56, 66, 75 (hate speech on social media); 85 (no earmarked funding for community radio, print or online media in MLs); 19, 86 (authorities should provide support to print or online media outlets for numerically smaller minorities)
Norway	5	2022	127 (hate speech on social media); 164 (NRK [Norwegian Public Broadcaster] Sapmi invests in digital content through social media to reach Sami youth audiences); 165 (NRK Kven website, weekly news digest in the Kven language; the 12-minute Kven language radio program disappeared following the digitisation process, NRK had to find another solution

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
			on the website); 175 (Ministry of Culture allocates grants to 'Ruijan Kaiku', a monthly print newspaper and online news site for Kvens/Norwegian Finns in Norway, founded in 1995. It is trilingual, with content in Norwegian, Kven and Finnish – as well as some articles in Swedish and Meänkieli. Ruijan Radio produces radio programs and podcasts in the Kven language. The Roma minority at Romano Kher also produces videos for its Facebook channel, supported by the Ministry); 179 (ACFC notes with satisfaction the support given by the authorities to the initiative of the Kven/Norwegian Finn minority media organisations to move into new areas such as podcasting); 180 (ACFC encourages the authorities to increase funding of Kven language media to ensure its sustainability and presence in the digital media)
Romania	5	2023	105, 109 (hate speech on social media); 131 (importance of minority newsrooms during Covid-19 in providing reliable information is confirmed by the increased number of followers on their respective websites and social media pages)
Slovakia	5	2022	136, 153 (hate speech on social media); 168 (abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for national minorities, ref. to OSCE HCNM Tallinn Guidelines; regularity and duration of broadcasts and the publication intervals of print or online media in MLs should contribute to the use and development of the ML); 174 (authorities should guarantee the allocation of sufficient pluriannual financial resources for minority radio and TV programs, as well as printed and digital media)
Slovenia	5	2022	105–106, 108–109 (hate speech and awareness-raising on social media and online); 118 (the availability of broadcast, print and digital media for national minorities and in minority languages is essential in different respects)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
Spain	5	2020	2, 136, 139 (hate speech on social media and online); 149 (the abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for national minorities)
Sweden	5	2023	18, 131–32, 134, 136, 138, 142 (hate speech on social media); 147 (all three public service broadcasters offer programming in MLs online via their Play services); 149 (programs in Romani on digital platforms); 150, 155 (terrestrial radio and television broadcasting are still of great importance to many, but it is internet-based platforms that are growing. ML programming is available on many different platforms in order to reach as many users as possible. Broadcasters must find a balance between terrestrial programming and programming on their own internet-based platforms. An analysis of how ML programming can best reach its audience ought to be an important element in the broadcasters' dialogue with the national minorities); 151 (new financing system: technology-neutral media subsidy can be given to news media with text, image, sound or moving image content, and subsidies can be given to newspapers, web-based media, radio or television); 154 (ACFC takes positive note of innovative approaches taken by broadcasters to reach out to persons belonging to national minorities through social media. While acknowledging that at least 95% of the population uses the internet regularly, the ACFC considers that radio and regular TV broadcasting must not be neglected in order to ensure the widest possible access to media in MLs)
Switzerland	5	2023	7, 13, 113, 120–121 (hate speech on social media); 137 (the online media portals laBregaglia.ch, ilBernina.ch and ilMoesano.ch do not benefit much from the translation service of the Canton of Graubünden/ Grischun/Grigioni for media releases in Italian)

TABLE 2 Social/new/digital media references in ACFC opinions (2020–2024) (cont.)

State party	Monitoring cycle	Year of adoption	Social/new/digital media references (<i>p.</i> = page; <i>unmarked numbers refer to para.</i>)
United Kingdom	5	2022	25, 116, 118, 121, 123 (hate speech on social media); 149 (Gaelic and Welsh interlocutors indicated that the transition to digital media was a necessary step to ensure the survival of the ML print media. The Traveller Times, a UK wide newspaper, mainly available in digital format, provide tailored content for Gypsies, Roma and Travellers.)