



Enhancing Access to Digital Culture for Vulnerable Groups: The Role of Public Authorities in Breaking Down Barriers

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Abstract

This article discusses which barriers hamper access to, and participation in, cultural life for members of vulnerable groups, in particular persons belonging to old and new minorities and persons with disabilities in the context of digitization. It then examines what role public authorities can play in addressing and dismantling these barriers. The article adopts a bottom-up approach, in that it is based on a qualitative study, which gives voice to vulnerable groups. The qualitative research involved interviews with different organisations representing, or working with, vulnerable groups in 12 European Union Member States (Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Malta and Spain). In that regard, the article approaches vulnerability from a distinct conceptual standpoint, identifying vulnerability as a condition caused by structural barriers. On the whole, the article shows that, while digitization of cultural content, goods and services, offers increased opportunities for culture to be democratised and for its consumption by wider and more varied audiences to be enhanced, it also engenders structural barriers and creates additional challenges. Furthermore, while digitisation has ensured more diverse representation in cultural content, vulnerable groups still face stereotypical and negative portrayals within mainstream cultural content. The thematic analysis of the qualitative interviews also captures different dimensions of access to digital cultural and supports the identification of effective policy measures to bridge the ‘digital divide’ and assist in the fulfilment of cultural rights of vulnerable groups.

Keywords Culture · Vulnerable groups · Digitization · Public authorities

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1 Introduction

Culture as the ‘set of distinctive spiritual, material, intellectual and emotional features of society or a social group, that encompasses, not only art and literature, but lifestyles, ways of living together’ [88, preamble para. 4] is a vital aspect of humanity [79]. Facilitating individuals’ and groups’ access to culture supports them in expressing their identity and feeling rooted in society and contributes to their wellbeing [30, 57, 90]. In that regard, public authorities broadly conceived (i.e. institutions which enable the operation of our society through policy and legislative actions, including domestic governments, public administration, and advisory bodies that carry out tasks in the public interest) must aim to ensure that access to culture is available to all. The importance of culture in human life is reflected in the international and European Union (EU) legal frameworks, which contain an array of provisions aimed at ensuring that individuals, groups, States, and indeed, the whole of humanity, can access, and benefit from, culture [80].

Digitization has led to the deployment of ‘digital culture’, defined as ‘the various cultural and creative expressions and practices, including in the field of heritage, which have emerged or have been facilitated and strengthened since the global explosion in information technology and social media’ [22, p. 6]. Further, digitization has both facilitated and hindered access to culture in different ways, with culture, on the one hand, becoming increasingly democratised [47], but, on the other, falling victim to the digital divide challenge, i.e. ‘the indisputable fact that many people are still excluded from the use of digital tools, mostly because they are poor – and more poor people are now emerging – or feel uncomfortable with this technology’ [23, p. 26].

The impact of digitization of culture has been especially profound in respect of vulnerable groups, i.e. those groups that, as will be further discussed in the remainder of this article, face structural inequalities. Building on broader research conducted within the remit of the research project ‘Rethinking digital copyright law for a culturally diverse, accessible, creative Europe—reCreating Europe’, funded under the EU’s Horizon 2020 programme, this article focuses on members of ethnic and linguistic minority groups and persons with disabilities and argues that they experience an assortment of barriers in accessing digital culture. On the basis of empirical research involving interviews with representatives of different organizations representing, or working with, ethnic and linguistic minorities and persons with disabilities in 12 EU Member States (Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Malta and Spain), this article discusses these barriers in accessing digital culture. While acknowledging differences among diverse minority groups and persons with disabilities (who are themselves an inherently diverse group) and specific barriers faced by them, this article focuses on common challenges linked to structural inequalities, within the remit of a distinct conceptual standpoint on vulnerability. In that regard, this article also discusses the role that public authorities, as above defined, can play in dismantling such barriers.¹ By

¹ The term ‘public authority’ is defined differently in different jurisdictions but encompasses bodies which are established by legislation and act in the public interest. Within the remit of the project on which this article is based, examples of public authorities discussed by interviewees include publicly-funded national broadcasters, libraries, galleries etc.

adopting a bottom-up approach, it presents both positive and negative examples of public authority action in respect of facilitating access to digital culture for vulnerable groups, gathered from project interviews, and provides recommendations as to how public authorities can better address these challenges in the future.

As noted, this article focuses on both ethnic and linguistic minorities and persons with disabilities, regarded as vulnerable, and adopts broad definitions of those groups. With regard to the former, while a universally accepted legal definition of the concept ‘minority’ does not exist the term has been defined as a group ‘in a non-dominant position, whose members-being nationals of the State-possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.’ [94, para. 568; 45]. Such a definition encompasses both so-called ‘old’, often known as ‘national’, minorities and ‘new minorities’ [95, p. 445].² According to Eide [31, p. 365] ‘[o]ld minorities are composed of persons who lived, or whose ancestors lived, in the country or a part of it before the state became independent or before the boundaries were drawn in the way they are now’, while ‘[n]ew minorities are composed of persons who have come in after the state became independent’. Medda-Wichester [60] connects new minorities to the migration phenomenon, and, in this respect, the research upon which this article is based, also includes a focus on refugees and asylum seekers. Within the remit of this broad conceptualization of ‘minorities’, the interviews were designed in to capture both old and new minority groups. With regard to persons with disabilities, the article adopts a broad conceptualization of disability that draws on the social-contextual model of disability [7, 8], and adopts a human rights approach to disability [27].³ In line with Article 1(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD) [86], this article embraces the view that ‘[p]ersons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’.

Following on from these introductory remarks, the second section of this article outlines the conceptual framework and disentangles the concept of vulnerability for the purpose of this analysis. The third section provides an overview of the legal framework informing the analysis. In line with the multinational qualitative approach, the article only briefly addresses the international and supranational

² This dichotomy developed early in the discipline of international law, with the international legal framework seeking to protect minorities established by the League of Nations restricting minority rights to religious, ethnic and linguistic groups who became a ‘minority’ as a result of the redrawing of State boundaries and excluding minorities who became a ‘minority’ out of choice, such as migrants.[15]

³ While terminology on the models of disability is not consistently used, Broderick [7] posits that the social-contextual model entails a more refined elaboration of the ‘pure’ social model, which attracted criticisms in particular in relation to the fact that it neglected the role of impairments in disabling the individual.

rights frameworks as overarching legal frameworks within the remit of a socio-legal approach. It mentions international conventions to which all States included in the project are a party. The fourth section moves on to discuss the methodology adopted in the broader project, on which this article is based, and the design of the empirical research. The fifth and sixth sections discuss, respectively, barriers faced by vulnerable groups and the role of public authorities drawing on the findings of the interviews. The concluding section, while reflecting on the extent to which structural barriers still create vulnerability, provides some recommendations on the role of public authorities in dismantling such barriers.

2 ‘Vulnerability’ as a Conceptual Framework

The concept of vulnerability has become widely used in academic literature as a theoretical framework for the discussion and analysis of inequalities, economic or social disadvantage, violations of human rights and unmet basic needs [77]. Its deep and yet problematic relationship with human rights is also debated [83]. Bernardini et al. [6] highlight that there is an extensive use of ‘vulnerability rhetoric’ in a wide range of disciplinary fields. In a similar vein, Waddington [97; p. 780] suggests that ‘[v]ulnerability is an open-textured, ambiguous and elusive notion which is used in many different disciplines, and which academics and commentators sometimes consciously choose not to define’. In human rights law, the concept ‘has evolved from being an underlying notion to an explicit concept that is now more generally recognised’ [82, p. 190]. Ippolito [55, p. 545], in line with other scholars, suggests that ‘[n]ormatively, international human rights jurisprudence has decisively embraced a vulnerability language, beyond the traditional field of minority protection’. Also Engström et al. [32] note a progressive “vulnerabilisation” of international law.

According to some scholars, vulnerability entails the possibility of suffering harm and facing specific challenges or relates to the idea of increased risk of human rights violations [see, for example, 46]. Given the blurred boundaries of the concept of vulnerability, there is no consensus on a common definition of vulnerable groups. References in literature and international case law include, *inter alia*, migrants, people belonging to national ethnic or linguistic minorities, Indigenous peoples, Roma/Gypsies/Sinti/Travellers, persons with disabilities, the LGBTI community, women, children, and older people [24, 40, 55, 56, 61].

By contrast, Martha Fineman, considered a leading authority on vulnerability, has posited that all human beings are equally vulnerable [43–45]. Fineman opposes the categorization of individuals or groups as ‘vulnerable’ or ‘more vulnerable’. In a similar vein, a range of authors focus on shared human vulnerability. Fineman argues that vulnerability is a universal condition and that

[a] vulnerability approach is not centered on specific individuals or groups or on human and civil rights. It is not a substitute term for weakness or disadvantage, nor is it just another way to indicate impermissible discrimination. Rather, addressing human vulnerability calls into focus what we share as human beings, what we should expect of the laws and the underlying social

structures, and relationships that organize society and affect the lives of everyone within society [45, p. 2]

While acknowledging that the term has been deployed in different contexts, and has been differently theorised and remains equivocal, this article uses vulnerability as a conceptual standpoint and lens of analysis. In that regard, this article, does not suggest that groups or individuals with specific characteristics are regarded as ‘vulnerable’ because of their inherent characteristics. Mindful that classifying some groups *a priori* as ‘vulnerable’ risks stigmatisation, it does embrace the view that certain groups face specific external structural factors causing that vulnerability [20]. Those inequalities occur where organizations, social institutions and networks purport an embedded bias which marginalizes and produces disadvantages for some members of society. As noted by, *inter alia*, Sabeel Rahman, legal structures are the background of structural inequalities [72]. In fact, the debate on vulnerability, while diverse, is characterised by an underpinning robust discussion of social justice. Further, such a debate has had the merit of contextualising and revealing the complexities surrounding equality. The nuances that this concept offers allow us to discuss access to culture in relation to real-lived experiences, thereby providing an avenue to incorporate a more robust understanding of barriers to the enjoyment of the human right to participate in culture.

On the whole, this article does not attempt to provide readers with a univocal theory of what vulnerability is. It recognises the multifaceted theoretical aspects of the concept of vulnerability, its ‘inherent indeterminacy, and the consequent potential for its politicisation and instrumentalisations’ [32, p. 118], as well as its difficult relationship with autonomy and empowerment [12, 13, 44]. However, by looking at specific groups, this article links the analysis of barriers that such groups face in accessing digital culture to structural inequalities, further unveiling the role of those inequalities in creating vulnerability, and discusses the role of public authorities in addressing inequalities. The thematic analysis of the interviews unveils that public authorities may contribute to create structural inequalities, and, hence, must also have a key role in redressing such inequalities. In this regard, the article also discloses a dynamic context-dependent concept of vulnerability, as a process of vulnerability determined by the external context and produced by the existence of structural inequalities. In doing so, the article links to the scholarship that recognises ‘the contingent, socially induced, and contextual nature of vulnerability as found in Fineman’s work’ [82, p. 196].

3 The Legal Framework: The Right to Culture and Access to Digital Culture

3.1 The Right to Culture in International and European Frameworks

This current article (and the project on which this article is based) is premised on the fact that a right to culture, and therefore a right to digital culture, is a right which is enshrined in, and protected by, international human rights law in various

instruments. The right to culture as a normative paradigm informed the data collection and analysis for both the project and this article. In respect of the article, it is important to note that the right to culture places obligations on States, and concomitantly, on public authorities, to facilitate the right to culture.⁴ In addition, public authorities should be guided by, and take action in accordance with, international human rights law frameworks in adopting legislation and policies in the sphere of culture which impact on vulnerable groups [71].

Cultural rights have been described as the neglected category of human rights [75] and the ‘Cinderella’ of human rights [99, n.p.], reflecting their eclipse by civil and political, as well as economic and social rights in the global arena. While these rights are protected in a variety of international legal instruments, they have not, to date, garnered significant attention in international courts or quasi-judicial bodies [68]. Further, as with economic and social rights, cultural rights are subject to progressive realisation (and often conditioned by financial constraints), meaning that States are not obliged to implement them immediately, but can take appropriate steps to realise rights over time [74]. However, the UN Committee on Economic, Social and Cultural Rights have clarified that States should, in fact, adopt any action needed to implement cultural rights as quickly and effectively as possible, taking into account the level of resources they have at their disposal [84, para. 2]. Despite the relegation of cultural rights to a secondary position in the paradigm of international human rights law, in recent times the importance of such rights in respect of identity and wellbeing has been acknowledged. Indeed, the UN Special Rapporteur in the field of cultural rights has highlighted the importance of cultural rights, commenting that they are transformative and empowering, providing important opportunities for the realization of other human rights [79, paras. 4–9].

Article 27 of the Universal Declaration of Human Rights is a key provision in the international framework and states that ‘[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits’ [93]. A reference to cultural rights is also found in Article 27 of the International Covenant on Civil and Political Rights (ICCPR) [51]. However, in this instrument, cultural rights are identified in respect of people belonging to minority groups only, rather than being applicable to all people, as it provides that ‘[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess

⁴ The idea that States had positive obligations to ensure the enjoyment of rights enshrined in international and regional human rights treaties for people within their jurisdiction was discussed by Henry Shue in 1980, who commented that every basic right has three corollary duties: to avoid depriving, to protect from deprivation and to aid the deprived [73, p. 52]. This idea was developed and refined by Asbjørn Eide, the Special Rapporteur to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, as the duties to respect, to protect and fulfil [94]. This tripartite approach has now been accepted widely by human rights bodies and domestic law regimes [see [92, para. 6].

and practise their own religion, or to use their own language' [48].⁵ In respect of this provision, the Human Rights Committee, the body which oversees the interpretation and implementation of the ICCPR, has highlighted that:

Article 27 [ICCPR] confers rights on persons belonging to minorities which "exist" in a State party. Given the nature and scope of the rights envisaged under that article, it is not relevant to determine the degree of permanence that the term "exist" connotes. Those rights simply are that individuals belonging to those minorities should not be denied the right, in community with members of their group, to enjoy their own culture, to practise their religion and speak their language. Just as they need not be nationals or citizens, they need not be permanent residents. Thus, migrant workers or even visitors in a State party constituting such minorities are entitled not to be denied the exercise of those rights. As any other individual in the territory of the State party, they would, also for this purpose, have the general rights, for example, to freedom of association, of assembly, and of expression.' [91, para. 5.2.].

Cultural rights are further protected in the International Covenant on Economic, Social and Cultural Rights, in particular in Article 15(1)(a), which provides that 'the States Parties to the present Covenant recognize the right of everyone to take part in cultural life' [52]. Cultural rights are also protected in various provisions of other core UN human rights treaties including Articles 30 and 31 of the Convention on the Rights of the Child [25] and Article 30 CRPD [86]. Article 5(e) (vi) of the Convention on the Elimination of All Forms of Racial Discrimination also requires that States parties 'undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law', including with regard to 'the right to equal participation in cultural activities' [53].⁶

Furthermore, UNESCO has adopted a number of both soft and hard law instruments in the field of cultural rights, including the Recommendation on the Safeguarding of Traditional Culture and Folklore [87], and the Universal Declaration on Cultural Diversity (2001) [88]. In 2005, it also adopted the Convention for the Protection and Promotion of the Diversity of Cultural Expressions [89]. In a similar vein to the Declaration, but through binding obligations, this instrument places a strong emphasis on the diversity of cultural expressions, including traditional cultural expressions as 'an important factor that allows individuals and peoples to

⁵ Vrdoljak [96, p. 60] comments: 'Although Article 27 is riddled with provisos, since its inclusion in the Covenant, it has played a crucial role in defining the cultural rights held by minorities and indigenous peoples in international law'.

⁶ In addition, the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (which however has not been ratified by all states encompassed by the project) also contains provisions relating to cultural rights, including Article 43(1)(g), and Article 45(1) (d), on access to, and participation in, cultural life [54]. Further, Article 31 relates more generally to the respect for the cultural identity of migrant worker. This Article reads as follows: "(1) States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin. (2) States Parties may take appropriate measures to assist and encourage efforts in this respect".

express and to share with others their ideas and values'. Cultural rights are also protected to various extents in regional human rights systems and at supranational and domestic levels.

In Europe, which is the geographical focus of the project, Article 10 of the European Convention of Human Rights protects freedom of expression, including freedom of artistic expression [35]. Further, the Council of Europe has launched a number of initiatives and hard law instruments that protect and promote cultural rights to varying degrees. The EU constitutional framework protects the right to culture through a range of provisions, while it does not articulate this right explicitly. The EU Charter of Fundamental Rights (EUCFR), which applies within the scope of EU law, protects freedom of expression and freedom of the arts, and obligates the EU to respect cultural, religious and linguistic diversity [17, Art. 22]. The preamble to the EUCFR also speaks of 'respecting the diversity of the cultures and traditions of the peoples of Europe' [17]. In addition, Article 25 provides for an explicit right to participate in cultural life for the elderly [17].

3.2 The Right to Culture and Access to Digital Culture

The right to culture is usually said to encompass the right to access cultural activities, goods and services, and the right to active involvement in culture, which includes engagement in the creation of cultural goods, services and activities. Further, the right to culture encompasses both individual and collective aspects, the latter of which entails the right of cultural communities to be recognised and protected as well as to enjoy and make use of their cultural heritage and cultural expressions [38, pp. 10 and 30; 90; 71]. The right to participate in culture is underpinned by a wide-ranging definition of culture, which, as stated in the introduction to this article, refers to the 'set of distinctive spiritual, material, intellectual and emotional features of society or a social group' [88].

This article focuses in particular on the issue of access to culture as the opportunity to benefit from cultural offer [38]. It refers to digitization in relation to the conversion of a cultural good/service into a digital format, and broadly to digitalization when referring to the process of digital transformation of culture. Digital culture is never explicitly mentioned in existing human rights law provisions on cultural rights but it is included implicitly, as digital culture is understood to mean cultural content which is made available through digital technology or in digital form.

It has been stated that digital culture is generally more freely available, accessible, and inclusive than non-digital culture and removes 'dividing lines between creator and consumer and between traditional and more recent art forms, thereby enhancing the democratisation of culture' [81, p. 11]. However, access to digital culture is strictly dependent on the availability, accessibility and affordability of adequately diverse digital content on the market, taking into account linguistic diversity, multifaceted cultural identities, and diverse capabilities. The Covid-19 pandemic has obviously triggered a move to online cultural activities, both traditional 'high culture' activities such as theatre performances and virtual museum tours, as well what 'low' ('popular' and/or 'folk' cultural activities) such as storytelling. Therefore, the

actions of public authorities in facilitating the right to culture must also pivot in line with these changes and ensure that the right to digital culture is accessible to vulnerable groups. A recent European Parliament report highlights how the creative sector has been impacted by the digital shift provoked by the pandemic. It notes that ‘despite the well-documented positive effects on personal and collective well-being of consuming culture and arts (both physically and digitally), the increased sharing of digital cultural content since the lockdown does pose questions related to inclusivity, as digital content does not always target different audiences and is not always accessible to all’ [37, p. 40]. The report goes on to state that there ‘the risk to cut off people living in rural areas, people with less [*sic*] opportunities, the non-digital natives and all other categories that have difficulty in accessing digital content’ [37, p. 40]. In a similar vein, a United Kingdom (UK) Parliament’s report on the impact of COVID-19 on the digital, culture, media, and sports areas [50], highlights that digital exclusion has left individuals and communities isolated during this crisis. The report suggests the necessity to tackle digital exclusion within UK society and argues for the need to address technological and economic barriers in particular. The findings of this report, while undertaken in the UK, are also important for other States, including those which are the subject of this article. These reports, and evidence from the interviews, discussed below, underline the need for public authorities to rise to the digitization challenge, particularly in the post-Covid world, in order to ensure the effective implementation of the right to culture.

4 Methodology

As noted above in the introduction, this article is based on research undertaken as part of a larger multi-method research project, adopting a socio-legal approach [4, 39], combining legal desk-based and empirical research. As Schiff [78, p. 287] comments,

[a]ccording to a socio-legal approach, analysis of law is directly linked to the analysis of the social situation to which the law applies, and should be put into the perspective of that situation by seeing the part the law plays in the creation, maintenance and/or change of the situation.

The socio-legal approach adopted in this article entails the use of empirical methods, namely qualitative interviews with representatives of organizations of (or working with) ethnic and linguistic minorities and persons with disabilities⁷ across 12 EU Member States (Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Malta and Spain), which were conducted between November 2002-August 2021, as part of the broader study undertaken within the

⁷ According to the CRPD Committee, an umbrella organization of Persons with Disabilities refers to a coalition of representative organizations of Persons with Disabilities. For a discussion of this point see [8, pp. 84 ss.].

project ‘ReCreating Europe’.⁸ The interviews touched upon a range of topics related to access to digital culture and copyright flexibilities, and their overall goal was to capture the different dimensions of access to digital cultural content in the everyday life of the groups represented by the interviewees, and their relationship with vulnerability [42]. Data gathered through those interviews allowed a deeper understanding of what the barriers in accessing digital cultural content for the subject groups are, in addition to an appreciation of the perceived value of policies and actions of public authorities in facilitating access to digital culture for such groups. Interviews also pointed to the potential role that public authorities could play in dismantling existing barriers in the future. In the broader project, interviews were complemented by a survey conducted in April–May 2021, with results of the overall empirical research presented in the project deliverable.⁹

In line with the project proposal, the selected interview States represented a balance of European States, both in terms of Nordic, Continental and Mediterranean geographical locations and in terms of country and population size. The interviewees were recruited by way of a purposeful sampling strategy. The identification of those organizations was rooted in a review of policy documents, grey and peer-reviewed literature, and made on the basis of two main criteria. First, we identified organizations that were active at the national level (rather than merely local organizations). Secondly, we selected organizations that had shown previous engagement with cultural rights. With regard to persons with disabilities, we focused on umbrella organisations¹⁰ in line with General Comment No. 7 released by the CRPD Committee [85]. Given a number of considerations, such as the breadth, depth, and nature of the research topic, the heterogeneity of the population of interest described above and the access to interviewees in a variety of different States, the initial research design provided for an interview with one representative organisation per group, per country (4 interviewees per each country). However in some instances, organizations who participated represented more than one minority group.¹¹ We also reached out to National Human Rights Institutions, where established, with a view of gathering views and data on barriers faced by all the groups considered. In some countries (e.g. Ireland) mindful of the policy context and of fragmentation among groups, we identified more organizations as potential interviewees. We identified additional potential key informants in each jurisdiction through snowball sampling, as a complementary sampling strategy [64, 65]. Snowball sampling, or chain-referral sampling, is a distinct method of convenience sampling which has been considered useful in conducting research with marginalized groups [19]. Maykut and Morehouse [62, p. 52] posit that ‘for the purpose of maximum variation, it is advisable for the qualitative researcher to use the snowball technique [...] to locate subsequent

⁸ The interviews were primarily conducted and transcribed by Dr. Maria Laura Serra (Post-doctoral researcher at Maynooth University in the first phase of the project).

⁹ The deliverable is available on <https://zenodo.org/communities/recreatingeurope/?page=1&size=20>.

¹⁰ An umbrella organisation of persons with disabilities refers to a coalition of representative organisations of persons with disabilities [85, para 12].

¹¹ BE_MIG_ETH; DE_MIG_ETH_REL; DK_ETH_LANG; DK_ETH_LANG2; EE_ETH_LANG; FI_ETH_LANG.

participants'. In this study, such a sampling allowed us to rely on the engagement with prior interviewees and other key informants in order to gain access to, and cooperation from, potential new interviewees, and helped us to reduce the likelihood of unwillingness to cooperate in research efforts in exceptional circumstances such as those of a pandemic [70, p. 140]. In fact, some organizations that were originally contacted declined to participate for a variety of reasons, including lack of time or resources or different work priorities. However, while declining, those organizations did suggest other potential interviewees. The rate of potential participants that initially declined to participate in the study was high due, in particular, to the impact of the pandemic on the work of organizations that represented minority groups and persons with disabilities. Further, in some cases, organisations indicated that access to digital culture was not among their priorities at that moment in time [42].¹²

On the whole, we conducted 45 interviews across the 12 jurisdictions, as indicated in the table below. On average, we conducted between 3 and 4 interviews per country (Table 1).

Appropriate ethical approval was obtained from Maynooth University in which the researchers were based before the commencement of the study.¹³

As a result of restrictions due to the Covid-19 pandemic, the interviews were conducted by video call and lasted between 60 and 90 min, which allowed enough time to explore the questions asked and receive comprehensive answers without causing fatigue in the interviewee.¹⁴ Previous research has demonstrated that online interviews are useful to increase the range of participants and to keep a transcultural focus [26]. They offer the opportunity to involve otherwise inaccessible participants, maximise research effort within the budget allotted and in a situation of lockdown. In that regard, online interviews gave participants themselves the opportunity to participate, without the need to travel [21]. Further, it allowed us to best comply with the pan-European scope of the project and connect with participants from all the jurisdictions considered breaking down the barrier of time and space.

We used a semi-structured guide to enable the exploration of a consistent set of questions, while, at the same time, allowing participants to raise issues important to them and keeping the flexibility to probe specific themes.

¹² Some of the interviewees also noted their lack of familiarity with the issue or highlighted that they did not have data. For example, an organization representing migrants did not want to participate as they indicated that they did not have relevant expertise on cultural rights of migrants. Likewise, another organization representing a minority group indicated that access to digital culture was not in their remit and that they did not have an official position on the matter. A similar answer was given by another organization which, while highlighting the importance of the project, indicated that access to digital culture was a field in which they have not yet undertaken any work.

¹³ Best practices were followed in obtaining informed consent, by way of consent form, translated into the relevant language where necessary, detailing the objectives and intended use of data provided, and ensuring participant anonymity at all times.

¹⁴ Participants who were not comfortable with a videoconference for different reasons – language/time/lack of digital skills—were invited to answer our questions in written form and in the language of their choice. Although only a very limited number of participants chose to participate via questionnaire, this was an important reasonable accommodation offered to participants in order to support inclusivity and accessibility of the study. We also conducted interviews in different languages, where needed, particularly in Spanish and Italian.

To ensure accurate documentation, interviews were recorded and transcribed.¹⁵ Anonymized transcript files were named using a conventional code indicating the country and a general identifier of the type of organization to which interview referred.¹⁶ Those transcriptions were uploaded to the software platform NVivo, where the data was coded.¹⁷ We first undertook a deductive coding phase, whereby codes were informed by the review of existing academic and grey literature on vulnerability, cultural rights and digital culture. This coding phase was followed by inductive coding to enable a more data-driven approach. The subsequent analysis followed the stages for thematic analysis outlined by Braun and Clarke [9, 10], which include, after coding, the following steps: generating initial themes; reviewing and developing themes; and refining, defining and naming themes. Thematic analysis provides significant flexibility and allows for combining inductive (data-driven) and deductive (theory-driven) orientations to coding, capturing semantic meanings (explicit or overt) and latent meanings (implicit, underlying; not necessarily unconscious) [11].

We are conscious that the study presents some limitations. Alongside the inherent limitations related to online interviews [16], the study included a limited and rather diversified sample, due to feasibility concerns linked to the actual timeframe of the project, as well as to the pandemic. While all the participants worked at a strategic level of their respective organizations and most of them engaged in advocacy activities related to cultural rights, another limitation is linked to the different size and representativeness of organisations, as well as to the potential bias when asking individuals to represent a collective perspective of a group. In many instances, participants mixed personal perspectives to narrative related to the broader group they represented and they also talked about the work of their organization. In spite of these limitations, relying on 'key informants' as gatekeepers was vital to obtain a range of qualitative data in a relatively short period of time. It was also vital in unveiling and understanding people's experience in accessing digital culture.

5 Digitization and Access to Culture: What are the Barriers?

5.1 Nothing New Under the Sun: The Persisting Digital Divide and Underlying Structural Barriers

Digitization has been a two-edged sword with regard to access to culture for vulnerable groups. On the one hand, it has created opportunities to democratize culture and make it more accessible to vulnerable groups, with cultural events not being tied to a physical space or, perhaps, time. On the other hand, digitization has widened the well-known digital divide, i.e., 'the indisputable fact that many people are still

¹⁵ Transcription was completed by Dr. Maria Laura Serra between November 2020 and August 2021. Some interviews were conducted in a language other than English. The transcription in that language was then translated into English by a professional translation company.

¹⁶ E.g. DIS, MIG, ETH, LANG, ROM, MIN, referring respectively to organizations of persons with disabilities, migrants, ethnic minorities, linguistic minorities, Roma. The acronym MIN was used for organization representing different types of minorities.

¹⁷ Coding and analysis were conducted jointly by the authors of this article.

Table 1 Interview participation rates by type of organization

Group	Organizations interviewed
Persons with disabilities ^a	12
Linguistic minorities	11
Migrants	13
Ethnic/Roma people	15
Total	45

^aThe interview participants were drawn from umbrella organisation of persons with disabilities (4), organisations of people who are blind or visually impaired (5), and civil society organisations working on disability rights (3)

excluded from the use of digital tools, mostly because they are poor – and more poor people are now emerging – or feel uncomfortable with this technology’ [23, p. 36; see also 67], and at times has made culture difficult to access. Ranchordás [69], and other scholars, have highlighted how digital inequality affects vulnerable citizens who do not have adequate access to technology and are not well informed. This in turn also hampers their access to the digital administration.

Both sides of this story were highlighted within the interviews, however the digital divide strongly emerged as a key underlying issue. The digital divide was broadly identified by twenty-five interviewees across all vulnerable groups, with references made to vulnerable people not having access to digital devices,¹⁸ internet, online services or infrastructure.¹⁹ Poor digital connectivity and lack of relevant digital skills, including a lack of knowledge and training as to how to access digital culture²⁰ was also highlighted. For example, an interviewee representative of an Estonian Roma organization signalled that, while Roma persons have smartphones and watch YouTube and use social networks like Facebook, the ‘*use of broadband is limited*’.²¹ In a similar vein, an interviewee from a Roma organization in Hungary stated:

...there are certain - underdeveloped areas where the access to the Internet is very low and those areas are the areas where Romani people mostly live, so most of the Roma people in Hungary don't have access to the Internet or once

¹⁸ BE_MIG_ETH; BE_ROM; DE_MIG; DE_ROM; EE_ETH_LANG; ES_MIG; ES_ROM; HRV_ROM (individual expert); HUNG_LANG; HUNG_ROM; IT_MIG_Eng; IT_ROM; MT_MIG.

¹⁹ BE_ROM; DE_MIG; DE_ROM; DK_ETH_LANG; EE_ROM; ES_MIG; ES_ROM; FI_ETH_LANG; HRV_DIS; HRV_LANG; HRV_MIG (cost of data charges); HRV_ROM; HRV_ROM (individual expert); HUNG_LANG; HUNG_ROM; IE_TR_ROM; IT_MIG_Eng; IT_ROM; MT_MIG.

²⁰ BE_ROM; DK_DIS; EE_ETH_LANG; ES_MIG; ES_ROM; HUNG_ROM; IE_TR_ROM; IT_ROM; MT_MIG.

²¹ EE_ROM.

*they have, I'm not sure I can say that they have access to digital cultural content and that can be because of the barriers that they face during their education or it's just something that is not of interest for them because there are so many other things to have to deal with.*²²

Not having access to email or an email address was identified as a key issue preventing Travellers from accessing digital cultural goods by an organization representing the Travelling Community in Ireland:

*One of the things I notice a lot is that you must have an email address and a lot of Travellers wouldn't have an e-mail address... you need an email address for nearly everything. A lot of Travellers don't have e-mail. They can text, maybe WhatsApp, but they don't necessarily have an email. And so that is an issue.*²³

Digital barriers also include a lack of digital devices, e.g. a smartphone or a laptop, or of accessible digital goods, e.g. accessible e-books or audiovisual content, especially amongst persons with disabilities, which was already noted by scholarship [41].

Some interviewees identified recent improvements in terms of the availability of digital devices, such as smartphones, to members of the vulnerable groups.²⁴ However, obstacles still remain, with many families or groups of people sharing a single device.²⁵

Poor digital literacy was also mentioned as a key barrier, confirming the results of previous studies [18]. In that regard, a Danish organization representing persons with disabilities stated:

*...our member base consists of usually quite old people who may not have the prerequisite for digital participation in the first place, or if they have some skills that they have learned, it may not have been updated over time and therefore they may be hesitant or incapable of participating in digital events because they simply don't have the skills to go out and do it.*²⁶

One interviewee also raised an interesting point, indicating how a lack of digital skills can lead to a lack of privacy, as having another person assist them in accessing digital services means they will have to share with them information they often would prefer to keep to themselves, and disclose their lack of understanding:

To do online applications to access services or websites or webinars or whatever, [you need education]. You must have the basic understandings of the reading and know how to apply for [...] there are words that a lot of Travellers

²² HUN_ROM.

²³ IE_TR_ROM. This issue was also raised by MT_MIG.

²⁴ DE_MIG_ETH_REL; DE_ROM; DK_ETH_LANG; EE_MIG.

²⁵ For example, IT_ROM: 'one member of the family has a mobile phone, afford the cost for a mobile phone, for internet and streaming, but only one for the whole family because it is needed, and it's a tool that maybe can help.' This issue was also raised in MT_MIG.

²⁶ DK_DIS.

*cannot understand and you get the embarrassment then, because if I were to apply for a service, [...] I would not want [someone else] to see them [...].*²⁷

The interviews confirm that the digital divide correlates to other ‘non-digital’ barriers rooted in structural inequalities, and include financial hardship and poverty.²⁸ The cost of access to digital cultural goods, coupled with the lack of funding for the adoption of accessibility measures, was broadly identified by interviewees as a barrier engendering their vulnerability across all groups in 8 of the 12 countries.²⁹ Financial barriers identified by these interviewees included high costs related to cultural content translation,³⁰ or making cultural services accessible,³¹ the cost of digital skills training for vulnerable persons to access cultural content,³² and not enough funding for civil society organizations to promote the work they do.³³ Other barriers, that indirectly affect access to digital culture, correlate to engendered structural inequalities including social or physical isolation,³⁴ unemployment or insecure, informal employment,³⁵ low education levels,³⁶ insecure or illegal immigration status,³⁷ experiencing discrimination or barriers in terms of accessing public assistance or social assistance,³⁸ or being unable to access basic services such as opening a bank account.³⁹ In the interviews, we also identified manifestations of the vulnerability discussion which espouses that vulnerability entails the possibility of suffering harm and facing specific challenges [46].

²⁷ IE_TR_ROM. A similar situation was highlighted by DE_MIG concerning privacy.

²⁸ BE_MIG_ETH; BE_ROM; DE_ROM; DK_MIG; DK_ETH_LANG; ES_DIS; ES_MIG; FI_DIS; HRV_MIG; HRV_ROM; HUNG_DIS; HUNG_MIG; HUNG_ROM; IE_TR_ROM; IT_ROM.

²⁹ Belgium, Germany, Estonia, Spain, France, Croatia, Hungary, Ireland.

³⁰ BE_LANG; ES_LANG; HUNG_LANG.

³¹ DE_DIS; DE_ROM; EE_DIS; ES_DIS; FR_DIS; FR_LANG; HRV_DIS; HUNG_LANG; HUNG_MIG.

³² EE_DIS.

³³ IE_TR_ROM.

³⁴ BE_MIG_ETH.

³⁵ BE_MIG_ETH; ES_MIG; IE_DIS.

³⁶ BE_MIG_ETH; DE_ROM; EE_ROM; HRV_ROM; HUNG_DIS; IT_ROM.

³⁷ BE_MIG_ETH; DE_MIG; ES_MIG; MT_MIG (initial detention of migrants where they have no internet access).

³⁸ DE_ROM. Also, IT_ROM.

³⁹ ES_MIG; MT_MIG.

5.2 Here We are Again: Persisting Stereotypes and Limited Representation

The interviews conducted reveal that, in a positive move, digitization has increased representation of vulnerable groups in cultural content generally.⁴⁰ However, stereotypical, discriminatory and homogenizing or reductionist portrayals in cultural productions was identified by interviewees representing ethnic minority (Roma),⁴¹ migrant⁴² and disability⁴³ communities, from ten States.⁴⁴ Consistent with what the literature has long observed [among others 5, 76], interviews confirmed that migrants and ethnic minorities are often “demonised”, and persons with disabilities are often subject to paternalism and victimization.

The negative portrayal of minority groups in the news media is compounded by a lack of recognition of the groups’ cultural contributions to society [5]. For example, in Spain, news media often focus on the criminality of Roma people and fail to acknowledge their cultural contributions, specifically the Roma origins of flamenco.⁴⁵ One interviewee referred to the lack of diversity in more traditional broadcasting media, such as television: ‘*So, if you watch Hungarian TV, you don’t see black or Asian people very often, or if you see them, then you see them more as a curiosity than as something that is absolutely true.*’⁴⁶ A Spanish Roma organization critiqued Spanish authorities for their failure to disseminate Roma culture through its digital platforms: ‘*public television channels in Spain and their digital platforms are neglecting their responsibility to offer cultural dissemination products.*’⁴⁷ By contrast, an interviewee suggested that Finnish authorities have engaged more with dissemination of minority culture:

*among the mainstream, Sámi are, in my opinion, quite well, but they could be more. We have the National News Broadcasting in Finland like we have the Sámi news every day, I think. So if you want, you can watch the Sámi news from the Sámi area. Are combined news with Norwegian, Finnish and Swedish Sámi. So if you are interested, you can get a lot of information from the Sámi on that.*⁴⁸

With regard to disability, while improvements have been noted, characters with disabilities in mainstream television, cinema, and more broadly audio-visual content, are still limited or heavily stereotyped [among many others, 14, 29, 98]. One interviewee stated:

⁴⁰ ES_DIS.

⁴¹ DE_ROM; ES_ROM; HRV_ROM.

⁴² IT_MIG_Eng; FR_MIG.

⁴³ DK_DIS; EE_DIS; ES_DIS; HRV_DIS; IE_DIS; IT_DIS; MT_DIS.

⁴⁴ Germany, Denmark, Estonia, Spain, France, Croatia, Hungary, Ireland, Italy, Malta.

⁴⁵ ES_ROM; HUNG_ROM.

⁴⁶ HUNG_MIG.

⁴⁷ ES_ROM.

⁴⁸ FI_ETH_LANG.

*...some people responsible of programs ... think that it is not so fashionable to introduce a person with a disability in the main programs. Person[s] with disability[ies] are not in [a] talk show [or] speaking about a political issue. Organizations of persons with disabilities sometimes are invited but is very limited.*⁴⁹

Further, while visibility of minorities might also be increasing in cultural content, their representation is not necessarily accurate. Interviewees highlighted issues of both misrepresentation and underrepresentation of their culture and cultural identity, with an interviewee from an organization representing Roma people highlighting that the misrepresentation can be more problematic than no representation at all:

*...many times Roma are wrongly represented and sometimes that's even a bigger problem than under-represent because not being a part of a culture, but use a lot of problems and consequences, but being presented wrongly produce discrimination directly and stereotypes, all stereotypes make it even harder and this is more difficult to break.*⁵⁰

Beyond entertainment media, there is an absence of minority group representation in public discussion platforms, such as talk shows,⁵¹ or within minority representation organizations themselves,⁵² although representation is improving.⁵³

To conclude, in general we can identify the positive impact of digitization on representation, in that it has facilitated increased creation, and broader availability of, cultural content, which is more representative of all of society, including vulnerable groups. However, vulnerable groups are still poorly represented, largely invisible, or they are portrayed unfavourably or are culturally exploited. In that regard, interviews confirms that embedded bias marginalizes and produces disadvantages for some members of society.

6 Dismantling Barriers: A Bottom-Up Approach to the Role of Public Authorities

While cultural rights are broadly formulated in the international legal framework, and are subject to progressive realisation, States must actively support and develop the enjoyment of those rights. Compliance with international human rights standards requires enacting adequate law and policies and making resources available so that the rights enshrined in the international legal framework, including cultural rights,

⁴⁹ IT_DIS. This issue was also identified by DE_DIS; EE_DIS.

⁵⁰ HRV_ROM.

⁵¹ DE_DIS; IT_DIS.

⁵² IT_MIG.

⁵³ FI_MIG; MT_DIS; IE_TR_ROM: 'Compared to 10 years ago, there is a growing awareness in that area, especially from RTE, the national broadcaster, of including Travellers more. You also see it in some of the newspapers if they are doing something by Christmas they want to include a Traveller perspective.'

can be effectively realised. However, the interviews conducted illustrate that those groups feel a sense of disempowerment in respect of access to digital cultural goods and services, which points again to vulnerability as caused by an array of structural barriers. Further, the interviews underline a limited amount of awareness on the part of interviewees that their right to culture is a human right that States need to respect, protect and fulfil. In spite of this limited awareness, interviewees suggested various actions and recommended a distinct role for public authorities in facilitating their right to digital culture and in dismantling the barriers that they encounter in respect of culture.

6.1 Dismantling Structures that Provoke Vulnerability – The Role of Public Authorities

Interviews pointed to prohibitive bureaucratic processes required by public authorities, which act as a structural barrier and ultimately hamper also their right to access to culture. This was identified by Roma organizations,⁵⁴ and migrant organizations,⁵⁵ in a number of contexts. Both groups generally referred to obstacles to regularising their status as minorities or migrants as blocks to their access to digital cultural platforms (Spotify, Netflix) as they cannot provide the information required to subscribe.⁵⁶ Further, such bureaucracy has an inhibitive effect on civil society organizations in terms of working with public authorities and State institutions on projects to promote and facilitate minority culture.⁵⁷

Some interviewees also alluded to the internet as public good, [67] a topic this that has been at the core of a multifaceted public and academic debate that also touches upon internet access as a human right [among many others, 66]. For example, a Spanish Roma organization stated:

*We have become more dependent on the online world. So, when we see that we can't access the online world, that we can't do the paperwork, we can't even see shows or enjoy culture in general and Roma culture in particular. So, the issue here is that something that is a public service is left in private hands. Nowadays, Internet access should be a good protected by the State as an element of social cohesion. If you have a lot of resources, you need to have a much better connection, much more powerful and much better prepared.*⁵⁸

Interviewees identified that legislation pertaining to human rights, accessibility, protection and/or legal recognition of minority groups is an important tool that is used as the basis for policies and initiatives that protect the cultural rights of those groups. The drafting and implementation of such policies and laws must be prioritised by public authorities. In this regard, eleven interviewees made reference to the

⁵⁴ DE_MIG; EE_ROM; ES_MIG; ES_ROM; FR_MIG; IT_MIG_Eng; IT_ROM.

⁵⁵ DE_MIG; IT_ROM.

⁵⁶ ES_MIG.

⁵⁷ EE_ROM; ES_ROM; FR_MIG;

⁵⁸ ES_ROM.

existence of legislation that recognises the existence of the minority group,⁵⁹ enables access to digital and/or cultural content, and protects the culture of the minority group,⁶⁰ for example, through strong legislative protection for their language,⁶¹ or through anti-discrimination legislation.⁶² Among the disability interviewees, strong emphasis was placed on the CRPD, and the European Union Accessibility Act,⁶³ as enablers of rights.

As noted above, the cost of access to digital cultural goods or the cost of making existing goods accessible to vulnerable groups, coupled with the lack of funding for accessibility-associated tools was broadly identified by interviewees as a barrier across all vulnerable groups, in eight of the twelve countries.⁶⁴ In that regard interviewees alluded at several junctures to the proactive role that public authorities can play and to the investment required to support access to digital culture. Already existing public authority funding was acknowledged by interviewees⁶⁵ and further funding was recommended to assist organizations representing minorities and persons with disabilities in facilitating digital cultural access,⁶⁶ and to subsidise digital entertainment or cultural industries to make their offerings accessible.⁶⁷ Additional public authority budget allocation for the promotion of the minority culture and language was also recommended.⁶⁸

Further financial support by public authorities to the NGO sector is important, allowing them to engage in an array of activities that support vulnerable groups. A migrant organization in Hungary highlighted the government's blunt refusal to support initiatives for migrants. *'No, no, no. At the moment, and then for the past five years, the government is explicitly not supporting civil society activities related to Migration.'*⁶⁹ Significant emphasis was also placed on investment in digital education and training for vulnerable groups, to empower them to access, and participate in, digital culture. In addition, interviewees highlighted the role that public authorities must play in the provision of readily available information and training for vulnerable people on how to access and participate in the digital sphere safely.⁷⁰ This needs to be a sustained effort, as digital devices and platforms are constantly evolving,⁷¹ and therefore, public authorities must design digital training programmes

⁵⁹ IE_TR_ROM.

⁶⁰ BE_LANG; EE_DIS; ES_DIS; HRV_ROM; HUNG_LANG; IE_LANG; IE_TR_ROM; IT_DIS; IT_LANG; IT_MIG_Eng; MT_DIS.

⁶¹ BE_LANG; HUNG_LANG; IE_LANG; IT_LANG;

⁶² HRV_ROM.

⁶³ EE_DIS; IT_DIS; MLT_DIS.

⁶⁴ Belgium, Germany, Estonia, Spain, France, Croatia, Hungary, Ireland.

⁶⁵ This issue was identified by interviewees in seven states: Denmark, Estonia, Spain, Finland, France, Ireland, Malta.

⁶⁶ DK_DIS; ES_MIG; FR_MIG;

⁶⁷ DK_MIG; EE_DIS; ES_DIS; MLT_DIS.

⁶⁸ IE_LANG;

⁶⁹ HUNG_MIG.

⁷⁰ EE_DIS; EE_ETH_LANG; ES_MIG.

⁷¹ BE_LANG; BE_MIG_ETH; DK_DIS; EE_DIS; EE_ETH_LANG; EE_MIG; ES_MIG; FR_MIG; HRV_MIG; HUNG_DIS IE_DIS2; IT_ROM; MT_MIG.

which are reactive to changes in the digital environment and which are made available on a continuing basis to vulnerable groups.

All interviewees, to different extents, felt that there is a lack of effective bottom-up approaches to policy-making, as a result of poor representation of people belonging to vulnerable groups in decision-making bodies that adopt cultural policies.⁷² This tallies with the idea that, in order for digital cultural content to be appealing to vulnerable groups, their cultures and identities must be strongly and accurately represented in the content shown [76]. Publicly-funded arts bodies must take this issue into account when funding programmes to be broadcast and public broadcasters must also consider this issue when deciding on television and radio schedules. In addition, publicly-funded museums, theatres and other cultural institutions must ensure that their programmes of events adequately represent the public which they serve, including minorities and persons with disabilities. A suggestion made by an interviewee illustrates the role vulnerable groups can play in improving representation from the bottom up:

I would increase the capacity of creators. So why don't we have Roma directors or Roma actors, Roma-whomever is in charge of making digital [...]? I think that's also important to be a graphic designer and so on. As a Roma person, if you ever have this kind of project and there's a technical body of employable people who can be taken control over some creative project about Roma. So invest in education, not only in digital literacy but also - what kind of people make digital content? A policy can help that, to create scholarship programs, to produce these things and so on. In an indirect way I would help increase Roma content, but not necessarily demonize and scrutinize people who are not Roma, who are taking space in the Roma discussion because in a way I want to build also this bridge where we can all talk about it, where, in a protest tomorrow you will not only see normal people protesting, but Roma holding hands with non-Roma, protesting for Roma rights just like it was in the civil rights movement. It should be reflected in all areas, including digital.^{73, 74}

Interviewees also underlined that public authorities need to listen to, and collaborate with, NGOs and civil society organizations which represent vulnerable groups. A positive example of such collaboration was identified by an NGO in Estonia, which involved collaboration between itself and the Office of the Estonian President to provide audio description on the presidential live TV shows which are broadcast on national television.⁷⁵ Other interviewees identified the value of collaboration between public authorities, which administer heritage and cultural institutions such as museums, theatres, and vulnerable groups.⁷⁶ With regard to accessibility issues

⁷² IE_MIG.

⁷³ HRV_ROM.

⁷⁴ E.g., EE_DIS; ES_DIS; MLT_DIS; HRV_LANG; IT_MIG.

⁷⁵ EE_DIS.

⁷⁶ DK_DIS; EE_MIG; EE_ROM; ES_MIG; ES_ROM; FI_ETH_LANG: 'There has been like this Gaming company that contacted to us, to make some kind of reindeer herding game, you can throw the lasso, for example, catch the reindeer. So they want to make a game, but It would also be an educational platform for the kids in the world to learn about Sami culture'; IE_MIG; IE_TR_ROM; IT_LANG; MLT_MIG.

for persons with disabilities, collaboration between public authorities and organizations representing such persons is also noted. A Croatian disability organization also commented:

Generally, if there are some public sites or governmental services which are not accessible, we do contact the person in charge and we do sort of try to let them know that the accessibility is an issue and advise them on how to do it, especially if it's a service which many of our members require.⁷⁷

The data shows that dialogue and collaboration between civil society and public authorities is favoured as a more effective approach to address barriers to digital culture than more adversarial procedures, such as litigation, which are not perceived to be an effective means for achieving such access. Interviewees identified other barriers to pursuing litigation in the context of digital cultural access as resource costs associated with it, i.e., time, money, workforce,⁷⁸ and the slowness of litigation procedures.⁷⁹

6.2 The Way Forward: Audience Development Strategies by Public Authorities as a Means to Better Facilitate Access to Digital Culture

These recommendations with regard to the role public authorities in facilitating access to digital culture suggested by interviewees align with the adoption of what have been defined as ‘audience development strategies’ in order to democratise culture [49].

Democratisation of culture or cultural democracy is described by Arts Council England [2, p. 2] as ‘an approach to arts and culture that actively engages everyone in deciding what counts as culture, where it happens, who makes it, and who experiences it.’ Thus cultural democracy ‘underpins a culture that is debated, designed, made...by, with and for, everyone.’ This is clearly an issue of utmost importance in respect of vulnerable groups, and has been linked with the concept of audience development, with Hadley [49, p. 277] [58] describing the relationship between the two, stating that ‘[t]he practice of Audience Development should properly be considered as an ideological project situated within the wider cultural policy discourse of democratisation.’ While a variety of definitions of audience development have been proffered, none have been universally accepted. However, many of the definitions offered include overlapping ideas [59]. Arts Council England defines audience development as an ‘activity which is undertaken specifically to meet the needs of

⁷⁷ HRV_DIS.

⁷⁸ ‘We had some scenarios where we thought about this, but we actually never did it. I think the main problem for us is because we do our project and then to make this step it's hard because we are all volunteers but we, as an organisation, we never did it. Only we made this statement about Afghanistan is not safe.’ DE_MIG.

⁷⁹ IT_DIS.

existing and potential audiences and to help arts organizations to develop ongoing relationships with audiences. It can include aspects of marketing, commissioning, programming, education, customer care and distribution.’ [1, n.p.] Thus, the study of audience development feeds into the design and development of cultural offerings, the accessibility of these offerings for a variety of groups, including vulnerable groups, in addition to marketing and communications strategies for such offerings. Audience development can thus be seen to be a strategy / set of strategies employed by public authorities to ensure cultural democracy, and should be a priority for these authorities. The benefits which accrue to groups, including vulnerable groups, as a result of audience development strategies have been identified by the European Commission [33, 34, p. 7], which has stated that audience development ‘brings cultural, social and economic benefits. Cultural benefits in that it helps cultural works and artists to reach larger audiences, which has an intrinsic value in itself, and exposes more people to the educational benefits of the arts. It brings economic benefits as new and increased audiences can mean new revenue streams. Finally, audience development brings social benefits as artworks convey meanings and values, they give insights into other peoples’ lives and realities thereby broadening our horizons, fostering empathy, mutual understanding and intercultural dialogue. So by helping to reach the excluded, it contributes to social inclusion and people’s engagement in society.’ This is particularly important for vulnerable groups, who are often excluded from cultural activities.

However, interviews point to the fact that public authorities have a lack of knowledge of audience development strategies or do not leverage the potential of such strategies well. This was highlighted in an interview with a Danish organization representing migrants, which discussed efforts by a public-funded theatre company to encourage ethnic migrants to attend performances but who failed in their attempt to do so:

*I know that the [XXX] in [XXX] had an attempt to try and get more ethnic minorities to come and see the place. I think that it didn’t go very well because they weren’t allowed to say, "if you are an ethnic minority, you can get this ticket really, really cheap". They couldn’t do that because that would be preferential treatment on the grounds of ethnicity. So, they had a really hard time trying to attract ethnic minorities and didn’t really know how to do it.*⁸⁰

Public authorities must, therefore, become proficient in the use of audience development strategies, tailored to their specific public and should implement them with a view to democratising (digital) culture and making it accessible to all. In order to do this, vulnerable groups need to be heard and collaboration opportunities between cultural institutions, public authorities and NGOs representing vulnerable groups must be facilitated by public authorities. In order to fully understand how best to dismantle barriers to accessing digital culture, public authorities must first be aware of these barriers. This can only happen if the needs of vulnerable groups can be fed into the work of public authorities and effective collaboration methods are put in

⁸⁰ DK_MIG.

place in the decision-making processes of these authorities. It is only then that effective audience development strategies, addressing the concerns of vulnerable groups, can be adequately addressed and the structural barriers to accessing digital culture can be dismantled and digital culture can be effectively democratised.

7 Conclusion

While cultural rights may be seen as a neglected category of rights, their importance to social inclusion and to individual wellbeing and group identity have been extensively documented [among others, 63]. Thus, it is incumbent on public authorities to facilitate access to culture for all, including for those groups, such as minorities and persons with disabilities that face structural barriers in order to ensure that individuals' and groups' cultural rights, as enshrined in international human rights law, are respected and protected. In this article, vulnerability, as a heuristic concept, has supported the analysis and recognition of those barriers in accessing digital cultural content, and has been used to better understand what specific disadvantages are being created and how they can be dismantled. Further, vulnerability constituted an overarching framework for evaluating and advancing the role of public authorities, and reflecting on how policy inevitably compounds inequality over time.

The research conducted confirms that digitisation, as a *janus bifrons*, has both increased and decreased the challenges of public authorities in this regard. Because cultural activities are not tied to a specific physical space in the digital sphere, some activities may be more readily available to all. However, digitisation requires that public authorities face a distinct set of challenges in respect of vulnerable groups such as minorities and persons with disabilities. A number of these challenges concern finances, e.g., ensuring that members of such groups have adequate finances to buy/access digital devices, thus narrowing the digital divide. Financial considerations also relate to making digital culture accessible to persons with disabilities and include issues such as costs of subtitling, screen-reading software etc. Other challenges, arising from digitisation, include provision of continuing digital skills training for vulnerable groups. Some challenges in ensuring that culture is accessible to vulnerable consumers are similar whether the cultural offering is digital or not, e.g., ensuring that such consumers are represented in cultural productions, in respect of creation, authorship and performance, and that the culture of vulnerable groups is portrayed in a positive light.

The interviews on which this research is based underline the important role public authorities, as law and policy makers, play in facilitating effective access to digital culture for groups facing structural inequalities. In particular, our research has illustrated that representatives of vulnerable groups endorse the adoption of a 'bottom-up' approach by public authorities to digital cultural inclusion. This means that vulnerable groups should be given a voice in public authority decision-making in respect of cultural issues. This requires effective collaboration between NGOs and other organizations representing vulnerable groups, cultural institutions and public authorities. Our data confirm that such collaboration should begin with open dialogue between these groups and/or their representatives and public authorities. With

such collaboration, public authorities can come to appreciate the barriers experienced by vulnerable groups in respect of accessing digital culture and adopt the best tools to dismantle such barriers. By taking such a bottom-up approach, and making room for the voice of vulnerable groups in respect of digital culture, and being cognisant of the intersection between legal frameworks on culture, equality and disability, public authorities can create effective audience development strategies, aimed at increased participation in, and consumption of, digital culture, by persons with disabilities and minority groups.

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Declarations

Ethical Approval This study was approved by Maynooth University Ethics.

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